

ORDINANCE NO. 2024-15

**AN ORDINANCE AMENDING SECTION 12.41.070 OF THE CENTERVILLE ZONING CODE REGARDING VARIATIONS FROM DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT OVERLAY ZONES AND ENACTING SECTION 12.41.074 OF THE SAME REGARDING DEVELOPMENT AGREEMENTS FOR PLANNED DEVELOPMENT OVERLAY ZONES**

**WHEREAS**, the City received an application to amend the Zoning Code to amend the use of development agreements as part of a Planned Development Overlay Zone; and

**WHEREAS**, the proposed amendments to the Zoning Code regarding the use of development agreements in conjunction with a Planned Development Overlay Zone were reviewed by the Planning Commission and forwarded to the City Council with a positive recommendation; and

**WHEREAS**, City Council has determined that the proposed amendments to the Zoning Code regarding the use of development agreements in conjunction with a Planned Development Overlay Zone as more particularly provided herein are in the best interest of the City to provide additional tools and regulations for future development and land use flexibility; and

**WHEREAS**, the proposed amendments to the Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Subsection 12.41.070 of the Centerville Zoning Code regarding Variations From Development Standards in a Planned Development Overlay Zone is hereby amended to read in its entirety as follows:

**12.41.070 Variations From Development Standards**

Variations from applicable land use development standards and requirements set forth in the General Plan, Zoning Code, Subdivision Ordinance, or Municipal Code of an underlying zone and CMC 15 (Subdivisions) may be approved by the City Council as part of a legislative land use decision to rezone property to the Planned Development Overlay Zone or in an associated development agreement as provided in Section 12.41.074; subdivision, or site plan approval for a planned development pursuant to the provisions of this Chapter. Variations from development standards may include, but are not limited to, building heights, parking requirements, setbacks, landscaping, density, and permitted or conditional uses. Any variations approved as part of a rezone to the Planned Development Overlay Zone must be specifically described in the rezone ordinance or associated development agreement with reference to subject matter and code reference and shall not be assumed by omission or conflict with associated development plans or drawings. If a variation is not specifically described as required herein, it shall not be considered an approved or authorized variation

from City standards and requirements. The City Council is not authorized to approve as part of a Planned Development Overlay any variations from applicable State law, Construction Codes, or other public health and safety regulations. Variations from applicable land use development standards considered as part of a legislative land use decision to rezone property to the Planned Development Overlay Zone or in an associated development agreement shall be within the City's sole discretion. The decision to amend or enter into a development agreement is also within the City's sole discretion.

**Section 2. Enactment.** Subsection 12.41.074 of the Centerville Zoning Code regarding Development Agreements for Planned Development Overlay Zones is hereby enacted to read in its entirety as follows:

**12.41.074 Development Agreements for Planned Development Overlay Zones**

The City is authorized by State law to enter into a development agreement with the developer or property owner of a development project containing any term the City considers necessary or appropriate to accomplish the purpose of this Zoning Code and the Utah Land Use Development and Management Act, as more particularly provided in Utah Code § 10-9a-532. In accordance with this authority, the City may require the developer or property owner of a planned development project to enter into a development agreement with the City as a condition of the legislative approval of a Planned Development Overlay Zone. Any development agreement entered into in association with a planned development under the Planned Development Overlay Zone that allows a use or development of land that applicable land use regulations would otherwise prohibit must be approved in accordance with the same procedures for enacting a land use regulation under Utah Code § 10-9a-502, including review and recommendation from the Planning Commission and a public hearing. Any development agreement for a Planned Development Overlay Zone may not limit the City's authority in the future to enact a land use regulation or to take any action allowed under Utah Code § 10-8-84 regarding public health and safety. Any development agreement for a Planned Development Overlay Zone shall contain a provision limiting the City's liability to specific performance. This Section shall apply to any new development agreement entered into by the City in association with a planned development in a Planned Development Overlay Zone and to any amendment of any existing development agreement previously entered into by the City in association with a planned development in a Planned Development Overlay Zone.

**Section 3. Findings.** The amendments to the Zoning Code adopted herein are based on the following findings:

1. The City Council finds that the decision to amend the Zoning Code is a matter within the legislative discretion of the City Council as described in CZC 12.21.060.
2. The City Council finds that the amendments to the Zoning Code are consistent with the goals, objectives, and policies of the City's General Plan as set forth in the Staff Report dated October 1, 2024.
3. The City Council finds amendments to the Zoning Code are in the best interests of the City to allow for flexible planned development within the City.

4. The City Council finds that the amendments to the Zoning Code provide an additional regulatory tool to enhance development within the Planned Development Overlay Zone and to provide for future development flexibility.
5. The City Council finds that the amendments to the Zoning Code are compliant with Utah Code § 10-9a-532 regarding the use of development agreements for land use development.
6. The City Council finds the amendments to the Zoning Code are in the best interests of the commercial and residential growth of Centerville City.

**Section 4. Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.


**Section 5. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.


**Section 6. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 1<sup>ST</sup> DAY OF OCTOBER, 2024.**

ATTEST:

CENTERVILLE CITY

  
 \_\_\_\_\_  
 Jennifer Robison, City Recorder

By:   
 \_\_\_\_\_  
 Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hayman	✓	_____	_____
Councilmember Hirst	✓	_____	_____
Councilmember Plummer	✓	_____	_____
Councilmember Mecham	✓	_____	_____
Councilmember Summerhays	✓	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify the foregoing Ordinance was duly passed by the City Council and published or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the following referenced dates.

Jennifer Robison  
JENNIFER ROBISON, City Recorder

DATE: 10-3-2024

RECORDED this 3<sup>rd</sup> day of October, 2024.

PUBLISHED OR POSTED this 3<sup>rd</sup> of October, 2024.

