



CENTERVILLE CITY PLANNING COMMISSION AGENDA

Due to Planning Commission Chair Hayman's Determination (contained in body of below agenda) public meetings will be held electronically via Zoom and live streamed on the Centerville City YouTube channel. Public meetings conducted via Zoom may be terminated at any time due to hackers or inappropriate content.

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON JANUARY 27, 2021 AT THE CENTERVILLE CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the Planning Commission 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 Jacob Smith, Administrative Services Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

The full packet of backups can be found at <http://centerville.novusagenda.com/agendapublic>.

A. ROLL CALL

1. Chair's Determination Letter

In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I have determined that conducting an electronic meeting of the Centerville City Planning Commission with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the facts and circumstances surrounding the COVID-19 pandemic. Considering the continued number of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain at City Hall.

You Tube Link: <https://www.youtube.com/user/centervillecityutah>

Join Zoom Meeting

<https://zoom.us/j/91420386742?pwd=Q2wxeFl5ejVBBeEQ3L2xlcM02VF14QT09>

Dial: 1 (253) 215 8782

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Heidi Shegrud, Commissioner

D. COMMISSION BUSINESS

2. Land Use Training - Municipal Land Use, Development, and Management Act - Part 1 - General Provisions

Land use training and discussion regarding Part 1 (General Provisions) of the Municipal Land Use, Development, and Management Act

3. Bylaws Review

Review overlap of Bylaws and City Ordinance.

4. Off-street Parking Regulations Review

Continue Planning Commission's review of the Parking requirements for various land uses.

5. Community Development Director's Report

Next PC Meeting is February 10, 2021 - Tentative Items:

- Canyon Point Multi-family Project
- Summerhill Lane Preliminary Subdivision
- Hafoka Residences in R-M Zone
- Continued Parking Review
- LUDMA Training

City Council Actions - Nothing to Report

E. MINUTES REVIEW AND ACCEPTANCE

January 13, 2020

F. ADJOURNMENT

Mackenzie Wood
Centerville Assistant Planner

CENTERVILLE

Staff Backup Report 1/27/2021

Item No. 1.

Short Title: Chair's Determination Letter

Initiated By:

Scheduled Time:

SUBJECT

In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I have determined that conducting an electronic meeting of the Centerville City Planning Commission with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the facts and circumstances surrounding the COVID-19 pandemic. Considering the continued number of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain at City Hall.

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Dial: 1 (253) 215 8782

Meeting ID: 914 2038 6742

Passcode: 822737

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▣ 1-6-21 Electronic Meeting Determination Letter



CENTERVILLE CITY

250 North Main Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915

Mayor

Clark A. Wilkinson

City Council

Tamilyn Fillmore

William Ince

Stephanie Ivie

George McEwan

Robyn Mecham

City Manager

Brant T. Hanson

Public Body: Planning Commission

Date: 1/6/2021 | 7:59 AM PST

Written Determination Letter to Conduct

Electronic Meetings without an Anchor Location Due to Substantial Health and Safety Risk

In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I have determined that conducting an electronic meeting of the Planning Commission of Centerville City with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the facts and circumstances surrounding the COVID-19 pandemic. Considering the continued number of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain at City Hall.

I hereby authorize the above listed public body of Centerville City to conduct electronic meetings without an anchor location for the duration of this determination. This determination and the reasons stated herein shall be included in the public notice for each meeting held electronically without an anchor location and shall be read at the beginning of each meeting. Public notice for each meeting shall also include directions for accessing the online meeting and information on how a member of the public may view or make a comment at the meeting.

This determination shall be effective for 30 days from the date of this determination and will continue to be reviewed and monitored for possible reissuance.

DocuSigned by:

Cheylynn Hayman

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Name: Cheylynn Hayman

Title: Chair



**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
1/27/2021**

Item No. 2.

