

ORDINANCE NO. 2019-01

**AN ORDINANCE AMENDING SECTION 12.48.100 OF THE
CENTERVILLE ZONING CODE REGARDING SIDE YARD AREA
REQUIREMENTS FOR DEVELOPMENT WITHIN THE SMSC OVERLAY
ZONE**

WHEREAS, the City Council has previously adopted the South Main Street Corridor (SMSC) Overlay Zone as set forth in Chapter 12.48 of the Centerville Zoning Code; and

WHEREAS, the City Council desires to amend various provisions of Chapter 12.48 regarding side area requirements as more particularly provided herein; and

WHEREAS, the City is authorized to enact, amend or repeal provisions of the Centerville Zoning Code pursuant to specific statutory authority, including, but not limited to Utah Code §§ 10-9a-501, et seq., and Utah Code § 10-8-84; and

WHEREAS, all required notice and public hearings have been held before the Planning Commission and City Council regarding these proposed amendments to the Centerville Zoning Code.

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

Section 1. Amendment. Subsection 12.48.100(a)(16) of the Centerville Zoning Code regarding side yard requirements for development within the SMSC Overlay Zone is hereby amended to read in its entirety as follows:

12.48.100 General Development Standards

(a) Development within the SMSC Overlay Zone shall be as follows:

* * *

- (16) Side areas that exceed 15 feet in width shall not be located to another side area that exceeds 15 feet in width unless the areas are used as a unified public gathering area or courtyard, or other non-turf landscaping elements (e.g. garden plots, tree groves, flower beds, etc.), and/or design features (accent walls, fencing, sculptures/public art, etc.) that is approved by the City.

* * *

Section 2. Findings. The City Council hereby makes the following finding in support of the SMSC Overlay Zone amendments:

- a. The City Council finds that the side yard language change increases the allowable elements to be used when side yard areas are larger than the minimums listed in the design parameters. Therefore, this proposed language remains consistent with

the form-based design parameters of the SMSC Plan and its related Zoning Ordinance.

Section 3. 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 4. 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 5. 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, THIS 15th DAY OF JANUARY, 2019.

ATTEST:

CENTERVILLE CITY

Mackenzie Wood
Mackenzie Wood, City Recorder

By: *Clark A. Wilkinson*
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	_____	_____ X _____
Councilmember Ince	_____ X _____	_____
Councilmember Ivie	_____ X _____	_____
Councilmember McEwan	_____ X _____	_____
Councilmember Meham	_____ X _____	_____



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 that 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 foregoing referenced dates.

Mackenzie Wood
MACKENZIE WOOD, City Recorder

DATE: 1/18/2019

RECORDED this 18 day of January 2019.

PUBLISHED OR POSTED this 18 of January, 2019.