

COTTONWOOD HEIGHTS

ORDINANCE NO. 385-D

AN ORDINANCE DENYING THE RE-ZONE OF REAL PROPERTY LOCATED AT 3526 EAST FORT UNION BLVD. FROM R-1-8 (RESIDENTIAL SINGLE FAMILY) TO RO-ZC (RESIDENTIAL OFFICE 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 21 June 2022 the City’s planning commission (the “*Planning Commission*”) held a public hearing on an application by Adam Nash requesting the re-zone of a .85 acre parcel of real property located at 3526 East Fort Union Blvd. (the “*Property*”) from R-1-8 (Residential Single Family) to RO-ZC (Residential Office with Zoning Conditions), 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 21 June 2022, 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 5 July 2022 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 re-zoning the Property as specified below, notwithstanding the Planning Commission’s recommendation of approval;

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

Section 1. **Denial of Re-zone to RO-ZC.** The Council hereby denies re-zoning the Property from R-1-8 (Residential Single Family) to RO-ZC (Residential Office with Zoning Conditions) based on, among other findings expressed by the Council in its 5 July 2022 public meeting, including the incompatibility of the requested zoning designation with the zoning designation of certain of the surrounding properties under the current zoning map.

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.

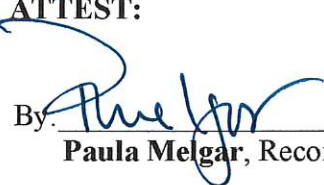
Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

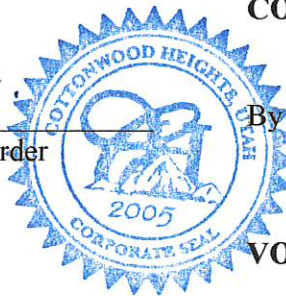
Section 5. **Effective Date.** This Ordinance, assigned no. 385-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

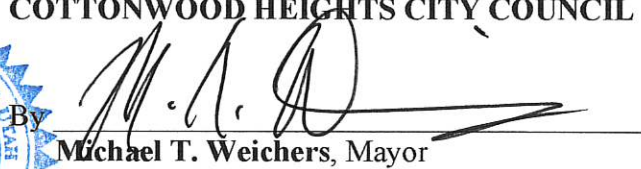
PASSED AND APPROVED this 5th day of July 2022.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By 
Paula Melgar, Recorder



By 
Michael T. Weichers, Mayor

VOTING:

Michael T. Weichers	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Douglas Petersen	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Shawn E. Newell	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Ellen Birrell	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 5th day of July 2022.

POSTED this 6th day of July 2022.