

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, JUNE 26, 2013, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. This agenda is also posted on the City's website: www.centervilleut.net.

Tentative - **Time:**

- | | | |
|------|----|--|
| 7:00 | A. | Welcome and Roll Call |
| | B. | Opening Comment / Legislative Prayer |
| | C. | Minutes Review and Acceptance for June 12, 2013 |
| | D. | Commission Business |
| | | |
| 7:05 | 1. | PUBLIC HEARING CHITOSE JOHNSON SUBDIVISION 200 EAST 1200 SOUTH
Consideration of a preliminary and final subdivision plan for the Chitose Johnson Subdivision, located on Lot 2 of the Bangerter Subdivision, 200 East 1200 South, in the R-M Zone. Ron Marshall, Maple Hills Realty, Applicant |
| | | |
| 7:25 | 2. | PUBLIC HEARING CODE TEXT AMENDMENT CHAPTER 12-23, ENFORCEMENT
[Postponed from June 12, 2013 Meeting]
Consideration of a zoning code text amendment for Chapter 12-23, Enforcement, to bring the code enforcement procedures for zoning violations in line with the procedures the City uses for other civil code enforcement. Centerville City, Applicant |
| | | |
| 7:45 | 3. | TRAINING FOR COMMISSIONERS
Review legislative changes, by City Attorney, Lisa Romney |
| | | |
| 8:05 | 4. | DISCUSSION ONLY ACCESSORY DWELLING UNITS (ADU's)
Discussion of accessory dwelling units and their uses |
| | | |
| 8:25 | 5. | COMMUNITY DEVELOPMENT DIRECTOR'S REPORT
a. Upcoming Meetings <ul style="list-style-type: none">• PC Meeting July 10, 2013: Chase Lane Culinary Water Pump House Final Site Plan & Conditional Use Permit; Woods Park Final Subdivision; 1872 North Main Subdivision Conceptual Plan; Legacy Crossing Office Building Conditional Use Permit for height of building |
| | | |
| 8:30 | E. | Adjournment |

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, June 12, 2013

7:00 p.m.

A quorum being present at Centerville City Hall, 250 North Main Street, Centerville, Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

MEMBERS PRESENT

Tamilyn Fillmore

David Hirschi

Brian Holman

Scott Kjar, arrived 7:30 pm

Kevin Merrill, Chair

Debra Randall

MEMBERS ABSENT

Steven Markham

STAFF PRESENT

Corvin Snyder, Community Development Director

Brandon Toponce, Assistant Planner

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

VISITORS

Interested Citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Holman

MINUTES REVIEW AND APPROVAL

Minutes of the Planning Commission meeting held May 22, 2013 were reviewed and amended. Commissioner Hirschi made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Randall and passed by unanimous vote (4-0).

PUBLIC HEARING | KING COMMERCIAL DEVELOP | 330 WEST PARRISH
Consideration of a conceptual site plan and subdivision for the King Commercial
Development, located on Lots 2 & 3 of the Parrish Park Subdivision, 330 West Parrish
Lane, in the C-VH Zone. Eldon Haacke, Terraform Co., Applicant.

Brandon Toponce, Assistant Planner, reported the owner of the Good Spray Car Wash and Subway are proposing to create the King Commercial Development, consisting of 3 lots. The east lot would remain with the existing Subway, the center lot would become a Beans and Brew, and the final west lot would be a Jiffy Lube. All three uses are consistent with the goals of the General Plan and are permitted in the Commercial-Very High Zone. All three buildings will front Parrish Lane with parking at the rear and sides of the lots. All three buildings appear to meet applicable development standards. The applicant still needs to submit building heights and verify appropriate car stacking on the Subway site. The site plan shows only three stacked cars and ordinance requires five. The proposed 3-lot subdivision will share parking and access. The two existing drive accesses, one on Lot 1 (Subway) and one on Lot 3 (Jiffy Lube) will remain. No additional drive access will be cut for Lot 2, Beans and Brew. The applicant has submitted some general landscaping ideas, but will be required to submit a detailed landscape plan with actual locations, plant types, irrigation, and percentages, including compliance with Parrish Lane Design Guidelines at final approval. The site plan shows appropriate dumpster locations, but no details on the dumpster enclosures. This will need to be submitted with final site plan approval. All roof mounted equipment will also need to be appropriately screened. The proposed subdivision is subject to the Parrish Lane Design Standards, including enhanced architecture, articulation, color schemes, lighting, pedestrian circulation, and pedestrian amenities. A pedestrian connection to Subway will need to be added and staff suggests benches, tables, chairs or other pedestrian amenities are included on each lot. The applicant will also be required to maintain proper drainage across all three lots to be reviewed and approved by the City Engineer. The applicant will also be required to show all easements on the plat and bond for needed improvements. Since this is a relatively simple subdivision, staff recommends the preliminary and final approvals be reviewed and approved together.

Commissioner Hirschi asked for clarification on the elevation changes between the three lots. He also questioned how the three lots will drain.

Commissioner Fillmore said she frequents Subway and believes the curb cut to Subway is too narrow. She would like to see this curb cut widened. It is already difficult to drive the Subway access and parking lot. More traffic will not help this problem. She suggested changing the location of the second access by cutting an access into Lot 2. She said she strongly encourages pedestrian access and pedestrian amenities. She said outdoor seating at Subway would be nice. She also suggested changing the diagonal parking at the Subway to face straight, i.e., east west. She said perhaps there are better options for access, parking, and circulation.

1 Eldon Haacke, applicant, said the building heights will not exceed 25 feet (35 feet
2 maximum allowed), there will be 50 shared parking stalls (only 37 required), and landscaping is
3 calculated at 16.5% (only 15% required). He said all landscaping details will be submitted as
4 required. He explained there is a 2-foot drop in elevation between Lot 1 and Lot 3. This will be
5 graded with a gradual slope. All drainage will be tied together and will likely drain to the west.
6 All drainage plans will be approved by the City Engineer as required. He said they have been
7 working on this project for the past fourteen months and have run through six (6) different site
8 plans including placing the buildings off the street and eliminating the angled parking at Subway.
9 He said the proposed plan is the best for access, parking, and circulation. He said UDOT has
10 been a part of this process and will not allow any additional curb cuts on Parrish Lane. The
11 Subway access can and will be widened but cannot be moved. UDOT requires this access to
12 remain in-line with the Wal-Mart access across Parrish Lane to the south. He said the Subway
13 building will not be changed. He explained the parking and circulation patterns as depicted on
14 the site plan. Subway will have two additional parking stalls added to their west side and the
15 drive isles will be widened. He said there is enough room to stack 5 cars as required and
16 distributed a new site plan showing this. He said benches, tables, and/or chairs will be included
17 on site for pedestrians. He said pedestrian access is a challenge. Originally a stamped, colored
18 concrete pedestrian pathway was anticipated from the sidewalk on Parrish Lane to the Subway,
19 however any pedestrian pathway would cross traffic and it was taken out for safety. He said they
20 are happy to add it back in if required, but he is unsure of the best location. He explained the
21 shared access and parking will be covered by appropriate covenants and restrictions. He also
22 distributed a new elevation picture for the Beans and Brew pointing out the modern look with
23 rock.

24
25 Chair Merrill opened the public hearing.
26

27 Jeff Hansie said he is the current Subway franchisee. He is concerned with the proposed
28 site plan and is concerned it may negatively affect his business. He said he is concerned for the
29 safety of his customers. He agreed the parking and circulation on the Subway lot is already
30 limited and the proposed plan takes 12 parking stalls away. He is concerned sharing this access
31 and parking with two other businesses will only accentuate the problem. He is concerned with
32 the proposed circulation pattern. Traffic coming from the drive-thru of the Beans and Brew and
33 traffic from the drive-thru of the Subway could easily conflict causing congestion and even
34 collisions as they compete for ingress/egress. He suggested rotating the Beans and Brew building
35 90-degrees, moving the parking and changing the circulation pattern. He said reality for Subway
36 is a car stack of 7 to 8 cars, not 5. This will further hinder circulation and cause problems with
37 the angled parking on the east. He also agreed that a pedestrian access that crosses traffic is not
38 safe and he would not recommend it. He said currently the Rays Muffler to the east drains west
39 to Subway and continues on to 400 West. He suggested the drainage pipe be increased if two
40 additional buildings will be draining into the same system. He also expressed concern with

1 widening the curb cut at Subway. He said their pole sign is located near this access and he does
2 not want to have to move it or have it interfere with traffic.

3
4 Kelly King, property owner, said he owns the Good Spray and vacant lot intended for the
5 Beans and Brew. He appreciates Subway and is willing to work with them regarding concerns.
6 He said it was he who installed parking on the west side of Subway for the benefit of Subway
7 and also grassed the vacant site as required by the City. He said they had a building approved for
8 this vacant lot in the past but because of parking and circulation issues was unable to complete
9 the project. The parking for this site has always been intended to be shared.

10
11 Chair Merrill closed the public hearing.

12
13 Mr. Haacke explained two new dumpster sites will be installed and the Subway dumpster
14 will remain. All dumpsters will be enclosed as required with CMU block painted to match the
15 buildings and landscaped appropriately for buffering. He said they plan to maintain the pole sign
16 on the Subway property and add additional landscaping around it. He said there is a 25-foot
17 clearance on the Subway site for 2-way traffic as required by City ordinance. He said it makes
18 more sense to have the buildings front Parrish Lane which actually allows for better traffic
19 circulation. Flipping buildings will only interrupt traffic flow. There are some inherited parking
20 and circulation problems on the Subway site, but the proposed plan will allow appropriate traffic
21 flow. He said they may be taking 12 parking stalls away from the site, but they are adding 50
22 which can be shared by anyone within the subdivision. He said Subway could easily ask their
23 employees to park in stalls at the Jiffy Lube or Beans and Brew leaving their parking open for
24 customers. He also said most Beans and Brew traffic will be drive-thru leaving most the parking
25 available.

26
27 Cory Snyder, Community Development Director, said he is not comfortable with
28 designing a pedestrian access that crosses traffic and/or drive-thru lanes of the Subway site. He
29 explained the Parrish Lane Design Guidelines encourage shared situations, which this plan
30 incorporates. He said the existing pole sign falls under non-conforming rights. The plan to
31 integrate the pole sign into landscaping meets City standards. He explained for the project as a
32 whole, the parking, car stacking, and circulation pattern also meet City standards. There is
33 sufficient width for the 2-way traffic and the one-way traffic as proposed. Although the site plan
34 may seem congested, the Planning Commission cannot expect more than required. This is not a
35 conditional use permit. With respect to the added stacking scheme submitted this evening, he
36 said he is not fully prepared to make recommendations as he would need to review the current
37 plan first. The plan submitted at the time of application does meet City standards and is only a
38 conceptual approval. Many details can change from now until final approval. If the Planning
39 Commission feels they need more information before making a decision this item could be
40 tabled. However, staff believes the proposed plan is sufficient to meet applicable ordinances.