Short Title: Land Use Training - Municipal Land Use, Development, and Management Act - Part 1 - General Provisions

Initiated By: Lisa Romney, City Attorney

Scheduled Time:

SUBJECT

Land use training and discussion regarding Part 1 (General Provisions) of the Municipal Land Use, Development, and Management Act

RECOMMENDATION

BACKGROUND

The Planning Commission has agreed to the lofty goal for the calendar year 2021 to read the entire Municipal Land Use, Development, and Management Act (LUDMA). LUDMA provides statutory provisions governing local land use regulation, including zoning and subdivisions. This month's training includes reading and discussing Part 1 (General Provisions). Topics in Part 1 include the purpose and authority for land use regulations, definitions, and conflicts of law provision.

ATTACHMENTS:

Description

- LUDMA - Part 1 - General Provisions

Part 1

General Provisions

10-9a-101 Title.

This chapter is known as the "Municipal Land Use, Development, and Management Act."

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-102 Purposes -- General land use authority.

- (1) The purposes of this chapter are to:
 - (a) provide for the health, safety, and welfare;
 - (b) promote the prosperity;
 - (c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
 - (d) protect the tax base;
 - (e) secure economy in governmental expenditures;
 - (f) foster the state's agricultural and other industries;
 - (g) protect both urban and nonurban development;
 - (h) protect and ensure access to sunlight for solar energy devices;
 - (i) provide fundamental fairness in land use regulation;
 - (j) facilitate orderly growth and allow growth in a variety of housing types; and
 - (k) protect property values.
- (2) To accomplish the purposes of this chapter, a municipality may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the municipality considers necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:
 - (a) uses;
 - (b) density;
 - (c) open spaces;
 - (d) structures;
 - (e) buildings;
 - (f) energy efficiency;
 - (g) light and air;
 - (h) air quality;
 - (i) transportation and public or alternative transportation;
 - (j) infrastructure;
 - (k) street and building orientation;
 - (l) width requirements;
 - (m) public facilities;
 - (n) fundamental fairness in land use regulation; and
 - (o) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.
- (3)
 - (a) Any ordinance, resolution, or rule enacted by a municipality pursuant to its authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

- (b) A municipality may enact an ordinance, resolution, or rule that regulates surface activity incident to an oil and gas activity if the municipality demonstrates that the regulation:
 - (i) is necessary for the purposes of this chapter;
 - (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
 - (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

Amended by Chapter 384, 2019 General Session

10-9a-103 Definitions.

As used in this chapter:

- (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
- (2) "Adversely affected party" means a person other than a land use applicant who:
 - (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
 - (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
- (3) "Affected entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:
 - (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
 - (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
 - (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.
- (4) "Affected owner" means the owner of real property that is:
 - (a) a single project;
 - (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(5)(a); and
 - (c) determined to be legally referable under Section 20A-7-602.8.
- (5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
- (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.
- (7)
 - (a) "Charter school" means:
 - (i) an operating charter school;
 - (ii) a charter school applicant that has its application approved by a charter school authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
 - (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
 - (b) "Charter school" does not include a therapeutic school.
- (8) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be

- compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- (9) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:
- (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
 - (b) Utah Constitution Article I, Section 22.
- (10) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
- (11) "Development activity" means:
- (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
 - (b) any change in use of a building or structure that creates additional demand and need for public facilities; or
 - (c) any change in the use of land that creates additional demand and need for public facilities.
- (12)
- (a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
 - (b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.
- (13) "Educational facility":
- (a) means:
 - (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;
 - (ii) a structure or facility:
 - (A) located on the same property as a building described in Subsection (13)(a)(i); and
 - (B) used in support of the use of that building; and
 - (iii) a building to provide office and related space to a school district's administrative personnel; and
 - (b) does not include:
 - (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
 - (A) not located on the same property as a building described in Subsection (13)(a)(i); and
 - (B) used in support of the purposes of a building described in Subsection (13)(a)(i); or
 - (ii) a therapeutic school.
- (14) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.
- (15) "Flood plain" means land that:
- (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
 - (b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.
- (16) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

