

**CENTERVILLE CITY
ORDINANCE 2026-13**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 10.04
(PERMITS) OF THE CENTERVILLE MUNICIPAL CODE REGARDING THE
DEFERRAL OF PUBLIC IMPROVEMENTS AND SETTING FOR ADDITIONAL
STANDARDS AND CRITERIA FOR APPROVAL OF SUCH DEFERRALS**

WHEREAS, the City received an application from the resident requesting changes to Section 10.04.170 (Deferral of Public Improvements) of the Centerville Municipal Code to allow minor residential subdivisions of two lots or less to apply for a deferral of sidewalk improvements associated with the development; and

WHEREAS, the City Council desires to approve the requested change to Section 10.04.170 (Deferral of Public Improvements) of the Centerville Municipal Code to allow minor residential subdivisions of two lots or less to apply for a deferral of sidewalk improvements associated with the development, subject to additional amendments to relevant provisions regarding deferral of public improvements as more particularly provided herein; and

WHEREAS, the City Council finds the proposed amendments to the Centerville Municipal Code regarding deferral agreements is in the best interest of the City and the community to allow minor residential subdivision of less than two lots to be eligible to apply for deferral of public improvements if they comply with increased criteria and requirements as more particularly set forth herein; and

WHEREAS, all public notices have been provided as required by Utah law for Municipal Code amendments.

NOW THEREFORE, be it ordained by City Council of Centerville City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.04.150 Public Improvements Required” of the Centerville Municipal Code is hereby *amended* as follows:

AMENDMENT

10.04.150 Public Improvements Required

- (a) Duty to Install. Any person obtaining a permit or land use approval from the City hereunder to build or alter any structure or improvement upon a lot or parcel which is not improved by some or all required public improvements, such as asphalt, curbs, gutters, sidewalks, and sewage, stormwater, and flood control facilities, shall be required to install all such improvements ~~along the street frontage of said~~ for the lot or parcel in accordance with all construction standards, regulations, and applicable

ordinances of the City. No Certificate of Occupancy or Final Inspection shall be issued until all such required public improvements are complete and operable.

- (b) Duty to Repair. Any person obtaining a permit or land use approval from the City hereunder to build or alter any structure or other improvement upon a lot or parcel which is improved by public improvements, such as asphalt, curbs, gutters, sidewalks, and sewage, stormwater, and flood control facilities, shall be required to repair any damage to such improvements in accordance with all construction standards, regulations, and applicable ordinances of the City. No Certificate of Occupancy or Final Inspection shall be issued until all such public improvements are repaired.
- (c) Security. Applicants shall be required to enter into an Improvements Agreement acceptable to the City together with a bond providing sufficient security to insure installation, completion, ~~and/or~~ repair, and warranty of public improvements required herein ~~in Subsections (a) and (b)~~ and as more particularly set forth in CMC 10.04.160 (Improvements Agreement).
- (d) Deferral. In limited circumstances, upon the request of the applicant, the City may defer ~~or waive~~ the installation of any required public improvements or portion thereof in accordance with the provisions of CMC 10.04.170 (Deferral of Public Improvements).

SECTION 2: AMENDMENT “10.04.160 Improvements Agreement And Bond Required” of the Centerville Municipal Code is hereby *amended* as follows:

AMENDMENT

10.04.160 Improvements Agreement And Bond Required

- (a) Agreement and Bond. Prior to obtaining a permit hereunder, the applicant shall be required to enter into an Improvements Agreement acceptable to the City together with a bond providing sufficient security to insure completion of the permitted work and the installation, completion, ~~and/or~~ repair, and warranty of public improvements required to be installed and compliance with all Construction Code requirements and other applicable laws.
- (b) Form of Agreement. If the public improvements for the lot or parcel are not yet installed, the Improvements Agreement and associated bond shall be in substantially the same form and subject to the same conditions as set forth in CMC 15.04.090 (Security for Public Improvements) regarding security for public improvements for ~~within~~ subdivisions.
- (c) Use of Bond Funds. In the event the applicant fails to timely and fully install, complete, repair and/or replace said improvements, work or other Construction Code requirements in a satisfactory manner, the City may thereafter use the funds comprising the bond to cause the improvements, work or Construction Code requirements to be installed, completed, repaired and/or replaced.

