

ORDINANCE NO. 2016-27

AN ORDINANCE REPEALING SECTIONS 12.48.180 AND 12.48.190 OF THE CENTERVILLE ZONING CODE REGARDING THE PUBLIC SPACE PLAN AND ILLUSTRATIONS FOR VARIOUS SUBDISTRICTS WITHIN THE SOUTH MAIN STREET CORRIDOR (SMSC) OVERLAY ZONE AND REENACTING SECTION 12.48.180 WITH SIMPLIFIED DIRECTIVES REGARDING PUBLIC SPACE PLAN ELEMENTS FOR 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, in 2015, the City Council amended Chapter 12.48 to add provisions and illustrations regarding the Public Space Plan for various Subdistricts, in addition to other amendments, as adopted in Ordinance No. 2015-25A; and

WHEREAS, in January 2016, a majority of the City Council voted to direct Staff to prepare amendments to the SMSC Public Space Plan removing benches, planters, and drought tolerant grasses, and changing the position of the lighting, to be redirected back to the Planning Commission; and

WHEREAS, Staff prepared the suggested amendments to the SMSC Public Space Plan as directed by the Council and the Planning Commission reviewed the proposed amendments; and

WHEREAS, after holding many public hearings and public meetings and studying the proposed amendments to the SMSC Public Space Plan, the Planning Commission prepared its recommendations on the SMSC Public Space Plan amendments on July 13, 2016 and forwarded the same to the City Council; and

WHEREAS, the Planning Commission's recommendations essentially recommend the City Council retain the subject elements of the SMSC Public Space Plan as currently adopted and set forth in Section 12.48.180, with the recommendation to amend such provisions to provide illustrations and language for Main Street traffic striping changes and bike lanes for Main Street from Parrish Lane to Pages Lane; and

WHEREAS, the City Council has held a number of public meetings and hearings regarding the proposed amendments to the SMSC Public Space Plan and providing the public, business owners and the Planning Commission an opportunity to comment on the proposed amendments; and

WHEREAS, based on the public comments and other reasons more particularly set forth in the record, the City Council desires to repeal Sections 12.48.180 and 12.48.190 of the Centerville Zoning Code regarding the SMSC Public Space Plan and to reenact Section 12.48.180 with simplified directives regarding public space plan elements for the SMSC Overlay Zone; 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. Repeal. Sections 12.48.180 and 12.48.190 of the Centerville Zoning Code regarding the SMSC Public Space Plan and Public Space Plan Illustrations for certain Subdistricts in the South Main Street Corridor (SMSC) Overlay Zone are hereby repealed.

Section 2. Reenactment. Section 12.48.180 of the Centerville Zoning Code is hereby reenacted to read in its entirety as follows:

12.48.180. Public Space Plan.

As properties on the east side of Main Street develop or redevelop within the SMSC Overlay Zone, the developer shall provide required public improvements along the property's Main Street frontage including a four foot parkstrip and a five foot sidewalk. The City should also work with UDOT to implement new striping along Main Street to accommodate and provide for bike lanes on Main Street from Parrish Lane to Pages Lane within the SMSC Overlay Zone.


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.

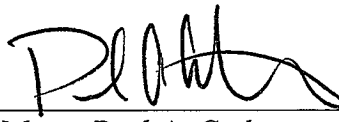
Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 20TH DAY OF SEPTEMBER, 2016.

ATTEST:


Marsha L. Morrow, City Recorder

CENTERVILLE CITY

By: 
Mayor Paul A. Cutler



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Fillmore	_____	<u>X</u>
Councilmember Ince	<u>X</u>	_____
Councilmember Ivie	<u>X</u>	_____
Councilmember McEwan	<u>X</u>	_____
Councilmember Mecham	<u>X</u>	_____

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.

Marsha L. Morrow
MARSHA L. MORROW, City Recorder

DATE: 9-26-2016

RECORDED this 26 day of Sept, 2016.

PUBLISHED OR POSTED this 26 of Sept, 2016.