- (17) "Geologic hazard" means:
- (a) a surface fault rupture;
 - (b) shallow groundwater;
 - (c) liquefaction;
 - (d) a landslide;
 - (e) a debris flow;
 - (f) unstable soil;
 - (g) a rock fall; or
 - (h) any other geologic condition that presents a risk:
 - (i) to life;
 - (ii) of substantial loss of real property; or
 - (iii) of substantial damage to real property.
- (18) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:
- (a) recommend land use regulations to preserve local historic districts or areas; and
 - (b) administer local historic preservation land use regulations within a local historic district or area.
- (19) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.
- (20) "Identical plans" means building plans submitted to a municipality that:
- (a) are clearly marked as "identical plans";
 - (b) are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality; and
 - (c) describe a building that:
 - (i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
 - (ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;
 - (iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the municipality; and
 - (iv) does not require any additional engineering or analysis.
- (21) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.
- (22) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:
- (a) recording a subdivision plat; or
 - (b) development of a commercial, industrial, mixed use, or multifamily project.
- (23) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:
- (a) complies with the municipality's written standards for design, materials, and workmanship; and
 - (b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
- (24) "Improvement warranty period" means a period:
- (a) no later than one year after a municipality's acceptance of required landscaping; or

- (b) no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:
 - (i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
 - (ii) has substantial evidence, on record:
 - (A) of prior poor performance by the applicant; or
 - (B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.
- (25) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:
 - (a) is required for human occupation; and
 - (b) an applicant must install:
 - (i) in accordance with published installation and inspection specifications for public improvements; and
 - (ii) whether the improvement is public or private, as a condition of:
 - (A) recording a subdivision plat;
 - (B) obtaining a building permit; or
 - (C) development of a commercial, industrial, mixed use, condominium, or multifamily project.
- (26) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:
 - (a) runs with the land; and
 - (b)
 - (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
 - (ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.
- (27) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.
- (28) "Land use application":
 - (a) means an application that is:
 - (i) required by a municipality; and
 - (ii) submitted by a land use applicant to obtain a land use decision; and
 - (b) does not mean an application to enact, amend, or repeal a land use regulation.
- (29) "Land use authority" means:
 - (a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or
 - (b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.
- (30) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:
 - (a) a land use permit;
 - (b) a land use application; or
 - (c) the enforcement of a land use regulation, land use permit, or development agreement.
- (31) "Land use permit" means a permit issued by a land use authority.
- (32) "Land use regulation":
 - (a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;
 - (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and
 - (c) does not include:

- (i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
 - (ii) a temporary revision to an engineering specification that does not materially:
 - (A) increase a land use applicant's cost of development compared to the existing specification; or
 - (B) impact a land use applicant's use of land.
- (33) "Legislative body" means the municipal council.
- (34) "Local district" means an entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
- (35) "Local historic district or area" means a geographically definable area that:
- (a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and
 - (b) is subject to land use regulations to preserve the historic significance of the local historic district or area.
- (36) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.
- (37)
- (a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or parcels, whether or not the lots are located in the same subdivision, in accordance with Section 10-9a-608, with the consent of the owners of record.
 - (b) "Lot line adjustment" does not mean a new boundary line that:
 - (i) creates an additional lot; or
 - (ii) constitutes a subdivision.
- (38) "Major transit investment corridor" means public transit service that uses or occupies:
- (a) public transit rail right-of-way;
 - (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
 - (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:
 - (i) a public transit district as defined in Section 17B-2a-802; or
 - (ii) an eligible political subdivision as defined in Section 59-12-2219.
- (39) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.
- (40) "Municipal utility easement" means an easement that:
- (a) is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;
 - (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;
 - (c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;
 - (d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;
 - (e)
 - (i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and
 - (ii) is located in a utility easement granted for public use; or

