



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON OCTOBER 23, 2024 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Planning Commission meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Commission reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

1. Public Hearing - Zoning Code Text Amendments - Body Art Studio/Tattoo Establishment - CZC 12.12.040 (Definitions) and 12.36.040 (Table of Uses for Commercial Uses) - Legislative Decision
The petitioner, Nicole Hutchins, desires to amend the Centerville Zoning Ordinance by suggesting a proposed new addition to the Definitions section of the Centerville Zoning Code and amending language within sections of the Table of Uses for Commercial Uses as found in CZC 12.12.040 and 12.36.040.

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report
2. Planning Commission Training - Module 4 "Subdivisions - Development and Regulation"

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply with the Centerville City Minutes Approval Policy.

1. Minutes Review and Approval
October 9, 2024 Planning Commission Minutes

E. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

**Jennifer Robison
Centerville City Recorder**

**PLANNING
COMMISSION**

Staff Report
10/23/2024

Item No. 1.

Title: Public Hearing - Zoning Code Text Amendments - Body Art Studio/Tattoo Establishment - CZC 12.12.040 (Definitions) and 12.36.040 (Table of Uses for Commercial Uses) - Legislative Decision

Initiated By: Nicole Hutchins

Staff Representative: Mike Eggett, Community Development Director

SUBJECT:

The petitioner, Nicole Hutchins, desires to amend the Centerville Zoning Ordinance by suggesting a proposed new addition to the Definitions section of the Centerville Zoning Code and amending language within sections of the Table of Uses for Commercial Uses as found in *CZC 12.12.040 and 12.36.040*.

RECOMMENDATION:

Consider recommending denial to the City Council

BACKGROUND:

The petitioner, Nicole Hutchins, desires to amend the Centerville Zoning Ordinance by suggesting a proposed new addition to the Definitions section of the Centerville Zoning Code and amending language within sections of the Table of Uses for Commercial Uses as found in *CZC 12.12.040 and 12.36.040*. The petitioner is seeking a proposed amendment to sections of the City Zoning Code as follows:

- (1) amend *CZC 12.12.040* by adding the definition of “Body Art” to be, “body art including, but not limited to cosmetic/permanent make-up, providing service and support for individuals recovering from non-elective surgery that attempts to restore original aesthetic (ie: nipple reconstruction with tattooing and general body art both fine line and traditional ink)”;
- (2) amend *CZC 12.36.040 Table of Uses for Commercial Uses* by adjusting the naming convention from “Tattoo Establishment” to “Body Art Studio”; and
- (3) amend *CZC 12.36.040 Table of Uses for Commercial Uses* to allow for the use of “Body Art Studio” in any commercial zone (it is not clear if this allowance would be requested to be defined as a permitted or conditional use within the commercial zones).

ATTACHMENTS:

1. 10-23-2024 PC Staff Report Zone Text Amendment - 12.12.040 & 12.36.040, Body Art Amend, Nicole Hutchins Applicant
2. 12.36.040 Table of Uses for Commercial Uses
3. Part-12-430-Commercial-and-Industrial-Development-08-08-2012-PDF
4. Pub Hear Notice - Body Art Code Amend Proposal
5. N Hutchins Zoning Text Amend App - CZC 12.36.040
6. text

7. text 2
8. Hutchins Photo 1 - Fine Line Ex
9. Hutchins Photo 2 - Fine Line Ex

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

STAFF REPORT
AGENDA: ITEM 1

PETITIONER:	NICOLE HUTCHINS 1363 BROOKHURST CIRCLE CENTERVILLE, UT 84014 beetlebug188@hotmail.com
APPLICATION:	ZONING CODE TEXT AMENDMENT
APPLICANT REQUEST:	AMEND THE ZONING CODE TEXT REGARDING DEFINITIONS FOR “BODY ART”; AMEND THE TABLE OF USES FOR COMMERCIAL USES; and CHANGING THE NAMING CONVENTION “TATTOO ESTABLISHMENT” TO “BODY ART STUDIO” WITHIN THE ZONING CODE (CZC 12.12.040 & 12.36.040)
RECOMMENDATION:	CONSIDER RECOMMENDING DENIAL TO THE CITY COUNCIL

BACKGROUND

The petitioner, Nicole Hutchins, desires to amend the Centerville Zoning Ordinance by suggesting a proposed new addition to the Definitions section of the Centerville Zoning Code and amending language within sections of the Table of Uses for Commercial Uses as found in *CZC 12.12.040 and 12.36.040*. The petitioner is seeking a proposed amendment to sections of the City Zoning Code as follows:

- (1) amend *CZC 12.12.040* by adding the definition of “Body Art” to be, “body art including, but not limited to cosmetic/permanent make-up, provide a service and support for individuals recovering from non-elective surgeries that attempt to restore original aesthetic (ie: nipple reconstruction with tattooing and general body art both fine line and traditional ink)”;

(2) amend *CZC 12.36.040 Table of Uses for Commercial Uses* by adjusting the naming convention from “Tattoo Establishment” to “Body Art Studio”; and

(3) amend *CZC 12.36.040 Table of Uses for Commercial Uses* to allow for the use of “Body Art Studio” in any commercial zone (it is not clear if this allowance would be requested to be defined as a permitted or conditional use within the commercial zones).

A public hearing was advertised for this proposed zoning code text amendment request. Public hearing notice was posted in accordance with State and City Code requirements.

STAFF ANALYSIS AND COMMENTS

CZC 12.21.080(e) provides four factors to consider when reviewing a Zoning Code or Zoning Map Amendment Application. Only the first factor applies to Zoning Code Amendments. Factor number one considers “whether the proposed Zoning Code or Zoning Map amendment is consistent with goals, objectives, and policies of the General Plan”. There are a section of the General Plan that are applicable to this request, as this proposed zoning code amendment is associated with commercial development areas within the City.

Commercial development standards are referenced “Part 12-430 Commercial and Industrial Development” of the current City General Plan. A copy of this section of the General Plan has been included in the packet for this item review.

Potential applicable broad guidance for evaluation of this proposed amendment is found in the section that follows:

12-430-1. NEED FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT. Communities are composed primarily of the residents who live in them. These residents need a variety of services to provide the things common to residential lifestyles. Such local services as grocery shopping, medical, banking, automotive, and a host of other needs can be serviced by local commercial developments.

Residents of communities also need a variety of municipal and government services: schools, water, sewers, road construction and maintenance, and police and fire protection are the most common. These services are generally paid for through local taxes such as property and sales taxes. Many studies have shown that residential properties alone generally do not generate the amount of revenue needed to sustain these necessary municipal services. Much of the needed revenue for high quality services comes from commercial and industrial property assessments. Sales tax from local commercial establishments is also an important component in local revenues.

To assist in the provision of revenues for high quality local services, and to provide needed personal and business services, Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community.

There is not a more direct application of the General Plan to the requested proposed zoning code text amendments. Please also note that the General Plan is currently going through a comprehensive update process that may impact these types of commercial development guidance in the future.

The next step in evaluating this request is to review the established nature of the existing zoning codes found within *CZC 12.12.040 and 12.36.040*. At current time there is no definition for “Body Art” and “Body Art Studio”. The most closely associated existing definitions are “Permanent Cosmetics”, “Personal Care Service”, and “Tattoo Establishment”. To that point, the definition of each of these terms is as follows:

Permanent Cosmetics: A cosmetic treatment involving the controlled insertion of pigment into the skin as a means of producing designs that resemble makeup such as eyebrows and eye lining and other natural enhancing colors to the face, lips, and eyelids and hairline. Permanent cosmetic is solely for enhancing facial features that are already present or to provide artificial eyebrows for those who have lost them as a consequence of old age disease, chemotherapy, genetic disturbance and to disguise scars and skin conditions. It may be referred to as "Semi -Permanent" because occasional touch ups are required.

Personal Care Service: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barber shops, permanent cosmetics, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes Tattoo Establishment.

Tattoo Establishment: Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice. The term excludes Permanent Cosmetics.

In reviewing these three definitions, it appears that there is some significant distinction between “Personal Care Service” (which allows for “Permanent Cosmetics”) and a “Tattoo

Establishment”. City staff is of the opinion that mixing the two distinct definitions of certain permanent cosmetics uses and tattoo establishments into a new category identified as “Body Art Studio” could lead to zoning application confusion and uncertainty as more potential businesses might explore doing business within Centerville and have scattered questions regarding variations of this category of use. Permanent cosmetics, as a category, are already defined in what seems to be a purposefully limited fashion, as a form of “Personal Care Service” business use. This seems to be by design per previous establishment of permanent cosmetics as a listed type of business use within the “Personal Care Service” category of business use. Further, the “Personal Care Service” definition seems to make extra distinction that “Tattoo Establishment” is not a “Personal Care Service” and should not be construed as such. Fine line tattoos as a category, although they may be small and simple in form, are still a type of tattoo and would currently require a tattoo establishment category business in order to be provided as a service option to the members of the Centerville community.

Next, looking over the existing zoning matrix (as found in *CZC 12.36.040*) for the Table of Uses for Commercial Uses, the category of “Tattoo Establishment” is not permitted in any of the Centerville City zones, including commercial and industrial zones. This seems to be a very clear direction of historical guidance on the City’s position relative to the business category of “Tattoo Establishment”. A sweeping use change (from not permitted to permitted/conditional for “Body Art Studio”, fine line tattoo specifically in this case) to this historical zoning tradition for commercial zoning could bring significant change and impacts to the existing uses and expectations for commercial zoned districts within the Centerville community. City staff is of the opinion that this proposed sweeping zoning policy change to the established commercial uses matrix is not good planning practice or policy and creates too significant of a chaotic, non-directional impact to the commercial interests of each of the commercial districts in the City. Furthermore, being that there is no allowance for “Tattoo Establishment” within the industrial zoning districts of the City, it seems to be a great stretch for there to be a broad change in support of “Body Art Studio” (fine line tattoos specifically in this case) within all commercial zoning districts (C-M to C-VH) of the City.

Finally, the removal entirely of the category of “Tattoo Establishment” is viewed as a troublesome request as “Tattoo Establishments” provide tattoo services that can be greater in size and impact in application on an individual customer than fine line tattoo applications. City staff is of the strong opinion that the category of “Tattoo Establishments” not be replaced by the “Body Art Studio” category, even if there needs to be added a new category of business added to the matrix within *CZC 12.36.040* for “Body Art Studio”.

In summary, the proposed zoning code text amendments that have been presented by the applicant are each concerning for different reasons, as noted above. The unforeseen impacts of these changes are of significant concern to City staff, as are the challenges that would likely

come from broad application of the requested change to all of the established commercial zoning districts of the City. City staff are sympathetic to the fact that there may be unique situations where restorative body tattooing is tied to body reconstruction efforts of an individual or maybe even very minor fine line tattoos. The challenge is how to best regulate restorative tattoos and minor fine line tattoos as a separate use category from tattoos that are applied within a “Tattoo Establishment”. Maybe there is a potential approach to be explored for limited restorative tattoos and/or minor fine line tattoos being recognized somehow as part of the “permanent cosmetics” definition within the zoning codes.

