

**ORDINANCE NO. 2017-27**

**AN ORDINANCE AMENDING SECTION 12.12.040 OF THE CENTERVILLE ZONING CODE TO ADD A NEW DEFINITION FOR “CATERING, LIMITED,” AND AMENDING SECTION 12.36.040 OF THE SAME REGARDING TABLE OF USES**

**WHEREAS**, the City has received an application to amend the Zoning Code to add a new definition for “Catering, Limited” and to allow such use as a conditional use within the Commercial-Medium (C-M) Zone; and

**WHEREAS**, the proposed amendments to the Zoning Code regarding catering service within the Commercial-Medium (C-M) Zone were reviewed and revised by the Planning Commission with a positive recommendation to create a new use known as “Catering, Limited,” and to allow such use as a conditional use in the Commercial-Medium (C-M) Zone; and

**WHEREAS**, City Council has determined that the proposed amendments to the Zoning Code to create a new definition for “Catering, Limited” and to allow such use in the Commercial-Medium (C-M) Zone are in the best interest of the City and the public to encourage additional uses within the City; 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.** Section 12.12.040 of the Centerville Zoning Code regarding Definitions is hereby amended to add a new definition for “Catering, Limited” as more particularly provided as follows:

**12.12.040 Definitions**

\* \* \*

**Catering, Limited:** An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption with a limited number of catering transport vehicles. Includes catering for food for single event-based food services and contractual agreements for a specified period of time. This use does NOT include mobile food trucks or carts, or any other mobile food service uses. This use is intended to be a low-intensity use permissible in commercial areas commonly located adjacent to residential uses and shall prohibit the off-site dissemination of any detectible ambient food-source odors.

\* \* \*

**Section 2. Amendment.** Section 12.36.040 of the Centerville Zoning Code regarding Table of Uses for Commercial Uses is hereby amended to allow “Catering, Limited” as a conditional use in the Commercial-Medium (C-M) Zone as more particularly provided as follows:

**12.36.040 Table of Uses for Commercial Uses**

Legend: "P" - permitted use, "C" - conditional use, "N" - not permitted

Commercial Uses	Zones														
	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Catering, Limited	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N

\* \* \*

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

- a. 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(a)(1)(C).
- b. The new definition of “Catering, Limited,” while listing it as a Conditional Use in Commercial-Medium (C-M) Zone, is consistent with the goals, objectives and policies of the General Plan [12-420-2.2]
- c. The City Council finds that the Main Street commercial area is old now and somewhat deteriorating, though a few new buildings have been constructed here in recent years.
- d. The City Council finds that the General Plan objective to redevelop or revitalize the Main Street Commercial area may continue to be difficult and slow, despite the South Main Street Overlay incentives.
- e. The City Council finds that opportunities to encourage restoration or revitalization ought to be permissible.
- f. Parking calculations for uses not provided shall be determined by the Zoning Administrator using the nearest compatible use [CZC 12.52.060].

**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 8<sup>th</sup> DAY OF NOVEMBER, 2017.**

**ATTEST:**

**CENTERVILLE CITY**

Marsha L. Morrow  
Marsha L. Morrow, City Recorder

By: Paul A. Cutler  
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: November 14, 2017

RECORDED this 14 day of Nov, 2017.

PUBLISHED OR POSTED this 14 of November, 2017.