- (d) Refund of Bond Funds. Any unexpended portion of the bond retained by the City, less 15% of the total cost to install, complete, repair and/or replace the improvements or work to cover overhead and administrative costs of the City, shall be refunded to the applicant upon timely and satisfactory installation, completion, repair and/or replacement of said improvements and work, and compliance with all other Construction Code requirements and applicable laws.
- (e) Insufficient Bond Funds. If the funds received from the bond are not sufficient to pay the total cost of completion, repair and/or replacement of the improvements, work and the 15% overhead fee, the applicant shall be obligated to pay to the City all deficiency amounts. If the public improvements are already installed on the lot or parcel, a bond shall be provided for any potential damage to the installed public facilities in an amount and form set forth in the City Fee Schedule.
- (f) Other Remedies. The City may pursue all civil and criminal legal remedies to ensure payment and/or reimbursement for deficient ~~deficiency~~ amounts.
- (g) Permits. Permit fees and any other fees or bonds required herein shall be paid to the City before a permit may be issued.

SECTION 3: ADOPTION “10.04.170 Deferral of Public Improvements ” of the Centerville Municipal Code is hereby *added* as follows:

ADOPTION

10.04.170 Deferral of Public Improvements (*Added*)

- (a) Request for Deferral. In limited circumstances, upon request of ~~the-an~~ applicant, the City may defer ~~or waive~~ the installation of any required public improvements or a portion of such public improvements when deemed appropriate in accordance with the provisions of this Section.
- (b) Application for Deferral. The applicant must submit a written application ~~request~~ for deferral of public improvements with the Public Works Director. Such written application ~~request~~ must include the following:
- (1) ~~Summary of the evidence in support of the request and analysis of the factors required to qualify for the deferral as set forth in Subsection (f);~~
 - (2) Name and address of applicant;
 - (3) Address, legal description, and parcel number of subject property;
 - (4) Zoning designation and primary use or proposed use of the subject property;
 - (5) Description of the specific type of public improvements to be deferred;
 - (6) Map of the location where the specific type of public improvements are to be deferred;
 - (7) Construction drawings showing the design and details of the public improvements to be deferred (in compliance with current City Standards and Specification and other applicable regulations);
 - (8) Aerial view of subject property and adjacent properties showing existing ~~infrastructure~~ public improvements of the type requested to be deferred located within 250 feet of the exterior boundaries of the subject property; and
 - (9) Aerial view of subject property and adjacent properties showing any public or private schools, churches, or public parks within 250 feet of the exterior boundaries of the subject property;
 - (10) Analysis of the factors required to qualify for the deferral as set forth in Subsection (f);
 - (11) Summary of the evidence in support of the request; and

- (12) Application fee ~~and professional services deposit~~ for deferral agreements as set forth in the City Fee Schedule.
- (c) Public Works Director Review. The Public Works Director shall review the application request for deferral of public improvements and confer with other departments or officials as deemed necessary. The Public Works Director shall thereafter prepare a Staff Report and recommendation to the City Council regarding the application for deferral request.
- (d) City Council Review. The City Council shall review and approve or deny the application for requested deferral of public improvements based on the factors set forth in Subsection (f). If approved, the City Council shall specify the type of public improvements approved for deferral and the location of such public improvements approved for deferral. Any decision to approve or deny an application for deferral of public improvements shall include findings in support of the decision.
- (e) ~~Payment of Costs or~~ Deferral Agreement. If the deferral is approved by the City Council, the property owner of record shall applicant shall pay his or her share of the costs of such future improvements according to the reasonable estimate of the City Engineer, or may enter into a Deferral Agreement satisfactory to the City assuring completion of said improvements upon the demand of the City. The Deferral Agreement shall be recorded against the subject property. Except as otherwise provided herein, no ~~No~~ permit shall be issued until ~~the appropriate costs required herein are deposited with the City or a~~ the Deferral Agreement has been executed between the parties and recorded against the property assuring the completion of such improvements upon demand of the City. If the applicant desires to start work on the project, the applicant can enter into an Improvements Agreement and post a bond for the estimated cost of the public improvements proposed for deferral while an application for deferral is being considered by the City. If the deferral is approved, the City may release the posted bond funds in accordance with bond reduction procedures.
- (f) No Temporary Certificate of Occupancy Required. No Temporary Certificate of Occupancy shall be required when the appropriate costs required herein are deposited with the City or a Deferral Agreement has been executed between the parties and recorded against the property for the deferral of specified public improvements.
- (g) Update to Zoning Map. If the application for deferral is approved, the City Recorder shall provide the GIS Specialist a copy of the recorded Deferral Agreement, and the GIS Specialist shall thereafter provide reference to the deferred improvements on the Interactive Zoning Map.
- (h) Required Factors for Deferral. In order to qualify for the deferral of public improvements, the City Council must determine that there is good cause for the deferral and that the application complies with the following requirements: The factors set forth herein are minimum requirements for deferral of public improvements and the City Council reserves the right to determine in its sole discretion whether there is good cause for the deferral.
- (1) The property is a legally conforming lot or parcel as defined and regulated by the Centerville Zoning Code and applicable provisions of CMC 15 (Subdivisions);
 - (2) The lot or parcel has frontage on a public street;
 - (3) ~~No street improvements exist on the same side of the street contiguous to the lot or parcel in one or both directions, unless otherwise approved by the City Council based on good cause, or the lot or parcel is in an area of the City specifically designated as an area where sidewalks are not required; and~~
 - (4) No public improvements of the type requested for deferral exist on the same street as the subject property in one or both directions within the same block or within 180 feet from the boundaries of the subject property, whichever is greater;
 - (5) The lot or parcel is not within a recorded subdivision and is not being created, ~~unless otherwise approved by the City Council based on good cause; provided, no deferral of improvements shall be allowed~~ as part of a new subdivision development, with the exception of a new minor residential subdivision consisting of two lots or less in the Residential-Low (R-L) Zone.
 - (6) If the application is for the deferral of sidewalks, the application shall comply with the following additional requirements:

- (A) The lot or parcel must be located within an area designated by the City where property owners are eligible to apply for deferral of sidewalks (as set forth in CMC 10.04.172);
 - (B) The lot or parcel must be located on a minor residential street where the speed limit is 25 mph or less;
 - (C) The lot or parcel must not be located adjacent to a public or private school, church, or public park;
 - (D) The primary or proposed use of the lot or parcel must not include a public or private school, church, civic use, or public park.
- (i) Regulations for Deferral. The following regulations and restrictions shall apply to any approved deferral of public improvements.
 - (1) The applicant must provide with the application for deferral construction drawings showing the design and location of the deferred public improvements in accordance with current City Standards and Specifications as if the deferred improvements were going to be installed with the project.
 - (2) The construction drawings for the deferred improvements shall be reviewed by the City Engineer to confirm the design and drawings meet current City Standards and Specification and other regulations.
 - (3) All other public improvements for the lot or parcel shall be designed and installed in accordance with current City Standards and Specifications and other applicable regulations.
 - (4) If the approved deferral is for the deferral of sidewalk improvements, the following additional regulations and restrictions shall apply:
 - (A) The construction drawings shall show the design and location of the deferred sidewalk improvements in compliance with the current standard drive approach design requirements, in addition to all other City Standards and Specifications.
 - (B) No improvements other than those permitted in public parkstrips shall be installed or permitted to exist by the property owner in the area where the sidewalk would be installed and such area shall be maintained by the property owner in accordance with applicable City parkstrip standards and restrictions.
- (j) Veterans and First Responder Expedited Application Procedure. A veteran or service member of the armed forces or any public safety first responder that sustains a service connected disability that requires adjustment to his or her primary residence as a result of the service connected disability, shall be eligible for an expedited review and approval process for any request for deferral application as provided herein. The veteran, service member or first responder shall provide sufficient evidence of applicable employment status, service connected disability, property ownership and primary residence status with the written request for deferral application.
 - (1) For purposes of this Section, “veteran or service member of the armed forces” shall include any veteran or service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or the reserve component of any such forces. For purposes of this Section, “public safety first responder” shall include any law enforcement officer or fire safety personnel of any city, county, local district, or other governmental agency.
 - (2) In order to qualify for this expedited process, the veteran, service member, or first responder applying for the deferral agreement must have sustained a service connected permanent disability. The home or residence must be in the veteran, service member or first responder’s name and must be his or her “primary residence” defined as the principal place where one actually lives.
 - (3) Any veteran or service member of the armed forces or any public safety first responder that sustains a service connected disability that requires adjustment to his or her primary residence as a result of the service connected disability, shall be eligible for an expedited review and approval process for deferral agreement applications allowing for final approval of such application by the City Manager (rather than having to go to the City Council for final approval). All other application requirements and procedures set forth in this Section shall apply. The Public Works Director shall still conduct the applicable

review of the application and provide a recommendation to the City Manager in accordance with the provisions of Subsection (b). The City Manager shall thereafter conduct the final review and approval of the application based on the factors set forth in Subsection (f) and shall be authorized to enter into the deferral agreement on behalf of the City.