Therefore, staff is of the opinion that the applicant’s zoning text submittal (as found in the meeting packet) creates too many zoning challenges and issues for commercial zoning districts within the City. Thus, it is staff’s position that the applicant’s zoning text submittal is likely not in the City’s best interests because it will provide more confusion and issues for the overall community than solving the challenges represented by the applicant’s request. It is for this reason that City Staff has provided the current recommendation in response to the applicant’s request.

POSSIBLE MOTIONS

Based on the information provided by the Planning Staff and following the discussion among the Planning Commission, the Planning Commission may make a motion to recommend to the City Council approval of this request as submitted, approval of the request with any additional amendment, table the matter to a later date, or recommend denial of the proposed amendment. With any of these decisions appropriate findings of facts should be provided. Sample motions for the Planning Commission’s convenience are located below.

#1 – DENY

I hereby make a motion for the Planning Commission to recommend to the City Council DENIAL of the request from Nicole Hutchins for a Zoning Code Text Amendment regarding CZC 12.12.040 “Definitions” & CZC 12.36.040 “Table of Uses for Commercial Uses”, with the following reasons for action (findings):

- 1. The Planning Commission finds that the proposed text amendments are not a benefit to nor in the best interests of the commercially zoned areas within Centerville City.*
- 2. The Planning Commission finds that the proposed text amendments are not a benefit to nor in the best interests of commercial growth opportunity within Centerville City.*
- 3. The Planning Commission finds that the proposed text amendments will likely create unforeseen impacts that are of concern to the City.*

4. *The Planning Commission finds that the proposed text amendments are overly broad in their application to the established commercial zoning districts of the City..*
5. *Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.12.040 “Definitions” & CZC 12.36.040 “Table of Uses for Commercial Uses” should not be positively recommended to the City Council.*

#2 – TABLE

I hereby make a motion for the Planning Commission to TABLE the request from Nicole Hutchins for a Zoning Code Text Amendment regarding CZC 12.12.040 “Definitions” & CZC 12.36.040 “Table of Uses for Commercial Uses” until such a time as _____.

#3 – APPROVE

I hereby make a motion for the Planning Commission to recommend to the City Council APPROVAL of the request from Nicole Hutchins for a Zoning Code Text Amendment regarding CZC 12.12.040 “Definitions” & CZC 12.36.040 “Table of Uses for Commercial Uses”, with the following reasons for action (findings):

1. *The Planning Commission finds that the proposed text amendments are consistent with the goals, objectives, and policies of the General Plan.*
2. *The Planning Commission finds that the proposed text amendments are a benefit to the commercially zoned areas within Centerville City.*
3. *The Planning finds that the proposed text amendments are in the best interests of the commercially zoned areas within Centerville City.*
4. *The Planning Commission finds that the proposed text amendments are deemed valid and should be applied to all commercially zoned areas of the City.*
5. *Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.12.040 “Definitions” & CZC 12.36.040 “Table of Uses for Commercial Uses” should be positively recommended to the City Council.*

#4 – APPROVE WITH ANY PROPOSED ADDITIONAL AMENDMENTS

I hereby make a motion for the Planning Commission to recommend to the City Council APPROVAL of the request from Nicole Hutchins for a Zoning Code Text Amendment regarding CZC 12.12.040 “Definitions” & CZC 12.36.040 “Table of Uses for Commercial Uses”, with the language amendment to the request (as provided by the Planning Commission) as follows _____, based on the following reasons for action (findings):

1. *The Planning Commission finds that the proposed text amendments are consistent with the goals, objectives, and policies of the General Plan.*
2. *The Planning Commission finds that the proposed text amendments are a benefit to the commercially zoned areas within Centerville City.*
3. *The Planning finds that the proposed text amendments are in the best interests of the commercially zoned areas within Centerville City.*
4. *The Planning Commission finds that the proposed text amendments are deemed valid and should be applied to all commercially zoned areas of the City.*
5. *Therefore, the Planning Commission finds that the request for a Zoning Code Text Amendment regarding CZC 12.12.040 “Definitions” & CZC 12.36.040 “Table of Uses for Commercial Uses” should be positively recommended to the City Council.*

12.36.040 Table Of Uses For Commercial Uses

Legend: "P" - permitted use, "C" - conditional use, "N" - not permitted

Commercial Uses	Zones														
	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Agricultural sales and service	N	P	N	N	N	N	N	N	N	N	C	P	C	P	P
Bail bond service	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C
Bank or financial institution	N	N	N	N	N	N	N	N	N	C	P	P	P	P	P
Bed and breakfast	C	N	N	N	N	N	N	N	N	C	P	P	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Car wash	N	N	N	N	N	N	N	N	N	N	C	P	N	P	P
Catering, General	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Catering, Limited	N	N	N	N	N	N	N	N	N	C	C	P	P	P	P
Child care center	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Convalescent care facility	N	N	N	C	P	N	N	N	N	P	P	P	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N	C	C	P	C	C	C
Family child care facility	See CZC 12.62 (Home Occupations).														
Family group child care facility	See CZC 12.62 (Home Occupations).														
Garden Center	C	P	N	N	N	N	N	N	N	C	P	P	C	C	C

Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C
Gasoline service station	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Hotel	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N
Kennel	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Liquor store	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Medical service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Mortuary	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Motel	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N
Office, general	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P
Outdoor Nursery/Grower's Outlet	N	C	N	N	N	N	N	N	N	C	C	C	C	C	C
Parking garage	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Parking lot	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C
Pawnshop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Personal care service	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Personal instruction service	N	N	N	N	N	N	N	N	N	P	P	P	N	P	N
Printing and copying, limited	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Printing, general	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P
Produce stand	P	P	N	N	N	N	N	N	N	C	C	C	N	N	N

Recreation and entertainment, indoor	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N
Recreation and entertainment, outdoor	N	N	N	N	N	C	C	C	C	N	C	C	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	N	N	N	N	N	C	P	P
Repair service	N	N	N	N	N	N	N	N	N	C	P	P	P	P	P
Research service	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Restaurant, fast-food	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N	P	P	C	P	N	N
Retail, specialty	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N
Secondhand store	N	N	N	N	N	N	N	N	N	N	P	C	P	P	P
Shopping center	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Temporary trailer	See CZC 12.56 (Temporary Uses).														
Towing and Impound Yards	N	N	N	N	N	N	N	N	N	N	N	C ¹	N	P	P
Transportation service	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N	N	N	C	P	C	C	P
Vehicle rental or sale, new, limited	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C

Vehicle rental or sale, used, limited	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N	N	N	N	C	N	P	P
Vehicle repair, limited	N	N	N	N	N	N	N	N	N	N	C	P	P	P	P
Veterinary service	C	P	N	N	N	N	N	N	N	N	C	C	N	P	P
Warehouse, self-service storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See CZC 12.67 (Wireless Telecommunications Facilities).														

Towing and Impound Yards shall only be allowed along the Frontage Road between South Marketplace Drive to the southern Centerville City limit.

HISTORY

Amended Amended
Adopted by Ord. by Ord. by Ord.
2016-20 on 2017-27 2018-06
7/15/2016 on on
11/8/2017 2/20/2018

PART 12-430

COMMERCIAL AND INDUSTRIAL DEVELOPMENT

12-430-1. NEED FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT.

Communities are composed primarily of the residents who live in them. These residents need a variety of services to provide the things common to residential lifestyles. Such local services as grocery shopping, medical, banking, automotive, and a host of other needs can be serviced by local commercial developments.

Residents of communities also need a variety of municipal and government services: schools, water, sewers, road construction and maintenance, and police and fire protection are the most common. These services are generally paid for through local taxes such as property and sales taxes. Many studies have shown that residential properties alone generally do not generate the amount of revenue needed to sustain these necessary municipal services. Much of the needed revenue for high quality services comes from commercial and industrial property assessments. Sales tax from local commercial establishments is also an important component in local revenues.

To assist in the provision of revenues for high quality local services, and to provide needed personal and business services, Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community.

12-430-2. COMMERCIAL DEVELOPMENT POLICIES.¹

Several general commercial areas exist or are feasible in Centerville City. These areas should be protected from encroachment of other uses to preserve local commercial service capability and to enhance the City employment and tax base. These areas are generally identified as follows:

1. Pages Lane commercial area - The commercial area located on Pages Lane is a major retail business center of Centerville City and north Bountiful. This

¹ Amended Oct. 1, 1996, Ord. No. 96-24

area should be encouraged to continue as a major contributor to the economic base of Centerville City. Future growth and change in the area should be as attractive and functional as possible.

2. Main Street commercial area - The area on Main Street between 400 South (Porter Lane) and 400 North (Parrish Lane) has been regarded as the traditional commercial center of Centerville, though in reality it never became a strong focal point. The Main Street commercial area is old now and somewhat deteriorating, though a few new buildings have been constructed here in recent years. Restoration or revitalization should be encouraged.
3. Parrish Lane Commercial Corridor.² As access to and from the Interstate 15 interchange, Parrish Lane (400 North) is the major gateway to Centerville City. Commercial development on Parrish Lane from Main Street west to Interstate 15 has been strong and the area will continue to be the dominant commercial center of Centerville. Freeway and retail commercial development is intended along Parrish Lane west of Interstate 15.

As a major gateway to the city, the appearance of the Parrish Lane Commercial Area should be of utmost importance to the City. City officials and commercial developers should create a "gateway" impression of Parrish Lane. Such features as landscaping, bermed frontage areas, street lights, City identification monuments, and framing views of the city and the Wasatch Mountains should be used in development of properties along the commercial area of Parrish Lane, which is hereby designated as the Parrish Lane Commercial Gateway Corridor.

Specifically, elements of strip commercial development should be avoided along Parrish Lane, such as frequent curb cuts, lack of landscaping, large unattractive signs, expansive parking areas and pavement, and generally unappealing streetscapes. A thirty-foot (30') wide bermed and landscaped buffer strip should be required along properties fronting the commercial area of Parrish Lane. While freestanding signs may be

2 Amended Oct. 6, 1998, Ord. No. 98-39

allowed in this area, monument signs are encouraged. Where allowed, freestanding signs should be limited to size, well designed and become gradually smaller in height and size the further away the sign is located from Interstate-15. All signs in this area should be tightly controlled and arranged to avoid clutter. Monument signs should be encouraged in bermed landscaped areas. Development of a few commercial centers is preferable to the subdividing of the Parrish Lane frontage into numerous individual commercial pads, each with its own sign and curb cuts. City monument signs and landscaped islands in Parrish Lane should be placed near the Interstate 15 interchange and any other future major traffic corridor interchange west of Interstate 15 to further create the gateway impression.

SECTION 12-430-3. COMMERCIAL/BUSINESS PARK POLICIES^{3, 4, 5}

In addition to the general commercial areas in Centerville City, there are areas that are suitable for up-scale planned highway commercial, office development, business and research parks and light industrial activities. Such developments not only add to the tax base of the community, they also provide significant sources of employment for area residents. Such areas are important to the overall well-being of Centerville City and should be carefully planned to provide attractive business, office, commercial and light industrial uses within the City.