- (f) is described in Section 10-9a-529 and is used by a specified public utility.
- (41) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:
- (a) verifying that building plans are identical plans; and
 - (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.
- (42) "Noncomplying structure" means a structure that:
- (a) legally existed before its current land use designation; and
 - (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.
- (43) "Nonconforming use" means a use of land that:
- (a) legally existed before its current land use designation;
 - (b) has been maintained continuously since the time the land use ordinance governing the land changed; and
 - (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
- (44) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:
- (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
 - (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
 - (c) has been adopted as an element of the municipality's general plan.
- (45) "Parcel" means any real property that is not a lot created by and shown on a subdivision plat recorded in the office of the county recorder.
- (46)
- (a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 57-1-45, if no additional parcel is created and:
 - (i) none of the property identified in the agreement is subdivided land; or
 - (ii) the adjustment is to the boundaries of a single person's parcels.
 - (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:
 - (i) creates an additional parcel; or
 - (ii) constitutes a subdivision.
- (47) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- (48) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:
- (a) an estimate of the existing supply of moderate income housing located within the municipality;
 - (b) an estimate of the need for moderate income housing in the municipality for the next five years;
 - (c) a survey of total residential land use;
 - (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
 - (e) a description of the municipality's program to encourage an adequate supply of moderate income housing.

- (49) "Plat" means a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13.
- (50) "Potential geologic hazard area" means an area that:
- (a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
 - (b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.
- (51) "Public agency" means:
- (a) the federal government;
 - (b) the state;
 - (c) a county, municipality, school district, local district, special service district, or other political subdivision of the state; or
 - (d) a charter school.
- (52) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- (53) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
- (54) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.
- (55) "Receiving zone" means an area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.
- (56) "Record of survey map" means a map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
- (57) "Residential facility for persons with a disability" means a residence:
- (a) in which more than one person with a disability resides; and
 - (b)
 - (i) which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
 - (ii) which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- (58) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
- (a) parliamentary order and procedure;
 - (b) ethical behavior; and
 - (c) civil discourse.
- (59) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
- (60) "Sending zone" means an area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.
- (61) "Specified public agency" means:
- (a) the state;
 - (b) a school district; or
 - (c) a charter school.

(62) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

(63) "State" includes any department, division, or agency of the state.

(64) "Subdivided land" means the land, tract, or lot described in a recorded subdivision plat.

(65)

(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

(ii) an agreement recorded with the county recorder's office between owners of adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement in accordance with Section 57-1-45 if:

(A) no new lot is created; and

(B) the adjustment does not violate applicable land use ordinances;

(iii) a recorded document, executed by the owner of record:

(A) revising the legal description of more than one contiguous parcel of property that is not subdivided land into one legal description encompassing all such parcels of property; or

(B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;

(iv) an agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Section 10-9a-603 if:

(A) no new dwelling lot or housing unit will result from the adjustment; and

(B) the adjustment will not violate any applicable land use ordinance;

(v) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels;

(vi) a parcel boundary adjustment;

(vii) a lot line adjustment;

(viii) a road, street, or highway dedication plat; or

(ix) a deed or easement for a road, street, or highway purpose.

(d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection (65) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

(66) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-9a-608 that:

(a) vacates all or a portion of the subdivision;

- (b) alters the outside boundary of the subdivision;
 - (c) changes the number of lots within the subdivision;
 - (d) alters a public right-of-way, a public easement, or public infrastructure within the subdivision;
or
 - (e) alters a common area or other common amenity within the subdivision.
- (67) "Suspect soil" means soil that has:
- (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
 - (b) bedrock units with high shrink or swell susceptibility; or
 - (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
- (68) "Therapeutic school" means a residential group living facility:
- (a) for four or more individuals who are not related to:
 - (i) the owner of the facility; or
 - (ii) the primary service provider of the facility;
 - (b) that serves students who have a history of failing to function:
 - (i) at home;
 - (ii) in a public school; or
 - (iii) in a nonresidential private school; and
 - (c) that offers:
 - (i) room and board; and
 - (ii) an academic education integrated with:
 - (A) specialized structure and supervision; or
 - (B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.
- (69) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.
- (70) "Unincorporated" means the area outside of the incorporated area of a city or town.
- (71) "Water interest" means any right to the beneficial use of water, including:
- (a) each of the rights listed in Section 73-1-11; and
 - (b) an ownership interest in the right to the beneficial use of water represented by:
 - (i) a contract; or
 - (ii) a share in a water company, as defined in Section 73-3-3.5.
- (72) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Amended by Chapter 434, 2020 General Session

10-9a-104 Municipal standards.