- (4) Any veteran, service member, or first responder adversely affected by a final decision of the City Manager under this Subsection (g) regarding the approval or denial of a deferral agreement application may appeal such decision to the City Council by filing a written appeal to the City Recorder within 30 days from the date of the City Manager's decision. The appeal to the City Council shall be expedited to the extent feasible.

SECTION 4: **ADOPTION** “10.04.172 Sidewalk Deferral Area” of the Centerville Municipal Code is hereby *added* as follows. The Sidewalk Deferral Area Map is set forth in Exhibit A, attached hereto and incorporated by reference.

ADOPTION

10.04.172 Sidewalk Deferral Area (*Added*)

Property located within the Sidewalk Deferral Area described herein shall be eligible to apply for deferral of sidewalk improvements in accordance with CMC 10.04.170. All other properties within the City shall not be eligible to apply for deferral of sidewalk improvements and facilities. The Sidewalk Deferral Area is defined as that area east of Main Street to the eastern City boundary between Parrish Lane and Porter Lane. The Sidewalk Deferral Area is more particularly shown on the [Sidewalk Deferral Area Map](#), as shown in the link or on the City website.

SECTION 5: **REPEALER CLAUSE** All resolutions, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 6: **SEVERABILITY CLAUSE** If any section, part, or provision of this Resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution, which shall remain in full force and effect.

SECTION 7: **EFFECTIVE DATE** This Resolution shall become effective immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

SECTION 8: **PUBLICATION** The City Recorder shall cause this Resolution to be recorded in the Centerville book of resolutions and posted or published in accordance with Utah law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 21st DAY OF APRIL, 2026.

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	Abstain
Councilmember Bangerter	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Hayman	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>
Councilmember Hirst	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>
Councilmember Mecham	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Plummer	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the Utah Code § 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 as required by law.

