

# COTTONWOOD HEIGHTS

## ORDINANCE No. 296

### AN ORDINANCE AMENDING TABLE 1 OF SECTION 19.51.060(A), COTTONWOOD HEIGHTS CODE, CONCERNING RESIDENTIAL DENSITY IN TIER 2 PROJECTS OF THE PDD ZONE

**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**, thereafter, the City’s planning commission (the “*Planning Commission*”) formulated a proposed amendment to Table 1 of Code section 19.51.060(A) (“*Table 1*”) to address issues that arose following original adoption of Title 19 of the Code, pursuant to which amendment the maximum density in Tier 2 residential projects in the PDD zone would be increased from 25 dwelling units/acre to 35 dwelling units/acre; and

**WHEREAS**, on 7 March 2018, a public hearing was held before the Planning Commission, where citizens were given the opportunity to provide written or oral comment concerning the proposed amendment to Table 1; and

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

**WHEREAS**, on 4 April 2018, the Planning Commission recommended that the Council approve adoption of the proposed amendment to Table 1; and

**WHEREAS**, following additional public input and Council discussions concerning the proposed amendments to Table 1, on 22 May 2018 the Council met in regular meeting to consider, among other things, adopting the proposed amendment to Table 1; and

**WHEREAS**, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing and at additional public meetings concerning the Amendments, and further Council analysis and discussions, the Council has determined that it is

in the best interest of the health, safety and welfare of the citizens of the City to adopt and approve the proposed amendment to Table 1;

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

Section 1. **Adoption of Amendment.** The Council hereby approves amending Table 1 to change the maximum density in Tier 2 residential projects in the PDD zone from 25 dwelling units/acre to 35 dwelling units/acre, as recommended by the Planning Commission, and hereby adopts such amendment.

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 (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. 296, 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 22<sup>nd</sup> day of May 2018.

ATTEST:

By   
Paula Melgar, Recorder



**COTTONWOOD HEIGHTS CITY COUNCIL**

By   
Michael J. Peterson, Mayor

**VOTING:**

Michael J. Peterson	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"/>
Tali C. Bruce	Yea <input type="checkbox"/>	Nay <input checked="" type="checkbox"/>
Christine Watson Mikell	Yea <input type="checkbox"/>	Nay <input checked="" type="checkbox"/>

**DEPOSITED** in the Recorder’s office this 22<sup>nd</sup> day of May 2018.

**POSTED** this 22 day of May 2018.