

ORDINANCE NO. 2022-17

AN ORDINANCE AMENDING SECTION 12.12.040 OF THE CENTERVILLE ZONING CODE REGARDING DEFINITIONS, SECTION 12.21.090 REGARDING PERMITTED USE REVIEW, SECTION 12.21.110 REGARDING SITE PLAN REVIEW, AND 12.55.130 REGARDING LOTS, PARCELS, AND YARDS, AND ENACTING SECTION 12.55.132 OF THE SAME REGARDING DEVELOPMENT OF A PARCEL, AND 12.55.134 REGARDING SINGLE-FAMILY DEVELOPMENT ON A PARCEL

WHEREAS, the City Council has adopted provisions of the Centerville Zoning Code regarding development of an unplatted parcel; and

WHEREAS, the City Council desires to amend and enact various sections of the Centerville Zoning Code regarding development of an unplatted parcel, including single-family and non-single-family development on a parcel as more particularly set forth herein; and

WHEREAS, the City Council has determined that the proposed revisions to the Centerville Zoning Code regarding development of an unplatted parcel as set forth herein are advisable and in the best interest of the public health, safety, and welfare to provide more efficient and relevant procedures and standards for such development; and

WHEREAS, the proposed amendments to the Centerville Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions 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. Section 12.12.040 of the Centerville Zoning Code regarding Definitions is hereby amended as follows:

12.12.040 Definitions

As used in this Title, the words and phrases defined in this Section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the Construction Codes or the Utah Land Use Development and Management Act shall be construed as defined therein.

* * *

~~Lot: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder, as more particularly defined in Utah Code § 10-9a-103. A contiguous and separately delineated piece of real property which:~~

~~(a) — Is shown on a recorded final subdivision plat, or
Is defined by metes and bounds and has a separate property identification number according to the records of the County Recorder.~~

* * *

Lot Depth: The mean horizontal distance from a front lot or parcel line to a rear lot or parcel line.

* * *

Parcel: ~~Any real property, regardless of any label, that is not a lot in a recorded subdivision, as more particularly defined in Utah Code § 10-9a-103. A contiguous quantity of real property defined by metes and bounds which has a separate property identification number according to the records of the County Recorder and is not shown on a recorded final subdivision plat.~~

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Section 2. Amendment. Section 12.21.090 of the Centerville Zoning Code regarding Permitted Use Review is hereby amended as follows:

12.21.090 Permitted Use Review

* * *

(e) Approval Standards. The following standards shall apply to approval of a permitted use.

(1) A permitted use shall:

(A) Be allowed as a permitted use in the applicable zone;

(B) Conform to development standards of the applicable zone;

(C) Conform to applicable regulations of general applicability and regulations for specific uses set forth in this Title; and

(D) Conform to any other applicable requirements of the Centerville Municipal Code.

(2) Conditions may be imposed as necessary to achieve conformance with applicable code requirements.

(3) If proposed development is located on ~~an unsubdivided lot or a parcel,~~ the development and permitted use permit approval shall be subject to CZC 12.55.132 (Development or Use of Parcel):

~~(A) A subdivision shall be approved and recorded as a condition of approval; or~~

~~(B)(A) Street improvements shall be provided as required in CZC 12.55.190 and CZC 12.55.200.~~

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Section 3. Amendment. Section 12.21.110 of the Centerville Zoning Code regarding Site Plan Review is hereby amended as follows:

12.21.110 Site Plan Review

- (a) Purpose. This Section sets forth procedures for considering and approving a site plan. Such procedures are intended to provide for orderly, harmonious, safe, and functionally efficient development consistent with the priorities, values, and guidelines found in various elements of the General Plan and this Title.
- (b) Authority. The Planning Commission is authorized to approve site plans as provided in this Section.
- (c) Initiation. A property owner may request approval of a site plan as provided in this Section. An agent of a property owner shall provide an affidavit of authorization.
- (1) Site Plan approval is a two-step process consisting of: (1) conceptual site plan review and approval; and (2) final site plan review and approval. In order to provide for appropriate review and analysis, conceptual and final site plan applications shall not be reviewed by the Planning Commission concurrently or at the same meeting.
- (2) Conceptual and final site plan review and approval shall be required for any of the following uses unless expressly exempted from such requirement by another provision of this Title:
- A. Any multiple-family residential use;
 - B. Any public or civic use;
 - C. Any commercial use;
 - D. Any industrial use; or
 - ~~E. Any residential development outside a platted subdivision; or~~
 - F.E. Any planned development within a PDO zone.
- (3) When site plan approval is required, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of the required plan. No clearing, grubbing, grading, drainage work, parking lot construction or other site improvement shall be undertaken prior to site plan approval.

