

ORDINANCE NO. 2022-19

AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF LOT 101, LOT 102, AND LOT 103 OF THE ROCKWOOD FARMS SUBDIVISION TO REMOVE THE HILLSIDE OVERLAY ZONE

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, the City Council desires to amend the Centerville City Zoning Map to remove the Hillside Overlay Zone from the subject properties leaving them zoned Residential-Low (R-L) as more particularly provided herein; and

WHEREAS, the proposed amendments to the Centerville City Zoning Map for the subject properties located within the Rockwood Farms Subdivision at approximately 949-991 North 610 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. The real properties located at approximately 991 North 610 East, 975 North 610 East, and 949 North 610 East in Centerville City consisting of Lot 101, Lot 102, and Lot 103 of the Rockwood Farms Subdivision as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, are hereby rezoned to remove the Hillside Overlay Zone from such properties leaving the properties zoned Residential-Low (R-L) and the Centerville Zoning Map is correspondingly amended as described herein.

Section 2. Findings. The rezone of the subject properties to remove the Hillside Overlay Zone and to leave the properties zoned Residential-Low (R-L) is based on the following findings:

- (a) The City Council finds 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 City Council finds that the proposed zone map amendment and associated allotted density is consistent with the General Plan for Neighborhood 3, Northeast Neighborhood. [12-480-4].
- (c) The City Council finds that the purpose of the Hillside Overlay Zone is “to ensure that urban development in these sensitive areas be guided in a manner that will minimize the potential for flooding, erosion, and other environmental hazards and will protect the natural scenic beauty of the foothills.”
- (d) The City Council finds that the subject lots have a similar grade and size to the adjacent surrounding subdivision to the west.

- (e) The City Council finds that the existing and desired improvements of at least two of the lots already exceeds the maximum allowable lot coverage of 40% (see original applicant’s narrative and testimony of Planning Commission of August 24, 2022). Whereas the base R-L Zone would allow up to 60% of the lots for desired improvements.
- (f) The City Council finds that amendment is harmonious with the overall character of existing development in the adjacent vicinity of the subject property.
- (g) The City Council finds that the current developed improvements of these lots have not and would not likely have an adverse effect on adjacent lots.
- (h) Therefore, the City Council finds that the request for removal of the three (3) lots from the Hillside Overlay meets the criteria for rezone approval.

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 20th DAY OF SEPTEMBER, 2022.

ATTEST:

CENTERVILLE CITY



 Jennifer Robison, City Recorder

By: 

 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 Robison
JENNIFER ROBISON, City Recorder

DATE: 9-21-2022

RECORDED this 21st day of Sept., 2022.

PUBLISHED OR POSTED this 21st of Sept., 2022.



EXHIBIT A

Rezone Property Descriptions

**Pippin Property
991 North 610 East**

Parcel No. 02-168-0101

ALL OF LOT 101, ROCKWOOD FARMS SUBDIVISION. CONTAINS 0.282 ACRES

**Knight Property
975 North 610 East**

Parcel No. 02-168-0102

ALL OF LOT 102, ROCKWOOD FARMS SUBDIVISION. CONTAINS 0.23 ACRES

**Brown Property
949 North 610 East**

Parcel No. 02-168-0103

ALL OF LOT 103, ROCKWOOD FARMS SUBDIVISION. CONTAINS 0.23 ACRES