

# COTTONWOOD HEIGHTS

## ORDINANCE No. 247-D

### AN ORDINANCE DENYING THE RE-ZONE OF REAL PROPERTY LOCATED AT 7749-7765 SOUTH FOREST CREEK LANE FROM RR-1-21 (RURAL RESIDENTIAL) TO R-2-8 (RESIDENTIAL MULTI-FAMILY)

**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 3 June 2015, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application by Michael Nieman requesting the re-zone of a parcel of real property located at 7749-7765 South Forest Creek Lane in the City (the “*Property*”) from RR-1-21 (Rural Residential) to R-2-8 (Residential Multi-Family), 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 1 July 2015, the Planning Commission recommended denial of such proposed re-zone of the Property, and forwarded such recommendation of denial to the Council for final action; and

**WHEREAS**, on 14 July 2015, 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 deny the re-zone of the Property 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 Re-zone.** The Council hereby denies the proposed re-zone of the Property from RR-1-21 (Rural Residential) to R-2-8 (Residential Multi-Family).

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. 247-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 14<sup>th</sup> day of July 2015.

ATTEST:



**COTTONWOOD HEIGHTS CITY COUNCIL**

By: Kory Solorio  
Kory Solorio, Recorder

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

**VOTING:**

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

**POSTED** this 14 day of July 2015.