* * *

Section 4. Amendment. Section 12.55.130 of the Centerville Zoning Code regarding Lots, Parcels, and Yards is hereby amended as follows:

12.55.130 Lots, Parcels, And Yards

- (a) Every Building on Legally Created Lot or Parcel. Every building shall be located and maintained on a legally created lot or parcel as defined in this Title, unless such lot or parcel is a legally nonconforming lot or parcel. Not more than one single-family dwelling or commercial structure shall occupy any one lot or parcel except as authorized by the provisions of this Title. Any development or use of a parcel located outside a recorded subdivision shall comply with CZC 12.55.132 (Development or Use of Parcel).

* * *

Section 5. Enactment. Section 12.55.132 of the Centerville Zoning Code regarding Development or Use of Parcel is hereby enacted to read as follows:

12.55.132 Development or Use of Parcel

- (a) Single-Family Dwelling. Any development of a single-family dwelling or other associated single-family use on a parcel located outside a recorded subdivision shall comply with CZC 12.55.134 (Single-Family Development on Parcel).
- (b) Commercial, Industrial, or Other Use. Any commercial, industrial, public or civic, multi-family, or other non-single-family development or use on a parcel located outside a recorded subdivision shall comply with CZC 12.21.110 (Site Plan Review).

Section 6. Enactment. Section 12.55.134 of the Centerville Zoning Code regarding Single-Family Development on Parcel is hereby enacted to read as follows:

12.55.134 Single-Family Development on Parcel

- (a) Permitted Use Permit. The Zoning Administrator is authorized to issue a permitted use permit for the development of a single-family dwelling or other associated single-family use on a parcel located outside a platted subdivision in accordance with the procedures and standards for review as set forth in this Section and CZC 12.21.090 (Permitted Use Review).
- (b) Administrative Decision. Any decisions regarding the review, approval, or denial of a permitted use permit for the development of a single-family dwelling or other associated single-family use on a parcel located outside a platted subdivision is an administrative decision and shall be made in accordance with the provisions of CZC 12.21.060 (General Decision-Making Standards) regarding decision-making standards for administrative proceedings.
- (c) Application Requirements. The application for permitted use permit for development of a single-family dwelling or other associated single-family use on a parcel located outside a platted subdivision shall, in addition to the requirements of Subsection CZC 12.21.090, include:

- (1) A vicinity map showing significant natural and man-made features on the parcel and within 100 feet of the parcel;
- (2) Boundary lines of the parcel with dimensions shown;
- (3) Topographic contour lines at no greater intervals than five feet;
- (4) Total acreage and tax identification number for the parcel;
- (5) An accurate and complete survey for the parcel with traverses of the exterior boundaries of the parcel to close within a tolerance of one foot to 20,000 feet when computed from field measurements on the ground;
- (6) Proposed addressing for the parcel in accordance with CMC 11.03.050;
- (7) Designation of any portions of the parcel located in a floodplain zone or containing designated wetlands;
- (8) The right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications;
- (9) The side lines of all recorded and proposed easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to locate the same with respect to the parcel shall be shown. All recorded and proposed easements shall be clearly labeled and identified;
- (10) A description or layout of existing and proposed utilities, including culinary water, irrigation water, sewer, stormwater, electrical, and gas service;
- (11) Satisfactory evidence that all utilities and services will be available for the parcel and that the utilities and easements therefor have been reviewed by the utility providers;
- (12) Construction plans in accordance with the requirements and standards set forth in CMC 15.07 (Public Improvements) for any required public improvements;
- (13) Improvements Agreement bond acceptable to the City and bond for any required public improvements in accordance with CMC 15.04.090; and
- (14) A current title report disclosing all recorded matters of title regarding the parcel which is prepared and dated not more than 30 days from the date of submittal of the application for permitted use permit.

(d) Parcel Development Requirements. Any development of a single-family dwelling or other associated single-family use on a parcel located outside a platted subdivision shall:

- (1) Provide all necessary street and public improvements in accordance with CZC 12.55.190;
- (2) Provide all necessary street and right-of-way dedication in accordance with CZC 12.55.190;
- ~~(1)~~(3) Provide all required public utility easements and other necessary easements in accordance with CMC 15.05.060;
- (4) Pay all applicable development and impact fees; and
- (5) Comply with all applicable provisions of CMC 15.05 (General Requirements for All Subdivisions) specifically related to lot development standards and restrictions.

Section 7. 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 8. 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 9. 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 16th DAY OF AUGUST, 2022.

ATTEST:

CENTERVILLE CITY

Jennifer Robison
Jennifer Robison, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hirst	<u>✓</u>	_____	_____
Councilmember Ince	<u>✓</u>	_____	_____
Councilmember McEwan	_____	_____	<u>✓</u>
Councilmember Mecham	<u>✓</u>	_____	_____
Councilmember Summerhays	<u>✓</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.

Jennifer Robison
JENNIFER ROBISON, City Recorder

DATE: 8-23-2022

RECORDED this 23rd day of August, 2022.

PUBLISHED OR POSTED this 23rd of August, 2022.

