

ORDINANCE NO. 2013-O-13

AN ORDINANCE REZONING APPROXIMATELY 12.3 ACRES OF PROPERTY LOCATED AT 380 EAST BETWEEN 7800 SOUTH AND 8000 SOUTH FROM SINGLE FAMILY RESIDENTIAL (SF-1) WITH AGRICULTURAL AND DUPLEX OVERLAYS TO A MULTI-FAMILY RESIDENTIAL – MEDIUM DENSITY ZONE (RM-12); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah Code Annotated 1953 as amended, the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land; and

WHEREAS, a request has been made for a change of zoning on the property described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on October 9, 2013, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on September 25, 2013, to review the request for the rezone; and

WHEREAS, following the public hearing, the Planning Commission tabled making a recommendation to the City Council on the request, requesting staff and the applicant provide additional material regarding how the proposed increased density will affect traffic on 7800 South and 8000 South, water pressure in the system serving 450 East, irrigation on the property, and storm water along the East boundary of the property; and

WHEREAS, the Planning Commission held a public meeting on October 23, 2013, to review the requested information and written public comments, and, after considering all of the information received, made a recommendation thereon to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on November 19, 2013, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on November 5, 2013; and

WHEREAS, after taking into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission's recommendation as part of its deliberations, the City Council determined the rezoning of said property is appropriate, is consistent with the Midvale City General Plan, promotes the health and general welfare of the City, is compatible with the

surrounding neighborhood, and fulfills the needs of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The zoning ordinance which sets forth the zone districts within Midvale City which portion of the said zoning ordinance is established by a zoning map is hereby amended as follows:

The property's (Parcel No. 22-31-201-002; 22-31-201-004; 22-31-203-010; and 22-31-204-036) described in Exhibit A attached hereto and by this reference made a part hereof, which property is located at approximately 380 East between 7800 South and 8000 South, Midvale, Utah, and is currently zoned Single Family Residential (SF-1) with Agricultural and Duplex Overlays shall be zoned Multi-family Residential-Medium Density (RM-12).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Single Family Residential 7,000 sq ft minimum lot size (SF-1), with Agricultural and Duplex Overlays.

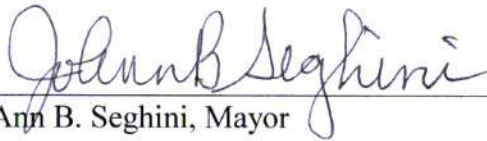
ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Multi-family Residential-Medium Density (RM-12)

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.


Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 19th day of November, 2013.



JoAnn B. Seghini, Mayor

ATTEST:


~~Rori Andreason, MMC~~ Shelly Reed,
City Recorder Deputy Recorder



Date of first publication: _____

Voting by City Council	"Aye"	"Nay"
Colleen Costello	<u>X</u>	_____
Paul Glover	_____	<u>X</u>
Robert Hale	<u>X</u>	_____
Paul Hunt	<u>X</u>	_____
Wayne Sharp	<u>X</u>	_____