

ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING THE CENTERVILLE ZONING MAP TO REZONE A PORTION OF LOT 106, LOT 112, AND PARCEL A OF THE SUMMERHILL LANE SUBDIVISION AND A PORTION OF THE ADJACENT PARCEL NO. 07-072-0200, AMENDING THE PLANNED DEVELOPMENT OVERLAY FOR THE SUMMERHILL LANE PDO TO ADJUST THE BOUNDARIES OF THE PROJECT, AND APPROVING THE AMENDED CONCEPTUAL PLAN FOR THE SUMMERHILL LANE PDO

WHEREAS, the City Council previously approved the rezoning of property for the Summerhill Lane Planned Development Overlay (PDO) from Agricultural-Low (A-L) to Residential-Low/Planned Development Overlay (R-L/PD) as more particularly provided in Ordinance No. 2020-13; and

WHEREAS, the Developer and subject property owners have requested a portion of Lot 106, Lot 112, and Parcel A within the Summerhill Lane Subdivision be rezoned from Residential-Low/Planned Development Overlay (R-L/PD) to Agricultural-Low (A-L) and that the Summerhill Lane PDO be amended to exclude such property from the Summerhill Lane PDO and to include it within the adjacent Parcel No. 07-072-0200; and

WHEREAS, the Developer and subject property owners have requested a portion of Parcel No. 07-072-0200 be rezoned from Agricultural-Low (A-L) to Residential-Low/Planned Development Overlay (R-L/PD) and that the Summerhill Lane PDO be amended to exclude such property from Parcel No. 07-072-0200 and to include it within the Summerhill Lane PDO; and

WHEREAS, the proposed amendments to the Centerville City Zoning Map for the Summerhill Lane PDO 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 and amendments to the Conceptual Plan.

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

Section 1. PDO and Concept Plan Amendments. Subject to the conditions of approval set forth in Section 2, a portion of Lot 106 and Parcel A within the Summerhill Lane Subdivision, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, are hereby rezoned from Residential-Low/Planned Development Overlay (R-L/PD) to Agricultural-Low (A-L) and the Conceptual Plan for the Summerhill Lane PDO is hereby amended to adjust the original PDO subdivision boundary to exclude such property from the project and to include it within the adjacent Parcel No. 07-072-0200, as more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference.

Section 2. PDO and Concept Plan Amendments. Subject to the conditions of approval set forth in Section 2, a portion of Parcel No. 07-072-0200, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Agricultural-Low (A-L) to Residential-Low/Planned Development Overlay (R-L/PD) and the Conceptual Plan for the Summerhill Lane PDO is hereby amended to adjust the

original PDO subdivision boundary to exclude such property from Parcel No. 07-072-0200 and to include it within the Summerhill Lane PDO, as more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference.

Section 3. Conditions. The Zoning Map and PDO amendments for the Summerhill Lane PDO as set forth herein are subject to applicable conditions of approval as set forth in the original PDO and rezone Ordinance No. 2020-13, as amended, and to the following additional conditions:

- a. The Amendments of the PDO Approval and Rezoning shall consist of the following elements: Vacating/Amending all of Lots 106-108 and Lots 111-113 and Parcel A of the Summerhill Lane Subdivision and a portion of Parcel 07-072-0200 to facilitate a few boundary adjustments. This will reconfigure the original subdivision boundary to provide direct access for the parcel to the new cul-de-sac and add additional land area to several Summerhill Lane lots. These changes will require rezoning from A-L to R-L that are absorbed into the Summerhill Lane project and also R-L to A-L when absorbed into the neighboring property and adjusting the original PDO subdivision boundary – see Plat Amendment #3 submittal.
- b. Lots 106-108, Lots 111-113, and Lots 142-148 shall remain part of the PDO and shall be rezoned to R-L/PD, where needed.
- c. For Parcel 07-072-0200, the existing access along the Frontage Road shall be removed and shall be secured by an improvement bond in accordance with City Ordinances. Additionally, a restrictive easement, deemed acceptable by the City, shall be recorded prohibiting direct access for the parcel, so long as it remains a single development parcel.
- d. All other applicable PDO and Development Agreement Approval provisions shall remain in effect for the Summerhill Lane Subdivision that have not been amended by this Approval.
- e. The various proposed Subdivision Plat Amendments shall be submitted in accordance with CMC 15.09.020, Plat Amendments, which shall be obtained and recorded prior to issuance of any building permits for the subject lots.
- f. Where deemed applicable by the City Engineer or City Attorney, all applicable existing subdivision plat notes from the Summerhill Lane Subdivision shall be depicted on the applicable subdivision amended plats, when approval is obtained from the City.
- g. The Zoning Map Amendments for the subject properties shall not become effective until and unless the proposed Subdivision Plat Amendments are approved and recorded. The Zoning Map Amendments shall become effective immediately upon recording of the approved Subdivision Plat Amendments.
- h. In order to ensure no remnant parcels remain after Subdivision Plat Amendments are recorded, Parcel A2 shall be combined with existing Parcel No. 07-072-0200, and shall be noted as such on the subdivision plat. All other rezoned property shall be combined with existing lots within the Subdivision as represented on the proposed Subdivision Plat Amendments.

Section 4. Findings. The Zoning Map and PDO amendments for the Summerhill Lane PDO is based on the following findings:

- a. The City Council finds that amendments to a PDO approval are subject to the original procedure for obtaining a PDO Approval – see CZC 12.41.080(g).
- b. The City Council finds the proposed changes/alterations are minimal with regards to the original development design and layout of the original Summerhill Lane PDO approval.
- c. The City Council finds that the proposed rezonings generally remain consistent with the Northwest Neighborhood Plan, which outlines low density development for this area – see GP Section 12-480-5, Goal 1, and associated policies to establish appropriate land-use patterns and land use transitions.
- d. The City Council finds double frontage lots may be allowed along the Frontage Road - see CMC 15.05.0209(h).
- e. The City Council finds that the Northwest Neighborhood Plan states that “no new development shall front or have direct access onto the frontage road” – see GP Section 12-480-5, Goal 4.
- f. Therefore, the City Council finds the proposed PDO amendments and associated rezonings, with the conditions imposed, are consistent with the intent of the PDO Approval Criteria of CZC 12.41.080(b) and are consistent with the City’s General Plan and Zoning Ordinances.

Section 5. 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 6. Effective Date. Subject to the conditions of approval set forth in Section 2, this Ordinance shall take effect 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, THIS 21ST DAY OF FEBRUARY, 2023.

ATTEST:

CENTERVILLE CITY

Jennifer Robison
Jennifer Robison, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hirst	<u>✓</u>	_____	_____
Councilmember Ince	<u>✓</u>	_____	_____
Councilmember McEwan	_____	_____	<u>✓</u>
Councilmember Mecham	<u>✓</u>	_____	_____
Councilmember Summerhays	<u>✓</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: 2-22-2023

RECORDED this 22nd day of February, 2023.

PUBLISHED OR POSTED this 22nd of February, 2023.



EXHIBIT A

Legal Description of Portion of Lot 106 and Parcel A to be Rezoned to Agricultural-Low (A-L) and excluded from the Summerhill Lane PDO

A portion of Lots 106 of the Summerhill Lane Subdivision

That portion of Lot 106 of the Summerhill Lane Subdivision that will be included in Parcel No. 07-072-0200 as shown on the proposed Summerhill Lane Subdivision Second Amendment set forth in Exhibit B

A portion of Parcel A

That portion of Parcel A of the Summerhill Lane Subdivision that will be included in Parcel A2 and/or Parcel No. 07-072-0200 as shown on the proposed Summerhill Lane Subdivision Second Amendment set forth in Exhibit B

Legal Description of Portion of Parcel No. 07-072-0200 to be Rezoned to Residential-Low/Planned Development Overlay (R-L/PD) and included within the Summerhill Lane PDO

A portion of Parcel No. 07-072-0200

That portion of Parcel No. 07-072-0200 that will be included in Lot 106A, Lot 112A, and Lot 113A as shown on the proposed Summerhill Lane Subdivision Second Amendment set forth in Exhibit B