1. South Frontage Road. A number of commercial and light industrial businesses have located over the years in the area between Porter Lane and Pages Lane along the Frontage Road. The development of commercial and light industrial districts west of Interstate 15 provide sufficient and more appropriate areas for such commercial and light industrial uses. Additional heavy commercial and industrial development east of Interstate 15 is no longer appropriate or needed. As existing heavy commercial and industrial uses in the

³ Amended April 5, 1988, Ord. No. 88-4

⁴ Amended March 19, 1996, Ord. No. 96-1

⁵ Amended Oct. 1, 1996, Ord. No. 96-24

South Frontage Road area are discontinued or moved, such should be replaced with more attractive, commercial and retail-oriented businesses. Any development should give appropriate consideration to the existing businesses and uses and should be carefully planned to minimize the impact on existing and future residential uses in the area. Access to businesses should be allowed only from the Frontage Road, and, under very limited circumstances, from Porter Lane, to avoid impacting the residential areas on 400 West and Porter Lane with commercial traffic. Future development in this area should also be carefully considered for its appearance from Interstate 15, as this is an important entrance to Centerville City.

2. West Centerville. Essential to Centerville's economy will be the effective use of lands west of Interstate 15. Environmental and geographic factors suggest that the best use of the land west of Interstate 15 in Centerville is for well-planned highway commercial, office development, business and research parks, light manufacturing, light industrial uses and permanent open space in addition to the existing heavier industrial and manufacturing uses already existing in the area. This area should, therefore, be reserved for well-planned business park, office park, highway commercial and light industrial uses only. Additional heavy industrial and manufacturing uses are not appropriate in this area except in the designated Industrial Development (I-D) Zone. Existing heavy industrial and manufacturing uses located outside the Industrial Development (I-D) Zone may continue in accordance with the City's Non-Conforming Use Ordinance. Careful consideration should be given to the appearance of future development from Interstate 15 and any other future transportation corridors west of Interstate 15. Minimizing the impact of new businesses on existing uses in the area, and vice versa, is a priority. Careful design and planning should be used to make adjoining land uses as compatible as possible, especially where there is a significant difference in the intensity of use. Residential development is not appropriate for this area. Commercial and retail-oriented businesses should be developed in the area along Parrish Lane

west of Interstate 15 as part of the Parrish Lane Commercial Gateway Corridor.

The widening and improvement of Parrish Lane and 1250 West is critical to the development potential and aesthetic appeal for this area and in providing proper access to development projects. These streets should be developed with an overall streetscape plan and bermed perimeter landscaping. In order to provide proper access and the delivery of services to properties not adjacent to these streets, loop street access shall be provided along 1250 West.



October 10th, 2024

Please see the following public hearing notices for October 23rd, 2024

**CENTERVILLE CITY
ZONE CODE AMENDMENT NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Centerville City **Planning Commission** will hold a public hearing on **Wednesday, October 23rd, 2024, at 7:00pm**, or as soon thereafter as the matter can be heard, at the Centerville City Hall, 250 North Main Street, Centerville, Utah, regarding proposed **Zone Code Amendment to CZC 12.12.040 Definitions, concerning the request to add a definition for the term “Body Art”, and CZC 12.36.040 Table of Uses for Commercial Uses, specifically regarding the request to amend CZC 12.36.040 by removing the term “Tattoo Establishment” and replacing it with the term “Body Art”. Also, regarding a request to amend CZC 12.36.040 to allow “Body Art” as a permitted/conditional use in any commercial zone.** If you have questions regarding this matter or would like further information, please contact Centerville City Community Development, at 801.292.8232 or visit the City’s website at <https://centervilleutah.gov>.

Community Development Department

Application Status
Under Review

Application Review Status

Pre-Review	Application Accepted	Date Submitted
Application accepted and set for public hearing on October 23, 2024.		09/25/2024
Planning Commission	Planning Commission Review	
City Council	Not Reviewed	
Planning & Zoning	Accepted	
Will be set for review by Planning Commission on October 23, 2024.		
Final-Review	Not Reviewed	

Fees		Payments		
Zoning Code Amendment Application Fee	\$250.00	09/25/2024	Online	\$500.00
Professional Services Fee	\$250.00	Total Paid		
Subtotal	\$500.00	\$500.00		
Amount Paid	\$500.00			
Total Due	\$0.00			

Application Form Data
(Empty fields are not included)

Applicant's First Name

Nicole

Applicant's Last Name

Hutchins

Applicant Email Address

beetlebug188@hotmail.com

Applicant Phone Number

(801) 631-4626

Mailing Address

1363 Brookhurst Circle

City

Centerville

State

UT

Zip Code

84014

As the applicant are you representing any other persons and/or companies?

No

Provide the Zoning Code reference to the title, chapter, and section you are proposing to amend.

Proposing to amend 12.36.040 Proposing to amend 12.36.040 Table Of Uses For Commercial Uses
- Tattoo Establishment

Provide a draft of the proposed text amendment

 text 2.txt

 IMG_4942 2.jpeg

 IMG_4941 2.jpeg

Provide reasons supporting your request for an amendment

 text.txt

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Electronically Signed

Nicole Hutchins - 09/25/2024 4:07 pm

Internal Notes

09/26/2024 9:00 am - Sydney DeWees

@{{user||65d4ce3a89324d125433425b||Mike Eggett}} Will you be the one reviewing this application?

09/26/2024 9:16 am - Mike Eggett

Yes. I am planning on reviewing it and getting back to her with dates and plan for public hearing notice and planning commission scheduling. That being said, if at any point you want to take one of these and run them, let me know and we can do that as well.

Reasons and Support

- Identity Body art can be used to express one's identity, including their religion, beliefs, or passions. It can also be used to show group membership or gender distinctions.
 - Personal growth Body art can be a way to mark personal growth, such as after trauma or cancer remission.
 - Self-expression Body art can be a way to express oneself, and can be a crucial part of social, spiritual, and personal expression.
 - Healing Body art can be used as an outlet for people who struggle with their mental health. It can be a way to reclaim one's body and process experiences like domestic abuse.
 - Rite of passage Body art can be used to mark milestone events like marriage, and death and other life events.
 - Inclusivity and Diversity: Allowing tattoos reflects an inclusive and diverse society. People from different cultures, backgrounds, and lifestyles often use tattoos to honor their heritage, religion, or personal journey
- Reduced Stigma: Outdated views on tattoos being associated with criminality or rebellion are fading. Modern tattooing is seen as a legitimate art form and is accepted in various professional settings, even in industries like healthcare and law enforcement officers along with our first responders.
 - Safe and Regulated Environment: Allowing legal tattooing provides an opportunity for government oversight and regulation, ensuring health and safety standards are met. This reduces the risk of infections or unhygienic practices that may arise from underground or unregulated tattooing.
- body art including, but not limited to cosmetic/permanent make-up, provide a service and support for individuals recovering from non-elective surgeries that attempt to restore original aesthetic, ie: nipple reconstruction with tattooing and general body art both fine line and traditional ink.

Proposed Text Amendment

Proposing to amend 12.36.040 Table Of Uses For Commercial Uses - Tattoo Establishment

Proposed amendment to adjust the naming convention from "Tattoo Establishment" to "Body Art Studio"

Body Art defined would include cosmetic microblading, nano brows, eye liner, lip blush, fine line tattoo, and general tattoos both as art as well as post reconstruction surgery (e.g. mastectomy nipple/breast reconstruction) for those who have lost theirs due to cancer or accident.

Amend the code to allow for the use in any commercial zone

* see examples of fine line tattoos below









CENTERVILLE
city

**PLANNING
COMMISSION**

Staff Report
10/23/2024

Item No. 1.

Title: Community Development Director's Report

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
10/23/2024

Item No. 2.

Title: Planning Commission Training - Module 4 "Subdivisions - Development and Regulation"

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. Subdivisions - 4 (shortened)



SUBDIVISIONS

Development & Regulation

**LOCAL GOVERNMENT
LAND USE EDUCATION PROGRAM**

**Center for Public Policy & Administration
University of Utah**

Center for
Public Policy and
Administration
University of Utah

SUBDIVISIONS DEVELOPMENT & REGULATION

An Educational Handbook
For
Group Discussion

2007

5-2

SUBDIVISIONS

DEVELOPMENT AND REGULATION

BACKGROUND

The division of the land for the building of cities has been taking place through out the history of the United States. This is the process by which counties, cities and towns grow, consequently, planning commissions and city councils are charged by state statute with the development of comprehensive plans to give meaning to this growth. No local planning program can be complete without considering the regulations that can and should be used to manage the process of growth and land conversion.

The first locally enacted measures bearing on land subdivision grew out of plans adopted or referred to in early city charters shortly after the First Continental Congress of the United States. A principal ingredient that resulted from these city charters was a map of the street system prior to the division of tracts of land.

Throughout the 19th Century, demand increased for formalized requirements for subdivisions. These demands progressed to local government processes for which subdivisions were accurately surveyed and platted and verified by a qualified engineer. The processes also required that the subdivision plat be approved by local officials and recorded prior to any sale of lots. Subdivision regulations became an important tool of city officials and planning officials in the 1920's. These were merely a new model of a very old device rather than a totally new method of land regulation. The Standard City Planning and Enabling Act was published by the U.S. Department of Commerce in 1928 made subdivision regulation a part of a comprehensive and continuing program of city planning, rather than a device used independently to achieve limited ends.

Subdivision regulations were adopted by many communities across the United States. Some communities initiated the use of subdivision regulations after World War II to take advantage of Federal GI and FHA programs to assist young married families to purchase homes.

Why do we regulate subdivisions?

An important motivation for adopting subdivision regulations was to protect both prospective home buyers and local government units from the practices of careless or unscrupulous developers.

Prior to the enactment of subdivision regulations, developers were bulldozing land and erecting homes, streets, roads and services without serious regard to potential problems of topography, soil conditions or proper placement of streets, sidewalks or curbs and gutters. The result was that unsuspecting home buyers purchased homes

that later developed severe problems, such as water in the basement, foundations that cracked from geologic hazards or failure of improper cuts and fills, severe erosion and underground utility lines that decayed prematurely.

Often, in such cases, the local governments would be obligated to correct mistakes, at a higher cost, or provide the services that should have been provided initially by the developer. These costs had to be passed on to the individual homeowners through special assessments. Many of the original owners lost their homes because they were unable to afford the additional expenses. In other instances the community covered the costs through its general property tax, even though the majority of residents derived no benefit from the development.

It has been held by some courts that the recording of a plat is a privilege rather than a right. Therefore, after passing ordinances based on the state enabling statutes, a state or local unit of government may use its police power to establish various conditions and standards related to site development as a condition of approved for subdivisions. Without approval the subdivision cannot be legally recorded.

Subdivision regulations - a major influence on urban development

Subdivisions regulations influence significantly the shape of urban development. Urban planners and local officials have recognized that when large tracts of land have been carved up into streets, blocks and lots and publicly recorded, the pattern is difficult if not impossible to change without costly redevelopment programs.