- (1) This chapter does not prohibit a municipality from adopting the municipality's own land use standards.
- (2) Notwithstanding Subsection (1), a municipality may not impose a requirement, regulation, condition, or standard that conflicts with a provision of this chapter, other state law, or federal law.

Amended by Chapter 384, 2019 General Session

CENTERVILLE

Staff Backup Report 1/27/2021

Item No. 3.

Short Title: Bylaws Review

Initiated By:

Scheduled Time:

SUBJECT

Review overlap of Bylaws and City Ordinance.

RECOMMENDATION

Consider to revise bylaws, ordinance, or both.

BACKGROUND

Items in red are found in CZC 12.20.050, items in green are added after last meeting's discussion.

ATTACHMENTS:

Description

▢ Bylaws Redline

BYLAWS
for the
CENTERVILLE CITY PLANNING COMMISSION

The following rules are intended to govern the conduct of public meetings of the Centerville City Planning Commission. Items and issues not addressed by these rules of conduct shall be determined by the Planning Commission Chair, using Roberts Rules of Order as a guide. These By-Laws are intended for internal use only and shall not be grounds for third party challenges.

A. ORDER OF BUSINESS

1. REGULAR AND SPECIAL MEETINGS. ~~Regular meetings of the Centerville City Planning Commission shall be held on the second and fourth Wednesdays of each month~~ at 7:00 p.m. Special meetings may be held at other times at the call of the Chair, as warranted. ~~All regular and special meetings shall be notices as required by City Ordinances and in accordance with the requirements of the Utah Open and Public Meetings Act and the Utah Land Use Development and Management Act.~~

2. PUBLIC HEARINGS. ~~Public hearings required for certain items by City Ordinances and State law shall be noticed in compliance with those ordinances and laws.~~

3. ~~QUORUM. A quorum of the Planning Commission shall consist of four (4) members. A quorum must be present before any business may be conducted.~~

4. ORDER OF BUSINESS. The order of business for Planning Commission meetings shall be as follows:

- a. Welcome / Call to Order.
- b. Opening Comment / Legislative Prayer.
- c. Items of Business as designated on the Agenda.
- d. Community Development Director's Report.
- e. Approval of the Minutes of prior meetings.

5. MEETING AGENDA. The Community Development Director shall prepare a written agenda for each meeting of the Planning Commission. The Community Development Director shall review the proposed agenda with the Planning Commission Chair. ~~The agenda shall be distributed to the Planning Commission members prior to meeting, and shall be posted at the City Offices at least 24 hours prior to the starting time of the meeting.~~

6. DEADLINE FOR AGENDA ITEMS. ~~Items for consideration on the Planning Commission agenda shall be submitted to the Community Development Department at least twenty-one (21) days prior to the meeting at which the items is to be considered. Exceptions may be allowed by the Community Development Director, upon consultation with the Planning Commission Chair.~~

7. SPECIAL ORDERS OF BUSINESS. The Commission may at any time, on a motion supported by a majority of the Commission members present, proceed out of order to any item of business, or may return to an item already passed.

ORDER AND DECORUM

1. **CONSIDERATION OF AGENDA ITEMS.** The following procedure for consideration of business items on the agenda will normally be observed. However, the procedure may be modified by the Chair if necessary, for the expeditious conduct of business.

- a. Chair introduces the agenda item.
- b. Staff makes presentation and recommendations.
- c. Applicant or designee makes presentation of proposal.
- d. Public comment or public hearing, if required, in accordance with City Ordinances and State law.
- e. Staff and Applicant to respond to questions raised by public comment and/or Planning Commission members.
- f. Applicant provided opportunity to make concluding remarks.
- g. Planning Commission members discuss and debate the agenda item.
- h. Planning Commission members make motion and vote upon the agenda item. The Commission may approve, disapprove, table, or approve with conditions, the agenda item before them.

