

COTTONWOOD HEIGHTS

ORDINANCE No. 246-D

AN ORDINANCE DENYING A GENERAL PLAN AMENDMENT FOR REALTY AT 7749-7765 SOUTH FOREST CREEK LANE (NIEMAN GENERAL PLAN AMENDMENT)

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 “*Plan*”) for the City; and

WHEREAS, as authorized by statute, the Plan includes a land use element and an official map (collectively, the “*Land Use Element*”) allocating to each parcel of land in the City a specific land use designation authorized by the Plan; and

WHEREAS, in response to an application (the “*Application*”) by Michael Nieman to amend (the “*Amendment*”) the Land Use Element affecting certain realty located at approximately 7749-7765 South Forest Creek Lane in the City from Rural Residential to Medium Density Residential, on 3 June 2015, following all required notices, a public hearing was held before the Planning Commission concerning the proposed Amendment, where citizens were given the opportunity to provide written or oral comment concerning the Amendment; and

WHEREAS, a photocopy of the Amendment to the Land Use Element of the Plan proposed by the Application is attached as an exhibit to this ordinance (this “*Ordinance*”) and is incorporated herein by this reference; and

WHEREAS, on 1 July 2015, the Planning Commission voted to recommend that the Council deny the Amendment, and thereafter recommended that the Council deny the Amendment; and

WHEREAS, the Council met in regular meeting on 14 July 2015 to consider, among other things, the proposed Amendment to the Land Use Element of the Plan; and

WHEREAS, at such public meeting, the Council accepted additional public comment concerning the proposed Amendment; 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 deny the Amendment to the Land Use Element proposed by the Application, as recommended by the Planning Commission;

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

Section 1. **Denial of Application.** The Council hereby denies both the Application and the proposed Amendment to the Land Use Element contemplated by the Application.

Section 2. **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 3. **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 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 246-D, 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 14th day of July 2015.

ATTEST:



COTTONWOOD HEIGHTS CITY COUNCIL

By: Kory Solorio
Kory Solorio, Recorder

By: Kelly Cullimore
Kelvyn H. Cullimore, Jr., Mayor

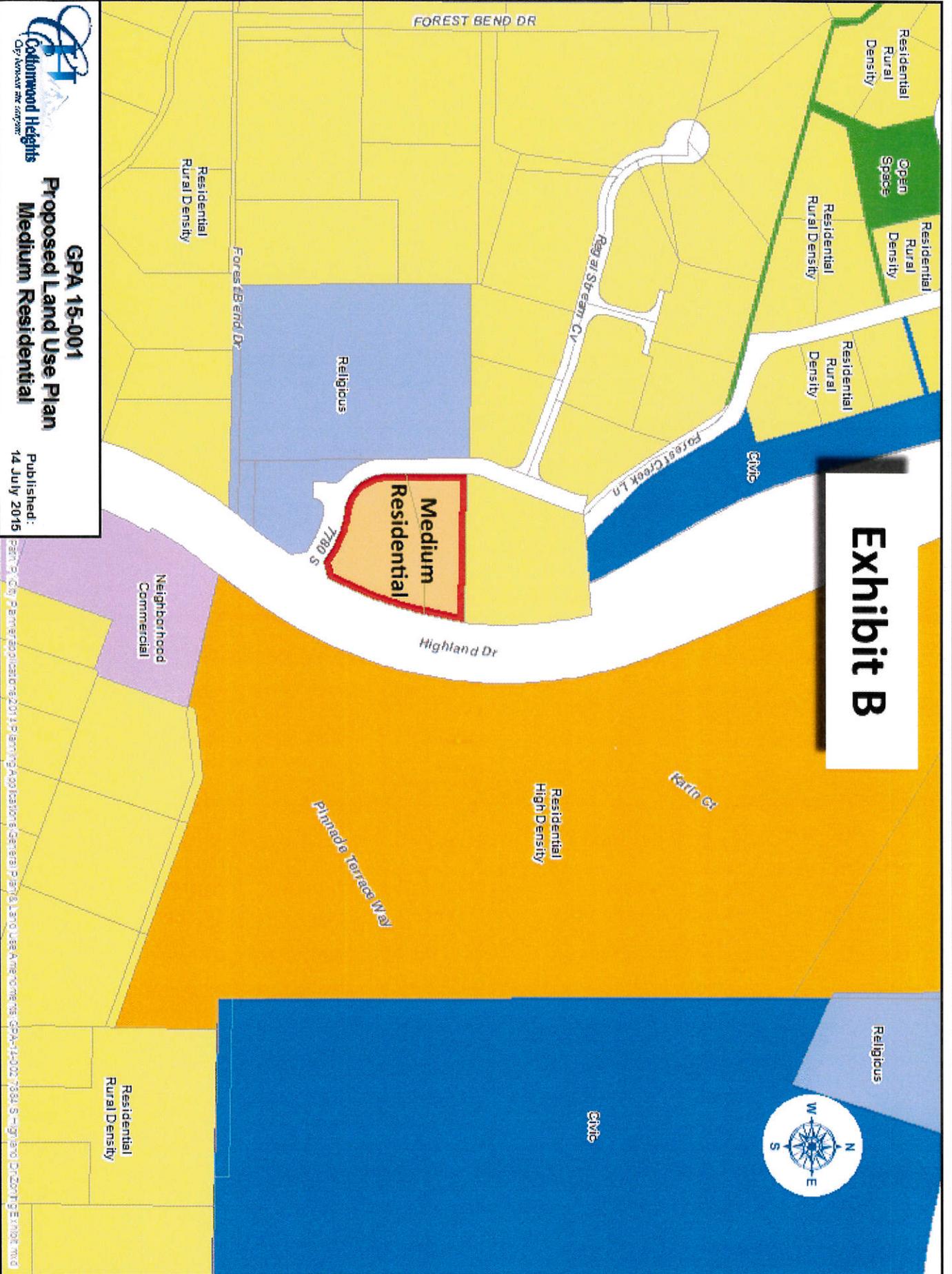
VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton <i>absent</i>	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 14th day of July 2015.

POSTED this 14 day of July 2015.

Exhibit B



GPA 15-001
Proposed Land Use Plan
Medium Residential

Published:
14 July 2015

Part of the Planning Department's 2015 Planning and Zoning Commission Report. The map is a preliminary draft and is subject to change. The map is not intended to be used for any other purpose. The map is not intended to be used for any other purpose. The map is not intended to be used for any other purpose.