The subdivision application process lends itself to close interaction and negotiation between the local officials and the prospective developer. Subdivision regulations have been broadened to include many standards related to urban development that are not contained in zoning ordinances.

It is essential that every jurisdiction develop, adopt, and implement subdivision regulations that are carefully conceived and that contain standards that are closely related and integrated with the community general plan. Such standards can be particularly effective for assuring proper implementation of the housing, density, transportation/circulation, and visual quality goals of the plan.

The subdivision application and approval process allows for close interaction and negotiation between local officials and the prospective subdivider. Subdivision regulations have been broadened in recent years to include many standards related to urban development that are not contained in most zoning ordinances.

Exclusionary Regulations

Care must be exercised to avoid standards that are so restrictive that they exclude certain income or socio-economic groups. There are zoning subdivision codes that have

been designed purposefully to accomplish such exclusionary results. If standards are found to be exclusionary, they are subject to serious legal challenge and will likely be found to be unconstitutional - and invalidated.

ENABLING LEGISLATION

UTAH CODE

THE LAND USE DEVELOPMENT AND MANAGEMENT ACT

Title 10, Chapter 9, Cities and Towns

Title 17, Chapter 27, Counties

Definition of a Subdivision

The original Utah enabling act for municipalities had never included a definition of a subdivision. A later amendment established a definition that applied to subdivisions of three or more parcels. This definition was changed again in the 1991 Land Use Development and Management Act, which modified the definition to divisions into two or more parcels.

The LUDMA titles are identical with respect to the first subparagraph of the definition, the definition reads as follows:

(36) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be

1. divided into two or more lots, parcels, sites, units, plots, 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; and

(ii) except as provided in Subsection (36)(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) a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary 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 unsubdivided parcel of property 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; or

(iv) a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary 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.

(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 (36) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

IT SHOULD BE NOTED, HOWEVER, by reviewing the text of Sections 10-9-103 and 17-17-103, and the definitions of Section 103, as reprinted in the Appendix of this handbook, the definitions beyond (a) and (b), shown above, bear significant distinctions. The primary distinction involves definitions of the purposes for which a division of land qualifies it for compliance with local subdivision regulations.

Section 17 -27 -103 for counties, excludes a

"bona fide division of land for or partition of agricultural land for agricultural purposes," and certain agreements between landowners.

Adoption and Amendment of the Subdivision Ordinance

The section of LUDMA related to subdivisions points out that the local government may enact a subdivision ordinance in order to implement the subdivision standards and provides for a review and approval process. The Act describes clearly the steps to adoption or amendment of the ordinances and the required public hearing. See Sections 10-9a-601, 602, 603, 604, 10-9a-207.

Submittal to the County Recorder - Recommendation of the Planning Commission

Sections 10-9a-604 and 17-7a-604 provide that a person may not submit a plat of a subdivision to the county recorder for recording unless a recommendation of the plat has been received from the planning commission. Sections 10-9a-611 and 17-27a-611 should be reviewed carefully. They are essentially the same but with some slight distinctions. These sections describe the legal implications if an owner of land transfers or sells any land in a subdivision before it has been approved and recorded.

Court Approval

Courts have sustained the constitutionality of subdivision regulation with a variety of dicta. Subdivision regulations are considered important for the maintenance of property tax records and land titles, and protects against questionable land marketing.

As a practical matter much subdivision regulation is treated as a bargaining process between the developer who needs certain city services and the city government that wishes high standards in development. Such bargaining rarely results in court actions.

SUBDIVISION REGULATIONS AND REQUIRED IMPROVEMENT

Subdivision regulations may differ in the type of improvements required and the design standards depending upon a number of factors such as:

- The size of the community,
- The extent and density of urbanization,
- The values of the community expressed in its general plan and other development policies, and
- The development concept of that the community has chosen to follow.

The subdivision regulations adopted by communities vary across the country, and among the cities and counties of Utah. Some of the more common subdivision standards are described below. The list is not exhaustive, but is provided as an overview.

Large and Small Subdivisions

The definition in the enabling legislation for a subdivision as any division of property into two or more lots has aroused concern for potential hardship. For

several years, some local ordinances have provided for a simplified approval process for subdivisions of ten lots or less. This size distinction has resulted in a common practice of including definitions of two types of subdivisions-large and small

Sections 10-9a-605 and 17 - 17a - 605, provide for an exemption from the recording of a plat, and sale by metes and bounds description, for subdivisions of less than ten lots, with planning commission approval, and upon meeting prerequisites in section 10 - 9a- 605 and 17 - 27a- 605.

The major reason for this difference in treatment is the cost to the subdivider of providing all the information that is normally required. Complying with all the standards also becomes costly for developers of small subdivisions to remain competitive with the larger developers. Caution should be exercised when relaxing the requirements for information and design standards for smaller subdivisions, however, in order to insure that the overall purpose of the regulations is not subverted.

The economic limitations of the small subdividers are a matter for concern, but such concern should not influence regulation to the point of threatening public health and safety. For this reason, the following are some of the improvements that should be required by ordinance to be provided by all subdividers.

Monuments - The type, specification and location of survey monuments within the subdivision.

Streets and alley - The type, width, and survey required for streets and alleys within the subdivision.

Curb and gutter - The type and dimension of curb and gutter required for adequate storm water run-off.

Sidewalks - The type, dimensions and location of sidewalks.

Water supply - The type and standards for water wells and placement of water wells in relation to sewer systems and/or septic tanks. Ordinances should also indicate under what conditions a subdivider may be required to connect to a municipal water system (if one exists). It also may require periodic testing of wells. The applicant will generally show the water distribution system, its adequacy, the means that shall be used for its proper maintenance and the location of necessary right-of-way easements.

Sewage disposal - There should be standards for septic tanks and drain fields and the placement of sewage disposal systems in relation to water wells. The ordinance may require every subdivision to have a connection to a sanitary sewage facility that has capacity for collection, treatment and

export of such sewage to treatment plants required by the governmental entities involved. If approval is required of the system where trunk lines are not available then a requirement may be necessary for a percolation test for each lot to determine if the septic tank and drain field operate properly. Seepage pits may be prohibited or severely restricted.

It should be noted that some ordinances require connection to a sewer system if the development is within 300 feet of an existing sewer line. Otherwise, a septic tank and drainfield system may be approved by the county health department upon the successful compliance with the applicable development standards.

Storm water drainage - This refers to the type of storm water drainage system required. This should include storm drainage and culverts, the size of culvert, and other requirements. Accurate mapping of all storm drainage easements may be required, especially in the event that the subdivision, or any part of it is traversed by any major water course channel, stream or creek, gulch or any other natural channel. Adequate easements for storm drainage purposes should be provided.

Street lighting - The specifications and placement of street lights.

Public utilities - The placement of utilities such as gas and electric lines.

Land for parks and open space - Many communities require the developer to dedicate a certain amount of land or cash in lieu of land for open space, recreation or other public purposes.

Other regulations and provisions - Some municipalities include provisions in their ordinances for oversized water supplies, sewage disposal, and storm drainage lines. The authority issuing the permit may require that the applicant construct lines of a size larger than normally required to service the subdivision in question where such facilities will be necessary to accommodate water, sewer, or storm water runoff requirements in future develop able areas beyond the subdivision site.

One reason for encouraging the dedication or provision of larger lines is that by erecting homes a developer brings new people into the community and thereby creates demands upon the community in excess of that which the community is currently experiencing. If a community uses such provisions, the use of long range planning as a means of staging the city capital improvement costs is a necessity so as not to create excessive costs for the current developer.

Subdivision Design Standards

Design standards provide the specific guidelines for the design of the physical improvements in the subdivision. Standards are developed for the purpose of protecting public health and safety, preserving natural resources, and achieving community aesthetic goals. There are typically three distinct types of provisions in subdivision design which relate to the setting in which a subdivision is to be placed and its coordination with the area where it is located:

First--There may be a prohibition against any subdivision activity in areas of highly sensitive environment, such as lands with high water table, floodplain, soil or subsoil instability, wetlands, or areas of excessive slope.

Second--There should be requirements that the proposed subdivision be in compliance with the applicable general plan. Of particular importance would be the areas that are preserved for future streets, rights-of-way, parks, schools or key recreation sites, and the preservation of areas for major utility lines.

Third--There should be a series of requirements designed to assure that the proposed subdivision will be coordinated with abutting properties with respect to street connections and utility lines, drainage facilities and perhaps reservations for open spaces or a park system.

As has been discussed, these requirements for coordination with other subdivisions in the immediate area and for future development may necessitate the sizing of utility lines to carry a capacity beyond what would normally be needed for the subdivision being considered.

STREETS

Functional Classification (Review the diagram on page 12)

Generally, a municipal or county subdivision ordinance will establish the functional classification of the streets that serve the community. The functional classification establishes the purpose and function of all streets and describes each as to whether it is a freeway, major or minor arterial, a major or minor collector, or a local street. This classification allows the application of standards for such features as right-of-way widths, intersection designs, maximum allowable grades, maximum speed limits, and others. Most local jurisdictions maintain their own manual of engineering standards which guide street design and construction. This information is generally included as part of the community's master street plan, or official map.

Street Design

The importance of streets as an element in the design of a subdivision cannot be over emphasized. Streets serve a variety of important functions. As the basic circulation network of the city, streets move both pedestrians and vehicles and

generally impose the greatest influence on the design of blocks and lots than any other functional system in the subdivision. Other purposes for the street rights of way include accommodation of transmission and utility lines such as water, sewer, gas, electric and telephone systems. Street rights of way occupy large amounts of land area – sometimes as much as 20 to 25 percent of the total land area of a subdivision. That land consumption can be reduced by design that relies upon clustering of dwellings.

Subdivision design should be reviewed and coordinated with the community master street plan. Subdivisions must relate to one another to assure a system of connecting streets for maximum pedestrian as well as vehicular movement. This is especially important for access by emergency vehicles.

Stub Streets

It is essential to the accomplishment of effective street circulation that the design for every subdivision assure that its street system will allow access to abutting properties. Diagrams on pages 13 and 15 show stubs to abutting properties (or the need for one). This practice also precludes the possibility of creating landlocked parcels.

Street Names and Numbers

Another aspect of street design and layout that should be reviewed carefully is the naming and numbering of streets and resulting addresses. The ease of locating streets and addresses for emergency calls or postal and service delivery is dependent upon rational street numbering and naming. Curved streets that require east-west numbers to switch to north-south numbers along the same street can cause considerable confusion.

