

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 400-A

### AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT FOR REALTY AT 6851 SOUTH BIG COTTONWOOD CANYON ROAD FROM MIXED USE TO RESIDENTIAL LOW DENSITY

**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 by Gilson Engineering on behalf of Walker Development Partnership, LLC (the “*Application*”) to amend (the “*Amendment*”) the Land Use Element affecting the 3.049 acres parcel of realty located at 6851 South Big Cottonwood Canyon Road from Mixed Use to Residential Low Density, on 19 July 2023, 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 and is incorporated herein by this reference; and

**WHEREAS**, on 19 July 2023 the Planning Commission voted to recommend that the Council approve the Amendment, and thereafter recommended that the Council approve the Amendment; and

**WHEREAS**, after taking additional public input concerning the proposed Amendment, the Council met in regular meeting on 1 August 2023 to consider, among other things, approving and adopting the Amendment to the Land Use Element of the Plan; 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 amend the Plan by adopting the Amendment to the Land Use Element as proposed by the Application, and to ratify the Plan, as so amended, as the City's general plan;

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

Section 1. Adoption of New Plan. The Council hereby adopts the attached Amendment to the Land Use Element, and hereby ratifies the Plan, as so amended, as the City's general plan. From and after the effective date of this ordinance (this "Ordinance"), the Plan shall be deemed amended as specified by the Amendment for all purposes.

Section 2. Future Amendment of General Plan. Pursuant to the authority granted in the Act, the Council shall have, and hereby expressly reserves, the right to hereafter further amend the Plan at any time or from time to time hereafter for any purpose upon recommendation by the Planning Commission following all appropriate public notices and hearings required by the Act.

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.

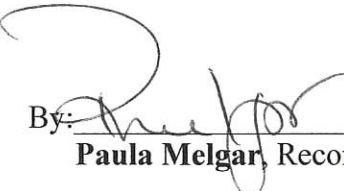
Section 6. Effective Date. This Ordinance, assigned no. 400-A, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 1<sup>st</sup> day of August 2023.

ATTEST:

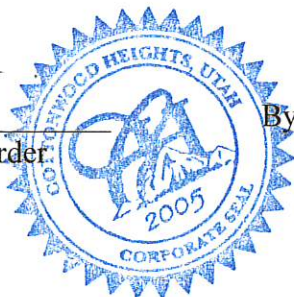
COTTONWOOD HEIGHTS CITY COUNCIL

By:

  
Paula Melgar, Recorder

By

  
Michael T. Weichers, Mayor



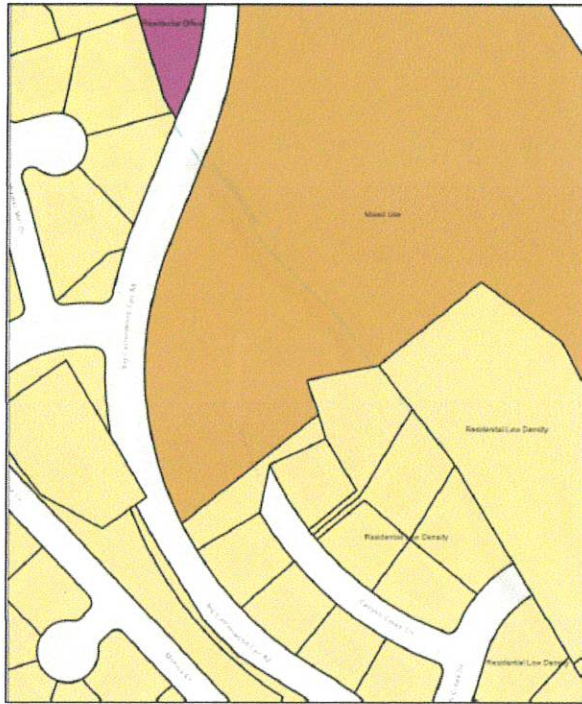
**VOTING:**

|                     |   |                              |
|---------------------|---|------------------------------|
| Michael T. Weichers | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Matt Holton         | 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 1<sup>st</sup> day of August 2023.

**POSTED** this 4 day of August 2023.

**CURRENT LAND USE (MIXED USE)**



**PROPOSED LAND USE (RES. LOW DENSITY)**

