

ORDINANCE NO. 2022-02

AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 0.069 ACRES OF CERTAIN REAL PROPERTY LOCATED AT APPROXIMATELY 553 SOUTH 850 EAST FROM PUBLIC FACILITY-LOW (PF-L) TO RESIDENTIAL-LOW (R-L)

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 §§ 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. § 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 12-480-2.1, Southeast Residential Area, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Public Facility-Low (P-F) to Residential-Low (R-L) as more particularly provided herein; and

WHEREAS, the proposed amendments to the Centerville City Zoning Map for the Schmucker property at 553 South 850 East 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 Zoning Map.

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

Section 1. Zone Map Amendment. Subject to the condition of approval set forth in Section 2, the real property located at approximately 553 South 850 East in Centerville City consisting of approximately 0.069 acres as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Public Facility-Low (P-F) to Residential-Low (R-L) and the Centerville Zoning Map is correspondingly amended as described herein.

Section 2. Condition of Zone Map Amendment. The Zone Map Amendment for the Schmucker property is subject to the following condition of approval:

- (1) Any rezone of the tract of land cannot become effective until the subject property is legally combined and recorded with Davis County, thereby absorbing it into the Schmucker's applicable lot.
- (2) The City Engineer shall review and determine that the needed distance from the northern boundary is at least 25 feet from the centerline of the gas pipeline farther north prior to the recordation of the amended subdivision plat.

Section 3. Findings. The rezone of the subject property to from Public Facility-Low (P-F) to Residential-Low (R-L) for the Schmucker property is based on the following findings:

- (a) The Planning Commission finds that there has been a sufficient review and consideration of the criteria outlined in CZC 12.21.080(e) of the Zoning Code for considering a rezone.
- (b) The Planning Commission finds that the rezone is substantially consistent with the goals of the General Plan and the rezone approval criteria, as described in the staff report.
- (c) Therefore, the Planning Commission finds that the request for Residential-Low (R-L) zoning designation, subject to the conditions imposed, is appropriate to allow the absorption of the tract of land into the Schmucker's original lot.

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.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 18th DAY OF JANUARY, 2022.

ATTEST:

CENTERVILLE CITY

Jennifer Hansen
Jennifer Hansen, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hirst	<u>X</u>	_____	_____
Councilmember Ince	<u>X</u>	_____	_____
Councilmember McEwan	<u>X</u>	_____	_____
Councilmember Mecham	<u>X</u>	_____	_____
Councilmember Summerhays	<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.

Jennifer Hansen
JENNIFER HANSEN, City Recorder

DATE: 2-3-2022

RECORDED this 3rd day of February, 2022.

PUBLISHED OR POSTED this 3rd of February, 2022.



EXHIBIT A

Schmucker Rezone Property Description

A part of the Northeast Quarter of Section 17, Township 2 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Centerville City, Davis County, Utah Beginning at the Northeast corner of Lot 53, Island View Plat "G", as recorded with the Davis County Recorder; being 854.59 feet due South; and 413.79 feet due West from the North Quarter corner of said Section 17, running thence North $70^{\circ}00'00''$ West 87.77 feet along the Northerly line of said Lot 53 to the Easterly right-of-way line of Island View Drive and a point of curvature; thence 37.10 feet Northerly along said Easterly line and the arc of a 384.79 feet Radius curve to the left through a Delta Angle of $5^{\circ}31'26''$, and Long Chord of North $17^{\circ}14'17''$ East 37.08 feet (Center bears North $70^{\circ}00'00''$ West); thence South $75^{\circ}31'26''$ East 60.90 feet; thence South $14^{\circ}00'00''$ East 51.75 feet to the point of beginning. Contains: 3,000 sq.ft