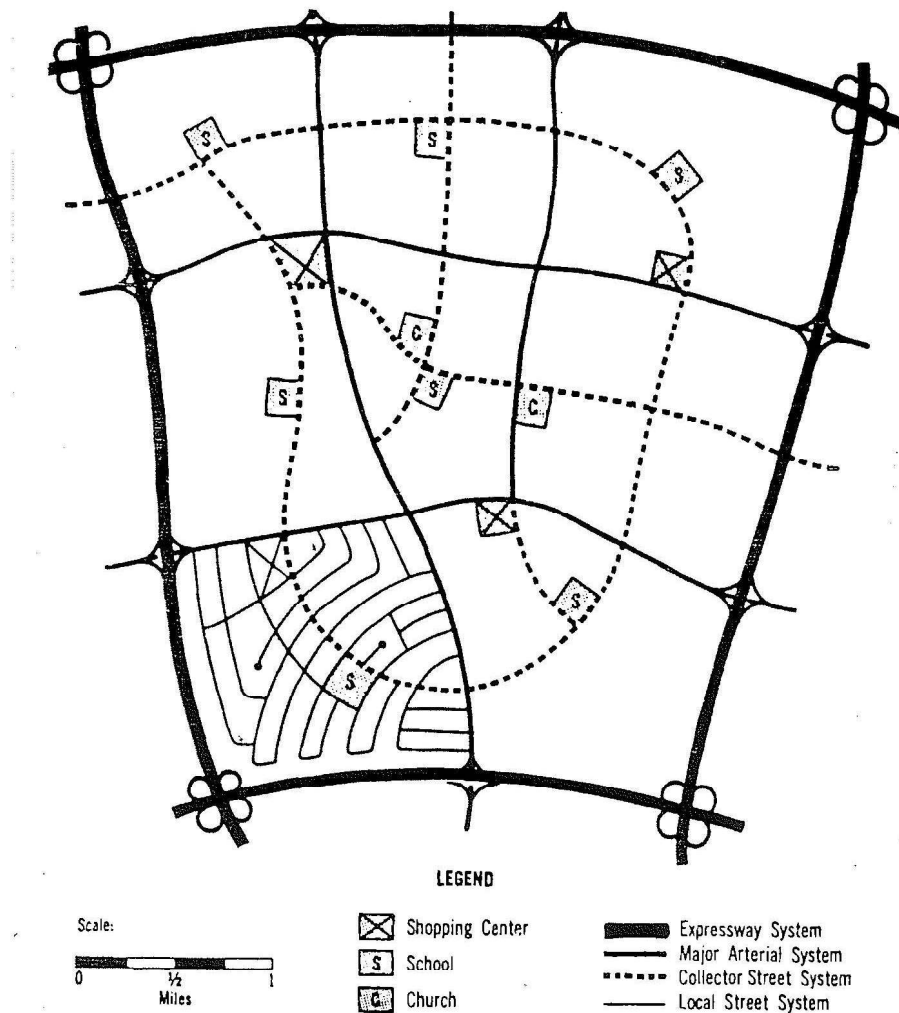
Public Safety

The approval process should include consideration for emergency and snow-removal vehicle access – street grades and turn-around capacity.

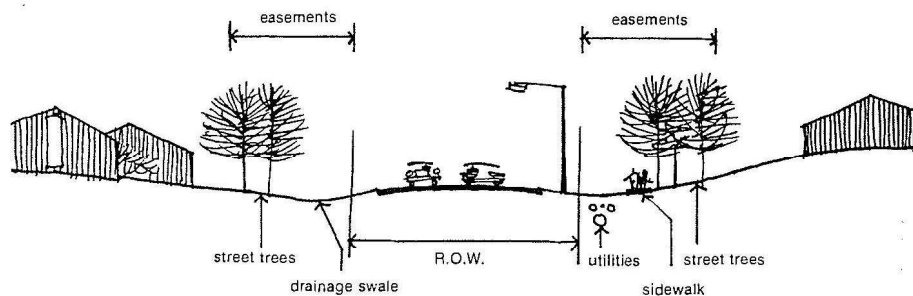
Traffic Calming

The Envision Utah publication, *Urban Planning Tools for Community Growth*, provides excellent guidelines for design of residential streets to assure pedestrian scale and safety. The term “traffic calming” refers to the inclusion of regulatory and design concepts and devices in street rights of way that will slow traffic speed and volumes.

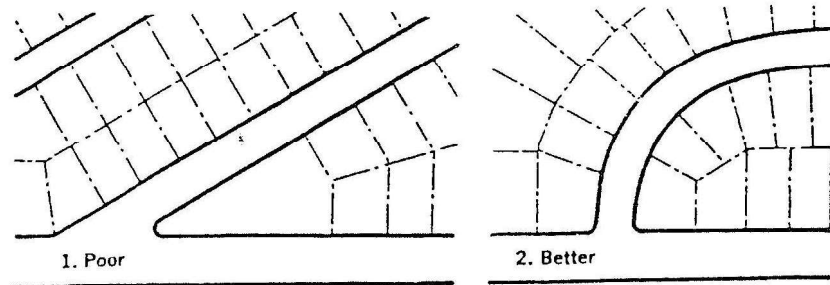
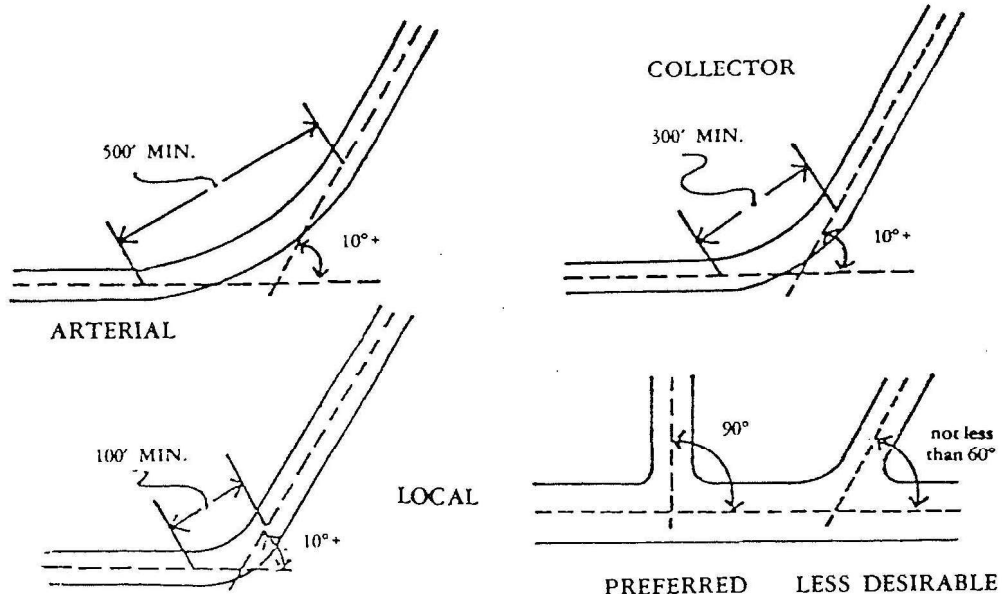
Regulatory measures to slow traffic concentrate on speed limits and signage. Street design can include roundabouts and highly visible pedestrian crossings. Devices such as speed bumps and medians can contribute to slowing traffic. Subdividers should be made aware of the community’s desire to reduce the impact of vehicular traffic while achieving an efficient circulation system.



Subdivision layout and design should conform to the Master Street plan of the local jurisdiction. The Master Street Plan includes the functional classification of all streets and standards for street design.

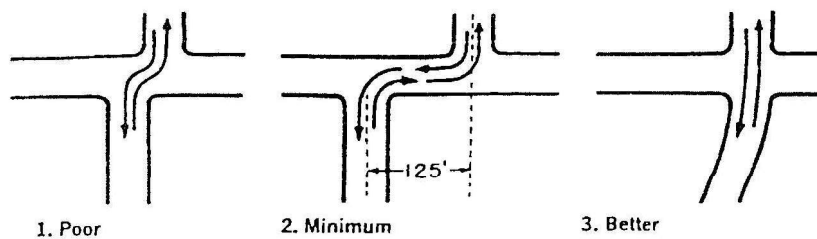


STREET DESIGN RECOMMENDATIONS



Hazardous angle intersection, creating awkward turning movements.

Better approach illustrates the use of right-angle intersections.



The dangerous jog intersection forcing precarious turning movements.

Intersections which cannot be aligned should be separated by a minimum of 125 feet between centerlines.

By slightly curving one of the unaligned intersecting streets, a dangerous jog can be avoided.

Lot Design

Another important element of subdivision design is the lot layout. Lot design generally relies upon the talent of the subdivision designer to assure that the subdivision contributes to the beauty of the community. Careful study of the lot design related to topography and other natural features can contribute to livability and property value. Where lots are larger there is more flexibility in the location of structures and design of lots, but good lotting should by no means be overlooked in smaller or more dense developments. Qualities to seek in lot layouts as determined by lot design:

- ✓ Each lot should have a favorable site for placing the house without requiring excessive grading, footings or foundation walls. Each lot should have sufficient buildable area.
- ✓ There should be space for outdoor living and/or recreation with front and rear yards vegetation.
- ✓ Adequate surface drainage away from the house location should be provided, with slopes generally toward the street or to the rear. There should be reasonable grade for garage and driveway approaches from the street.
- ✓ Retention of substantial natural vegetation should be encouraged, especially of specimen trees.

