

**ORDINANCE NO. 2015-30**

**AN ORDINANCE ENACTING CHAPTER 12-49 OF THE CENTERVILLE ZONING ORDINANCE REGARDING THE CREATION OF THE DEUEL CREEK HISTORIC DISTRICT AND ENACTING SECTION 12-61-062 OF THE SAME REFERENCING THE CREATION OF THE DEUEL CREEK HISTORIC DISTRICT**

**WHEREAS**, the Centerville Landmarks Commission has been working toward the creation of the Deuel Creek Historic District for the past few years, including three work sessions with the public to obtain input regarding the proposed creation of the Historic District; and

**WHEREAS**, the Planning Commission has reviewed the proposed ordinance amendments for the creation of the Deuel Creek Historic District as recommended by the Landmarks Commission and recommends approval of such Zoning Ordinance texts amendments as more particularly provided herein; and

**WHEREAS**, City Council has determined that the proposed amendments to the Zoning Ordinance regarding the creation of the Deuel Creek Historic District are consistent with the goals, objectives and policies of the Centerville General Plan, are harmonious with the character of existing development within the City, will not adversely affect properties within the City, are in the best interest of the City and the public to provide meaningful incentives for historic preservation and to celebrate the rich historic fabric of Centerville located within the District; and

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

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

**Section 1. Enactment.** Chapter 12-49 of the Centerville Zoning Ordinance creating the Deuel Creek Historic District is hereby enacted to read in its entirety as more particularly set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

**Section 2. Enactment.** Section 12-61-062 of the Centerville Zoning Ordinance regarding the Deuel Creek Historic District is hereby enacted to read in its entirety as follows:

**12-61-062. Deuel Creek Historic District.** The City hereby creates the Deuel Creek Historic District consisting of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street. Refer to Section 12-49, Deuel Creek Historic District, for further standards and detail.

**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. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

**Section 5. Effective Date.** This Ordinance shall become effective 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 15<sup>th</sup> DAY OF DECEMBER, 2015.**

**ATTEST:**

**CENTERVILLE CITY**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

By: \_\_\_\_\_  
Mayor Paul A. Cutler

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

**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, City Recorder

DATE: \_\_\_\_\_

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PUBLISHED OR POSTED this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

**Exhibit A**

Chapter 12-49 of the Centerville Zoning Ordinance  
Deuel Creek Historic District

## Chapter 12-49 – Deuel Creek Historic District

- 12-49-010. Purpose.
- 12-49-020. Scope.
- 12-49-030. Permitted and Conditional Uses.
- 12-49-040. General Requirements of Applicability.
- 12-49-050. Property Classification.
- 12-49-060. Property Owner Obligation.
- 12-49-070. Procedures.
- 12-49-080. Property Development Standards.
- 12-49-090. Incentive Criteria.
- 12-49-100. Incentives.

### 12-49-010. Purpose.

The purpose of creating the Deuel Creek Historic District, voluntary overlay, is to preserve the integrity and characteristics of the original townsite, while educating the community concerning Centerville's past.

### 12-49-020. Scope.

The Deuel Creek Historic District shall consist of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street.



**12-49-030. Permitted and Conditional Uses.**

All permitted and conditional uses as allowed within the respective underlying zones stated within Chapter 12-36 of this Title shall still apply to all real property within the Deuel Creek Historic District.

**12-49-040. General Requirements of Applicability.**

Development standards as pertaining to the individual underlying zone as stated within this Title, the Centerville City Code, or other laws and standards as set forth by the governing body, shall apply to all real property found within the Deuel Creek Historic District except to the extent such provisions are altered within this Chapter.

**12-49-050. Property Classification.**

(a) Historic Landmark Register. Highest recognition of an historic resource found within the Deuel Creek Historic Districts. Properties listed on the Official Historic Landmark Register shall be found on the National Register of Historic Places and are subject to the standards found in Section 12-61-050 of this Title in relation to additions, alterations and demolition criteria.

(b) Contributing Property. Any structure constructed 50 years in the past found within the Deuel Creek Historic District that contributes to the historic character of the district. This shall include all properties listed on the significant Historic Sites List as defined in Section 12-61-040 of this Title.

(c) Non-Contributing Property. This shall include all properties that do not contribute to the historic character of the district: structures older than 50 years that have been significantly altered as to not resemble the original appearance, new development constructed less than 50 years in the past and future development on vacant ground.

