

94<sup>th</sup> SOUTH TOWNHOMES REZONING

ORDINANCE #16-31

AN ORDINANCE AMENDING AND FIXING THE BOUNDARIES OF A ZONE DISTRICT OF THE SANDY CITY ZONING ORDINANCE; TO WIT: REZONING APPROXIMATELY 5.68 ACRES FROM THE CC “COMMUNITY COMMERCIAL DISTRICT” TO THE MU “MIXED USE DISTRICT”, LOCATED AT APPROXIMATELY 9270 SOUTH 840 EAST; 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 public hearings on July 21, 2016, which meeting was preceded by notice published in the Salt Lake Tribune on July 7, 2016, 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 July 5, 2016; 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 public hearings before its own body on August 16, 2016 which hearing was preceded by publication in the Salt Lake Tribune, on August 1, 2016, 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 July 26, 2016; 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 rezoning 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** is attached hereto and by this reference made a part hereof, which property is located at approximately 9270 South 840 East, Sandy, Utah, and is currently zoned the CC “Community Commercial District”, shall be zoned to the MU “Mixed Use District”, and the land use map is amended accordingly.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

CC “Community Commercial District”

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

MU “Mixed Use District”

Section 2. Severability. 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 Date. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Stephen P. Smith, Chairman  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

PRESENTED to the Mayor of Sandy City for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Thomas M. Dolan, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

SUMMARY PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**EXHIBIT A**  
**LEGAL DESCRIPTION**

Rezoning – 94<sup>th</sup> South Townhomes  
ZONE-06-16-005098

All of Lot 7B, of the Amendment of Lot 7, 9400 South Commercial Subdivision Plat, recorded on November 24, 2015, as Entry No. 12176774, as Book 2015P, and Page 265.

Contains: 5.68 +/- acres