

# COTTONWOOD HEIGHTS

## ORDINANCE No. 241-A

AN ORDINANCE APPROVING THE RE-ZONE FROM R-1-8 (RURAL SINGLE FAMILY) TO R-2-8 (RESIDENTIAL MULTI-FAMILY), AND DENYING THE RE-ZONE FROM R-1-8 (RURAL SINGLE FAMILY) TO RO (RESIDENTIAL OFFICE), OF REAL PROPERTY LOCATED AT 8559-8595 SOUTH WASATCH BLVD. 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 4 June 2014, following all required legal notices, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application (the “*R2 Re-zone*”) by Christian and Shellee Neff (“*Applicant*”) requesting the re-zone of real property located at 8559-8595 South Wasatch Blvd. in the City (the “*Property*”) from R-1-8 (Rural Single Family) 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 R2 Re-zone; and

**WHEREAS**, on 18 June 2014, the Planning Commission unanimously recommended denial of the R2 Re-zone of the Property, and forwarded such recommendation to the Council for final action; and

**WHEREAS**, on 22 July 2014, the Council met in regular meeting to consider, among other things, the proposed R2 Re-zone of the Property; and

**WHEREAS**, at such public meeting, the Council voted to table the R2 Re-zone and encouraged the Applicant to work with City staff to determine whether another zoning designation for the Property would be more appropriate; and

**WHEREAS**, on 3 December 2014, in response to a proposal (the “*RO Re-zone*”) to re-zone the Property from R-1-8 to RO (Residential Office), a public hearing was held before the Planning Commission where citizens were given the opportunity to provide written or oral comment concerning the proposed RO Re-zone; and

**WHEREAS**, on 4 February 2015, the Planning Commission unanimously voted to recommend that the Council approve the RO Re-zone, and thereafter recommended that the Council approve the RO Re-zone; and

**WHEREAS**, on 14 April 2015, the Council solicited and received additional public comment concerning the proposed R2 Re-zone and the proposed RO Re-zone; 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-zones were 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 approve the R2 Re-zone, and to deny the RO Re-zone, as specified below;

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

Section 1. ***Re-zone.*** The Council hereby approves the R2 Re-zone and hereby re-zones the Property from R-1-8 (Residential Single Family) to R-2-8 (Residential Multi-Family). The Council also hereby denies the RO Re-zone.

Section 2. ***Adoption of Amended Zoning Map.*** The Council hereby amends the City's zoning map to reflect the R2 Re-zone of the Property effected by this ordinance (this "*Ordinance*"), and hereby adopts the amended zoning map that is attached as an exhibit hereto as the City's current zoning map.

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. 241-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 28<sup>th</sup> day of April 2015.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By   
Kelvyn H. Cullimore, Jr., Mayor



ATTEST:

  
Kory Solorio, Recorder

**VOTING:**

Kelvyn H. Cullimore, Jr.  
Michael L. Shelton  
J. Scott Bracken  
Michael J. Peterson  
Tee W. Tyler

Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
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**DEPOSITED** in the Recorder's office this 28<sup>th</sup> day of April 2015.

**POSTED** this \_\_ day of April 2015.

**- Map Legend -**

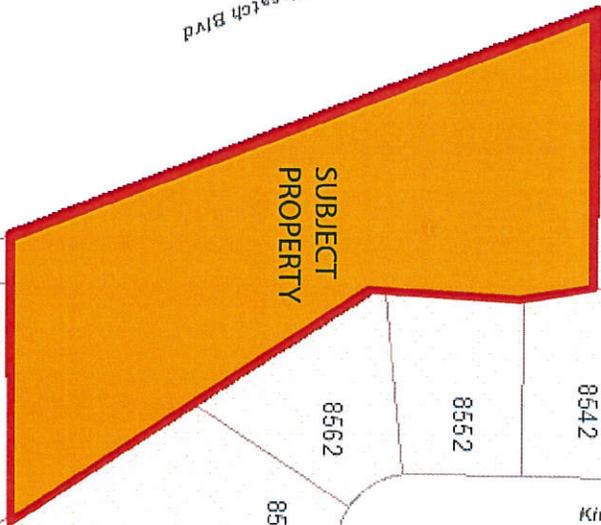
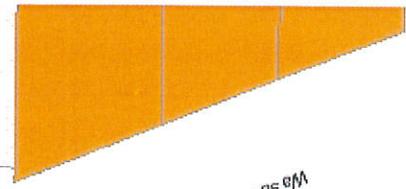
Zoning	Description
	Parcels
	F-20 Foothill Recreation
	F-1-43 Foothill Residential
	F-1-21 Foothill Residential
	RR-1-43 Rural Residential
	RR-1-29 Rural Residential
	RR-1-21 Rural Residential
	R-1-15 Residential Single Family
	R-1-10 Residential Single Family
	R-1-8 Residential Single Family
	R-1-4 Residential Single Family
	R-2-8 Residential Multi-Family
	RM Residential Multi-Family
	RO Residential Office
	MU Mixed Use
	NC Neighborhood Commercial
	CR Regional Commercial
	PF Public Facility
	O-R-D Office, Research and Development
	City Boundary



**- Exhibit B -  
Proposed Zoning R-2-8**

Published:  
03 June 2014

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**SUBJECT  
PROPERTY**



**DISCLAIMER**

866 This map is provided on an "as-is" basis. As the user of this map, you are advised that Cottonwood Heights makes no warranties expressed or implied as to the clarity, and completeness, of the map and data provided. Facts have been made to ensure the accuracy of the descriptions represented on the map, but the information is not a guarantee, and is subject to change without notice.

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