Jennifer Robison
JENNIFER ROBISON, City Recorder

DATE: 4/21/2026

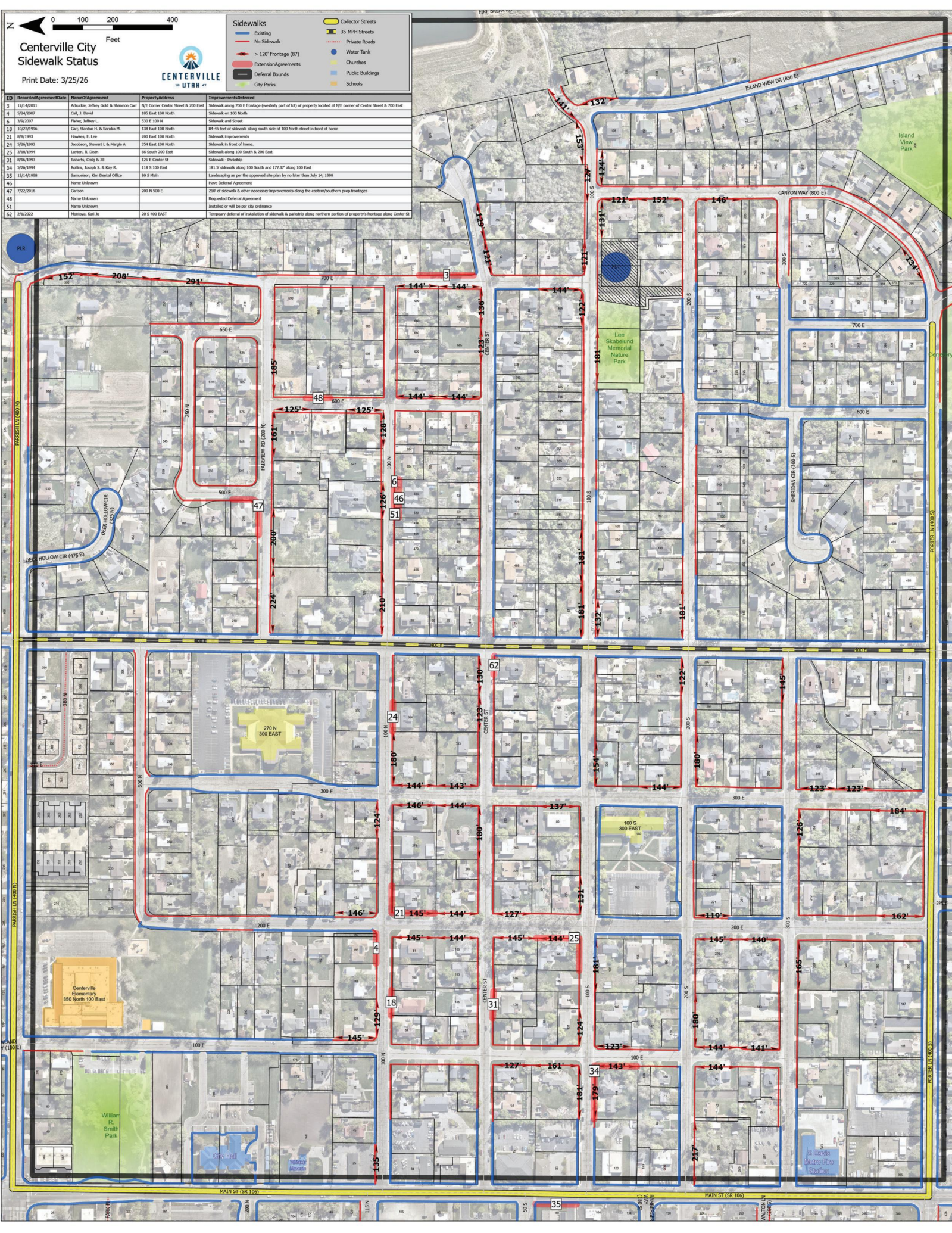
RECORDED this 29th day of April, 2026.

PUBLISHED OR POSTED this 29th of April, 2026.



Exhibit A

Sidewalk Deferral Area Map



Centerville City Sidewalk Status

Print Date: 3/25/26



- Sidewalks
 - Existing
 - No Sidewalk
 - > 120' Frontage (87)
 - Extension/Agreements
 - Deferral Bounds
- Streets
 - Collector Streets
 - 35 MPH Streets
 - Private Roads
 - Water Tank
 - Churches
 - Public Buildings
 - Schools

ID	Recorded/Agreement/Date	Name/Address	Property/Address	Improvements/Deferred
3	12/14/2011	Arbuckle, Jeffrey Gold & Sharon Carr	N/E Corner Center Street & 700 East	Sidewalk along 700 E frontage (southern part of lot) of property located at N/E corner of Center Street & 700 East
4	5/24/2007	Carl, J. David	185 East 100 North	Sidewalk on 100 North
5	1/19/2007	Fisher, Jeffrey L.	120 E 100 N	Sidewalk and driveway
6	10/22/1996	Gray, Sharon H. & Sandra M.	128 East 100 North	84-45 feet of sidewalk along south side of 100 North abut in front of home
21	8/6/1993	Hawkins, E. Lee	200 East 100 North	Sidewalk improvements
24	5/26/1993	Jacobson, Stewart L. & Margie A.	204 East 100 North	Sidewalk in front of home.
25	3/18/1994	Laplan, R. Dean	66 South 200 East	Sidewalk along 100 South & 200 East
33	9/10/1999	Marble, Craig & Bill	128 S Center St	Sidewalk - frontage
34	12/26/1994	Reilly, Joseph S. & Kay R.	118 S 100 East	181.5' sidewalk along 100 South and 177.37' along 100 East
35	12/14/1998	Semmler, Kim Dental Office	80 S Main	Landscape as per the approved site plan by no later than July 14, 1999
46		Name Unknown		Have Deferral Agreement
47	7/22/2016	Carlson	200 N 300 E	210' of sidewalk & other necessary improvements along the eastern/southern prop frontages
48		Name Unknown		Requested Deferral Agreement
51		Name Unknown		Deferred as well as per city ordinance
62	3/1/2022	Montoya, Karl Jo	20 S 400 EAST	Temporary deferral of installation of sidewalk & parkway along northern portion of property's frontage along Center St