

COTTONWOOD HEIGHTS

ORDINANCE NO. 286-A

AN ORDINANCE APPROVING THE RE-ZONE OF REAL PROPERTY LOCATED AT 3422 EAST FORT UNION BLVD. FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO MU-ZC (MIXED USE WITH ZONING CONDITIONS) AND AMENDING THE ZONING MAP

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 may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

WHEREAS, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

WHEREAS, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

WHEREAS, on 4 October 2017, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application by David and Rosalyn Nichols requesting the re-zone of the real property located at approximately 3422 East Fort Union Blvd. in the City (the “*Property*”) from R-1-8 (Single Family Residential) to MU (Mixed Use), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, on 18 October 2017, the Planning Commission recommended approval of such proposed re-zone of the Property, and forwarded such recommendation of approval to the Council for final action; and

WHEREAS, after taking additional public input on 24 October 2017, on 12 December 2017 the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-

zone was discussed, and recommendations of City staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to approve re-zoning the Property as specified below;

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

Section 1. **Re-zone to MU-ZC.** The Council hereby re-zones the Property from R-1-8 (Residential Single Family) to MU-ZC (Mixed Use with Zoning Conditions), as authorized by COTTONWOOD HEIGHTS CODE 19.90.060. The zoning conditions imposed on the Property in connection with such rezone limit and amend the permitted uses and the conditional uses that otherwise would be applicable to the Property under COTTONWOOD HEIGHTS CODE 19.36.020(A) and 19.36.030(A), respectively, to the following all-inclusive listing of permitted and conditional uses for the Property, which shall supersede and control over current sections 19.36.020(A) and 19.36.030(A), and any future amendments of such subsections of the city code, as applied to the Property:

19.36.020 Permitted uses.

A. Permitted uses in the MU zone include the following:

1. Mixed-use residential buildings as defined in city code chapter 19.36;
2. Bed and breakfast;
3. Churches;
4. Commercial recreation;
5. Home occupations;
6. Home day care/preschool, small (see city code section 19.76.040[D]);
7. Retail other than a convenience store, gross square footage less than 10,000 square feet;
8. Financial institutions;
9. Community recreation services;
10. Restaurant, under 5,000 square feet of gross floor area;
11. Shop for the manufacture of retail articles sold primarily on the premises;
12. Government services;
13. Public libraries and cultural exhibits; and
14. Professional office, administrative and medical buildings with a maximum of 10,000 gross square feet.

19.36.030 Conditional uses.

A. Conditional uses in the MU zone include the following:

1. Home day care/preschool (see city code 19.76.040[E]);
2. Child daycare/preschool;
3. Parks, playgrounds or community recreation;
4. Residential facilities for persons with disabilities;
5. Residential facilities for elderly persons;
6. Schools; and
7. Commercial schools.

Except for the amendments to COTTONWOOD HEIGHTS CODE 19.36.020(A) and 19.36.030(B) specified above, which shall supersede and control over such subsections as applied to the Property, all other portions of COTTONWOOD HEIGHTS CODE 19.36 shall remain applicable to the

Property. The re-zone of the Property effected by this ordinance is subject to future amendment by subsequent ordinance. Further, the subject rezone is conditioned on full and continued compliance with COTTONWOOD HEIGHTS CODE 19.90.060(B) - (C), including recording of this ordinance (this "Ordinance") in the official records of the Salt Lake County Recorder against title to the Property.

Section 2. **Adoption of Amended Zoning Map.** The Council hereby amends the City's zoning map to reflect the re-zone of the Property effected by this Ordinance and hereby adopts the amended zoning map that is attached as an exhibit hereto as the City's current zoning map for the Property.

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.

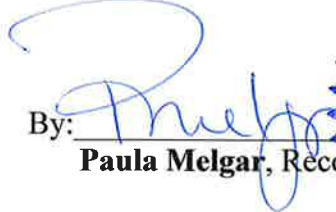
Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 286-A, 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.