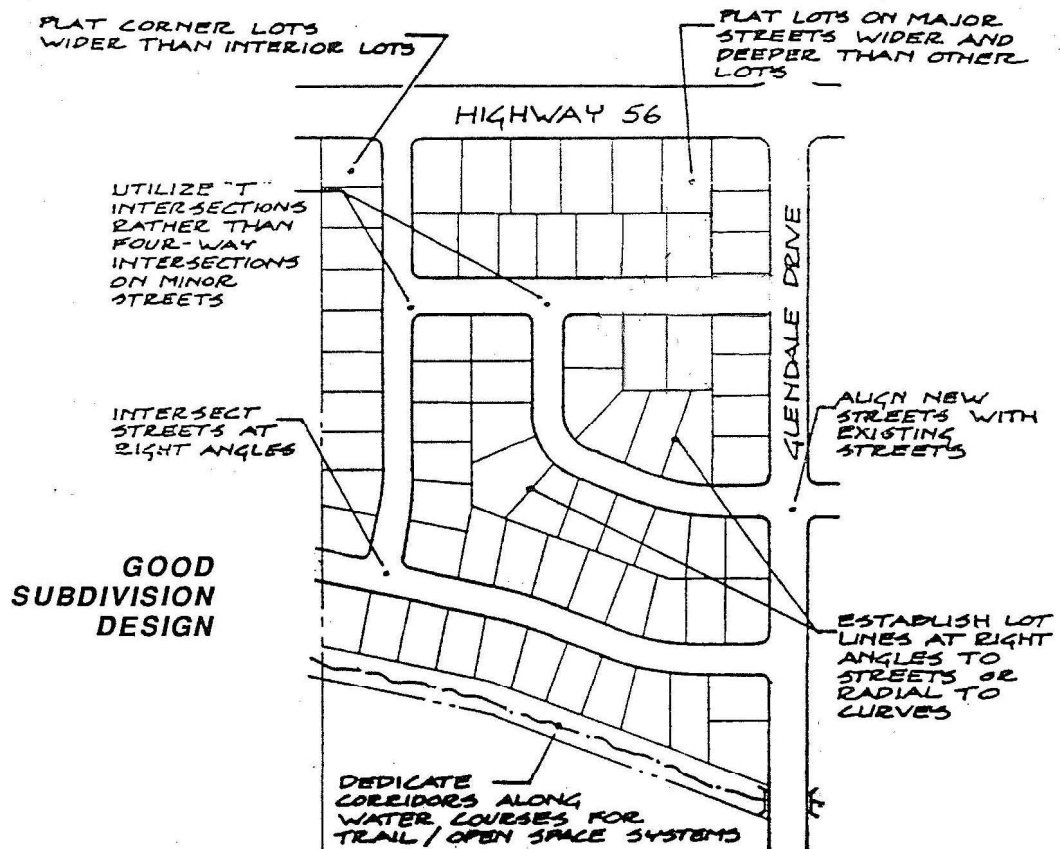
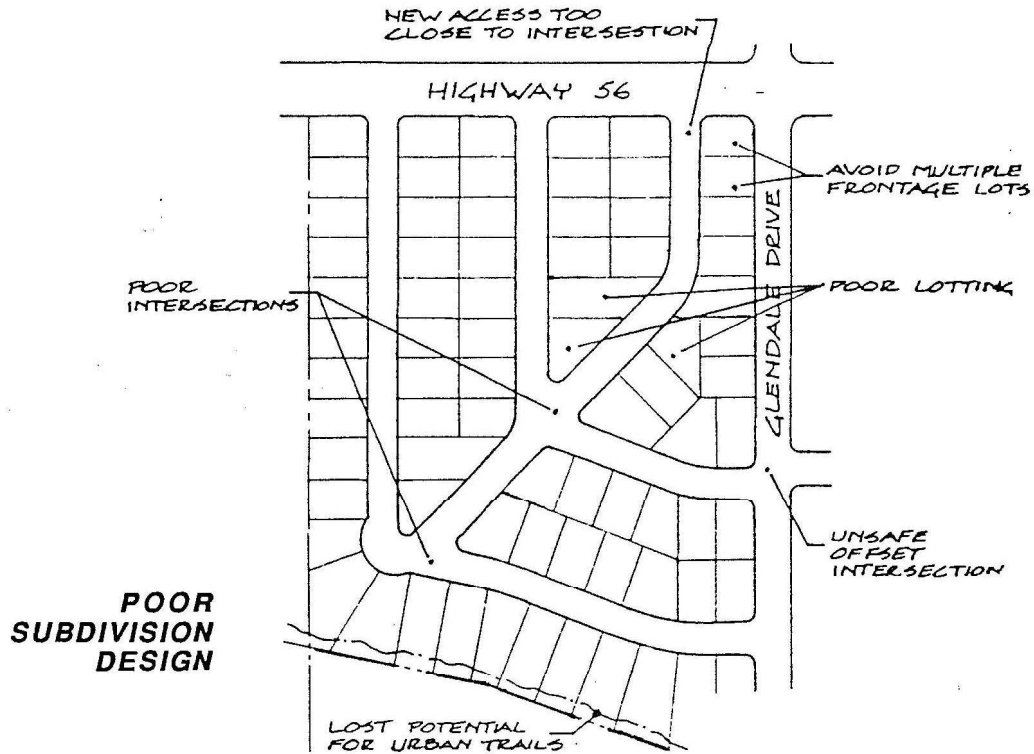
Block Design and Arrangement - Connectivity

In those years when most subdivision design was based on a rigid 90 degree angle grid, specifications as to block lengths and widths were quite important. Given the preference for greater flexibility in subdivision design, however, block requirements primarily refer to the intervals with which streets must be provided in order to facilitate access from one area to another – called “connectivity.”

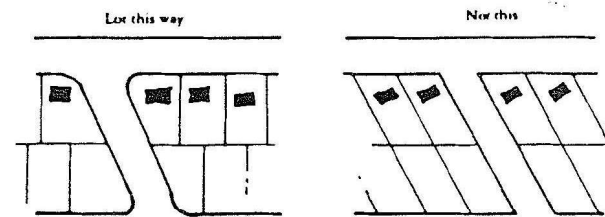
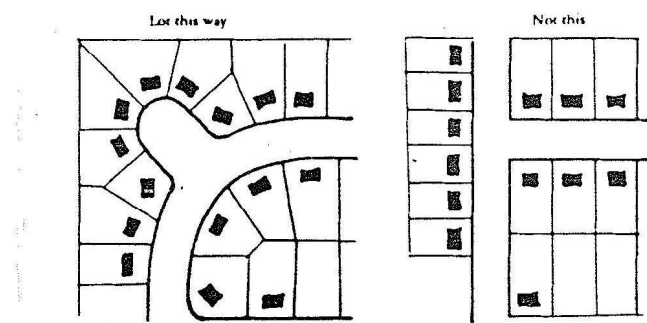
It is recommended to specify that blocks be limited to 600 to 800 feet in length, though slightly longer blocks may be acceptable under certain conditions. The key objective is to assure convenient pedestrian access to facilities such as schools, parks, and commercial nodes.

Sewage Disposal

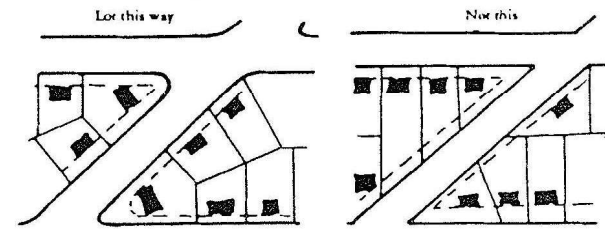
Most subdivision ordinances will specify the size, material and location of septic tanks and drain fields or require the approval of the district engineer or city engineer for connection to a public sewage system. Where septic tanks are used, the county health department or State Department of Health must give final approval of the design and installation. Lots in single-family subdivisions where individual septic tanks are to be used for sewage disposal should be at least one half acre in size.



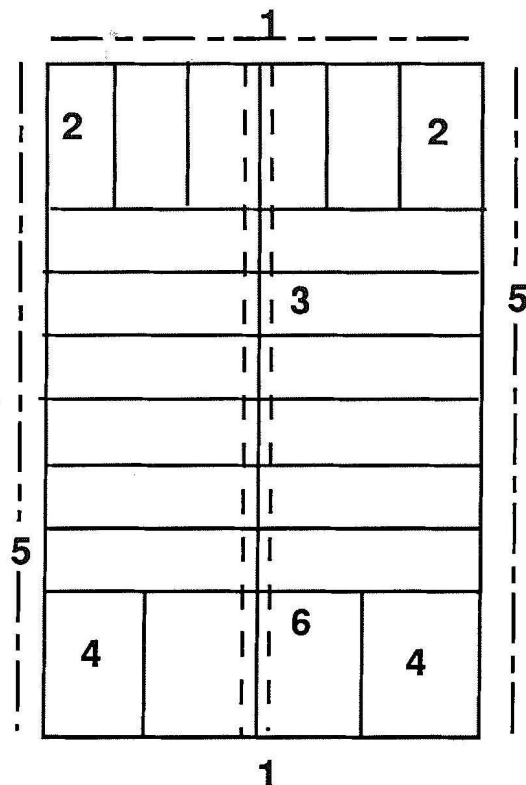
Drawings courtesy of the West Valley City Community Development Department



When existing intersecting streets form acute angled intersections:



Suggestions for Lot Design.
Some common mistakes in subdivision lot design can create awkwardly-shaped lots and traffic circulation problems.



MORE LOT DESIGN

1. Small butt lots require more underground utilities at the end of the block.
2. Corner lots are too narrow.
3. Rear utility easement unless power lines are installed in the street.
4. These corner lots are larger to allow for more desirable sideyards.
5. Street overhead and underground utilities are preferred.
6. Butt lots with property lines in the center allow for better access to utility easement.

Culinary Water Systems

Size and location of pumping systems used for serving culinary and pressure irrigation systems for homes should be described by the ordinance. If wells are allowed, the methods of sealing the sidewalls of the water wells to avoid pollution problems should be addressed. The developer should show the intended distribution system and its adequacy, the means proposed to be used for its proper future maintenance and the approximate location of necessary easements.

Storm Drainage

The plans submitted by the developer should contain information describing the existing watercourse channels or drainage tiles for storm sewer and culverts and other works pertaining to drainage or flood control. The description should include the natural flows and additional run-off that will be generated by the subdivision when it is completely developed.

In areas without piped storm sewer systems, or in areas where it is impractical to connect to existing storm water sewers, storm water retention through the use of catch basins may be necessary. This is especially important where development is on a hillside. The developer should be required to show the proposed method of on-site retention on the subdivision plan. Retention may be achieved through the use of sumps in the streets and retention basins or reservoirs.

Parks and Open Space

The size and type of open space dedication required of developers (or amount of in-lieu contribution) and the location of the land for different types of parks will vary depending upon the size of the development, the physical setting and the special needs of the future residents. Communities near a national forest or other vast natural area need an entirely different recreation and open space plan than communities in an urbanized setting. Design standards and open space requirements should reflect local conditions and needs in order to assure adequate space and desired recreation opportunities.

A table should be provided in the ordinance by which to estimate the number of acres to be reserved for park and recreation purposes – such as three acres of recreation area for every one hundred dwelling units. The standards might relate the percentage of total land for recreation to the size of the lots, viz., the smaller the lots, the greater the percentage of land reserved for parks. The developer should be required to dedicate all recreation areas to the local government as a condition of final subdivision plat approval. In planned unit developments, however, recreation spaces may be controlled and maintained by a homeowner's association.

Erosion and sediment control

Subdivision planning requirements should make adequate provision to insure prevention of soil erosion by exposing the minimum area possible during

construction and covering bare soil with good vegetation as soon as possible after construction. Prior to the granting of preliminary approval of the subdivision plat, the subdivider should submit a description of the methods to be employed to dispose of soil and other materials when they are removed from the site.

A schedule showing when each stage of the project will be completed including total area of soil surface which is to be disturbed during each stage, and the estimated start and completion dates, is usually required prior to giving approval to the subdivision development plan.

Slope/density and capability control – Development on Sensitive Lands

Slope/density data are provided as a means by which to assess suitable development density for sensitive lands. As slope increases so does the potential for environmental degradation, including slope failure, erosion, sedimentation, run-off and other potential hazards. Of major concern is the slippage and erosion of soils that may consequently endanger the homes that stand in the way of natural drainage. Pollution of ground water is also a serious problem. Septic tanks may be disallowed because drain fields generally require a gently sloping area. Serious consideration should be granted to the maximum grade of streets and driveways in areas of extreme slope.

Before any subdivision is approved, the reviewing agency must be capable of assuring that the area proposed for development is safe and free of potential natural hazards. Any jurisdiction should identify on accurate maps areas of potential hazard from earthquake, flood, landslide, rockfall, high water table, etc.

REVIEW AND APPROVAL PROCESS

The following are steps and requirements generally used for the administration of the application of a subdivision – this procedure is not established by law.

STEP ONE – PRE-APPLICATION (CONCEPT) REVIEW

A developer and his staff or consultants meet with the planning staff and/or planning commission to present the concept of the proposed development or subdivision. A sketch plan is adequate for illustrating the concept at this step in the approval process.