**12-49-060. Property Owner Obligation.**

The Historic Preservation Program within Centerville is considered voluntary. Nothing in this section shall be construed to prevent a property owner of record within the Deuel Creek Historic District from developing his or her property as allowed by the underlying Ordinances found in this Title. Properties as listed on the Historic Landmark Register shall be subject to Section 12-61-100 of this Title in relation to modifications and alterations, which shall be satisfied to participate in the incentives found in 12-49-100.

**12-49-070. Procedures.**

The Zoning Administrator, or designee, shall contact the applicant to ensure they are aware of the Deuel Creek Historic District Standards and Incentives as part of the review process for an exterior building permit.

**12-49-080. Property Development Standards**

These standards have been created to enhance the district area and generate continuity between contributing properties, non-contributing properties and new development. The standards are desirable, yet they are not mandatory. Property owners who do not wish to follow these guidelines shall not receive any incentives as stated within Section 12-49-100, and shall be subject to all applicable Zoning Standards, fees and governing laws found within this Title for standard development.

(a) Contributing Properties:

(1) Owner of a property considered Contributing as stated in Section 12-49-050, desiring to participate in the Incentive Program shall be subject to the approval standards found in Section 12-61-100(e) of this Title and may also participate within the incentive program as stated herein.

(2) This review shall take place at the time of building permit review with final incentive approval being made by the Zoning Administrator.

(b) Non-Contributing Properties and/or New Development:

(1) Owner of a property considered Non-Contributing as stated in Section 12-49-050, desiring to participate in the Incentive Program shall choose at least four of the following:

Design Standards:

- Façade material consisting of 80% of one of the following: brick, rock, wood, cement fiberboard. The remaining 20% shall consist of like material that is consistent with contributing properties
- Detached Garage *or*
- Garage setback from the front facing building line of the main structure at 18 feet
- Construction of a two-car garage, instead of 3-car garage or larger
- Front porch of at least 25 square feet
- Gable accents consistent with those found within the district

- A driveway curb cut no larger than 18 feet and driveway at its widest point at 20 feet
- Traditional exterior details (such as pillars, shutters, ornamental designs, etc.)
- Bay window
- Dormer windows
- Historic paint colors
- Other architectural features as found throughout the district (this criteria must include a photograph of the inspirational feature)

(2) This review shall take place at the time of building permit review with final incentive approval being made by the Zoning Administrator.

**12-49-090. Incentive Criteria.**

These incentives shall apply to all property owners of record that have met the above Property Development Standards for those properties designated under Property Classification as found within Section 12-49-050. Property owners who choose not to participate in the development standards shall not receive these incentives and shall be subject to all required Zoning Regulations and Standards as set forth in this Title and all other applicable standards and fees as set forth by the City.

- (a) All Incentives are for exterior projects only, such as:
  - (1) New development
  - (2) Alterations/additions
  - (3) General exterior repairs or rehabilitation that requires a building permit
- (b) All incentives shall be reviewed and approved by the Zoning Administrator.
- (c) A certificate shall be given to the property owner stating that the property has been allowed incentives based on the approved standards as stated in Section 12-49-080 and be placed with the building permit.
- (d) These incentives shall only be for those properties found within the Deuel Creek Historic District as specified in Section 12-49-020.
- (e) These incentives shall only apply to properties within the Deuel Creek District from the date this section was approved by the City Council and shall not be retroactive.
- (f) No incentives shall be given to property owners that have not completed all the required obligations as stated within this Section.

**12-49-100. Incentives.**

(a) Setback reduction. Setback shall be measured from the building line and a property or designated right-of-way line. Actual setback shall be determined by the property owner prior to approval of any setback reductions. Setback standards in relation to decks and patios shall still apply and follow standards found in Section 12-55-130(g) of this Title, except for approved front porches as indicated in this section.

- (1) Front Yard Setback: 20 Feet
- (2) Front Yard Setback from Porch: 15 Feet
- (3) Side Yard Setback (each side yard): 7 Feet
- (4) Street Side Setback: 18 Feet
- (5) Rear Yard Setback: 18 Feet

(b) Building Permit Review Fee Reduction. All applicants who meet the above criteria found in this Section shall be allowed a 25% reduction on the building permit review fees. This reduction shall only be allowed within the Deuel Creek Historic District for the purpose of encouragement of promoting the preservation of existing contributing properties and encouraging harmony between new and historic architectural and property designs.