

THE GARDENS REZONE

ORDINANCE #17-25

AN ORDINANCE AMENDING AND FIXING THE BOUNDARIES OF A ZONE DISTRICT OF THE SANDY CITY ZONING ORDINANCE; TO WIT: REZONING APPROXIMATELY 6.61 ACRES FROM SD(THE GARDENS) “SPECIAL DEVELOPMENT DISTRICT THE GARDENS” TO SD(OS) “DIMPLE DELL REGIONAL PARK”, LOCATED AT APPROXIMATELY 1651 EAST DIMPLE DELL ROAD AND 1651 EAST BADGER COVE; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT KNOWN AND REMEMBERED that the City Council of Sandy City, Utah, finds and determines as follows:

1. Pursuant to Sections 10-9a-501 through 10-9a-505 Utah Code Annotated 1953 as amended the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land.
2. A request has been made for a change of zoning on the below described property.
3. The Planning Commission held a public hearing on September 21, 2017, *which meeting was preceded by notice published in the Salt Lake Tribune on September 9, 2017, and by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on September 5, 2017; and* to review the request for rezoning and has made recommendations thereon to the City Council.
4. The City Council of Sandy City, Utah has held a public hearing before its own body on October 3, 2017 which hearing was preceded by publication in the Salt Lake Tribune, on September 9, 2017, and by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on September 5, 2017; and has taken into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission recommendation as part of the Council's deliberations.
5. The rezone of said parcel will be appropriate, it is in accordance with the General Plan, it will promote the health and general welfare of the City, it will be compatible with the best interests of the particular neighborhood involved and it will be sensitive to the needs of the

City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, Utah, as follows:

Section 1. Amendment. The zoning ordinance which sets forth the zone districts within Sandy City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The property described in **EXHIBIT A**, which is attached hereto and by this reference made a part hereof, affects two parcels, located at approximately 1651 East Dimple Dell Road and 1651 East Badger Cove, Sandy, Utah, and is currently zoned the SD(The Gardens) “Special Development District The Gardens”, shall be zoned to the SD(OS) “Dimple Dell Regional Park”, and the land use map is amended accordingly.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

SD(The Gardens) “Special Development District The Gardens”

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

SD(OS) “Dimple Dell Regional Park”

Section 2. Severable. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this ____ day of _____, 2017.

Chris McCandless, Chairman
Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2017.

APPROVED this _____ day of _____, 2017.

Thomas M. Dolan, Mayor

ATTEST:

City Recorder

RECORDED this _____ day of _____, 2017.

SUMMARY PUBLISHED this _____ day of _____, 2017.

EXHIBIT A
(Property Descriptions)

Parcel #: 28163260050000
Address: 1651 E. Badger Cove

BEG N 0°53'04" E 19.75 FT ALG SEC LINE & S 89°06'56" E 1759.89 FT & S 89°45'31" E 133.71 FT FR W 1/4 COR SEC 16, T3S, R1E, SLM; S 89°45'31" E 758.10 FT; S 0°43'05" W 261.22 FT; S 80°41'23" W 63.09 FT; S 0°43'05" W 180.39 FT; N 79°59'43" W 13.45 FT; S 10°00'17" W 10 FT; N 79°59'43" W 18.85 FT; NW'LY ALG 859.50 FT RADIUS CURVE TO R 202.99 FT (CHD N 73°13'45" W 202.52 FT); N 19°09'37" E 8.02 FT; N 70°52'17" W 47.47 FT; NW'LY ALG 856.50 FT RADIUS CURVE TO R 61.13 FT (CHD N 61°12'36" W 61.11 FT); N 24°14'36" W 149.32 FT; N 55°15'16" W 372.11 FT TO BEG. 4.63 AC M OR L. 5670-2406 9283-0497,0499 9929-9557

Parcel #: 28163260040000
Address: 1651 E. Dimple Dell Road

BEG N 0°53'04" E 19.75 FT ALG SEC LINE & S 89°06'56" E 1759.89 FT FR W 1/4 COR SEC 16, T3S, R1E, SLM; S 89°45'31" E 133.71 FT; S 55°15'16" E 372.11 FT; S 24°14'36" E 149.32 FT; SE'LY ALG 856.50 FT RADIUS CURVE TO L 61.13 FT (CHD S 61°12'36" E 61.11 FT); S 70°52'17" E 47.47 FT; S 19°09'37" W 8.02 FT; SE'LY ALG 859.50 FT RADIUS CURVE TO L 202.99 FT (CHD S 73°13'45" E 202.52 FT); S 79°59'43" E 18.85 FT; N 10°00'17" E 10 FT; S 79°59'43" E 13.45 FT; S 0°43'05" W 14.14 FT; N 78°29'29" W 240.27 FT; NW'LY ALG 373 FT RADIUS CURVE TO R 161.26 FT (CHD N 66°06'23" W 160 FT); N 53°43'16" W 14.33 FT; NW'LY ALG 1343 FT RADIUS CURVE TO R 187.31 FT (CHD N 49°43'32" W 187.16 FT); N 45°43'49" W 162.37 FT; NW'LY ALG 497 FT RADIUS CURVE TO L 194.90 FT (CHD N 56°57'53" W 193.66 FT); N 46°51'31" W 12.51 FT TO BEG. 1.19 AC M OR L. 5670-2406 9283-0497 9929-9557