The accompanying drawing shows a typical sketch plan and the type of information that should be included with the plan. The primary purpose of concept review is to inform the local staff and officials of the developer's proposal and also to provide an opportunity for officials to inform the developer of the appropriate ordinances and standards. If this meeting is conducted in the spirit of cooperation, it can help to avoid many future problems and misunderstandings. Unfortunately, and in too many instances, this meeting is never held and the

developer goes to the expense of preparing a preliminary plat for a meeting with the staff and the officials.

In some cases, this pre-application review step may be unsatisfactory because the planning staff may not believe it can give any commitments to the developer that will be binding upon the planning commission. If both parties are thoroughly aware of this, however, there can still be a helpful exchange of information at this stage, and an involvement or discussion with the planning commission will follow.

The pre-application meeting can also draw attention to ordinances or regulations administered by other agencies, within the jurisdiction or nearby. For example, the proposed subdivision may include a floodplain wetlands, earthquake zone, or other sensitive or hazardous natural features.

STEP TWO – PRELIMINARY REVIEW AND APPROVAL

This step following staff review has traditionally been called preliminary, but may be given a name that emphasizes that it is this review and approval step during which all design changes must be made and approved. Some ordinances identify this step as the “Development Design Review and Approval,” or something similar. The point with regard to the name is that it should be abundantly clear that this step in the three-step approval process is the most important step. It is at this stage that the standards and the regulations are applied and where the most significant interaction takes place between the developer, the planning commission and the staff.

The subdivision plat must be submitted in sufficient time and with an adequate number of copies to provide for review and recommendations by various departments and agencies, such as the city or county engineer, the local school district, the recreation committee, the public works department, the health department, and the police and fire departments. Appropriate public utility companies should also be included in the preliminary review.

Recommendations and comments submitted by these agencies should be received by the planning commission prior to any hearings on the proposed plan or meeting at which preliminary approval is expected. Most ordinances authorize the planning commission to grant or deny approval of a preliminary plat. There will often be considerable negotiation and discussion between the developer and the planning commission resulting in mutually agreed modifications in the plat or conditions of the approval. Some regulations provide for an appeal to the governing body from the decision made at this time.

It should be understood – when the Preliminary Review and Approval (or whatever it's called) is signed off by the planning commission and legislative body, the developer is vested and has a project. You cannot prevent him from completing the project as approved once he is vested.

Preliminary plat requirements

The plat of the proposed subdivision presented for preliminary review and approval should include the following information:

- ▶ Name of owner and proof of ownership of the development parcel.
- ▶ Name of land surveyor, engineer and site planner and certificate as to the accuracy of the plat.
- ▶ Identification and legal description of the subdivision.
- ▶ Approved name of the subdivision.
- ▶ Location by section, township and range.
- ▶ Dimensions and bearings of all property boundaries.
- ▶ Layout and dimensions of all proposed lots.
- ▶ Existing Structures.
- ▶ Vicinity map, at a specified scale, showing all logs and streets in the subdivision and all abutting streets and public rights of way.
- ▶ High water marks of all lakes, rivers, streams and location of any designated wet lands – all known potential natural hazards.
- ▶ Location of prominent natural features such as rock outcroppings, woodlands, steep slopes.
- ▶ Location and dimensions of existing and proposed utilities and utility easements.
- ▶ Grading and drainage plans, including all proposed changes in grade.
- ▶ Existing and finished contours at intervals of at least 5 feet.
- ▶ Existing sanitary sewers, storm drains, water supply mains and culverts within the subdivision or within 100 feet thereof.
- ▶ Existing and proposed storm water drainage system, including drainage easements.
- ▶ Location, width, and other dimensions of proposed streets, alleys,

easements, parks, and other open spaces to be dedicated to the public, with complete description.

- ▶ Proposed on-site and off-site water facilities, sanitary sewers, storm drain facilities and fire hydrants.
- ▶ Soil erosion and sediment control plan, including trees and other vegetation proposed to be planted.
- ▶ Landscaping plan for any public or commons areas.
- ▶ Proposed street lighting.
- ▶ Proposed zoning changes, if any are needed or recommended.
- ▶ Graphic scale.
- ▶ North arrow.
- ▶ Date of preparation.
- ▶ Abstract of title or registered property certificate.

In many cases, the preliminary plat may consist of a series of maps with detailed information on each map. As an example, it may include a site plan, a grading plan, a utilities plan, a drainage area plan, a planting plan and a map indicating street profiles and grades. This provides the local government with substantial information by which to evaluate the subdivision proposal. Local officials should insist that the prospective developers provide this type of information as part of the preliminary plat.

➔ (A sample Preliminary Plat Map appears on page 24)

STEP THREE – FINAL PLAT REVIEW

When the preliminary plat has been approved, the developer should prepare an appropriate number of copies of the final plat, as specified by the subdivision ordinance. The ordinance should assure that the final plat is of a form and size which meets the requirements of the county recorder's office.

The ordinance should require the subdivider's engineer to submit the final plat, with any changes or modification as presented for the preliminary review and approval. This is accompanied by a letter of certification that all lots meet the requirements of the zoning ordinance.

The filing of the final plat serves at least two functions: First, it may constitute a legal dedication to the public of the streets, parks, utility easements and similar lands shown on the plat. Secondly, the certificate of dedication, as attached to the plat, becomes a convenient means for describing a particular lot which the developer may wish to deed to a purchaser.

After the staff and planning commission have reviewed and approved the final plat, it is sent to the local governing body for review and then registered with the county recorder. Many subdivision regulations also require that the subdivider substantially begin the project within one year or approval will be revoked and the entire review process must be repeated.

Final plat requirements.

The final plat should include the following information:

- ▶ Subdivision name and location.
- ▶ Description of land to be included in the subdivision.
- ▶ Accurately drawn boundaries with proper bearing and dimensions of all properties within the subdivision.
- ▶ Graphic Scale.
- ▶ North Arrow.
- ▶ Date of plat.
- ▶ Name, address, signature of subdivider.
- ▶ Dimensions and bearing of boundary lines of property.
- ▶ Location of right-of-way.
- ▶ Widths and names of existing and proposed streets and sidewalks.
- ▶ Location and widths of existing and proposed utility and drainage easements.
- ▶ Location and names of existing and proposed parks and other open space with accurate lot line dimensions.
- ▶ Lot numbers.
- ▶ Location description and size of monuments.

- ▶ Location of rivers, lakes, streams, and swamps and known high water marks.
 - ▶ Restrictive covenants, the legal certifications by the proper local officials (usually the chief elected official and the planning commission chairman) and statement of dedication, dedicating all streets for public use that are not private streets. Legal certification should include certificate of acceptance by the local government, attested by the city or county recorder.
 - ▶ Preliminary Title Report.
 - ▶ Public Improvement Agreement.
 - ▶ Owner's Certificate of Dedication.
- (A sample Final Plat Map appears on page 25)

FINANCIAL GUARANTEES FOR PROJECT COMPLETION

One of the serious problems that has faced communities is finding a method to insure that the developer will provide all the required improvements. This is particularly a concern if the developer should file bankruptcy before construction is complete. Several methods have been found for insuring that the needed improvements will be provided and that the community will not be left with the cost of providing the defaulted improvements.

Four common tools available to assure performance are: surety bond, escrow bond, cash bond and an irrevocable letter of credit. The letter of credit is attractive because a bank will issue a letter confirming that it will back the holder of the letter for the amount of the bond without the funds actually deposited in an escrow account. For an escrow bond the developer is required to deposit in an escrow account the amount of money necessary to finish the improvements.

Other performance bonds are established at the estimated cost of providing the necessary improvements plus an added amount to anticipate inflation, e.g., 125 percent. If the developer fails to provide the necessary improvements, the local government can collect the funds from the firm posting the bond to finish the improvements.

Another method is the covenant and agreement contract entered into by the subdivider and the local government. The contract agreement places a lien on the property to guarantee the installation of the required improvements. The subdivider must furnish proof of title and agree to acceptance of prior right of the

agreement over any mortgage that may be outstanding on the land being subdivided.

From a procedural point of view, it is important that the local government require the developer to post the performance bond, furnish proof of an escrow deposit in favor of the local government or enter into a lien agreement before approval is given to the final plat. Otherwise the developer may refuse to guarantee the installation and quality of the required improvements, because approval has already been granted.

Of the three methods of securing assurance for the installation of the required improvements, the use of a performance bond with an escalator clause to take care of increased costs due to inflation is probably preferred from the point of view of the administering local government. The performance bond provides for the easiest method of collection in the event of unfinished improvements or a need to replace utilities or facilities.

PLANNING REVIEW AND INSPECTION FEES

In addition to the need for requiring financial assurance that improvements will be put in place, local governments must require the developer to pay reasonable subdivision processing, plan checking and inspection fees, just as they pay building permit fees.

The fees charged should cover the actual cost of providing the planning review services rendered as part of the approval process and the cost of engineering inspection services during actual construction. There is no reason for the community to pay for an engineer's time to take core samples of compacted material for a street or slump test of concrete being used on a subdivider's project. Subdividing and developing land is a profitable business and the local government should not subsidize the subdivider by having these services provided or made available at no cost.