MOTIONS

1. **MAKING MOTIONS.** Any Commission member, including the Chair, may make a motion. Motions should include a statement of findings supporting the motion and any relevant conditions of approval.
2. **SECONDING MOTIONS.** A second by a Commission member other than the maker of the motion is necessary before the motion may be discussed or a vote taken.
3. **CHANGING A MOTION.** The maker of a motion may change the motion at any time before the vote is taken. A second to the changed motion is necessary before the changed motion may be further discussed or voted upon.
4. **WITHDRAWING A MOTION.** The maker of a motion may withdraw the motion if no member of the Planning Commission objects to its withdrawal. If an objection is made to the withdrawal of the motion, the Chair may call for a vote of the Commission regarding the withdrawal of the motion.
5. **AMENDING A MOTIONS.** All amendments shall be offered as amendments to the main motion first made. The procedure for amendments shall be the same as for any motion. The Commission shall vote on the amendment before any action is taken on the main motion. Only one amendment should be considered at a time by the Planning Commission.
6. **NON-DEBATABLE MOTIONS.** A motion to adjourn or to take a recess shall be voted upon without debate.

RECONSIDERATION

1. **WHO MAY MOVE TO RECONSIDER.** Any motion made in the course of a Planning Commission meeting may be reconsidered within a reasonable time after the meeting upon a showing of good cause and upon appropriate noticing of the reconsideration. Only a member of the Commission who voted with the majority on the motion in question may make a motion for reconsideration of the motion.

2. VOTE REQUIRED FOR RECONSIDERATION. When a motion to reconsider has been properly made, a majority of the members of the Commission present must vote in favor of reconsideration in order for the item to be reconsidered.

DEBATE

1. COURTESY. ~~Planning Commission members should be courteous and respectful of other Planning Commission members' views and opinions. Planning Commission members should not interrupt other members' during discussion and debate.~~ The Chair has the authority to limit debate or to bring order, as necessary, to the meeting.

VOTING

1. VOTING PROCESS. A quorum of commission members must vote on a motion. ~~Commission members must be physically present in order to vote.~~ All members present must vote unless the member declares an abstention or recusal due to possible or actual conflict of interest. All votes are to be cast verbally. A roll call vote shall be taken for action items requiring public comment or a public hearing and should be taken for all other matters at the discretion of the Chair. Motions must receive a majority of the votes cast, with a minimum of three (3) favorable votes necessary in order for the motion to pass.

2. ANNOUNCEMENT OF DECISION. Voting or changing a vote after the decision is announced by the Chair will not be allowed, unless by a motion to reconsider.

3. RATIONALE FOR VOTE. Motions approved by the Commission should indicate the reasons for the decision and any conditions relevant to the motion. The reasons for voting against a motion may also be given and included in the minutes of the meeting, at the discretion of those voting against a motion.

4. TIE VOTES. Tie votes on motions shall result in the failure of the motion.

CONFLICTS OF INTEREST

1. ~~ETHICS ACT. Planning Commissioners shall comply with the Utah Municipal Officers' and Employees' Ethics Act, as set forth in Utah Code Ann. 10-3-1301, et seq., as amended.~~

2. CONFLICT OF INTEREST FORM. Upon taking office, and annually thereafter, Planning Commission members should sign a Conflict of Interest Form as provided by the City Record disclosing interests as required by law.

3. RECUSAL. Planning Commission members should recuse themselves from any agenda item or discussion matter in which they have a personal interest that creates or has the appearance of creating a conflict of interest between the commissioner's personal interests and his or her official duties as a Planning Commission member. Planning Commissioners should state on the record their recusal and the reasons therefore at the introduction of the agenda item or discussion matter. After recusal from an agenda item or discussion matter, the recused Planning Commissioner should ~~remove themselves from an interaction position step down from the podium and wait in the hall or other non-interactive position~~ during discussion and action on the agenda item or discussion matter.