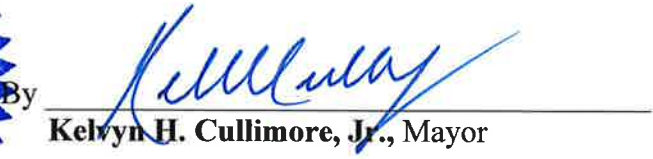
PASSED AND APPROVED this 12th day of December 2017.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 



By: 
Kelvyn H. Cullimore, Jr., Mayor

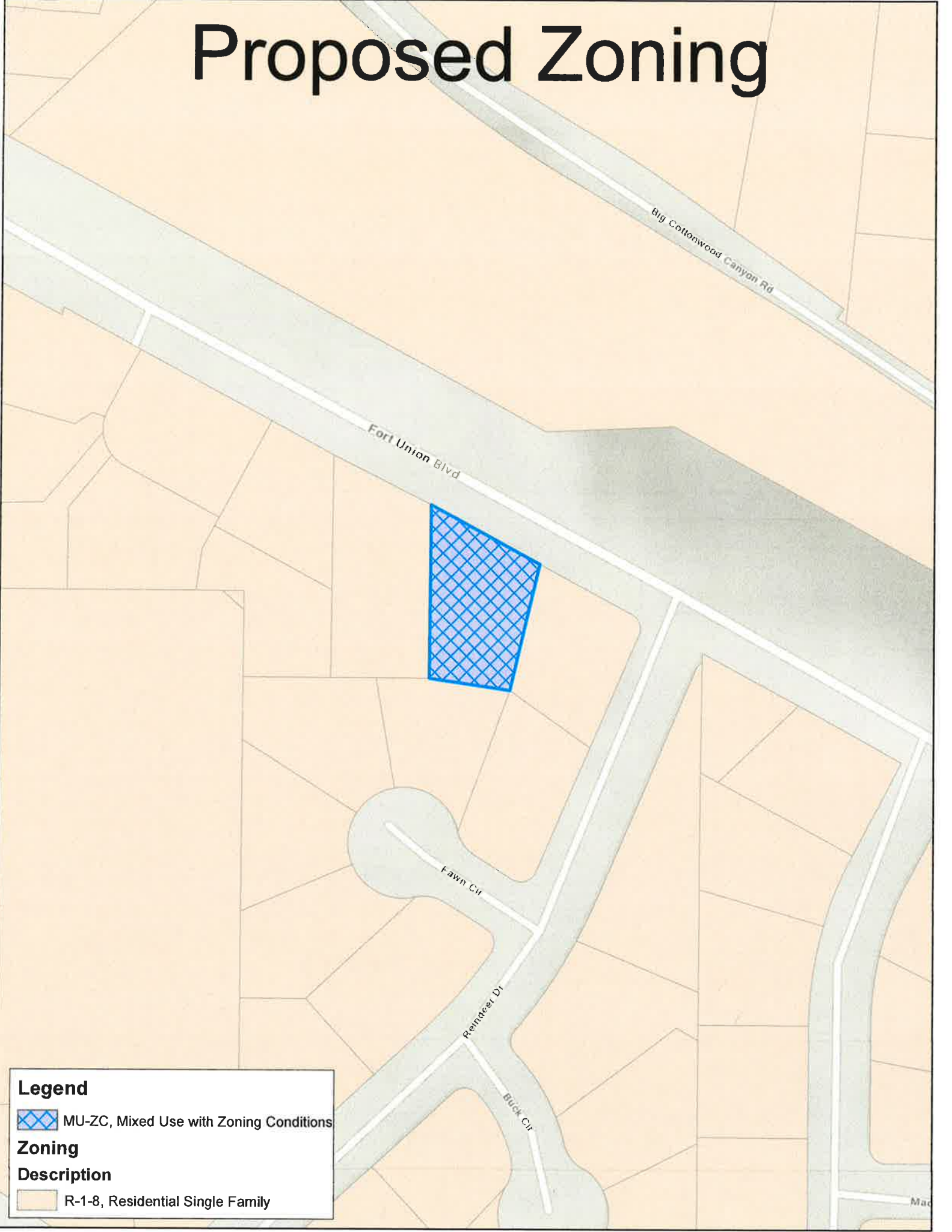
VOTING:

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 12th day of December 2017.

POSTED this 12 day of December 2017.

Proposed Zoning




Legend

 MU-ZC, Mixed Use with Zoning Conditions

Zoning

Description

 R-1-8, Residential Single Family