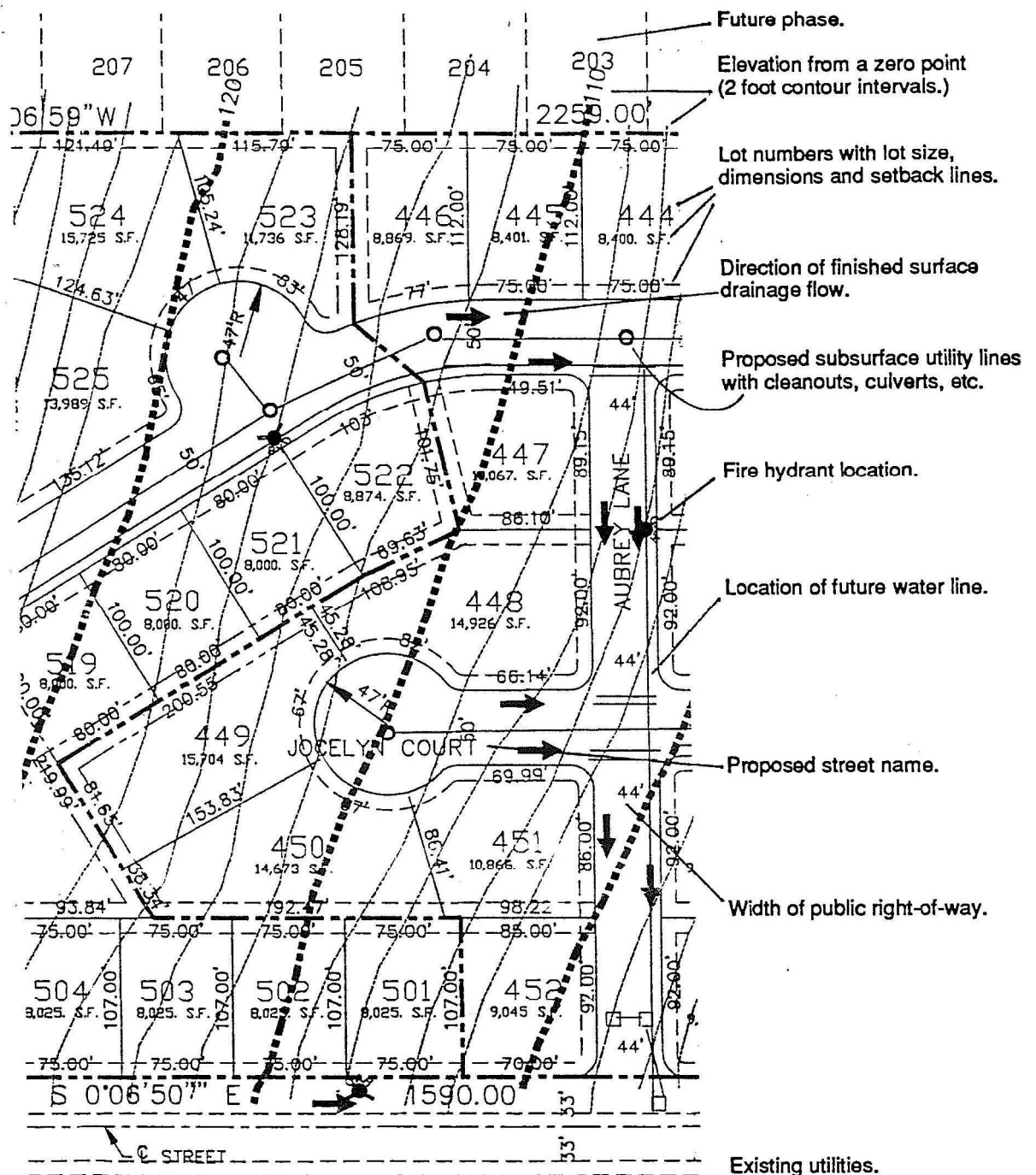
IMPACT FEES (EXACTIONS)

During the turbulent growth period of the 1970's, communities throughout Utah and the rest of the country experienced considerable difficulty in generating the revenues necessary to provide needed public services to the new growth areas. Many local officials realized that it was politically unpopular to exact higher fees or taxes to pay for facilities needed only to serve residents of the new developments. In an effort to accelerate the access to revenue, and to augment the inevitable shortfall, many local governments imposed fees or exactions on new development, as it occurred.

Exactions have been imposed for many years as a dedication of land for both on-site and off-site improvements, including parks and schools. Direct fees have also been sought to cover costs of water or sewer connections. Exactions have been imposed also for other public needs such as new roads or improvements to existing streets, storm sewers, schools, or a fire station.

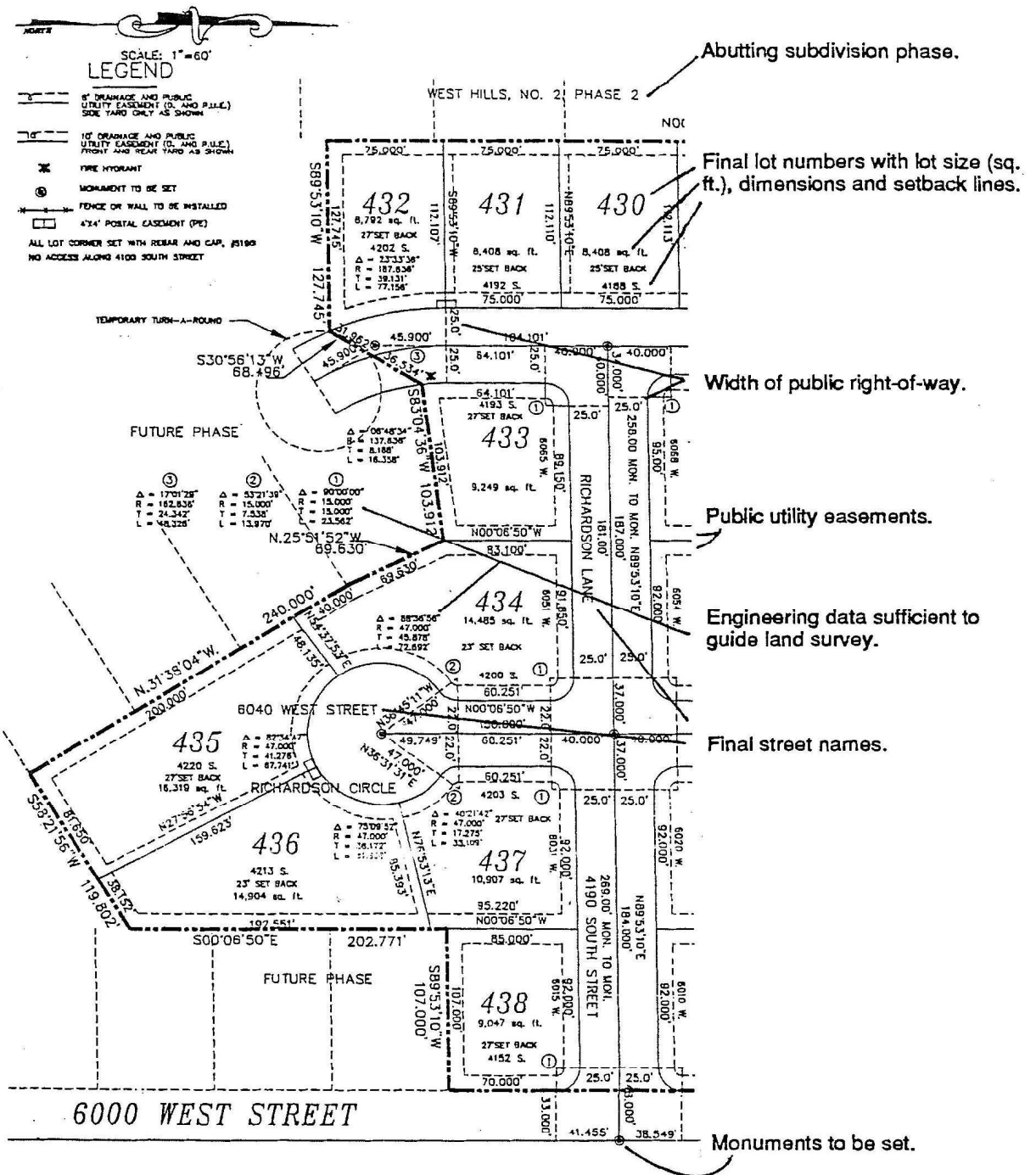
As the practice evolved, the impact fee has become most generally a cash payment made by the developer prior to issuance of a building permit. The amount of the fee is based upon a formula that estimates the impact that the development will impose upon various public facilities.

In several states, including Utah, impact fees have been challenged in court and a series of decisions, including a U.S. Supreme Court case, and a Utah Supreme Court case, have helped to establish legal precedent for the imposition of impact fees. The critical legal point that has emerged from litigation is referred to as the "rational nexus test." The test is imposed to assure that the fee exacted is earmarked for improvements that relate directly to the development area from which the fee was collected. Courts have also been concerned that the local government that is imposing the fee requirement possesses the legal authority to do so.



Partial View of a Preliminary Plat

This plat was generated by the computer-assisted Auto CADD mapping program. Most plats and plans produced by professional engineers and architects are computer-generated.



Partial View of a Final Plat

The preliminary and final plats shown here follow requirements of the West Valley City Community Development Dept.; submitted by Watt Utah, Inc.; produced by Eckhoff, Watson & Preator Engineering.



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
10/23/2024

Item No. 1.

Title: Minutes Review and Approval

Initiated By:

Staff Representative:

SUBJECT:

October 9, 2024 Planning Commission Minutes

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 10-09-24 PC DRAFT

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, October 9, 2024**

3 **7:00 p.m.**

4
5 A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the meeting
6 of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Layne Jenkins
10 LaRae Patterson, Vice Chair
11 Shawn Hoth
12 Matt Larsen
13 Mason Kjar, Chair
14 Amanda Jorgensen

15
16 **MEMBERS ABSENT**

17 Tyler Moss

18
19 **STAFF PRESENT**

20 Mike Eggett, Community Development Director
21 Lisa Romney, City Attorney
22 Jennifer Robison, City Recorder

23
24 **VISITORS**

25 Nathan Jones, Green Shield
26 Interested citizens

27
28 **LEGISLATIVE THOUGHT/PRAYER** Commissioner Hoth

29
30 **PLEDGE OF ALLEGIANCE**

31
32 **FENCING/WALL HEIGHT REQUEST – 2090 NORTH 400 WEST – MATTHEW AND**
33 **JERIANN LAYTON TRUSTEES – (ADMINISTRATIVE DECISION)**

34
35 The commission examined a fencing/wall height request for a property at 2090 North 400
36 West. Nathan Jones, representative for the applicant, proposed constructing a retaining wall and
37 a fence to achieve a level backyard. It was revealed that the property is subject to split zoning,
38 requiring addressing this matter before the commission could approve the request. The zoning
39 administrator was identified as the decision-maker for exceeding 6 feet to address buffering needs
40 due to differing zones. It was recommend that the applicant work with the Zoning Administrator to
41 rezone the property and work on approval for the wall height.

42
43 Commissioner Larsen **moved** to deny the application on the basis that the application
44 does not meet the current city code requirements, and because the zoning on the parcel is split
45 and is not in compliance with city code. Chair Kjar seconded the motion which passed by a
46 unanimous vote (6-0).

47
48 **DISCUSSION AND REVIEW – ZONING CODE AMENDMENTS – FENCES AND WALLS**
49 **– CZC 12.55.110 (FENCES AND WALLS) – LEGISLATIVE DECISION)**

50
51 The Commission discussed potential amendments to the zoning code concerning fences
52 and walls. Topics included the maximum allowable height for fences on retaining walls, the
53 necessity of stepped retaining walls, and the challenges associated with differing property grades.
54 Input was sought for clearer definitions and the commission agreed on the need to distinguish

1 between fences and walls, particularly in hillside developments. Staff was directed to further
2 explore options, including an investigation into standards used by neighboring communities.

3
4 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

5
6 Community Development Director Mike Eggett provided updates on upcoming
7 developments, noting that an ice cream store and a new taco shop were in the process of opening.
8 Additionally, an upcoming public hearing for a zoning text amendment was highlighted, although
9 specific details were held until the formal notice.

10
11 **MINUTES REVIEW AND APPROVAL**

12
13 Minutes of the September 25, 2024 Planning Commission Meeting were reviewed. Chair
14 Kjar **moved** to approve the minutes as written. Commissioner Jenkins seconded the motion,
15 which passed by unanimous vote (6-0).

16
17 **ADJOURNMENT**

18
19 At 8:38 p.m., Commissioner Patterson **moved** to adjourn the meeting. Commissioner
20 Jorgensen seconded the motion which passed by unanimous vote (6-0).

21
22
23
24
25 _____
Jennifer Robison, City Recorder

Date Approved