1 Lisa Romney, City Attorney, said the revised site plan and building elevations submitted
2 this evening are not the plans that are being reviewed this evening. The plans and elevations
3 submitted at the time of application are those the Planning Commission is to review. She agreed
4 the Planning Commission could table this issue until staff has time to review the new plans or the
5 Commission can go ahead and approve what is on the table as it has been reviewed by staff
6 against City ordinances. Any new issues can be addressed during the final approval process. She
7 said conceptual approval is a broad overview and she believes the Planning Commission could
8 approve the overall concept and the details can be reviewed at final.

9
10 Commissioner Fillmore agreed the Commission should limit themselves to the literal and
11 simple interpretation of ordinances and review this application appropriately. However, she feels
12 her hands are tied more than she is comfortable with. She said the City encourages shared access
13 and parking, but in this particular situation, it also encourages pedestrians to walk through heavy
14 traffic. It seems careless not to provide a way for those pedestrians to cross safely. In the very
15 least a pedestrian crossing will inform vehicles that pedestrians are likely. She said she is not
16 comfortable approving this proposed plan until these safety issues are addressed. She said she
17 would also like to see a requirement that deals with the reality for car stacking. She would prefer
18 a study to show how many stacked cars should be accommodated specific to Subway, instead of
19 using a textbook number.

20
21 The Commission discussed the issues of circulation, building orientation, parking, and
22 pedestrian crossings at length. Many of the Commission members expressed concern with the
23 proposed layout, but also agreed the proposed plan does meet City ordinances.

24
25 Commissioner Fillmore made a **motion** for the Planning Commission to approve the
26 conceptual subdivision plat for the King Commercial Development located at 330 West Parrish
27 Lane, with the following conditions:

28
29 **Conditions:**

- 30 1. All utility improvements, easements and drainage shall be depicted on the preliminary
31 plat and be reviewed by City staff as part of the preliminary/final subdivision review
32 process.
- 33 2. Utility provider sheets shall be submitted indicating that all utility companies can
34 provide adequate service.
- 35 3. A bond shall be assessed by the City Engineer for any related improvements and
36 posted by the applicant as part of the final approval.
- 37 4. The preliminary and final site plan application shall be submitted simultaneously and
38 meet all applicable requirements found within Title 15-3 and 15-4 of the Subdivision
39 Ordinance.

Reasons for the Action:

1. The conceptual subdivision is in harmony with the General Plan [Section 12-480-2(1)(c)(1), 12-420-2].
2. All applicable standards for a conceptual subdivision review have been satisfied [Title 15-2].
3. Since 2 lots are already created and the division of land is only adjusting lot lines to add one additional lot, the request to combine the preliminary and final subdivision applications together is deemed appropriate.

The motion was seconded by Commissioner Holman and passed by unanimous roll-call vote (6-0).

Commissioner Fillmore made a **motion** for the Planning Commission to **table** the conceptual site plan approval and request further information and study regarding a safe pedestrian access to Subway and the actual number of stacked cars needed to accommodate Subway's business. The motion was seconded by Commissioner Randall.

Commissioner Kjar said he shares the concerns regarding safety and car stacking, but is more concerned with the width of the east ingress/egress. However, if the site plan meets City ordinances he is unsure it is appropriate to hold up the conceptual approval.

Chair Merrill said the pedestrian safety issues have existed on the Subway site for some time, but agrees the conceptual site plan approval should not be held up. He also agreed it would be beneficial for Subway to encourage employees to park off-site.

Commissioner Holman questioned if there has been a study regarding pedestrian pathways? Is this why they are encouraged on Parrish Lane? Mr. Snyder said there has not been a specific study done for Parrish Lane, but pedestrian pathways are a "shall" within the Parrish Lane Design Guidelines.

Chair Merrill called for a vote on the motion to table. The motion failed with a roll-call vote (3-3). Chair Merrill and Commissioner's Hirschi and Kjar opposed.

Conceptual Site Plan

Chair Merrill made a **motion** for the Planning Commission to accept the conceptual site plan for the King Commercial Development located at 330 West Parrish Lane, with the following conditions:

Conditions:

1. Stacked parking in relation to Subway shall be reevaluated to ensure the required 5 stacked parking stalls.
2. A landscaping plan shall be submitted with the final site plan, following all applicable standards found in Chapter 12-51 and Chapter 12-63 of the Zoning Ordinance and shall depict the following detail:
 - a. Location and type of all vegetation
 - b. The total number of trees and shrubs
 - c. Overall landscaping and parking lot percentages
 - d. An irrigation plan
 - e. A undulated berm shall be designed along all street frontages that is 15 feet wide and 2 feet tall
 - f. Depiction of a landscaping theme throughout the site that may include, rock features, types of gravel, or specific shape of planting beds.
 - g. Vegetation around all walkways should be emphasized.
 - h. At least 25% of groundcover shall be in grass or other high water plants.
3. All pedestrian pathways that cross through vehicular areas shall be stamped-colored concrete.
4. A pathway from Subway to the sidewalk shall be included on the final site plan drawings.
5. Screening detail shall be depicted as part of the final site plan submittal, indicating that all ground and roof-mounted equipment have been properly screened from view.
6. Detail concerning the dumpster enclosures shall be indicated on the final site plan and meet the requirements found in Section 12-51-110 of the Zoning Ordinance.
7. Public amenities, such as benches or tables and chairs should be considered to enhance the pedestrian experience.
8. A lighting plan shall be submitted indicating all building, parking lot and pedestrian lighting. Wall lighting should be decorative in nature to enhance the architectural building design.
9. Streetscape Standards such as street trees and pedestrian lighting shall be depicted on the final site plan and shall meet the required City Standards.
10. All easements and utilities shall be shown on the final site plan.
11. Proper drainage and grading, meeting all applicable City Standards, shall be depicted on the final site plan for review and approval by the City Engineer.
12. A bond shall be established for all onsite improvements by the City Engineer and posted by the applicant prior to receiving any building permits.
13. All proposed signage shall be depicted on the final elevation drawings.
14. A storyboard shall be submitted with the final site plan application depicting all colors and materials to be used on the proposed building.

15. The applicant shall submit a final site plan application in accordance with Section 12-21-100 of the City's Zoning Ordinance, which shall be subsequently reviewed and approved by the Planning Commission.

16. The applicant shall receive subdivision approval prior to receiving any building permits.

17. All related professional services fees shall be paid to Centerville City.

Reasons for Action:

1. A complete conceptual site plan application has been submitted [Section 12-21-110(d)(1)].

2. The proposed uses of specialty retail, vehicle repair limited and a fast-food restaurant is allowed within the C-VH Zone [Chapter 12-36].

3. With the above conditions being address, the proposed development will meet the Parrish Lane Guidelines [Chapter 12-63].

4. A final site plan shall be required prior to any onsite construction taking place [Section 12-21-110(e)(1)].

The motion was seconded by Commissioner Hirschi.

Commissioner Fillmore made a **motion to amend** to add the following conditions:

18. The applicant shall address concerns with width of the east ingress/egress drive access and sufficiency of drive lanes and car stacking.

19. A more thorough review of pedestrian safety at Subway and show possible pedestrian pathway options.

The motion to amend was seconded by Commissioner Hirschi and passed with a unanimous roll-call vote (6-0).

Chair Merrill called for a vote on the original motion as amended. The motion passed with a unanimous roll-call vote (6-0).

PUBLIC HEARING | WOODS PARK SUBDIVISION | 690 WEST 2400 NORTH
Consideration of a preliminary subdivision plan for the Woods Park Subdivision, 29
building lots, located at approximately 690 West 2400 North, in the R-L(PD) Zone. Alan
Prince, Prince Development, Applicant.

At 8:35 p.m. Commissioner Holman was excused.

1 Cory Snyder, Community Development Director, reported the applicant is seeking
2 preliminary subdivision approval for a Planned Development Overly (PDO) project. The
3 Planning Commission is to review the application against the conceptual approval previously
4 granted. Staff suggests the Planning Commission focus on the following five (5) issues:

- 5
- 6 • Adequacy of providing pathway connections from the interior of the development to
7 the landscape detention area and the Frontage Road sidewalks.
- 8 • Adequacy of reducing congested driveway (i.e., amount of impervious surface) areas
9 for Lots 1-3 and Lots 19-21 to improve front yard green space and appearance for
10 these units.
- 11 • Adequacy of addressing the rear elevation design expectations.
- 12 • Adequacy of providing increased architectural interest and detail on the perimeter
13 fencing facing the roads.
- 14 • Expectations regarding development schedule indicating when the project will begin
15 construction and estimated timeline for build out.
- 16

17 Mr. Snyder explained the preliminary plan shows a contiguous outer perimeter sidewalk
18 system. Previously the sidewalk did not connect to Lund Lane nor extend the distance of the stub
19 road to the east. He explained the driveways have been paired to maximize green space. A shared
20 driveway system was discussed to minimize hard surface even further, but staff and the applicant
21 felt this could introduce issues among individual property owners. The applicant has provided
22 pictures showing possible rear elevation elements and landscaping. Is this sufficient to provide
23 the necessary buffer and street appeal? Mr. Snyder reviewed the proposed fence along Lund
24 Lane. The applicant proposes to include jogs in the fence where shrubs and trees will be planted
25 to help break up the long stretch of fencing. Trees will also be planted in the park strip to provide
26 additional visual breakup. The fence is proposed to be vinyl. The Planning Commission
27 discussed the possibility of precast fence at the base, but staff believes this would be lost in the
28 shrubs and plantings. Mr. Snyder also reviewed the development schedule. The project will be
29 sold to Henry Walker Homes who will complete the build out. All public improvements and
30 landscaping will require a bond.

31

32 Commissioner Fillmore agreed that shared driveways would be difficult for property
33 owners. She shared pictures of driveways with significant amounts of hard surface and
34 driveways with minimal hard surface. She recommended the applicant pave only what is
35 necessary. She suggested keeping curb cuts to a 2-car maximum and those homes with 3-car
36 garages could angle the hard surface to meet that width after the curb cut. She also questioned
37 the allowance for decks/patios. Are covered decks/patios allowed and will they be calculated as
38 part of the rear yard setback? She also asked if out buildings are permitted.

