

# COTTONWOOD HEIGHTS

## RESOLUTION No. 2019-78

### A RESOLUTION APPROVING AN EXCEPTION TO CERTAIN REQUIREMENTS FOR A FLAG LOT LOCATED AT 8564 SOUTH LITTLE WILLOW CIRCLE

**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 an ordinance establishing regulations for the subdivision of land use in such municipality; and

**WHEREAS**, on 14 January 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 05-08 adopting a subdivision ordinance for the City and codifying such ordinance as Title 12 (as previously amended, “*Title 12*”) of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, Code section 12.20.050 authorizes the subdivision of land to create a flag lot, subject to certain conditions, including the requirement under Code section 12.20.050(F)(2) of 20-foot side yard setbacks for any structures constructed on the flag lot; and

**WHEREAS**, an exception to such requirements is available, however, under Code section 12.08.020, which provides:

**12.08.020 Exceptions—Permitted when.**

*In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this Title may be made by the city council after the recommendation of the planning commission, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Title.*

**WHEREAS**, the owner (“*Applicant*”) of a flag lot located at 8564 South Little Willow Circle in the City (the “*Lot*”) has requested an exception to the Code’s side yard setback requirement concerning the Lot; specifically, reduction of the side yard setback on the North side of the Lot from 20 feet to 9.33 feet, as surveyed (the “*Exception*”); and

**WHEREAS**, on 4 December 2019 the City’s planning commission (the “*Planning Commission*”) held a public hearing on Applicant’s request for the Exception, at which time all interested parties were given the opportunity to provide written or oral comment concerning the Exception; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, on 4 December 2019 the Planning Commission recommended approval of the Exception and forwarded such recommendation of approval to the Council for final action; and

**WHEREAS**, on 17 December 2019 the Council met in regular meeting to consider, among other things, whether to grant the Exception; 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-zone was 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 Exception;

**NOW, THEREFORE, BE IT RESOLVED** by the city council of Cottonwood Heights that the Exception is hereby approved based on the Council's finding that approval of the Exception will not result in a substantial detriment to the public good nor substantially impair the intent and purpose of Title 12; and it is

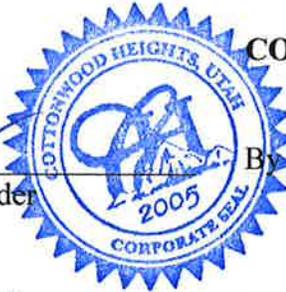
**FURTHER RESOLVED** that the City's Director of Community and Economic Development is hereby authorized and directed to effect the Exception as to the Lot in full conformity with all other applicable laws and ordinances.

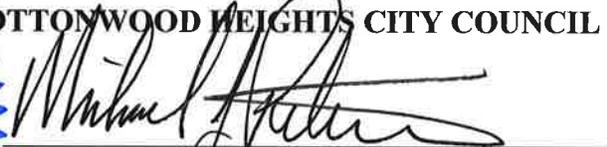
This Resolution, assigned no. 2019-78, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 17<sup>th</sup> day of December 2019.

**ATTEST:**

By:   
Paula Melgar, Recorder



**COTTONWOOD HEIGHTS CITY COUNCIL**  
By:   
Michael J. Peterson, Mayor

**VOTING:**

Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tali C. Bruce	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 17<sup>th</sup> day of December 2019.

**RECORDED** this 17 day of December 2019.