

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 268

### AN ORDINANCE ADOPTING A FORT UNION AREA MASTER PLAN ELEMENT OF THE CITY'S GENERAL PLAN

**WHEREAS**, the "Municipal Land Use, Development, and Management Act," UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the "*Act*"), provides that each municipality shall prepare and adopt a comprehensive, long-range general plan; and

**WHEREAS**, the Act requires the municipality's planning commission to prepare the general plan and submit it to the municipality's legislative body; and

**WHEREAS**, the Act also provides certain procedures for the municipality's legislative body to adopt and amend the general plan; and

**WHEREAS**, on 26 July 2005, following full compliance with the procedures for formulation, public hearing and recommendation specified in UTAH CODE ANN. §§10-9a-401 through -404, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") enacted its Ordinance No. 24 adopting a general plan (with all previous amendments, the "*General Plan*") for the City; and

**WHEREAS**, as authorized by statute, the General Plan includes various topical "elements" or divisions, including a transportation element and an urban trails element which address, among other things, transportation choices and alternate modes of travel; and

**WHEREAS**, the City's planning staff and its planning commission (the "*Planning Commission*") have formulated a master plan for the Fort Union Area of the City (the "*Master Plan*") to serve as a standalone comprehensive document that effectuates and fulfills various goals and objectives of the General Plan by adopting policies to help guide the future development and implementation of improvements in the area of the City; and

**WHEREAS**, following all required notices, a public hearing was held before the Planning Commission concerning the proposed Master Plan, where citizens were given the opportunity to provide written or oral comment concerning the Master Plan; and

**WHEREAS**, a photocopy of the Master Plan is attached as an exhibit to this ordinance and is incorporated herein by this reference; and

**WHEREAS**, following the public hearing, the Planning Commission voted to recommend that the Council approve the Master Plan, and thereafter recommended that the Council approve and adopt the Master Plan; and

**WHEREAS**, at the Council's regular meeting on 14 March 2017, the Council solicited additional public comment concerning the Master Plan; and

**WHEREAS**, the Council met in regular meeting on 28 March 2017 to consider, among other things, approving and adopting the Master Plan; and

**WHEREAS**, after careful consideration of the recommendations of the Planning Commission, the comments at the public hearings and public meetings, and other pertinent information, and otherwise being fully advised, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so adopt the Master Plan as proposed;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of Master Plan.** The Council hereby approves and adopts the attached Master Plan. From and after the effective date of this ordinance (this "*Ordinance*"), the Master Plan shall be deemed to augment the General Plan.

Section 2. **Future Amendment of General Plan.** Pursuant to the authority granted in the Act, the Council shall have, and hereby expressly reserves, the right to hereafter further amend the Master Plan and/or the General Plan at any time or from time to time hereafter for any purpose upon recommendation by the Planning Commission following all appropriate public notices and hearings required by the Act.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 268, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 28<sup>th</sup> day of March 2017.

**ATTEST:**

**COTTONWOOD HEIGHTS CITY COUNCIL**

By: \_\_\_\_\_

Paula Melgar, Recorder



By: \_\_\_\_\_

Kelvyn H. Cullimore, Jr., Mayor

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the Recorder's office this 28<sup>th</sup> day of March 2017.

**POSTED** this 28 day of March 2017.