39

1 Mr. Snyder said covered deck/patios or any deck/patio higher than 30-inches will be
2 included in the rear yard setback. If the deck/patio is not covered or is under 30-inches then it
3 will not be included in the rear yard setback requirement.
4

5 Alan Prince, applicant, agreed with the suggested minimal hard surface on driveways.
6 He also agreed that shared driveways are not a good option. He explained the original plan for
7 this project included 30 lots, but in order to accommodate driveways and maximize green space
8 the project now has only 29 lots. He explained the studies that have been done regarding the
9 water table and floodplain and the extensive drainage system that will be installed. He distributed
10 a list provided by Henry Walker Homes regarding rear elevation elements including shutters,
11 window trim, door trim, deck, porches, window pop outs, hardi-board, cement patios, shake
12 siding, lighting, bay windows, bay doors, diversity in roof elevation, and diversity in rear wall.
13 Henry Walker is willing to include some rear elevation elements as listed on each home, but no
14 home will include all elements. These homes will be identical to the Henry Walker development
15 just to the north in Farmington. He said this project is turning out to be nicer than he ever
16 imagined or anticipated. He reviewed the proposed fence along Lund Lane. This fence will be
17 staggered and will include significant landscaping and trees. The fence will be a combination of
18 lattice and solid vinyl, most likely taupe in color. The fence will angle behind lots 2, 3, 8, and 19
19 and include increased landscaping. There will be no side yard fencing. He estimated the build out
20 to be between two and three years, but explained he is not the builder and cannot say for sure. He
21 said one accessory building per lot is allowed at a maximum of 10 feet by 10 feet and will have
22 materials congruent with the home. He explained he is accepting of the covered deck/patio being
23 part of the rear yard setback, but asked if an allowance could be granted regarding the 30-inch
24 restriction because there are some lots that can accommodate walk-out basements. He also
25 explained the roads, garbage and street lighting will be maintained by the City.
26

27 Chair Merrill opened the public hearing. There was no comment, he closed the public
28 hearing.
29

30 Mr. Snyder said he thinks the new fence design is acceptable, but also believed a simpler
31 straight fence with landscaping would also be acceptable. He suggested the Planning
32 Commission require a minimum number of rear elevation elements per home. Perhaps four or
33 five from the list provided. He agreed with a maximum driveway cut and minimizing hard
34 surface. He said an allowance for walk-out basements can be discussed during the final approval
35 process. He said the homes are smaller than the building pads and it may be possible to fit a
36 deck/patio within those current building pads. He would like to work with the applicant on this
37 option.
38

39 Chair Merrill said he likes the fencing as proposed and agreed with variations and
40 enhancements to the rear architecture on homes facing the public streets. He likes the elimination

1 of the side yard fencing. This will help create a bigger, more open feel to the project. He also
2 agreed with single driveways, not shared.

3
4 Commissioner Fillmore agreed with requiring a minimum number of rear architectural
5 elements for each home, including one change in material above the fence line. She suggested
6 setting a maximum curb cut for both the 2-car garage homes and the 3-car garage homes. She too
7 likes the proposed fencing and agreed with a mix of lattice and solid vinyl. She suggested the
8 solid vinyl for the straight runs and lattice in the pop-outs.

9
10 Commissioner Hirschi suggested the fence be made of one color throughout. He has seen
11 some vinyl fences with the color on the exterior only. Once these fences have weathered the
12 different interior color shows through.

13
14 Commissioner Fillmore made a **motion** for the Planning Commission to approve the
15 preliminary subdivision plans for the proposed Woods Park Subdivision, subject to the following
16 conditions:

17
18 ***Conditions:***

- 19 1. A final subdivision application and plans shall be submitted, within one (1) year, in
20 accordance with the requirements of Title 15, Subdivisions and of Title 12-Zoning
21 Ordinance.
- 22 2. The final plat and plans shall reflect the design, layout and all related items, as
23 presented with the preliminary plan submittal, except as modified with the conditions
24 of preliminary subdivision approval.
- 25 3. Such final plat and plan submittal shall also be subject to all terms and conditions of
26 the conceptual plan and the applicable Development Agreement associated with the
27 Wood Park Development.
- 28 4. The final plat and plans shall also address the following:
 - 29 a. The City Engineer's request for two (2) sidewalks easements outside the right-of-
30 way to provide internal connections to Lund Lane (east side entrance and to a
31 future road north side of east street stub).
 - 32 b. The City Engineer's requests that fencing in the side yard areas be eliminated and
33 just allow fencing in the rear yards of the homes. A note on the final plat shall be
34 provided to call out this restriction.
 - 35 c. The City Engineer's request to straighten and align pedestrian crossings to
36 facilitate future road maintenance.
 - 37 d. Provide a reference note on the final plat indicating the development is subject to
38 a PDO approval and all homes are to comply with such architectural
39 requirements.

- e. The side yard setback corrected to 5 feet for each lot, for a combined total of 10 feet between homes.
 - f. Provide a plat note addressing the use of detached accessory buildings.
 - g. The applicant shall address the driveway cut width to be a maximum of a 2-car width and to reduce the hard surface to a minimum allowable on the 3-car driveway plans.
 - h. Tonight, the applicant submitted a list of rear elevation architectural design elements. The Planning Commission expects a commitment that each rear elevation has a minimum of four (4) architectural design elements with at least one of those being material variation above the fence line.
 - i. The pop-outs along the fence on Lund Lane are adequate. The Planning Commission prefers the fence be of colored vinyl and requires that color to be solid throughout the material.
 - j. Deck setbacks shall meet City standards. The applicant may address use of uncovered decks for modification review.
5. The final plat submittal shall also address the needed drainage system improvements to properly manage the anticipated creek flow and flood waters, as recommended by the City Engineer. Any needed amendments to the related Development Agreement shall be prepared at the time of final plan and plat submittal.
 6. The developer shall remain responsible for payment of all outstanding professional service fees related to the review of the preliminary subdivision plans.

Reasons for the Action:

- a) The Commission finds that the preliminary subdivision plan is to comply with the terms and conditions of Woods Park PDO Zone Map Amendment and associated Conceptual Plan acceptance that was approved in April of 2013.
- b) The Commission finds that the terms and conditions of the preliminary approval are consistent with this related PDO approval.
- c) The Commission finds that the conditions of the preliminary plan approval, subject to terms and conditions of the PDO, are consistent with the requirements for preliminary subdivision review [Section 15-3-103].
- d) The Commission finds that there is a discrepancy with the downstream drainage improvements, as identified by the professional engineers. Thus, additional conditions are required to ensure proper mitigation of creek flow and flood waters with the final subdivision plans and plat.

The motion was seconded by Commissioner Hirschi.

Chair Merrill made a **motion to amend** the motion to add a 4.k. stating that no driveway shall be allowed on the side yard of Lots 1, 14, 15 and 21. The motion to amend was seconded by Commissioner Kjar and passed by unanimous roll-call vote (5-0).

Chair Merrill called for a vote on the motion as amended. The motion passed with a unanimous roll-call vote (5-0).

PUBLIC HEARING | CHASE LN CULINARY PUMP HOUSE | 70 E CHASE LN
Consideration of a conceptual site plan and small subdivision waiver/lot split for the Chase Lane Culinary Water Pump House, located at 70 East Chase Lane, for the construction of a new well site in the R-L Zone. Centerville City, Applicant.

Brandon Toponce, Assistant Planner, reported the applicant desires to build a pump house over a culinary well that will service Centerville City's community. The applicant has submitted the necessary information for conceptual approval. The applicant will still be required to apply for a conditional use permit, a final site plan, and a small subdivision waiver/lot split. Mr. Toponce reviewed the location and site plan including square footage, easements, and driveway access. A generator will be housed onsite and the applicant will be required to address noise of that generator at final site plan approval. Mr. Toponce distributed the results of the well drilling to the Planning Commission for their review. He also explained there are safety precautions in place and that the pump house will meet all EPA standards.

Randy Randall, Public Works Director, explained this well will drain into a closed drainage system along Chase Lane. This eliminates any noise associated with flushing the system. In addition, the generator will be placed inside the pump house opposite neighboring residences and quiet mufflers will be used to minimize any noise pollution. He explained the generator is only to be used in case of power outages and will only be run once a month, during the day, to ensure it is working properly. He explained the proposed site is within a farm-like area and it is the intention of the City to develop the site in a manor keeping with the farm-like atmosphere.

Chair Merrill opened the public hearing.

Roger Phillips agreed this area has a farm-like feel. He said the proposed pump house will bring a bit of industrial feel to the site. He would like to see the exterior of the building and the landscaping diminish that industrial feel. He suggested a rock exterior on the pump house. He feels rock blends better with landscaping. He would like to see as small a driveway as possible accessing the pump house. It is not necessary to have a 20-foot wide driveway. He encouraged the applicant to install only the bare minimum of concrete for access. He agreed any noise from the well and pump house should be diminished as much as possible. He said he is not a fan of

1 chain link fence and would rather see a post and rail fence which is more in keeping with the
2 farm-like feel.

3
4 Gordon Griffith said the driveway access borders two neighboring rear yards. He
5 suggested a fence would be beneficial for the safety of children that may be playing in those rear
6 yards. It is important to keep children and trucks separate.

7
8 Chair Merrill closed the public hearing.

9
10 Mr. Randall said they are willing to work with the property owners to ensure all concerns
11 are addressed. He explained the site plan includes a retaining wall on the north property line with
12 a 4-foot chain link fence for safety. Currently, there are no other fences planned, but the City is
13 willing to install a fence wherever desired. However, the City prefers to install a fence that can
14 withstand wind and requires no maintenance. The City would not be willing to install a wooden
15 fence. Again, he assured the public that any noise associated with the generator will be minimal.
16 He said he is concerned that a rock exterior may be out of place and said the City would prefer to
17 build something that has similar architecture, materials, and color as the residence on site. This
18 will better blend the building into its surroundings. He explained the width and thickness of the
19 driveway will only be what is necessary to accommodate fire access and heavy equipment.

20
21 Commissioner Fillmore made a **motion** for the Planning Commission to accept the
22 conceptual site plan for the Chase Lane Culinary Water Pump House, located at 70 East Chase
23 Lane, subject to the following conditions:

24
25 ***Conditions:***

- 26 1. The City shall submit a final site plan application in accordance to Section 12-21-
27 110(e) of the Zoning Ordinance.
- 28 2. A conditional use permit shall be submitted in accordance to Section 12-21-100 of the
29 Zoning Ordinance.
- 30 3. The applicant shall submit a small subdivision/lot split waiver application for review
31 and approval.
- 32 4. The final site plan shall include landscaping detail in regard to how the site will be
33 maintained. This plan shall include type of groundcover, vegetation type, irrigation
34 detail and a drainage plan and vegetation to shield the view around the generator.
- 35 5. Unnecessary hard surfacing shall be reduced to a minimum in order to reduce run off
36 and increase the landscaped area.
- 37 6. Final sketches of the pump house shall be submitted indicating the aesthetic
38 appearance and structural detail.
- 39 7. Detail shall be submitted in regard to dangers, such as leaking of fluoride or chlorine,
40 and how the City is prepared to handle such emergencies.

- 1 8. Direct applicant to discuss with surrounding property owners their expectations for
2 fencing.
3

4 ***Reasons for Action:***

- 5 1. The applicant submitted a full application regarding a conceptual site plan [Section
6 12-21-110(d)].
7 2. A public utility substation is allowed within the R-L Zone with a conditional use
8 permit [Section 12-36].
9 3. After the applicant submits a conditional use permit, the criteria of Chapter 12-64 will
10 be addressed in regard to public utility substations.
11

12 The motion was seconded by Commissioner Randall and passed by unanimous roll-call
13 vote (5-0).
14

15 **PUBLIC HEARING | CODE TEXT AMENDMENT | 12-23 ENFORCEMENT**

16 **Consideration of a zoning code text amendment for Chapter 12-23, Enforcement, to bring**
17 **the code enforcement procedures for zoning violations in line with the procedures the City**
18 **uses for other civil code enforcement. Centerville City, Applicant.**
19

20 This item was postponed.
21

22 **PUBLIC HEARING | GAS STATION EXPANSION | CORNER PAGES & MAIN**

23 **Consideration of a conditional use permit for operating a fast-food restaurant in a C-H**
24 **(Commercial-High) Zone, and final site plan for the expansion of the existing gas station,**
25 **located at 1011 South Main Street. Dell S. Nichols, Commerce Real Estate Solutions,**
26 **Applicant.**
27

28 Cory Snyder, Community Development Director, reported the applicant is seeking final
29 site plan approval and conditional use permit approval for the fast food use. He said the site plan
30 is complete with only a few minor issues remaining which could be dealt with during the
31 building permit process. He explained the conditional use permit includes a tie between the
32 amount of building space dedicated to the fast food use and the amount of parking needed for
33 that space. The conditional use permit restricts the ability to increase the square footage of the
34 fast food use without coming back to the Planning Commission for further review, which may
35 include a requirement to increase parking. The proposed site plan improves the area and the site
36 and staff recommends approval.
37

38 Dell Nichols, applicant, said following this approval the property will be brought into
39 single ownership. This approval is the final contingency before his client, Petroleum Wholesale,
40 is able to secure ownership of the entire site. He said his client intends to submit an application

1 for building permit in 30 days. He thanked staff for their full cooperation and said he is accepting
2 of the conditions as proposed.

