

**ORDINANCE NO. 2016-31A**

**AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 0.51 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 323 EAST PAGES LANE FROM COMMERCIAL-HIGH (C-H) TO RESIDENTIAL-MEDIUM (R-M)**

**WHEREAS**, the City is authorized to enact a zoning map consistent with the purposes set forth in the Utah Land Use Development and Management Act, as more particularly provided in *Utah Code Ann.* §§ 10-9a-101, *et seq.*, as amended, and the City is further authorized to make amendments to such zoning map in accordance with procedures set forth in *Utah Code Ann.* § 10-9a-503, as amended; and

**WHEREAS**, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan for the subject property as set forth in Section 12-480-2, Neighborhood 1, Southeast Centerville, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Commercial-High (C-H) to Residential-Medium (R-M) as more particularly provided herein; and

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

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

**Section 1. Zone Map Amendment.** The real property located at approximately 323 East Pages Lane in Centerville City consisting of approximately 0.51 acres, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Commercial-High (C-H) to Residential-Medium (R-M) and the Centerville City Zoning Map is correspondingly amended as described herein.

**Section 2. Findings.** The rezone of the subject property from Commercial-High (C-H) to Residential-Medium (R-M) and the corresponding amendment to the Centerville City Zoning Map is based on the following findings:

1. The proposed Zone Map Amendment meets the requirements found in CZC 12.21.080(4)(e).
2. The proposed Zone Map Amendment is consistent with the overall intent of the goals and objectives of the General Plan [Section 12-480-2(c)].
3. According to the associated Neighborhood Plan, amending the Zoning Map for this location to Residential-Medium (R-M) appears to likely have less of a long-term impact on the surrounding neighborhood than the current zoning of Commercial-High (C-H) that is anticipated in the plan.

**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. Effective Date.** This Ordinance shall become effective 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 18th DAY OF OCTOBER, 2016.**

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

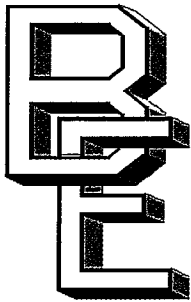
DATE: 10/25/2016

RECORDED this 25 day of October, 2016.

PUBLISHED OR POSTED this 25 of October, 2016.

EXHIBIT A

Property Description



**Balling  
Engineering**

323 East Pages Lane  
P.O. Box 805  
Centerville, Utah 84014  
Phone: (801) 295-7237  
Fax: (801) 299-0419  
Email: jscottballing@gmail.com

August 24, 2016

RE: Request for Rezone of property at 323 East Pages Lane

Property Description

Beginning at a point on the north boundary of Pages Lane which is  $S89^{\circ}45'55''W$  299.00 ft. along said North Line of Pages Lane from the West Boundary of 400 East Street, said point of beginning being also  $S00^{\circ}00'40''W$  279.93 ft. and  $S89^{\circ}45'55''W$  228.28 ft. along said north line Pages Lane from the East Quarter Corner of Section 18, T.2N., R.1E., S.L.B.& M. and running thence  $S89^{\circ}45'55''W$  135.00 ft. along said North Line of Pages Lane; thence  $N00^{\circ}03'55''E$  162.41 ft. along the east line of 300 East Street to a point on the boundary line agreement recorded in Book 3178, Page 1042 of Davis County Official Records; thence along said agreement in the following three courses (i)  $N89^{\circ}35'15''E$  119.73 ft., (ii)  $S74^{\circ}07'20''E$  5.47 ft., (iii)  $S89^{\circ}16'24''E$  10.16 ft.; thence  $N89^{\circ}45'55''E$  6.08 ft.; thence  $S00^{\circ}23'55''W$  162.42 ft. to the point of beginning.

Containing 0.513 Acres.

Prepared by J. Scott Balling, P.L.S.

A handwritten signature in black ink, appearing to read 'J. Scott Balling', with a stylized flourish at the end.