CHAIR AND VICE CHAIR

1. CHAIR AND VICE CHAIR. ~~In accordance with City Ordinances, the Planning Commission shall annually elect one of its members to act as Chair to oversee and conduct the proceedings of the Planning Commission and one of its members to act as Vice Chair to act in the absence of the Chair.~~
2. ELECTION. Elections for Chair and Vice Chair should be conducted by the Planning Commission at the first meeting in January or as soon thereafter as is feasible. Elections shall be by nomination and majority vote.

GENERAL

1. COMPLIANCE WITH CITY ORDINANCES. Planning Commissioners shall comply with all Centerville City codes and ordinances and Utah state statutes, including, but not limited to, the provisions of Section 12-20-050 of the City Zoning Ordinance regarding powers and duties of the Planning Commission.
2. ~~MINUTES. Minutes of all Commission meetings shall be taken in accordance with City Ordinances and State law.~~
3. ANNUAL MEETING SCHEDULE. ~~The Planning Commission should adopt an annual meeting schedule at the first meeting in January, or as soon thereafter as is feasible, setting forth the date and time of the regularly scheduled meetings of the Planning Commission for the calendar year.~~

CENTERVILLE

Staff Backup Report 1/27/2021

Item No. 4.

Short Title: Off-street Parking Regulations Review

Initiated By:

Scheduled Time:

SUBJECT

Continue Planning Commission's review of the Parking requirements for various land uses.

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▣ 01-27-2021 PC Staff Memo - Parking Discussion
- ▣ Parking Comparison for Public/Civic Uses

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

STAFF MEMORANDUM

DATE: JANUARY 27, 2021

TO: CENTERVILLE CITY PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: OFF-STREET PARKING INITIAL DISCUSSION

BACKGROUND

Due to the current on-going COVID-19 pandemic, the Planning Commission recently decided to forego undertaking several 2020/21 “*planning goals*” that involve substantial public participation. Instead, the Commission directed staff to bring forward matters previously raised several times in the past regarding the Off-Street Parking requirements of the Zoning Ordinance.

Additionally, as staff recalls, the Planning Commission also raised concerns about the frequency of receiving petitions to “modify parking” for certain specific uses, such as churches, flex space for industrial, and vehicle repairs facilities.

PARKING DISCUSSION PROGRESS TO DATE

- **Residential Uses** - Reviewed at the 01-13-21, PC Meeting – *No Changes Proposed*
- **Public/Civic Uses** – Under Review 01-27-21, PC Meeting – *see Agenda attachments.*
- **Commercial Uses**
- **Industrial Uses**

PARKING TABLE REVIEW AND ANALYSIS

PUBLIC & CIVIC PARKING COMPARASION

USE	CZC CODE	<i>Notes/ Additional Standards</i>	FARMINGTON	NORTH SALT LAKE	WEST BOUNTIFUL	STAFF SUGGESTION OR COMMENTS	PC PROPOSAL
Auditorium or stadium	1 space per 6 seats of total seating capacity plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 20 inches of bench space shall be considered as 1 seat	1 space for every 4 seats. Where no fixed seats, 1 space for every 50 s.f. of gross floor area	1 space per 4 seats. Where no fixed seats, 1 space for every 100 s.f. of assembly area	1 space for each 4 seats of seating capacity	Changes may be warranted?	
Bus terminal	Parking study required		NOT DEFINED [PC Discretion]	NOT DEFINED [PC Discretion]	NOT DEFINED [ZA Discretion]	No Changes Suggested	
Cemetery	Parking study required		NOT DEFINED [PC Discretion]	NOT DEFINED [PC Discretion]	NOT DEFINED [ZA Discretion]	No Changes Suggested	
Church or place of worship	1 space per 6 seats of total seating capacity plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 20 inches of bench space shall be considered as 1 seat	1 space for every 4 seats. Where no fixed seats, 1 space for every 50 s.f. of gross floor area	1 space per 5 seats, or 12 feet of bench. Or 1 stall per 40 s.f. of assembly area	Fixed Seating = 1 space for each 4 fixed seats, or 1 space per 7 feet of pew 1 space for each 4 seats of seating capacity	Changes may be warranted?	
Club or service organization	1 space per 6 seats of total seating capacity plus 1 space per 100	Each 20 inches of bench space shall be	NOT DEFINED [PC Discretion]	1 space per 250 s.f. of bldg. floor area	1 space for each 4 seats of seating capacity	Changes may be warranted?	