3
4 Chair Merrill opened the public hearing. There was no comment, he closed the public
5 hearing.

6
7 Chair Merrill made a **motion** for the Planning Commission to approve the final site plan,
8 as submitted to the City, for the proposed changes to the existing gas station, 1011 South Main
9 Street, subject to the following conditions:

10
11 ***Conditions:***

- 12 1. The expansion and enlargement shall be subject to the terms and conditions
13 previously approved by the City's Board of Adjustment.
- 14 2. The Landscaping Plan shall be modified to include the missing trees related to street
15 trees and interior parking lot trees, which shall be verified by City staff as part of the
16 building permit submittal.
- 17 3. All wall or roof-mounted equipment shall be screened from view of the public street,
18 which shall be verified by City staff as part of the building permit submittal.
- 19 4. The design and layout for traffic circulation and drive-through stacking lanes for the
20 building addition is subject to the review and approval of a conditional use permit for
21 fast-food use.
- 22 5. The free-standing sign is recognized as legal non-conforming and may remain
23 provided any changes to the sign comply with Section 12-54-160, Nonconforming
24 Signs.
- 25 6. A landscaping bond shall be prepared and accepted by the City for the required
26 landscaping improvements prior to release of a building permit.

27
28 ***Reasons for Action:***

- 29 a) The Planning Commission finds that on January 16, 2013, the presumption of
30 abandonment of the site was deemed "Rebutted" by the Board of Adjustment.
- 31 b) The Planning Commission finds that on April 9, 2013, the Board granted
32 authorization to the owner's request to expand and enlarge the non-conforming
33 building of this site.
- 34 c) The Planning Commission finds that the conceptual site plan submittal has adequately
35 shown how the property may be developed [Section 12-21-110(d)(2)].
- 36 d) The Planning Commission finds that the proposal remains consistent with the overall
37 expectations of the General Plan, which had and does envision a neighborhood base
38 of commercial uses for this area [Section 12-480-2].

- e) The Planning Commission's previous conceptual site plan directives provided feedback to address the applicable standards for developing within the C-H Zone and/or the SCP Zone Standards of the City's Zoning Ordinance.
- f) The Planning Commission finds that the proposed fast-food use requires a conditional use permit, as depicted in the Table of Uses, Chapter 12-36.
- g) The Planning Commission finds that all existing sites with non-conformities with regards to site landscaping, screening, or other issues, shall be brought into conformance upon the occurrence of any increase more than 30% of the building floor area, as described in Section 12-22-080.
- h) The Planning Commission finds that the nonconforming free-standing sign is subject to the provisions of Section 12-54-160.

The motion was seconded by Commissioner Hirschi and passed by unanimous roll-call vote (5-0).

Commissioner Randall made a **motion** for the Planning Commission to approve the conditional use permit for a fast-food use to be located at 1011 South Main Street, subject to the following conditions:

Conditions:

1. The site located at 1011 South Main Street shall be approved for a fast-food restaurant use with a drive-through.
2. The size of the fast-food use area shall not exceed a size larger than 1,500 square feet or that can be parking supported using one (1) stall per 100 square feet of fast-food space within the new proposed addition.
3. The fast-food use is approved provided the site design and layout complies with the revised final site plan approval that is related to the issuance of this conditional use permit approval.

Reasons for Action:

- a) The Planning Commission finds that a completed application for conditional use permit has been submitted to the City [Section 12-21-100(d)(1)].
- b) The Planning Commission finds that the use of a fast-food restaurant with a conditional use permit is allowed within in the Commercial-High (C-H) Zone [Chapter 12-36].
- c) The Planning Commission finds that request and related site plan address the conditional use permit review and approval criteria, as described in the related planning staff report [Section 12-21-100].

The motion was seconded by Chair Merrill and passed by unanimous roll-call vote (5-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next Planning Commission meeting will be held on June 26, 2013.
2. Upcoming Agenda Items
 - Chitose Johnson, Preliminary & Final Subdivision
 - Training on Legislative Update
 - Discussion on Accessory Dwelling Units
 - Chapter 12-23, Enforcement

The meeting was adjourned at 10:46 p.m.

Kevin Merrill, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: CHITOSE JOHNSON
178 SOUTH FARIVIEW DRIVE
NORTH SALT LAKE CITY, UT 84054

APPLICANT: RON MARSHALL
161 SOUTH MAIN STREET
BOUNTIFUL, UT 84010

EMAIL: maplehillsrealty@yahoo.com

PROPERTY: 200 EAST 1200 SOUTH
PARCEL #03-198-0002

ACREAGE: 3.31 ACRES

ZONING: RESIDENTIAL-MEDIUM (R-M)

APPLICATIONS: PRELIMINARY/ FINAL SUBDIVISION PLAN AND
PLAT

BACKGROUND

The applicant desires to subdivide the property into two (2) lots. In April of 2013, the Planning Commission accepted the conceptual subdivision plan for the Chitose Johnson Subdivision. The applicant is now requesting a preliminary approval from the Commission along with a positive final subdivision recommendation to the City Council, as discussed during the conceptual review of the project.

PREVIOUS CONCEPTUAL PLAN ACCEPTANCE w/ STAFF COMMENT

On April 24, 2013, the Planning Commission accepted the conceptual subdivision for Lot #2 of the Bangerter Subdivision, with the following directives:

1. The subdivision is subject to submitting and receiving the applicable preliminary and final subdivision approvals by the City.
 - *Staff Comment:* [REDACTED] Applications for both preliminary and final received on May 28, 2013.
2. The preliminary and final subdivision plans need to provide sufficient area to create and dedicate a public street (i.e. 50-foot right-of-way).
 - *Staff Comment: Partly Complete. See comments later in this report.*

3. Each lot must meet the zoning requirements for the Residential-Medium (R-M) Zone concerning street frontage and lot width.
 - *Staff Comment:* [REDACTED]. *See comments later in this report.*
4. The issue of installing either a cul-de-sac or a temporary turn around (if future development is desired) will need to be addressed with the preliminary and final subdivision plan submittals.
 - *Staff Comment:* *Partly complete. See comments later in this report.*
5. The preliminary and final subdivision submittal needs to provide the proper public utility easements on each lot consisting of one 10-foot easement along a public road and two other 7-foot side or rear yard easements on each lot.
 - *Staff Comment:* *Mostly complete. City Engineer needs to determine sufficiency for Lot #2 along front lot line.*
6. All required utility provider sheets shall be received by the City prior to the recordation of the subdivision.
 - *Staff Comment:* *Partly complete. See comments later in this report.*
7. The applicant will need to pay all applicable impact fees and post the related bonds for sewer, culinary water, and irrigation lateral extensions prior to recordation of the subdivision, as prepared by the City Engineer in accordance with City Ordinances.
 - *Staff Comment:* [REDACTED]. *This is a requirement to be completed before recordation of the subdivision.*
8. The applicant will need to provide the correct addresses for the new lots, as deemed acceptable by the Zoning Administrator in accordance with City Ordinances.
 - *Staff Comment:* [REDACTED] *Addressing is not provided on the submitted plans.*

SUBDIVISION REVIEW OF PLAT AND PLANS

With a public roadway dedication and extension, it appears that both lots are laid out in a manner that meets all the applicable requirements for a subdivision layout. The issue of installing a temporary turn around needs some layout refinement to achieve proper dedication. The following needs to be addressed or corrected:

- The street right-of way needs to be dedicated the entire distance (215') not just the first 125' that is shown.
- Install the full set of public street improvements the first 125' however, the hammerhead needs to be constructed in accordance with the City & Fire Code Requirements for an all-weather access.
- There is up to 15' of excess private land with associated utility easements on each side of the right-of-way (i.e. the first 125' of road). The plans will need to address how this will be maintained (e.g. landscaping) and a plat note will be required to disclose that all maintenance will be the responsibility of the applicable lot owner (no remnant parcel is to be created).

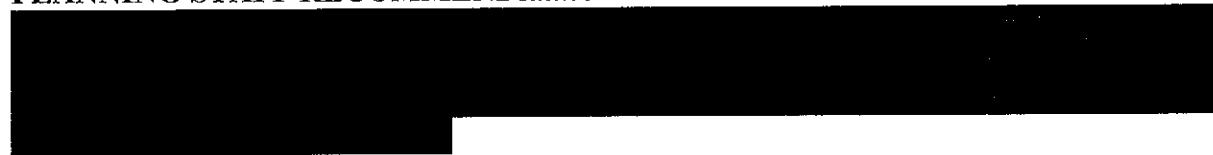
Zoning Ordinance Requirements 15-2-107(2)

Each lot must meet the zoning requirements for the Residential-Medium (R-M) Zone concerning frontage, width, and setbacks. According to Table 12-32-1 of the Zoning Ordinance, the standards are as follows:

Lot and Parcel Standards		Proposed	Compliance
Minimum Area	10,000 (gross)	3.31 acres	YES
Minimum Frontage	60 feet	Each Lot is 90+	YES
Gross Density Maximums			
Permitted	4 units/acre	0.60 per ac.	YES
Conditional	8 units/acre	No Request	Not Applicable

Improvements and Utility Easements 15-2-107(3)

Generally, all needed utilities and services are available and involve some service and lateral extensions for the new proposed lots. However, the applicant has not yet provided some of the necessary utility provider feedback for gas service, irrigation, and fire protection.

PLANNING STAFF RECOMMENDATION

1. The following conditions of approval shall be accomplished prior to being scheduled for City Council final subdivision review and approval.
2. The street right-of way shall be dedicated the entire distance (215') not just the first 125' that is shown.
3. The subdivision shall install the full set of public street improvements the first 125' however, the hammerhead shall be constructed in accordance with the City & Fire Code Requirements for an all-weather access.
4. There is up to 15' of excess private land with associated utility easements on each side of the right-of-way (i.e. the first 125' of road). The plans shall be corrected to address how this will be maintained (e.g. landscaping) and a plat note shall disclose that all maintenance will be the responsibility of the applicable lot owner (no remnant parcel is to be created).
5. All required utility provider sheets shall be received by the City staff.
6. City Engineer shall determine sufficiency of easement for Lot #2 along front lot line.
7. The applicant shall provide the correct addresses for the new lots, as deemed acceptable by the Zoning Administrator.
8. Once conditions 1-6 are completed and deemed acceptable by City Staff, the preliminary approval shall then become the Planning Commission's final recommendation to the City Council.

Suggested Reasons for the Action (Findings):

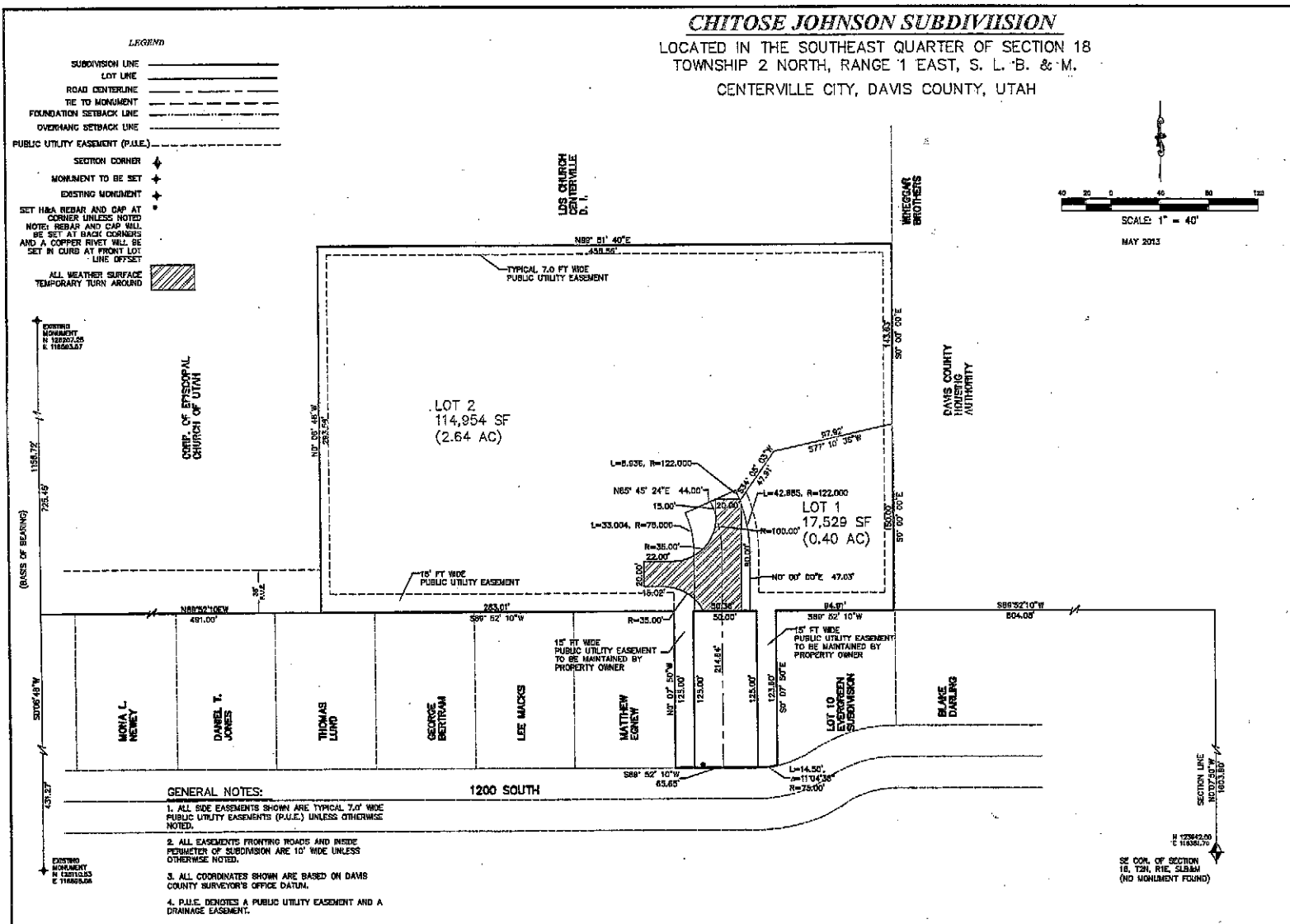
- a. The Planning Commission finds that the subdivision for two lots is consistent with the goals of the Centerville City General Plan concerning development within

Neighborhood 1, Southeast Centerville known as Extreme South Main Street Area [Section 12-480-2.d].

- b. The Planning Commission finds that the property is currently zoned Residential-Medium (R-M) and that the subdivision, with the directives, could meet the applicable development standards found in Chapter 12-32 of the Zoning Ordinance in regard to layout and proper street frontage.
- c. The Planning Commission finds, with the directives, that the requirements for subdividing will be addressed and satisfied [Title 15- Subdivisions].

Option #2 - Suggested motion for the preliminary & final subdivision plat and plans for Lot #2 of the Bangerter Subdivision; I hereby make a motion for the Planning Commission to table the preliminary subdivision plans for Lot #2 of the Bangerter Subdivision, with the following directives or corrections to the subdivision plat and plans:

1. The street right-of way is to be dedicated the entire distance (215') not just the first 125' that is shown.
2. The subdivision plans need to depict the complete installation of public street improvements the first 125' and the plans for the hammerhead needs to be constructed in accordance with the City & Fire Code Requirements for an all-weather access.
3. There is up to 15' of excess private land with associated utility easements on each side of the right-of-way (i.e. the first 125' of road). The plans shall be corrected to address how this will be maintained (e.g. landscaping) and a plat note is needed to disclose that all maintenance will be the responsibility of the applicable lot owner (no remnant parcel is to be created).
4. All required utility provider sheets need to be received by the City staff.
5. City Engineer needs to determine sufficiency of easement for Lot #2 along front lot line.
6. The applicant needs to provide the correct addresses for the new lots, as deemed acceptable by the Zoning Administrator.



SURVEYOR'S CERTIFICATE

I, VON R. HILL, A REGISTERED LAND SURVEYOR HOLDING CERTIFICATE NO. 160385 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS I HAVE MADE AN ACCURATE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREIN AND PURSUANT TO SAID TRACT OF LAND HEREFTER TO BE KNOWN AS CHITOSE JOHNSON SUBDIVISION, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AS SHOWN ON THIS PLAT.

VON R. HILL

BOUNDARY DESCRIPTION

DESCRIPTION

ALL OF LOT 5 BANNER SUBDIVISION, A RECORDED SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

OWNER'S DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO PRIVATE LOTS, HEREINAFTER TO BE KNOWN AS CHITOSE JOHNSON SUBDIVISION, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE CITY'S USE, OPERATION AND MAINTENANCE OF THE STREETS.

SIGNED THIS _____ DAY OF _____, 20____.

ACKNOWLEDGMENT

ON THIS _____ DAY OF _____, 20____, THERE PERSONALLY APPEARED BEFORE ME _____, SIGNERS OF THE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES MENTIONED HEREIN.

NOTARY PUBLIC: _____
 RESIDENCE: _____

CHITOSE JOHNSON SUBDIVISION
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18
 TOWNSHIP 2 NORTH, RANGE 1 EAST, S. L. B. & M.
 CENTERVILLE CITY, DAVIS COUNTY, UTAH

H & A HILL & ARGYLE, Inc. Engineering and Surveying 181 North 200 West, Suite #4, Bountiful, Utah 84010 (801) 288-2238 Phone, (801) 288-2883 Fax 12-386 PLAT 06/25/13	CENTERVILLE CITY COUNCIL PRESENTED TO THE CITY COUNCIL OF CENTERVILLE, UTAH THIS _____ DAY OF _____, 20____, AT WHICH TIME THIS PROJECT WAS APPROVED AND ACCEPTED. CITY RECORDER ATTEST: _____ MAYOR: _____	RECOMMENDED FOR APPROVAL ON THIS _____ DAY OF _____, 20____, CENTERVILLE CITY ENGINEER: _____	RECOMMENDED FOR APPROVAL ON THIS _____ DAY OF _____, 20____, CENTERVILLE CITY ATTORNEY: _____	RECOMMENDED FOR APPROVAL ON THIS _____ DAY OF _____, 20____, BY THE PLANNING COMMISSION OF CENTERVILLE CITY. CHAIRMAN: _____	DAVIS COUNTY RECORDER ENTRY NO. _____ FEE PAID _____ FILED FOR RECORD AND RECORDED THIS _____ DAY OF _____, 20____, IN BOOK _____ PAGE _____ COUNTY RECORDER _____ BY _____ DEPUTY
	RECEIVED JUN 03 2013				

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

**APPLICANT: CENTERVILLE CITY
 LISA ROMNEY, CITY ATTORNEY
 655 NORTH 1250 WEST
 CENTERVILLE, UT 84014**

**APPLICATION: ZONE CODE TEXT AMENDMENT, CHAPTER 12-23 -
 ENFORCEMENT**

Postponed from July 12, 2013 Meeting

See attached amendments to Chapter 12-23 - Enforcement

These amendments are intended to bring the code enforcement procedures for zoning ordinance violations in line with the procedures we use for other civil code enforcement.

Title 12 – Zoning
Article 2 – Administration and Enforcement
Chapter 12-23 – Enforcement

Sections:

- 12-23-010. Purpose.**
- 12-23-020. Scope.**
- 12-23-030. Definitions.**
- 12-23-040. Enforcement Authority.**
- 12-23-050. Issuance of Permits.**
- 12-23-060. Types of Violations.**
- 12-23-070. Remedies and Enforcement Powers.**
- 12-23-080. Nonconforming Use as Affirmative Defense.**
- 12-23-085. Complaint Procedures.**
- 12-23-090. Enforcement Procedures.**
- 12-23-092. Civil Penalty Procedures.**
- 12-23-093. Notice.**
- 12-23-094. Criminal Penalty Procedures.**
- 12-23-100. Other Enforcement Matters.**
- 12-23-110. Appeal.**

12-23-010. Purpose.

The purpose of this Chapter is to establish the remedies, penalties, and procedures for enforcement of this Title.

12-23-020. Scope.

The remedies, penalties, procedures, and other matters set forth in this Chapter shall apply to any violation of the provisions of this Title. The remedies, penalties and procedures set forth herein are not intended to limit or waive any remedies or rights under the law. The provisions of this Chapter shall not invalidate any other chapter, section or provision of the Centerville Municipal Code or applicable law, but shall be read in conjunction with such chapters, sections and provision, and shall be used as an additional remedy for enforcement of violations.

12-23-030. Definitions.

Certain words and phrases in this Chapter are defined in Chapter 12-12 of this Title.

12-23-040. Enforcement Authority.

This Title shall be administered and enforced by the Zoning Administrator or other authorized enforcement official.

12-23-050. Issuance of Permits.

Every official and employee of the City who is vested with the duty or authority to issue permits shall conform to the provisions of this Title and shall issue no permit, certificate, or license for a use, building, or purpose in conflict with the provisions of this Title. Any permit, certificate, or license issued in conflict with the provisions of this Title, intentionally or otherwise, or which is issued upon a false statement of fact material to the issuance of the permit shall be void.

12-23-060. Types of Violations.

(a) *Unlawful Acts.* It shall be unlawful for any person to violate any provision of this Title, cause the violation of any provision of this Title, or fail or refuse to do some act required under this Title, including, but not limited to, any of the following acts:

(1) To engage in any development, use, construction, remodeling, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City without all of the required permits, approvals, certificates, and other forms of authorization required by this Title or other City ordinance in order to conduct or engage in such activity;

(2) To engage in any development, use, construction, remodeling, or other activity which is contrary to the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in such activity;

(3) To violate, by act or omission, any lawful term, condition, or qualification placed by the City Council, Planning Commission, Board of Adjustment, or officer of the City, as applicable, upon a required permit, certificate, or other form of authorization or approval granted by the City Council, Planning Commission, Board of Adjustment, or other City officer allowing the use, development, or other activity upon land or improvements thereon;

(4) To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure, or to use any land in violation of this Title;

(5) To reduce or diminish any lot area so that setbacks or open spaces shall be smaller than prescribed by this Title and any applicable site plan or subdivision plat; or

(6) To remove, deface, obscure, or otherwise interfere with any notice required by this Title.

(b) *Continuing Violation.* Each day a violation occurs shall constitute a separate offense.

(c) *Persons Liable.* The owner, owner's agent, tenant and/or occupant of any building or land or part thereof and any builder, contractor, agent and/or other person who participates in, assists, directs or creates any situation that is contrary to the requirements of this Title may be held responsible for the violation and be subject to the penalties and remedies provided herein.

Title 12 – Zoning
Article 2 – Administration and Enforcement
Chapter 12-23 – Enforcement

12-23-070. Remedies and Enforcement Powers.

Any violation of the provisions of this Title shall be subject to the enforcement remedies and penalties provided by this Chapter and by Utah law, including any of the following:

(a) *Withhold Permit.* The City may deny or withhold all permits, certificates, or other forms of authorization pertaining to any land or improvements when an uncorrected violation exists pursuant to this Title or to a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City Council, Planning Commission, Board of Adjustment, or other City officer. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the original applicant or owner or current applicant or owner is responsible for the violation in question.

(b) *Revoke Permit.* Any permit may be revoked by the Zoning Administrator when the Zoning Administrator determines the permit was procured by false representation or was issued by mistake.

(1) When a permit is revoked hereunder for false representation or mistake, a notice of a revocation shall be in writing and may be served upon the owner, the owner's agent or contractor, or upon any person employed at the site of the building or structure for which such permit was issued. A notice of revocation shall be posted in a prominent location; and, thereafter, no such construction shall proceed under such permit.

(2) When plans conflict with applicable requirements, in lieu of revoking a permit, such plans may be modified to conform with applicable requirements as determined by the Zoning Administrator.

(3) When a mistake has been made calculating the fee for any permit, the proper fee shall be assessed and paid by the permit holder within ten (10) days of notification.

(c) *Stop Work.* In accordance with its power to stop work under the building code, the City may stop work, with or without revoking permits, on any building or structure on land where there exists an uncorrected violation of a provision of this Title, a permit, or other form of authorization issued hereunder.

(d) *Revoke Plan or Other Approval.* Where a violation of this Title involves failure to comply with approved plans or a condition upon which plan approval was subject, the original authorizing or approving body may, after ten (10) days notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a hearing:

(1) Revoke the plan or other approval; or

(2) Condition its continuance on strict compliance, the provision of security, or such other conditions as the original Zoning Administrator may reasonably impose.

(e) *Remove Sign.* When a sign is illegally located within a public right-of-way, on City-owned property, or in the case of an emergency or an identified hazard, the Zoning Administrator or authorized enforcement official may, without notice, cause the immediate removal of such sign.

(1) Such action by the City shall be at the expense of the owner and shall include the actual cost of repair or removal of the sign, plus fifteen (15) percent of such amount for administrative and overhead costs.

(2) If the owner fails to pay the amount due within thirty (30) days from the date of billing, the City may initiate legal action against the owner as provided by law to collect such costs and expenses, including interest at the legal rate and reasonable attorney fees.

(f) *Injunctive Relief.* The City may seek an injunction or other equitable relief in the district court to stop, prevent or enjoin any violation of this Title, or a permit, certificate, or other form of authorization granted hereunder.

(g) *Abatement.* The City may seek a court order from the district court in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition which existed prior to the violation.

(h) *Penalty.* ~~(1)~~ A violation of any provision of this Title shall be punishable either:

(1A) As a class C misdemeanor upon conviction; or

(2B) By imposing a civil penalty as provided in Section 12-23-092. Subsection 3 of this section.

(i) *Separate and Continuing Violation.* Each day that any violation of this Title is committed, maintained, continued or permitted shall be considered a separate offense for purposes of the penalties and remedies available to the City. Accumulation of the penalties for violations, but not the obligation for payment of penalties already accrued, shall stop on correction of the violation.

(j) *Other Remedies.* The City shall have such other remedies as are and as may be from time to time provided by Utah law or City ordinance for the violation of any provision of this Title.

(k) *Remedies Cumulative.* These remedies shall be cumulative.

Title 12 – Zoning
Article 2 – Administration and Enforcement
Chapter 12-23 – Enforcement

12-23-080. Nonconforming Use as Affirmative Defense.

It shall be an affirmative defense to the enforcement of the provisions of this Title that the action complained of is a legally nonconforming lot, structure, use, or other nonconformity as governed by the provisions of Chapter 12-22 of this Title.

12-23-085. Complaint Procedures.

Centerville City generally uses the complaint-based methodology for code enforcement whereby the City pursues code enforcement upon receipt of a complaint. Any person desiring to file a complaint regarding a Zoning Code violation may do so by filling out a Centerville City Civil Complaint Form ("Civil Complaint Form") or by contacting the Community Development Department. The Community Development Department will accept complaints by phone or in writing. If complaints are made by phone, City staff will fill out the Civil Complaint Form. All official complaints will be logged and thereafter investigated by the applicable enforcement official. If requested and contact information is provided, the enforcement official will follow up with the complainant and provide a summary of the investigation and the enforcement action taken, if any. The City may also use a systematic approach to code enforcement whereby the City conducts systematic sweeps or reviews of various areas of the City for code violations. The City may use the systematic approach when deemed necessary to address safety issues, rampant violations in a particular area, as part of an awareness campaign, or as directed by the City Council.

12-23-090. Enforcement Procedures.

(a) Investigation and Inspection. Complaints.—The Zoning Administrator, or authorized enforcement official his or her authorized designee, may investigate any purported violation of this Title and take action as is warranted under the circumstances in accordance with the provisions and procedures set forth in this Chapter. An enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of this Title are being obeyed and to make any reasonable examination or survey necessary to determine compliance. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If such inspection, entry, examination or survey requires entry onto private property, the enforcement official shall provide prior notice and obtain approval from the property owner or responsible person. If a property owner or responsible person refuses to allow an enforcement official to enter property, the enforcement official shall obtain a search warrant or administrative warrant before entering the property.

(b) Notice of Violation. Except as otherwise provided herein, if the enforcement official Zoning Administrator determines that any provision of this Title is being violated and immediate enforcement action is not necessary under the circumstances, the enforcement official Zoning Administrator

shall provide a written notice of violation to the property owner or any other person determined to be responsible for the violation. Such written notice of violation shall indicate the nature of the violation, the action necessary to correct the violation, the warning period established before further enforcement action or penalties, and the potential enforcement action and/or penalties to be imposed for failure to cure the violation within the established warning period. Such notice of violation shall be served in accordance with Section 12-23-091. Such notice of violation shall serve to start the warning period. A notice of violation shall not be required for violations requiring immediate enforcement under Subsection (d), or for subsequent violations within a 12-month period under Subsection (e), as amended.

(c) Warning Period. Unless otherwise determined by the enforcement official, Zoning Administrator, the warning period for correction of violations set forth in the notice of violation shall be ten (10) days from the receipt of the notice of violation. If the violation remains uncured after expiration of the warning period, the enforcement official Zoning Administrator shall pursue further enforcement action as deemed appropriate in accordance with the provisions provided herein. The enforcement official Zoning Administrator is authorized, in his or her discretion, to extend the warning period, up to an additional not to exceed thirty (30) days, if the enforcement official Zoning Administrator determines good cause exists for such extended warning period and the extension will not create or perpetuate a situation imminently dangerous to life or property. The enforcement official is authorized to grant an extension beyond the additional thirty (30) days, on similar grounds and findings; provided, any such extension. Any such extension shall require written agreement by the property owner or person responsible for the violation to remedy the violations within a set time frame and to comply with any and all conditions of extension as required by the enforcement official Zoning Administrator. A request for extension shall be filed in writing by the property owner or person responsible for the violation prior to the expiration of the ten (10) day response period. A warning period shall not be required for violations requiring immediate enforcement under Subsection (d), or for subsequent violations within a 12-month period under Subsection (e), as amended.

(d) Immediate Enforcement. The enforcement official is not required to provide a notice of violation or warning period for any continuing development or construction or an emergency situation. In the case of a violation involving such either continuing construction or development, or an emergency situation, as reasonably determined by the enforcement official, Zoning Administrator, the enforcement official City may use the enforcement powers and remedies available to it under this Chapter, including issuance of a civil citation, without prior notice or notice of violation, in such case, the Zoning Administrator shall send the notice to the same parties set forth in the subsection (b) simultaneously with the beginning of enforcement action.

Title 12 – Zoning
Article 2 – Administration and Enforcement
Chapter 12-23 – Enforcement

(e) Subsequent Violations. The enforcement official is not required to provide a notice of violation or warning period for the same subsequent Zoning Code violation occurring on the same property within a twelve (12) month period from the date of the first notice of violation. In the case of such subsequent violation(s) occurring on the same property within a twelve (12) month period, the enforcement official may use the enforcement powers and remedies provided under this Chapter, including issuance of a civil citation, without prior notice or notice of violation. In accordance with applicable statutes, property owners with weed violations need only be provided one notice of violation per season.

(f) Enforcement and Abatement. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained; or any land, building, or premises used contrary to the provisions of this Title is hereby declared to be unlawful and a public nuisance. The City Attorney, Prosecutor or other authorized legal counsel may commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law. The City Attorney, Prosecutor or other authorized legal counsel may also take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any building, structure, or property contrary to the provisions of this Title.

12.23.092. Civil Penalty Procedures.

(a) Civil Citation of Civil Penalties. If any violation of this Title remains uncured after issuance of a notice of violation and expiration of the warning period set forth therein, as applicable, a civil citation of civil penalties may be issued to the property owner or other person determined to be responsible for the violation and civil penalties imposed for such violation in accordance with the notice of violation. The civil citation shall be served in the manner set forth in Section 12-23-093. Each civil citation shall include the date and location of all violations, the Code sections violated, the amount of the civil penalty imposed for each violation, an explanation of how the civil penalty shall be paid and the consequences for failure to pay, an explanation of the right to and the procedures for requesting an administrative hearing, and the signature of the enforcement official issuing the citation.

(b) Civil Penalties Imposed. Civil penalties to be imposed for a civil citation The civil penalty to be imposed for any given violation shall be imposed in accordance with the civil penalties fee schedule adopted by the City. Civil penalties shall be due and owing to the City within twenty (20) days from the date of service. The civil penalty shall double if not paid within twenty (20) days from the date of service. The civil penalty shall triple if not paid within forty (40) days from the date of service. After forty (40) days, unpaid civil penalties shall accrue interest at the rate set forth by the State of Utah for unpaid judgments. Payment of any civil penalty shall not excuse any failure to correct a violation or the reoccurrence of

the violation, nor shall it bar further enforcement action by the City. A civil citation and civil penalties may be imposed for each and every day a violation occurs or continues to exist. Additional civil penalties may be imposed for subsequent or reoccurring violations offenses on the same property within twelve (12) months from the date of the civil citation. ~~one year from the imposition of a civil penalty.~~ Such graduated penalties for subsequent or recurring violations shall be adopted by the City Council and set forth in the City Fee Schedule. If a violation is corrected but reoccurs on the same property within one year from the imposition of any civil penalty, any subsequent violation within such one year period shall subject the person to the recurring violation penalty. Civil penalties may not be imposed for a civil violation that occurs in conjunction with another criminal violation as part of a single criminal episode that will be prosecuted in a criminal proceeding. Civil penalties shall be paid to the City Finance Department.

(c) Request for Hearing. Any person having received a civil citation of civil penalties may request an administrative hearing before a hearing officer by filing a written application for hearing. Such request for hearing shall be filed with the City Recorder within ten (10) days from the date of service of the civil citation or other specified date set forth therein, prior to the due date for the civil penalties. Failure to request an administrative hearing as provided herein within ten (10) days from the date of service of the civil citation or other specified time frame shall constitute a waiver of the right to an administrative hearing and the right to an appeal. The hearing shall be held in accordance with the hearing procedures set forth in Subsection (f) below.

(d) Scheduling Hearing. Upon receipt of a request for an administrative hearing, the City Recorder shall forward the same to the City Manager. The City Manager shall thereafter appoint, contract with or hire a hearing officer to hear the matter. As soon as practicable after being appointed, the hearing officer shall schedule a date, time and place for the administrative hearing and shall send written notice of same to the responsible person(s). Notice of the hearing shall be served on the responsible person(s) in accordance with the provisions of Section 12-23-093.

(e) Hearing Procedures. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; provided, all persons shall be afforded due process of law, including adequate notice, an opportunity to be heard, and adequate explanation of the reasons justifying any action. The City shall bear the burden of proof to establish the existence of a violation of the Code. Such proof shall be established by a preponderance of the evidence. All administrative hearings shall be open to the public and shall be recorded. The responsible person shall have the right to be represented by an attorney. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address and telephone number shall be given to the City at least one (1) day prior to the hearing. If such notice is not given, the hearing may be continued at the City's request, and all costs of the continuance shall be

Title 12 – Zoning
Article 2 – Administration and Enforcement
Chapter 12-23 – Enforcement

assessed to the responsible person. The burden to prove any raised defenses shall be upon the party raising any such defense. All civil penalty hearings shall be held as a public meeting with business transacted during regularly scheduled hours. All civil penalty hearings shall provide for due process for the parties and shall be recorded or otherwise documented so that a true and correct transcript may be made of the proceedings.

(f) *Failure to Attend Hearing.* A responsible person who fails to appear at an administrative hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal, provided that proper notice of the hearing has been given as provided in Section 12-23-093.

(g) *Administrative Order.* After holding the administrative hearing, the hearing officer shall issue a written administrative order affirming, rejecting or modifying the civil citation and/or civil penalties. The administrative order shall become final on the date of signing by the hearing officer. The administrative order shall be served on all parties in accordance with the provisions of Section 12-23-093.

(he) *Appeal.* Any person aggrieved of the hearing officer's determination regarding the imposition of civil penalties for a Zoning Ordinance violation may appeal such final administrative determination to the Board of Adjustment in accordance with the appeal procedures set forth in Section 12-21-200.

(if) *Collection.* The City may use any lawful means available to collect any unpaid penalty and fees imposed under this Chapter, including costs and reasonable attorney's fees.

(ig) *Enforcement Alternative.* The procedures set forth herein regarding notice and imposition of civil penalties is one of many enforcement options available to the Zoning Administrator and is not intended to be an exclusive or required remedy.

12-23-093. Notice.

Whenever notice is required to be given under Section 12-23-092 for civil enforcement proceedings, the notice shall be served by one of the following methods, unless different provisions are otherwise specifically stated to apply:

(a) *Personal service:*

(b) *Certified mail, return receipt requested, postage prepaid, to the last known address(es) of the responsible person(s):*

(c) *Posting the notice conspicuously on or in front of the property, if inhabited; if the property is uninhabited, the notice must be personally served, mailed or published as provided herein; or*

(d) *Published in a newspaper of general circulation when the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe the person to be served is avoiding service.*

Failure of a responsible person to receive notice shall not affect the validity of any civil enforcement action taken hereunder if notice has been served in the manner set forth above. Service by certified mail shall be deemed served on the date signed for on the return receipt.

12.23.094. Criminal Penalty Procedures.

(a) *Criminal Citation.* If any violation of this Title remains uncured after issuance of a notice of violation and expiration of the warning period, a criminal citation may be issued to the property owner or other person determined to be responsible for the violation in accordance with the notice of violation. All criminal citations for Zoning Ordinance violations shall be issued by the City Police Department in accordance with applicable criminal procedures for issuance of a criminal citation.

(b) *Criminal Penalties.* The criminal penalty for Zoning Ordinance violations is a class C misdemeanor subject to such fines and incarceration as set forth by Utah law.

12.23-100. Other Enforcement Matters.

(a) *Inspection of Buildings, Structures, and Land Uses.* The Zoning Administrator, or his or her authorized designee, is authorized to inspect buildings and structures in the course of construction, modification, or repair and to inspect land uses to determine compliance with the provisions of this Title.

(b) *Right of Entry.* The Zoning Administrator, or his or her authorized designee, shall have the right to enter any building or property for the purpose of determining compliance with the provisions of this Title. Such right of entry shall be exercised only at a reasonable hour. In no case shall entry be made to any building in the absence of the owner or tenant thereof without consent of the owner or tenant, or a written order of a court of competent jurisdiction.

(c) *Interference with Enforcement Personnel.* It shall be unlawful for any person to interfere with lawful enforcement activities of authorized City personnel.

(d) *Other Powers.* In addition to the enforcement powers specified in this Chapter, the City may exercise any and all enforcement powers granted to it by Utah law, as may be amended from time to time.

(e) *Continuation.* Nothing in this Title shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid resolutions, ordinances, and laws.

Title 12 – Zoning
Article 2 – Administration and Enforcement
Chapter 12-23 – Enforcement

(f) Selection of Remedy. Except as otherwise restricted by law, the City shall have the sole discretion in deciding whether to pursue a criminal or civil enforcement action for the violation of any ordinances or applicable code requirements and the provisions of this Chapter shall not be construed to limit the City's right to prosecute any violation as a criminal offense; provided, the City may not impose a civil penalty for a civil violation that occurs in conjunction with another criminal episode that will be prosecuted in a criminal proceeding.

(g) Essential Governmental Function. By establishing performance standards or by establishing obligations to act, it is the intent of the City Council that City employees and officers are exercising discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

12-23-110. Appeal.

Except as otherwise provided herein for criminal or civil proceedings regarding zoning enforcement actions, any person adversely affected by a final decision of the Zoning Administrator regarding the provisions of this Chapter may appeal that decision to the Board of Adjustment as provided in Section 12-21-200 of this Title.



ADU's Summary Brief

♦ ACCESSORY DWELLING UNIT ♦

Accessory Dwelling Unit (ADU)

An Accessory Dwelling Unit (ADU) is an additional, self-contained housing unit that is secondary to the main residence. ADU's are sometimes referred to as "mother-in-law" apartments or "granny flats," since their origins were to provide space for extended family members.

ADU's can take many forms such as attachments or additions to the main home, use of basement areas, a second-story over an detached garage, or separate backyard building.

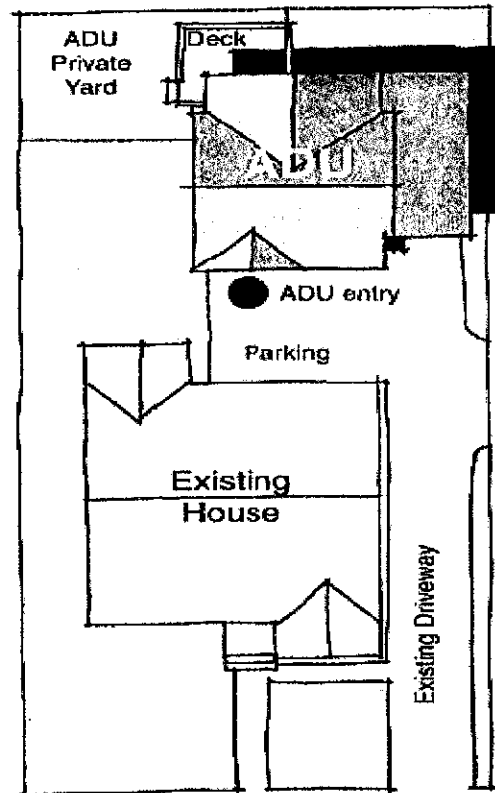
Purpose of ADU's

The intent or use of ADU's is often to provide places for the elderly to be taken care of by family members, places for newly married or return of adult children, or even perhaps to supplement a mortgage payment. ADU's are typically used in single-family areas when the following conditions exist:

- Excess space within the primary dwelling or above a garage exists that can be conveniently converted into living quarters.
- An under-utilized or odd lot exists and further division of land is not feasible or is prohibited.
- The housing stock is located near a college or educational institution.
- A shortage and/or demand for affordable housing exists in a particular area.

Typical ADU Regulations

- Ownership and occupancy restrictions
- Maximum dwelling sizes
- Setback modifications



- Maximum lot area coverage
- Parking space and location requirements
- Building orientation standards
- Building exterior standards

Potential ADU Drawbacks

- Establishing acceptable densities
- ADU building compatibility and aesthetics
- Excessive parking of vehicles
- Introduction of excessive rental properties within a stable neighborhood.
- ADU construction costs & fees for owners
- Zoning Enforcement problems

CENTERVILLE CITY UTAH — COMMUNITY DEVELOPMENT



MAKING LIFE
BETTER
Centerville City

Considering ADU's

♦ ACCESSORY DWELLING UNIT ♦

Why Consider Allowing ADU's

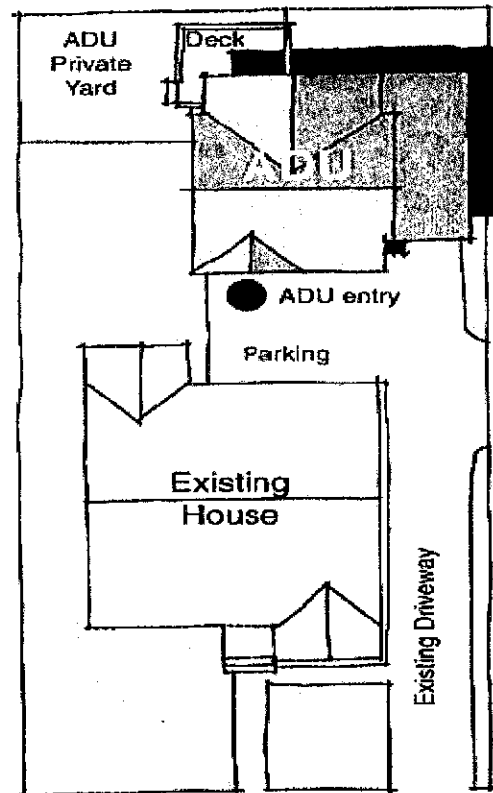
- Provide opportunities for people moving through life's stages to be able to live and/or grow up in the same community.
- Increase opportunities for redevelopment to reduce the demand for new extensions of utility lines and services.
- Encourage the development of sustainable and/or walkable neighborhoods, where employment, goods, and services can be obtained with less driving distances.
- Encourage opportunities for establishing a variety of housing types in keeping with the incomes range of more families.

Who Typically Chooses to Build ADU's

- Older Singles/Couples
- Younger Singles/Couples
- Middle-aged Empty Nesters
- Single Person Households
- People that Travel Often/Extended Periods

Who Benefits From ADU's

- Home Owners — creating a "home based" supplemental income
- Aging Persons — ability to prolong their normal living arrangements
- Local Businesses — provides a larger client base to provide needed services
- Local Contractors — provides opportunities to construct significant home improvements
- Lending Institutions — provides a base for home improvement loans
- Real Estate Firms — potentially provides slightly higher priced housing resale stock



Utah Counties/Cities Currently Allowing ADU's*

- | | |
|------------------|------------------|
| • Orem City | • Salt Lake City |
| • Draper City | • Grand County |
| • Lindon City | • Summit County |
| • Sandy City | • Toole County |
| • Mapleton City | • Weber County |
| • Eagle Mountain | |
| • Murray City | |
| • Alpine City | |
| • West Point | |
| • Provo City | |
| • Payson City | |
| • Taylorsville | |
| • Centerfield | |

* As found using internet search engines



Types Guide to ADU's

♦ ACCESSORY DWELLING UNIT ♦

Types of ADU's

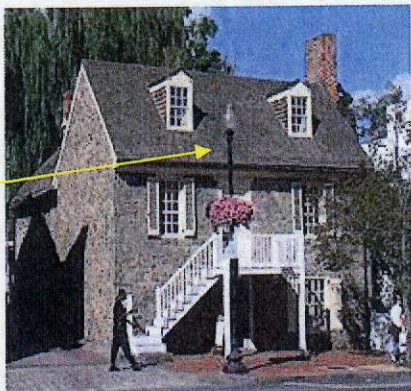
There are five (5) main types of ADU's.

These types are:

- Dwelling created in a portion of an existing single family (e.g. basements, attics)
- Dwelling created as a dedicated addition to an existing single family home
- Dwelling created as a free-standing accessory building (e.g. guest house, or cottage)
- Dwelling created from by converting the garage into livable space
- Dwelling purposely designed into the layout of new construction.

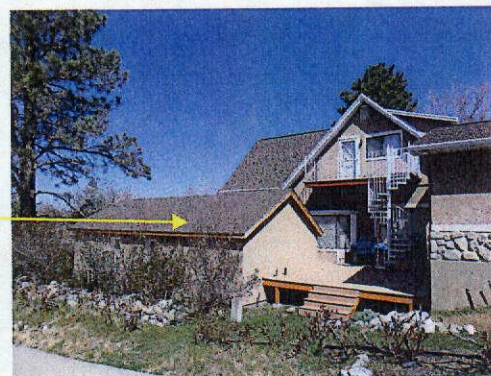
Existing Home Renovation — (example)

Location of
ADU



ADU Guest House/Cottage — (example)

Location of
ADU



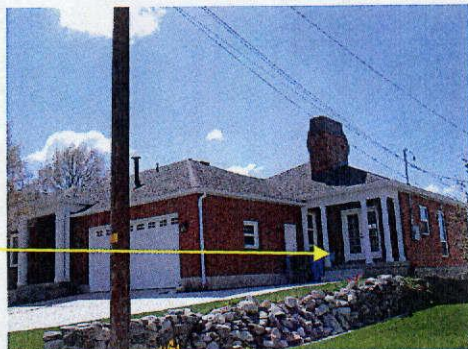
Garage Conversion — (example)

Location of
ADU



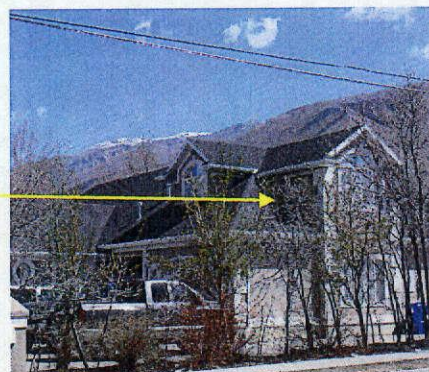
Dedicated ADU Additions — (example)

Location of
ADU



Integrated New Construction — (example)

Location of
ADU



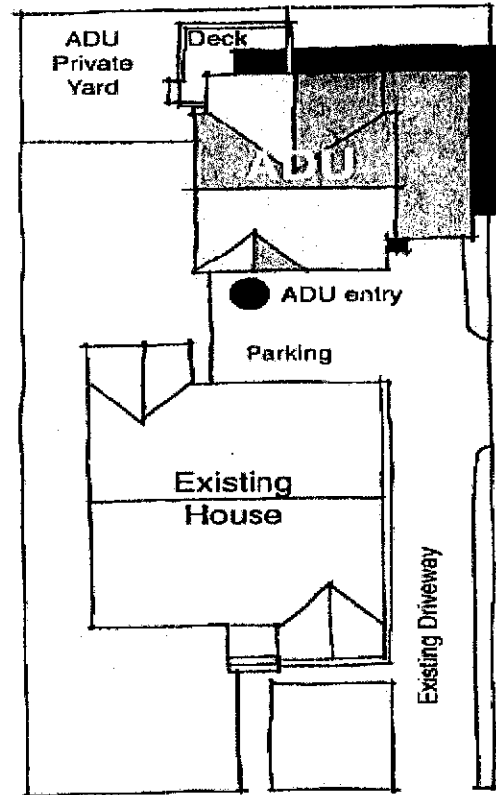


Typical Regulations for ADU's

♦ ACCESSORY DWELLING UNIT ♦

Requirements for Allowing ADU's

- Owner occupancy (at least 6 months) of either the home or the ADU. Owner is defined as a person with at least 50% or greater interest in the property
- Owner must sign a owner-occupancy covenant in order to construct or use an ADU
- Occupancy limit for unrelated persons for both units
- Limit one (1) ADU within single family zones
- Limitation of ADU unit sizes (minimums/maximums) based on lot sizes of a residential zone.
- Detached ADU setback/height restrictions
- Entry Door Orientations for ADU's
- Providing for additional parking stalls
- Minimum pervious surface requirements for entire property.
- Building & safety regulations for sleeping areas, kitchens, etc. for the use of an ADU



ADU Ordinance Enforcement

- Receiving some type of official City approval for construction and use of an ADU
- Recordation of the ADU covenant for the property.
- Establishing procedures for the sale or transfer of ownership for properties containing ADU's
- Removal of select features (e.g. kitchen) within the ADU, if no longer desired or abandoned.
- Establishing legalizing procedures for existing illegally developed ADU's or their

removal

- Requirements for submittal, approval, and permit issuance to establish ADU's

ADU Ordinance Exceptions

- Waiver of parking requirements based on location in relation to mass transit, goods & services, historic preservation, etc.
- Temporary Owner Absence Allowance due to job dislocation, sabbatical leave, educational pursuits, illness, etc.
- Encouraging affordability through exemptions or reductions of approval fees, building permit fees, and/or impact fees.



Additional Information about ADU's

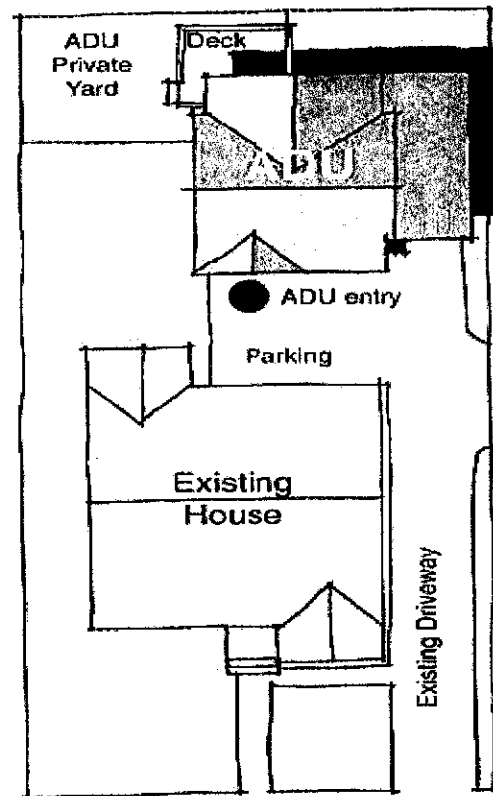
♦ ACCESSORY DWELLING UNIT ♦

State & Local Planning Policies

- UCA 10-9a-403, "in drafting the moderate income housing element [cities] shall consider the Legislature's determination that cities shall facilitate a reasonable opportunity for a variety of housing types"
- Centerville City General Plan, Moderate Income Housing, See Strategy 6-D.4

Planning Toolkits About ADU's

- Urban Planning Tools for Quality Growth, Chapter 2, Page 36, an Envision Utah Publication (www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch2_1.pdf)
- Getting to Smart Growth, 100 Policies for Implementation, Chapter 3, Section 3, a ICMA Smart Growth Publication (www.smartgrowth.org/pdf/gettosg.pdf)
- Smart Growth/Smart Energy Toolkit, Accessory Dwelling Units (www.mass.gov/envir/smart_growth_toolkit/pages/mod-adu.html)



ADU Publications & Studies

- Accessory Dwelling Units: Case Study, by the US. Department of Housing and Urban Development (<http://www.huduser.org/portal/publications/adu.pdf>)
- Granny Flats Add Flexibility and Affordability, Better Cities & Towns (<http://bettercities.net/article/granny-flats-add-flexibility-and-affordability>)
- Missouri Gerontology Institute, Accessory Apartments (<http://extension.missouri.edu/publications/DisplayPub.aspx?P=GG14>)

Local Newspaper Articles

- Salt Lake Tribune, Mother-in-law apartments back in fashion?, 03-10-2013
- Daily Herald, Poll—Should Utah valley cities allow accessory apartments?, 02-10-2013
- Ezine @rticles, Orem Utah Accessory Apartment 2012 Update, Denise C. Martin, 07-18-2012
- Daily Herald, Pleasant Grove says no to accessory apartments, Laura Giles, 04-20-2010
- Deseret News, Check zoning laws on building apartment in family's house, 05-09-1993