

**ORDINANCE NO. 2018-15**

**AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 0.325 ACRES OF CERTAIN REAL PROPERTY LOCATED AT APPROXIMATELY 698 WEST PORTER LANE FROM RESIDENTIAL-MEDIUM (R-M) TO COMMERCIAL-VERY HIGH (C-VH)**

**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 12-480-1, Southwest Neighborhood, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Residential Medium (R-M) to Commercial-Very High (C-VH) 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.** A portion of the real property located at approximately 698 West Porter Lane in Centerville City consisting of approximately 0.325 acres, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Residential Medium (R-M) to Commercial-Very High (C-VH) and the Centerville City Zoning Map is correspondingly amended as described herein; provided, the rezone of the property shall not become effective until a division of the land is approved by the City and the new piece of property is incorporated into the applicable business lot to the west as a combined single parcel with the Davis County Recorder's Office.

**Section 2. Conditions.** The rezone of the subject property to Commercial-Very High (C-VH) and corresponding amendment to the Centerville City Zoning Map is subject to the following conditions:

1. Any rezone of the partial area cannot become effective until a division of land is approved by the City.
2. A division of land cannot leave a remnant parcel, so such division of the subject tract, to be rezoned, would need to be absorbed into the applicable business lot to the west, as is desired by the petitioner.

**Section 3. Findings.** The rezone of the subject property to Residential Medium (R-M) to Commercial-Very High (C-VH) and corresponding amendment to the Centerville City Zoning Map is based on the following findings:

1. The Planning Commission and City Council have sufficiently reviewed and considered the criteria found in Section CZC 12.21.080(e) for Zoning Map Amendments.
2. The City Council finds that the rezone is consistent with the goals of Section 12-480-1 of the General Plan, as described in the Staff Report and the Planning Commission's findings.
3. The City Council finds that the large parcel, zoned R-M, east of the commercial area and the subject parcel area, appears to be an appropriate defining north/south limit line for expected low to medium residential use buffering Porter area policy expectations.
4. The City Council finds that the R-M development expectation is, by policy, to be the commercial buffer use for the neighborhood. Therefore, rezoning the property to commercial would not adversely affect the multi-family development directly to the east.
5. The City Council finds that the requirements of rezone are directly related to ensure that the rezone action complies with applicable zoning and subdivision regulations adopted by the City.
6. The City Council finds that the request for C-M Zoning designation is appropriate.

**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. Effective Date.** This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first. The rezone shall not become effective until and unless a division of the land is approved by the City and the new piece of property is incorporated into the applicable business lot to the west as a combined single parcel with the Davis County Recorder's Office.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 17<sup>th</sup> DAY OF JULY, 2018.**

**ATTEST:**

**CENTERVILLE CITY**

  
Mackenzie Wood, City Recorder

By:   
Mayor Clark A. Wilkinson

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**

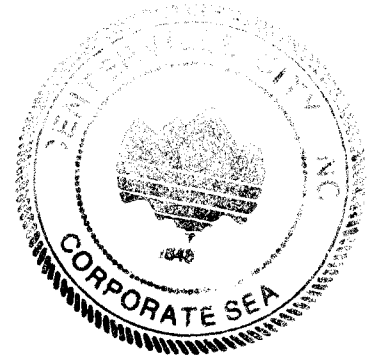
According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Mackenzie Wood  
MACKENZIE WOOD, City Recorder

DATE: 7/18/2018

RECORDED this 19 day of July, 2018.

PUBLISHED OR POSTED this 18 of July, 2018.



**EXHIBIT A**

**Property Description**

**A Portion of Parcel No. 03-001-0005  
698 West Porter Lane, Centerville, Utah**

**PARCEL B**

**RE-ZONE AREA**

**BEGINNING AT A POINT WHICH IS NORTH89°40'15"EAST 687.285 FEET ALONG THE SECTION LINE AND SOUTH0°19'45"WEST 266.81 FEET TO A POINT WHICH IS NORTH 298.51 FEET NORTH OF THE NORTH LINE OF PORTER LANE FROM THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH AND RUNNING THENCE SOUTH0°19'45"EAST 146.54 FEET ; THENCE NORTH89°52'05"WEST 96.98 FEET; THENCE NORTH0°19'45"WEST 145.76 FEET; THENCE NORTH89°40'15'EAST 96.98 FEET TO THE POINT OF BEGINNING,**

**CONTAINING 0.325 ACRES.**