	square feet of assembly area within the main auditorium where there are no fixed seats	considered as 1 seat					
College or university	Parking study required		NOT DEFINED [PC Discretion]	As per CUP by P.C.	NOT DEFINED [ZA Discretion]	No Changes Suggested	
Convalescent care facility	1 space per 4 beds plus 1 space per employee on highest employment shift		1 space per bed	1 space per employee on highest shift. 1 stall per company vehicle, 1 space per 2.5 beds.	1 space for each 5 beds	No Changes Suggested	
Correctional facility	Parking study required		NOT DEFINED [PC Discretion]	1 space per 5 bed capacity	NOT DEFINED [ZA Discretion]	No Changes Suggested	
Cultural service	1 space per 300 square feet of gross floor area		NOT DEFINED [PC Discretion]	1 space per 40 s.f. of gross floor area in primary assembly area	NOT DEFINED [ZA Discretion]	Changes may be warranted?	
Golf course	4 spaces per hole, plus 1 space per driving range tee	Storage area for golf carts and maintenance vehicles shall be provided	Determined by PC	1 space per 2 employees, 3 stalls per golf hole	NOT DEFINED [ZA Discretion]	No Changes Suggested	
Government service	1 per 200 square feet of gross floor area		NOT DEFINED [PC Discretion]	1 space per 200 s. f. of floor area used by the public, 1 space per employee	NOT DEFINED [ZA Discretion]	No Changes Suggested	

Hospital	2 spaces per bed		1 space per each bed	2 spaces per bed	NOT DEFINED [ZA Discretion]		
Operations center	4 spaces, plus 1 space per employee on highest employment shift		NOT DEFINED [PC Discretion]	NOT DEFINED [PC Discretion]	NOT DEFINED [ZA Discretion]	Changes may be warranted?	
Park	Parking study required		NOT DEFINED [PC Discretion]	NOT DEFINED [PC Discretion]	NOT DEFINED [ZA Discretion]	No Changes Suggested	
Post office	2 spaces, plus 1 space per 200 square foot of gross floor area	Loading zone and storage area for mail vehicles shall be provided	NOT DEFINED [PC Discretion]	NOT DEFINED [PC Discretion]	NOT DEFINED [ZA Discretion]	No Changes Suggested	
Protective service	4 spaces, plus 1 space per employee on highest employment shift		NOT DEFINED [PC Discretion]	1 space per 4 residents, 1 stall employee highest shift	NOT DEFINED [ZA Discretion]	Changes may be warranted?	
Reception center	1 space per 6 seats of total seating capacity plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats		1 space for every 4 seats. Where no fixed seats, 1 space for every 50 s.f. of gross floor area	1 space per 4 seats. Where no fixed seats, 1 space for every 100 s.f. of assembly area	1 space for each 4 seats of seating capacity	Changes may be warranted?	
Riding academy or stable	Parking study required		NOT DEFINED [PC Discretion]	NOT DEFINED [PC Discretion]	NOT DEFINED [ZA Discretion]	No Changes Suggested	
School, elementary, middle, high, and vocational	1 space per employee, plus 2 spaces per classroom and 1 space for every three students of driving age		H.S. 7 spaces per classroom E & Jr. H 2 spaces per classroom	H.S. 10 spaces per classroom E & Jr. H 2 spaces per classroom	NOT DEFINED [ZA Discretion]	Changes may be warranted – limited to vocational?	

				1 stall per 5 seats of auditorium			
Utility, major	Parking study required		NOT DEFINED [PC Discretion]	NOT DEFINED [PC Discretion]	NOT DEFINED [ZA Discretion]	No Changes Suggested	

CENTERVILLE

**Staff Backup Report
1/27/2021**

Item No.

Short Title: January 13, 2020

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND