

MILLCREEK, UTAH
ORDINANCE NO. 23-05

**AN ORDINANCE REMOVING THREE ZONE CONDITIONS FROM PROPERTY
LOCATED AT 3701 SOUTH HIGHLAND DRIVE**

WHEREAS, the Millcreek Council (“Council”) met in regular session on February 27, 2023, to consider an ordinance removing certain zone conditions from property located at 3701 South Highland Drive; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may make zoning map amendments; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its land use ordinances unless the amendment was first submitted to the planning commission for its recommendation; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-9a-502 in preparing and adopting an amendment to a land use regulation; and

WHEREAS, Utah Code Ann. § 10-9a-502 requires that the planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, the required notice was published on December 28, 2022; and

WHEREAS, on January 18, 2023, the proposed amendment was submitted to the planning commission for its recommendation, whereupon the planning commission held the required public hearing with respect to this rezone/zone conditions; and

WHEREAS, at the January 18, 2023, planning commission meeting the Millcreek Planning Commission recommended approval of the proposed rezone/zone conditions, and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such rezone/zone conditions, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on February 27, 2023, the Council considered the rezone proposal in conjunction with a development agreement during a public meeting; and

WHEREAS, Section 19.06.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Millcreek; and

WHEREAS, the Council finds that it is in the best interest of the citizens of Millcreek to adopt the rezone/map change by removing certain zone conditions, as recommended by the Planning Commission.

NOW THEREFORE, be it ordained by the Council that the below zone conditions described as follows:

- 1. Property use limited to professional office.
- 2. Height on property limited to no more than 36'.
- 3. On premise signs cannot exceed 25' in height.

are hereby removed from certain property located at 3701 South Highland Drive, such property being more particularly described as follows:

Parcel No. 16-33-178-014

Legal Description

BEG S 2070.68 FT & W 955.69 FT FR N 1/4 COR OF SEC 33, T 1S, R 1E, S L M; N 58°10' E 151.04 FT; S 24°32' E 125.08 FT; S 58°10' W 68 FT; S 75°19'11" W 16.95 FT; S 58°10' W 43 F ; NW'LY ALG CURVE TO R 33.87 FT; N 24° 48'32" W 97.35 FT TO BEG 0.41 AC M OR L. 5886-2837 5858-0260 5996-0179 6838-1198 6840-1639 7605-2102 8351-4811 8455-1516 8646-3916 9002-3437 9023-0210

This assigned Ordinance No. 23-05, 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.

PASSED AND APPROVED this 23 day of February 2023.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
**ORDINANCE 23-05: AN ORDINANCE REMOVING THREE ZONE CONDITIONS FROM
PROPERTY LOCATED AT 3701 SOUTH HIGHLAND DRIVE**
was passed and adopted the 27th day of February 2023 and certifies that copies of the foregoing
Ordinance 23-05 were posted in the following locations within the municipality this ____ day of
February, 2023.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Holladay Lions Recreation Center, 1661 E. Murray Holladay Rd., Millcreek, UT 84117

Elyse Sullivan, City Recorder