



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON AUGUST 12, 2026 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 - Michael Adamson**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

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

1. Public Hearing - Centerville Municipal Code and Centerville Zoning Code Amendments to appoint Whitaker Museum Board Members to act as Historic Preservation Commission Members - Ordinance No. 2026-10 and Ordinance No. 2026-11
Consider proposed Centerville Municipal Code and Centerville Zoning Code Amendments to appoint Whitaker Museum Board Members to act as Historic Preservation Commission Members - Ordinance No. 2026-10 and Ordinance No. 2026-11
2. Public Hearing - Municipal Code Amendments - Boundary Line Adjustments, Boundary Establishment, and Exchange of Title changes - CMC 15.09.140 (Exchange of Title) - Legislative Decision
Consider amendments to Section 15.09.140 of the Centerville Municipal Code regarding the addition of Code language for Boundary Line Adjustments and Boundary Establishment (in complying with State statutes), and the replacement of existing Exchange of Title Code language as found in CMC 15.09.140.
3. Public Hearing - Zoning Code Amendments - Detached Accessory Dwelling Unit (DADU) - CZC 12.58 (Detached Accessory Dwelling Unit Standards) and CZC 12.36.020 (Table of Uses for Residential Uses) - Legislative Decision
Consider amendments to the Centerville Zoning Code be enacting a new Chapter 12.58 regarding regulations and standards for detached accessory dwelling units (DADU) and amendments to Section 12.36.020 regarding use categories for detached accessory dwelling units (DADU) within the established residential uses table.

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report

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 - July 22, 2026

Consideration of Planning Commission meeting minutes from July 22, 2026.

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**

CENTERVILLE
PLANNING
COMMISSION

Staff Report
8/12/2026

Item No. 1.

Title: Public Hearing - Centerville Municipal Code and Centerville Zoning Code Amendments to appoint Whitaker Museum Board Members to act as Historic Preservation Commission Members - Ordinance No. 2026-10 and Ordinance No. 2026-11

Initiated By: Mayor Clark Wilkinson

Staff Representative: Lisa Romney, City Attorney

SUBJECT:

Consider proposed Centerville Municipal Code and Centerville Zoning Code Amendments to appoint Whitaker Museum Board Members to act as Historic Preservation Commission Members - Ordinance No. 2026-10 and Ordinance No. 2026-11

RECOMMENDATION:

Recommend approval of proposed Centerville Municipal Code and Centerville Zoning Code Amendments to appoint Whitaker Museum Board Members to act as Historic Preservation Commission Members - Ordinance No. 2026-10 and Ordinance No. 2026-11

BACKGROUND:

Mayor Clark Wilkinson and the City Council have requested Staff to prepare amendments to the Centerville Municipal Code and Centerville Zoning Code to appoint members of the Whitaker Museum Board to the Historic Preservation Commission (previously named the Landmarks Commission). The City has had difficulty in recent years appointing citizens as members of the Landmarks Commission. The Landmarks Commission does not meet very often, but is needed as a City board to address historic sites and landmarks and to advise the City Council on relevant matters of historic preservation. In order to keep the Landmarks Commission as an active board of the City, the Mayor and Council request that members of the Whitaker Museum Board also be appointed as members of the Historic Preservation Commission. The Whitaker Museum Board and the Historic Preservation Commission will continue to exist as two separate public bodies. But the members on both bodies will be the same. The proposed amendments to the Zoning Code must be reviewed by the Planning Commission with a public hearing as required by law.

ATTACHMENTS:

1. Ordinance No. 2026-10 - Historic Preservation Commission
2. Ordinance No. 2026-11 - Whitaker Museum Board and Historic Preservation Commission

**CENTERVILLE CITY
ORDINANCE 2026-10**

**AN ORDINANCE AMENDING SECTION 12.20.070 OF THE CENTERVILLE
ZONING CODE REGARDING MEMBERSHIP AND ORGANIZATION OF THE
LANDMARKS COMMISSION, CHANGING THE NAME OF THE LANDMARKS
COMMISSION TO THE HISTORIC PRESERVATION COMMISSION,
APPOINTING MEMBERS OF THE WHITAKER MUSEUM BOARD TO ACT AS
MEMBERS OF THE HISTORIC PRESERVATION COMMISSION, AND
AMENDING VARIOUS OTHER SECTIONS OF THE CENTERVILLE ZONING
CODE CHANGING REFERENCES THROUGHOUT FROM LANDMARKS
COMMISSION TO HISTORIC PRESERVATION COMMISSION**

WHEREAS, the City has previously created the Landmarks Commission as more particularly described in CZC 12.20.070; and

WHEREAS, the City Council desires to make a number of amendments to the membership and organization of the Landmarks Commission, to change the name of the Landmarks Commission to the Historic Preservation Commission, and to appoint members of the Whitaker Museum Board to act as members of the Historic Preservation Commission; and

WHEREAS, the City Council finds the amendments to the Section 12.20.070 and other Sections of the Centerville Zoning Code are in the best interest of the City and the community to continue to support the preservation and protection of historic buildings, structures, sites, and districts within the City; and

WHEREAS, all public notices and public hearings have been held before the Planning Commission and the City Council as required under Utah law for Zoning Code amendments.

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

SECTION 1: **AMENDMENT** “12.20.070 Landmarks Commission” of the Centerville Zoning Code is hereby *amended* as follows:

A M E N D M E N T

12.20.070 ~~Landmarks~~Historic Preservation Commission

- (a) Established. There is a Historic Preservation Commission ~~A Landmarks Commission of Centerville City which acts~~, ~~consisting of five to seven members, is hereby established for the purpose of acting as the administrative authority for decisions or~~ as an advisory board ~~and recommending body~~ to the City Council; ~~as provided in this Title~~; regarding historic assets within the City, and which performs administrative

duties regarding historic preservation and designation as more particularly provided herein. - ~~Members of the Landmarks Commission shall:~~

- ~~(1) Serve without compensation, except for reasonable expenses incurred in performing their duties as members of the Landmarks Commission; and~~
 - ~~(2) Have a demonstrated interest, competence or knowledge in historic preservation or architecture. To the extent available in the community, two Commission members shall be professionals from the disciplines of history, architecture, or architectural history as defined by National Park Service regulations.~~
- (b) Purpose. The City recognizes that the historical heritage of the community is among its most valued and important assets. The purpose of the Historic Preservation Commission is to help the City identify, preserve, protect, and enhance historic buildings, structures, sites, and districts located within the City.
- (c) Members and Terms. ~~Appointment and Terms of Office.~~
- (1) Number and Appointment. The Historic Preservation ~~Landmarks~~ Commission shall be comprised of five (5) to seven (7) members who shall be appointed by the Mayor with the advice and consent of the City Council. As provided in CMC 3.03.070, members of the Whitaker Museum Board are appointed as Historic Preservation Commission members and shall perform the duties and obligations of the Historic Preservation Commission.
 - (2) Term.
 - (A) Historic Preservation Commission members shall be appointed to staggered terms of three years and until a successor is appointed; The terms of Landmarks Commission members shall be staggered. Each member of the Landmarks Commission shall serve for a term of three years and until a successor is appointed, provided, ~~that~~ members may be appointed for terms shorter than three years when necessary to provide staggered terms.
 - (B) Historic Preservation ~~Landmarks~~ Commission members may be reappointed for successive terms.
 - (3) Qualifications. Historic Preservation Commission members should have a demonstrated interest, competence, or knowledge in fields related to historic preservation or architecture. To the extent available in the community, at least two (2) Historic Preservation Commission members shall be professionals from the disciplines of history, architecture, or architectural history.
 - (4) Removal. Historic Preservation Commission members shall serve at the pleasure of the City Council and may be removed at any time with or without cause by majority vote of the City Council. -
 - (A) ~~The Mayor, with the advice and consent of the City Council, may remove any member of the Landmarks Commission at any time with or without cause.~~
 - (5) Vacancies. A vacancy on the Historic Preservation Commission occurring for any reason shall be filled by the Mayor, with the advice and consent of the City Council, in accordance with the procedures for appointment set forth

herein for the unexpired term of such Commission member.

- (A) ~~A vacancy occurring on the Landmarks Commission shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term of the replaced member.~~
- (6) Compensation. Historic Preservation Commission members shall serve without compensation and shall be deemed "volunteers" for purposes of City ordinances, rules, regulations and policies.
- (7) Volunteers. Members of the Historic Preservation ~~Landmarks~~ Commission shall be deemed "volunteers" for purposes of City ordinances, rules, regulations and policies concerning personnel; provided, however, they shall be included in the definition of "employee" for purposes of the Utah Governmental Immunity Act, as set forth in Utah Code §§ 63G-7-101, et seq.
- (8) Conflicts of Interest. As appointed volunteers of the City, Historic Preservation Commission members shall comply with the Utah Officers' and Employees' Ethics Act, as set forth in Utah Code §§ 10-3-1301, et seq.
- (d) Organization and Procedure. ~~The Landmarks Commission shall be organized and exercise its powers and duties as follows:~~
- (1) Chair and Vice-Chair. The Historic Preservation Commission shall elect one of its members as Chair to oversee the proceedings and activities of the Commission. The Historic Preservation Commission shall also elect one of its members to act as Vice-Chair to perform duties as assigned from the Chair and to oversee the proceedings and activities of the Historic Preservation Commission in the absence or inability of the Chair to act. The Chair and Vice-Chair shall serve for one year terms and may be re-elected for successive terms. Election of the Chair and Vice-Chair should take place during the first meeting of the Historic Preservation Commission each year. The Chair and Vice-Chair shall be voting members of the Historic Preservation Commission.
- (2) ~~Members of the Landmarks Commission shall select one of its members as chair to oversee the proceedings and activities of the Commission. The chair shall serve for a term of one year. The chair, with the advice and consent of the Landmarks Commission, shall appoint one member as alternate chair to act in the absence of the chair. The chair and alternate chair may be re-elected for successive terms.~~
- (3) ~~The Landmarks Commission may adopt policies and procedures, consistent with the provisions of this Title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Commission.~~
- (4) Meetings. The Historic Preservation ~~Landmarks~~ Commission shall meet at least twice each year, ~~as determined by the Commission~~ and at such other times as the Commission may determine. Meetings shall be conducted in accordance with properly approved policies and guidelines of the Historic Preservation Commission.
- (5) Open Meetings. ~~All m~~ Meetings of the Historic Preservation Commission shall

be properly noticed and held in accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-101, et seq., including public notification of the meeting place, time, and agenda items. The Historic Preservation Commission shall keep a public record of its proceedings, and all minutes and recordings of the meetings and decisions of the Commission shall be filed in the office of the City Recorder.

- (6) Quorum. No official business ~~shall be conducted by~~ of the Historic Preservation Landmarks Commission shall be conducted unless a quorum of its members is present. Recognizing the flexible number of members which may be appointed to the Historic Preservation Landmarks Commission, a quorum shall consist of a majority of the appointed members on the Commission; provided, a minimum number of members required for a quorum shall be three (3). The minimum number of yes votes required for the Historic Preservation Landmarks Commission to take any action shall be a majority of members present at a duly called meeting with a quorum; provided, in no event shall the minimum number of votes required to take any action be less than three (3).
- (7) Decisions. Decisions of the Historic Preservation Landmarks Commission shall take effect on the date of the meeting at or hearing in which the decision is made, unless a different time is designated by in the Commission's ~~rules, or~~ at the time the decision is made.

(8) Government Records.

~~The Landmarks Commission shall transmit reports of its official acts and recommendations to the City Council. The minutes of all meetings of the Landmarks Commission shall be prepared and filed in the office of the City Recorder. All such R~~records of the Historic Preservation Commission, such as minutes, agendas, staff reports, and packet information, are public records and shall be available for public review and access in accordance with the Utah Government Records and Access Management Act, as set forth in Utah Code §§ 63G-2-101, et seq.

- (9) Policies and Procedures. The Historic Preservation Commission may adopt policies and procedures, consistent with the provisions of this Title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Commission.

- (e) Commission Powers and Duties. ~~The Historic Preservation Commission generally acts as an advisory board to the City Council, but may have other administrative duties as more particularly provided herein. The Landmarks Commission shall have all the powers and duties, explicit or implied, given under Utah law, including but not limited to the following.~~ The Historic Preservation Commission shall perform such duties in accordance with applicable State and Federal law and ~~Each of such powers and duties shall be exercised~~ pursuant to the procedural and decision-making ~~other~~ provisions of this Title.

- (1) Advise the City Council and other interested parties in the community on matters related to historic preservation and history.

- (2) Conduct or cause to be conducted ~~a~~ surveys of ~~the local~~ historic, architectural, and archaeological resources within the City. All The surveys shall be comply with standards set by the State Historic Preservation Office. compatible with the Utah Inventory of Historic and Archaeological Sites. All surveys and inventory documents shall be maintained and open to the public. ~~The S~~survey should be updated at least every 10 years.
- (3) Establish and maintain a Significant Historic Sites List, a Historic Landmark Register, and a Historic Area Register as provided in CZC 12.61 (Historic Buildings and Sites).
- (4) Review all matters concerning designation, preservation, modification or demolition of any asset within the City listed on the Significant Historic Sites List, Historic Landmark Register and Historic Area Register, or nominations of such assets to the National Register of Historic Places, in accordance with the provisions set forth in CZC 12.61 (Historic Buildings and Sites).
- (5) Review and provide comments to the State Historic Preservation Office regarding ~~on~~ all proposed National Register nominations of properties located for historic assets within ~~the boundaries of~~ the City. When the Historic Preservation Landmarks Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission should seek expertise in this area before rendering its decision.
- (6) Act as an administrative authority for the City regarding the designation, preservation, modification, and demolition of historic assets within the City.
- (7) Work toward the continuing education of citizens regarding historic preservation and the City's Centerville's history.
- (8) Support the enforcement of State laws relating to historic preservation, including, but not limited to, Utah Code § 9-8a-301, regarding the protection of Utah antiquities, and Utah Code § 9-8a-401, regarding historic sites.
- (9) Provide reports to the State Historic Preservation Office on Commission activities, as appropriate.
- (10) Exercise any other duties ~~powers~~ that are delegated to the Historic Preservation Landmarks Commission by the City Council.
- (f) Funding for Commission. The Historic Preservation Landmarks Commission shall be a voluntary organization whose operations may be funded by annual appropriations in the City budget and state, federal, corporate, and private grants, donations or other contributions. The Historic Preservation Landmarks Commission may solicit aid on a project-by-project basis from the City during its regular budget preparation cycle by application submitted to the City Manager by ~~prior to~~ March 15th of each year.
- (g) Purchasing. All purchases and expenditures for the Historic Preservation Commission shall comply with the City's Procurement Policy, including, but not limited to budget approval requirements, approval limits, bidding procedures, exemptions, etc. For purposes of such policies, the Historic Preservation Commission Chair, is hereby designated as an authorized Purchasing Agent, subject to the provisions of the City's Procurement Policy. All purchases and expenditures for the Historic Preservation

Commission shall also comply with any authorized Commission policies, guidelines, or procedures. All purchases and expenditures for the Historic Preservation Commission shall be consistent with the approved budget for the Historic Preservation Commission.

- (h) Examinations and Surveys. The Historic Preservation ~~Landmarks~~ Commission and its authorized agents, after contacting the property owner, may enter upon any land at reasonable times to make examinations and surveys as necessary to enable it to perform its function to promote historic preservation or to perform its duties as set forth in this Chapter.
- (i) Liaison. The City Council may appoint one of its members to serve as a liaison to the Historic Preservation Commission. The liaison should attend the meetings of the Historic Preservation Commission and serve only to advise and act as a liaison to the City Council regarding the Historic Preservation Commission with no power to vote on the Historic Preservation Commission.
- (j) Appeal. Any person adversely affected by a final administrative decision of the Historic Preservation ~~Landmarks~~ Commission made in the exercise of the provisions of this Title may appeal that decision to the Board of Adjustment as provided in CZC 12.21.200.

SECTION 2: AMENDMENT “12.61.030 Landmarks Commission Review”
of the Centerville Zoning Code is hereby *amended* as follows:

AMENDMENT

12.61.030 ~~Landmarks~~Historic Preservation Commission Review

The Historic Preservation ~~Centerville Landmarks~~ Commission is hereby designated as the official body to review all matters concerning designation, preservation, modification or demolition of any asset listed on the Significant Historic Sites List, Historic Landmark Register and Historic Area Register, or nominations of such assets to the National Register of Historic Places, within the City in accordance with the provisions set forth in this Chapter. However, the City Council shall grant all final approvals for designations to the Historic Landmark Register and the Historic Area Register, or official local sanction for the National Register of Historic Places.

SECTION 3: AMENDMENT “12.61.040 Significant Historic Sites List” of the Centerville Zoning Code is hereby *amended* as follows:

AMENDMENT

12.61.040 Significant Historic Sites List

- (a) Created. There is hereby created a Centerville Significant Historic Sites List, which shall serve as a means of providing recognition to and encouraging the preservation of knowledge and information of important historic sites, places, structures, buildings, etc. within the City. The Significant Historic Sites List shall be prepared and maintained by the Historic Preservation ~~Landmarks~~ Commission. The Historic Preservation ~~Landmarks~~ Commission shall ensure that all nominations and any subsequent amendments or any additions thereto are approved in accordance with the provisions of this Chapter.
- (b) Contents. The Significant Historic Sites List shall describe as concisely as possible any significant historic assets that no longer exist; assets that have been significantly modified but have significant value; or the actual location of any event that had occurred in the past that played a significant role, or had an important influence within Centerville City.
- (c) Request for Identification. Any person, group, or governmental agency may nominate a historical asset for the Significant Historic Sites List by submitting a written request for nomination to the Historic Preservation ~~Landmarks~~ Commission. The request for identification shall include the documentation of the qualifying contents and criteria set forth in this Section.
- (d) Review of Request. Upon receipt of a written request for identification, the Historic Preservation ~~Landmarks~~ Commission shall review the submitted nomination at the Commission's next scheduled meeting, permitting adequate time for processing application and notice of the same. The Historic Preservation ~~Landmarks~~ Commission shall review the nomination in accordance with the criteria set forth in this Section and shall approve, approve with conditions, or deny the same for placement on the Significant Historic Sites List.
- (e) Notification. When a historic asset is officially nominated to the Significant Historic Sites List by the Historic Preservation ~~Landmarks~~ Commission, the Commission shall promptly notify any applicable owner in writing of the nomination to the listing. Upon official acceptance of the nomination, the historic asset shall be eligible for any recognition programs established by the City.
- (f) Identification Criteria. The Historic Preservation ~~Landmarks~~ Commission may nominate any historic asset to the Significant Historic Sites List, in accordance with the procedures set forth in this Section, if it meets all the criteria set forth below:
 - (1) Existing assets or removed assets shall be located or have taken place within the official boundaries of the City;
 - (2) It was built or occurred at least 50 years in the past;
 - (3) It is directly associated with events of historic significance in the community;
 - (4) It is closely associated with the lives of persons who were of historic importance to the community; or
 - (5) It exhibited significant architectural design or methods of construction that were used within the historic period it was established.

SECTION 4: AMENDMENT “12.61.050 Historic Landmark Register” of the Centerville Zoning Code is hereby *amended* as follows:

A M E N D M E N T

12.61.050 Historic Landmark Register

- (a) Created. There is hereby created a Centerville Historic Landmark Register, which shall provide further recognition of significant individual historic assets and provide certain benefits and rehabilitation guidelines for such significant assets as an incentive for their preservation. The Historic Landmark Register shall be prepared and maintained by the Historic Preservation ~~Landmarks~~ Commission with the consent of the City Council in accordance with the provisions set forth in this Section. The Historic Preservation ~~Landmarks~~ Commission shall ensure that nominations to the Historic Landmark Register and any subsequent amendments or any additions thereto are approved by the City Council and filed with the City Recorder and the Davis County Recorder's Office.
- (b) Contents. The Historic Landmark Register shall describe as concisely as possible each site, structure or building, the date(s) of its occurrence or construction as nearly as can be determined, the qualifications for including it on the Historic Landmark Register, and the name and address of the current owner of property as shown on the records of the Davis County Recorder.
- (c) Request for Designation. Any owner of property may nominate his or her property for listing on the Historic Landmark Register by submitting a written request for designation to the Historic Preservation ~~Landmarks~~ Commission. An official request for designation may be preceded by informal contacts with the property owner by members of the Historic Preservation ~~Landmarks~~ Commission, City staff, or other interested parties. The written request shall include the following:
 - (1) Address and/or historic name of the property;
 - (2) Date the property was listed in the National Register or officially determined eligible and documentation supporting such listing or eligibility;
 - (3) Statement verifying the owner is indeed the legal owner of the property, according to record of the Davis County Recorder;
 - (4) Statement that the owner desires the action to designate his or her property to the Historic Landmark Register;
 - (5) Submittal of the applicable research and documentation regarding the historic asset, performed in accordance with the Utah State Historic Preservation Office standards for intensive level surveys. Copies of such documentation shall be maintained in the City's preservation files; and
 - (6) Any other information deemed necessary by the Historic Preservation ~~Landmarks~~ Commission or the City Council for determining the property's eligibility for designation.
- (d) Review of Request. Upon receipt of a written request for Historic Landmark Register

designation, the Historic Preservation ~~Landmarks~~ Commission shall review the submitted nomination at the Commission's next scheduled meeting, permitting adequate time for processing application and notice of the same. The Historic Preservation ~~Landmarks~~ Commission shall review the nomination in accordance with the criteria set forth in this Section. The Historic Preservation ~~Landmarks~~ Commission shall forward its recommendation regarding the nomination to the City Council for its review and approval, approval with conditions, or denial as set forth herein.

- (e) Designation and Notification. The City Council may designate a nomination to the Historic Landmark Register by approval and passage of an appropriate resolution. When a historic asset is officially designated to the Historic Landmark Register by the City Council, the Historic Preservation ~~Landmarks~~ Commission shall record the designation certificate with the City Recorder and promptly notify the property owner in writing of the designation together with a copy of the designation certificate. Upon official approval of the nomination, assets listed on the Historic Landmark Register shall be eligible for any recognition or preservation programs established by the City.
- (f) Approval Criteria. Any nominated historic asset may be designated to the Historic Landmark Register in accordance with the procedures set forth herein if it meets all the criteria set forth below:
 - (1) The historic asset is located within the official boundaries of the City;
 - (2) Is currently listed in the National Register of Historic Places, or it has been officially determined eligible to be listed by meeting the National Register Criteria for Evaluation, as amended;
 - (3) The historic asset was built or occurred at least 50 years in the past and at present is still in existence;
 - (4) The historic asset has substantially retained its original integrity, as defined in CZC 12.61.100(e)(2), and meets at least one of the following criteria:
 - (A) Is associated with events that have made a significant contribution to the broad patterns of the community's history;
 - (B) Is associated with the lives of persons significant in the community's past;
 - (C) Embodies the distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history (e.g. archaeological sites).
- (g) Intensive Level Survey. Historic assets to be listed on the Historic Landmark Register which are not already listed on the National Register of Historic Places or if ineligible for such national listing, shall nonetheless be properly documented by an intensive level survey, in accordance with the Utah State Historic Preservation Office standards for intensive level surveys.

SECTION 5: AMENDMENT “12.61.060 Historic Area Register” of the Centerville Zoning Code is hereby *amended* as follows:

A M E N D M E N T

12.61.060 Historic Area Register

- (a) Created. There is hereby created a Centerville Historic Area Register, which shall provide further recognition of significant historic assets and provide certain benefits and rehabilitation guidelines for such significant assets as an incentive for their preservation. The Historic Area Register shall be prepared and maintained by the Historic Preservation ~~Landmarks~~ Commission with the consent of the City Council in accordance with the provisions set forth in this Section. The Historic Preservation ~~Landmarks~~ Commission shall ensure that nominations to the Historic Area Register and any subsequent amendments or any additions thereto are approved by the City Council and filed with the City Recorder's Office.
- (b) Contents. The Historic Area Register shall describe as concisely as possible the boundary or perimeter area of a historic area, street, or block, the qualifications for including it on the Historic Area Register, and the name and address of all current owners of property within the district, as shown on the records of the Davis County Recorder.
- (c) Request for Designation. The owners of property, Historic Preservation ~~Landmarks~~ Commission, or City Council may nominate an area for listing on the Historic Area Register by submitting a written request for designation to the Historic Preservation ~~Landmarks~~ Commission. An official request for designation may be preceded by informal contacts with the property owners, by members of the Historic Preservation ~~Landmarks~~ Commission, City staff, or other interested parties. The written request shall include the following:
 - (1) The description of the proposed area boundary or location, along with the addresses of each property within the proposed Historic Area, regardless of whether all properties are contributing historical assets and the proposed historic name desired for the proposed area.
 - (2) Statement verifying or witnessing that all owners have been notified in writing or by mailing, as addressed with the County Records, of such proposal to create a Historic Area.
 - (3) Submittal of the applicable research and documentation regarding all historic assets found within the proposed Historic Area, performed in accordance with the Utah State Historic Preservation Office standards for intensive level surveys. Copies of such documentation shall be maintained in the City's preservation files.
 - (4) Any other information deemed necessary by the Historic Preservation ~~Landmarks~~ Commission or the City Council for determining the proposed Historic Area eligibility for designation.

- (d) Review of Request. Upon receipt of a written request for Historic Area Register designation, the Historic Preservation ~~Landmarks~~ Commission shall review the submitted nomination at the Commission's next scheduled meeting, permitting adequate time for processing application and notice of the same. The Historic Preservation ~~Landmarks~~ Commission shall review the nomination in accordance with the criteria set forth in this Section. The Historic Preservation ~~Landmarks~~ Commission shall forward its recommendation regarding the nomination to the City Council for its review and approval, approval with conditions, or denial as set forth herein.
- (e) Designation and Notification. The City Council may designate a nomination to the Historic Area Register by approval and passage of an appropriate resolution. When a historic area is officially designated to the Historic Area Register by the City Council, the Historic Preservation ~~Landmarks~~ Commission shall promptly notify all property owners, within the boundary area, in writing of the designation together with a copy of the designation certificate. Upon official approval of the nomination, assets listed on the Historic Area Register shall be eligible for any recognition or preservation programs established by the City.
- (f) Approval Criteria. Any nominated historic location may be designated to the Historic Area Register in accordance with the procedures set forth herein if it meets all the criteria set forth below:
- (1) The historic area is located within the official boundaries of the City.
 - (2) All contributing historic assets were built or occurred at least 50 years in the past and presently exist.
 - (3) The historic area has substantially retained its original integrity and meets at least one of the following criteria:
 - (A) Is associated with events that have made a significant contribution to the broad patterns of the community's history;
 - (B) Is associated with the lives of persons significant in the community's past;
 - (C) Embodies the distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history (e.g. archaeological sites).
 - (4) Intensive Level Survey. All contributing historic assets to be used for establishing the Historic Area Registry which are not already listed on the National Register of Historic Places or if ineligible for such national listing, shall nonetheless be properly documented by an intensive level survey, in accordance with the Utah State Historic Preservation Office standards for intensive level surveys.

SECTION 6: AMENDMENT “12.61.070 Nominations To The National Register Of Historic Places” of the Centerville Zoning Code is hereby *amended* as follows:

A M E N D M E N T

12.61.070 Nominations To The National Register Of Historic Places

- (a) Nomination. The Historic Preservation ~~Landmarks~~ Commission, with the approval of the property owner of record and a final recommendation by the City Council, may prepare, assist, or submit nominations for select historic assets to the National Register of Historic Places. Submittals shall follow all state and national nomination requirements.
- (b) Purpose. The National Register is an official national list of structures considered worthy of preservation because they tell something important about a City's past. Such importance can be at the state or local level, not just the national level. A National Register designation means a property has been officially recognized for its historic value and its preservation is encouraged.
- (c) Benefits. The benefits of National Register listing include assistance and information concerning the preservation of the structure, possible grants for repairs or improvements, and eligibility for federal and state rehabilitation tax credits.
- (d) Owner Obligation. A listing in the National Register does not interfere with a private property owner's right to alter, manage, or even demolish the listed property.
- (e) Steps for Listing. The general steps for a historic asset in obtaining a listing on the National Register are as follows:
 - (1) Researching the property and its past and current owners, this includes an intensive level survey following the State Historic Preservation Office criteria.
 - (2) Documenting the property's physical appearance with photographs and floor plan drawings and measurements.
 - (3) Completion of the official National Registration form.
 - (4) Following a review by the Historic Preservation ~~Landmarks~~ Commission, and approval from the property owner of record, the application shall be forwarded to the City Council for a final recommendation prior to submittal. A completed nomination shall be submitted to the State Historic Preservation office for review and submittal to the Keeper of the National Register of Historic Places.
- (f) Designation Optional. A designation of a historic asset on the National Register is not required for listing on the City's Significant Historic Sites List or the Historic Area Register. However, it is strongly encouraged that any historic asset listed on the City's local registers, also make application to be on the National Register to take advantage of federal and state programs to assist with the continued preservation of such asset.
- (g) Designation Required. A designation of a historic asset on the National Register is required for listing on the City's Historic Landmark Register.

SECTION 7: AMENDMENT “12.61.080 Certificate Of Historic Landmark Or Area Registers” of the Centerville Zoning Code is hereby *amended* as follows:

A M E N D M E N T

12.61.080 Certificate Of Historic Landmark Or Area Registers

- (a) Contents. Upon City Council approval of an historic asset to the Historic Landmark Register or the Historic Area Register, a designation certificate shall be prepared and recorded with the City Recorder and placed in the associated files maintained by the Historic Preservation ~~Landmarks~~ Commission. The designation certificate shall contain the following:
 - (1) The historic name of the property or district.
 - (2) The date of recommendation made by the Historic Preservation ~~Landmarks~~ Commission and the date of official designation by the City Council.
 - (3) A summary or list of the significant applicable attribute(s) of the historic asset that were identified to support the designation.
 - (4) The signatures of Historic Preservation ~~Landmarks~~ Commission chairperson and the Mayor.
- (b) Owner Copy. All owners of record shall be provided a copy of the designation certificate and may obtain additional copies by written request to the Historic Preservation ~~Landmarks~~ Commission.
- (c) Recordation. Any owner of record for an historic asset may record the designation certificate with the Davis County Recorder's Office to further enhance the recognition of such asset.

SECTION 8: AMENDMENT “12.61.090 Removal From Historic Landmark Or Area Registers” of the Centerville Zoning Code is hereby *amended* as follows:

A M E N D M E N T

12.61.090 Removal From Historic Landmark Or Area Registers

- (a) By Owner. Nothing in this Chapter shall be construed to prevent any owner of record from removing his or her historic asset from the Historic Landmark Register or the Historic Area Register, as the owner deems appropriate. Such request for removal shall be made in writing by the owner of record to the Historic Preservation ~~Landmarks~~ Commission, and shall be forwarded to the City Council for acceptance. The Historic Preservation ~~Landmarks~~ Commission or City Council may not withhold acceptance of any removal request, but such review and official acceptance shall be conducted by the City for informational and administrative purposes for an understanding of the

request. The City shall not have any liability whatsoever for an owner's decision to remove his or her historic asset from any register.

- (b) By Non-Owner. Any historic asset, which in the opinion of the Historic Preservation ~~Landmarks~~ Commission, no longer meets criteria for eligibility may be forwarded to the City Council for removal from either the Historic Landmark Register or the Historic Area Register. Any such removal initiated by a person other than the owner of record shall be made with findings in accordance with the designation procedures and criteria set forth herein.
- (c) Notice. When a historic asset has been removed from the Historic Landmark Register or the Historic Area Register, the Historic Preservation ~~Landmarks~~ Commission shall promptly notify the owner of record in writing of the removal and shall file notice of the removal with the City Recorder and/or the Davis County Recorder's Office, as applicable.
- (d) Placement on the Significant Historic Sites List. Any home removed from the Historic Landmark Register or the Historic Area Register, by owner or non-owner, may still qualify for placement on the Significant Historic Sites List by meeting the criteria found in CZC 12.61.040.

SECTION 9: AMENDMENT “12.61.100 Alteration/Modification Standards For Historic Assets Listed On The Historic Landmark Register” of the Centerville Zoning Code is hereby *amended* as follows:

AMENDMENT

12.61.100 Alteration/Modification Standards For Historic Assets Listed On The Historic Landmark Register

- (a) Alterations or Modifications. In order to ensure the preservation of historic materials and features of Historic Landmark Register assets to the greatest extent possible, all proposed repairs, alterations or additions involving the exterior structure and/or facade of such assets shall be subject to review by the Historic Preservation ~~Landmarks~~ Commission, in accordance with the provisions set forth in this Section. Any property owner desiring to keep their asset on the Historic Landmark Register shall comply with the following provisions of this Section.
- (b) Building Permit Request. An application for a building or related permit pertaining to an asset listed on the Historic Landmark Register shall be forwarded by the Zoning Administrator to the Historic Preservation ~~Landmarks~~ Commission prior to issuance. The Historic Preservation ~~Landmarks~~ Commission shall promptly review the application and proposed work for compliance with the standards set forth in this Section.
- (c) Appropriateness of Work. The Historic Preservation ~~Landmarks~~ Commission shall determine the appropriateness of the work in keeping with the preservation of historic integrity of the asset and shall prepare findings for approval or denial, as follows:

- (1) Appropriate. If the Historic Preservation ~~Landmarks~~-Commission deems the proposed work appropriate, it shall notify both the owner of record and the Zoning Administrator in writing of its determination of the appropriateness of the work and any conditions for compliance related to the alteration or modification.
 - (A) If the Historic Preservation ~~Landmarks~~-Commission deems the alterations and modifications to the structure appropriate, those properties on the Historic Landmark Register (not otherwise located in the Centerville Deuel Creek Historic District) shall be eligible for the same incentives set forth in CZC 12.49.100.
- (2) Not Appropriate. If the Historic Preservation ~~Landmarks~~-Commission deems the proposed work inappropriate, it shall forward notice, to the owner of record and the Zoning Administrator, of such determination together with recommendations as to how the work may be accomplished to comply with historic preservation standards.
 - (A) If the Historic Preservation ~~Landmarks~~-Commission does not approve the proposed work as "appropriate," the owner is encouraged to work with the Historic Preservation ~~Landmarks~~-Commission to determine the most appropriate means of altering or modification to the property in order to maintain the historic integrity of the property.
 - (B) If the owner chooses not comply with the recommendations of the Historic Preservation ~~Landmarks~~-Commission, the issuance of the building or associated permit shall be delayed up to 30 days for the documentation of existing conditions of the historic asset. After the necessary documentation time, the permit shall be issued as requested and the asset may be subject to the removal of its designation to the Historic Landmark Register.
- (d) Record Keeping. Any building permit or associated plans issued for an asset listed on the Historic Landmark Register shall be maintained by the office of the Zoning Administrator to assist in preserving and documenting the alterations or modifications made to historic assets listed on the Historic Landmark Register.
- (e) Approval Standards. Any alteration or modification of any historic asset designated on the Historic Landmark Register shall be reviewed for appropriateness in keeping with the preservation of historic integrity of the asset. The following standards shall be used by the Historic Preservation ~~Landmarks~~-Commission and/or City Council when determining the historic appropriateness of any application pertaining to the Historic Landmark Register:
 - (1) Use. The asset shall be primarily used for its intended historic purpose or be placed in a compatible new use that requires minimal change to the defining characteristics of the building and its site and/or environment.
 - (2) Character. The historic character of the asset shall be retained and preserved to the greatest extent possible. The removal of historic materials or alteration of features and spaces that characterize the asset shall be avoided.
 - (3) Developments. Each asset shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development,

such as adding conjectural features or architectural elements from other dissimilar buildings shall not be undertaken.

- (4) Changes. Most assets change over time; changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive Items. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the historic asset shall be preserved.
- (6) Deterioration. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence that such feature was previously present.
- (7) Cleaning. Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures or materials, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Resources. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) Materials. New additions, exterior alterations, modifications, or related new construction shall not destroy historic materials that characterize the asset. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the asset and its environment.
- (10) Historic Integrity. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic asset and its environment would be substantially unimpaired.
- (11) Additional Guidelines. Additional guidelines may be used as set forth in "The Secretary of the Interior's Standards for Rehabilitating Historic Buildings."

SECTION 10: **AMENDMENT** "12.61.110 Complete Demolition Or Substantial Non-Approved Alteration/Modification Of Historic Assets Listed On The Historic Landmarks Register" of the Centerville Zoning Code is hereby *amended* as follows:

AMENDMENT

12.61.110 Complete Demolition Or Substantial Non-Approved Alteration/Modification Of Historic Assets Listed On The Historic Landmarks Register

- (a) Delay of Permit. If a historic asset on the Historic Landmark Register is to be demolished or substantially altered, efforts shall be made by the City to document its

physical appearance before that action takes place. Specifically, the City may delay issuing a building permit for demolition or non-approved alterations/modifications for a maximum of 60 working days in order to provide the Historic Preservation ~~Landmarks~~ Commission time to document the site.

- (b) Documentation. Upon receipt of an application for demolition or non-approved alterations/modifications of assets listed on the Historic Landmark Register, the Zoning Administrator shall notify the Historic Preservation ~~Landmarks~~ Commission that such application has been made. The Historic Preservation ~~Landmarks~~ Commission shall thereafter have 60 working days to document the historic asset. Documentation may include, at a minimum, exterior photographs of all elevations of the historic asset, and exterior and interior measurements of the asset in order to provide an accurate floor-plan drawing of a building. All documentation shall be kept in the City's preservation files.
- (c) Information. The Historic Preservation ~~Landmarks~~ Commission may contact the owner of record of a historic asset in order to inform the owner of the significance of the historic asset to the City and the potential loss it may have if demolished or substantially altered.

SECTION 11: **AMENDMENT** “12.61.120 Special Considerations” of the Centerville Zoning Code is hereby *amended* as follows:

A M E N D M E N T

12.61.120 Special Considerations

- (a) Considerations. Historic assets designated to the Historic Landmark Register may receive special consideration in the granting of special exceptions or conditional use permits in order to encourage their preservation as deemed appropriate by the City. Any such special exception or conditional use permit granted hereunder shall be subject to continued designation of the asset on the Historic Landmark Register. If the property is removed from such designation, the special exception and/or associated permit may be revoked and/or the property deemed nonconforming to the extent of the special consideration given to the property.
- (b) Construction Codes. In the event of rehabilitation for a historic asset, the building official shall consider the waiving certain code requirements, as provided in the Construction Codes adopted by the City.
- (c) Assistance. An owner of historic asset designated on the Historic Landmark Register may seek assistance from the Historic Preservation ~~Landmarks~~ Commission or City in applying for grants or tax credits for rehabilitating the property.
- (d) Signs. All signs used in connection with a special exception or associated permit shall conform to the general character of the historic asset and shall be subject to the provisions of CZC 12.54 (Signs).

SECTION 12: **AMENDMENT** “12.61.130 Historic Asset Recognition And Preservation Programs” of the Centerville Zoning Code is hereby *amended* as follows:

AMENDMENT

12.61.130 Historic Asset Recognition And Preservation Programs

The Historic Preservation ~~Landmarks~~ Commission is hereby charged with creating and/or recommending to the City efforts to identify, preserve, protect, and enhance the City’s historic assets, such as but not limited to the following:

- (a) Seeking grants;
- (b) Supporting nominations to the National Register of Historic Places;
- (c) Commemoration plaques;
- (d) Holding or attending educational events and programs;
- (e) Historic preservation socials;
- (f) Conducting historic walking/home tours;
- (g) Rehabilitation scholarships; and
- (h) Supporting General Plan and Zoning Code amendments that relate to historic preservation and the preservation of Centerville’s past.

SECTION 13: **AMENDMENT** “12.61.150 Appeal” of the Centerville Zoning Code is hereby *amended* as follows:

AMENDMENT

12.61.150 Appeal

Any person adversely affected by a final decision of the Historic Preservation ~~Landmarks~~ Commission, City Council, or other official enforcing the provisions of this Chapter may appeal such decision to the Board of Adjustment as provided in CZC 12.21.200.

SECTION 14: **AMENDMENT** “12.67.080 Development Standards - Conditional Use” of the Centerville Zoning Code is hereby *amended* as follows:

AMENDMENT

12.67.080 Development Standards - Conditional Use

The development standards of CZC 12.67.060 shall apply to a wireless telecommunication

facility established as a conditional use except as otherwise modified by this Section.

- (a) Antennas and Mounting Structures On or Over Public Rights-of-Way. Antennas and mounting structures shall not encroach on or over the public sidewalk or on or over a public right-of-way unless:
 - (1) The facility is approved by conditional use permit on existing structures located in the right-of-way;
 - (2) Associated mechanical and electrical equipment is not located in the public right-of-way;
 - (3) The facility is virtually hidden from view;
 - (4) The existing structure is proven structurally sound to support the proposed facility; and
 - (5) The carrier signs an agreement with the City which includes provisions that:
 - (A) Hold the City harmless from any liability claims as a result of the facility;
 - (B) Require the carrier to provide, prior to permit issuance, proof to the City that the carrier has acquired sufficient liability insurance as may be required by the City; and
 - (C) Name the City as co-beneficiary of the insurance policy.
- (b) Facilities in Historic Districts. Any facility proposed within a historic district or on a landmark site as defined by the City, County, State or the Federal governments shall be approved by a conditional use permit and shall be subject to review by the Historic Preservation Landmarks Commission in accordance with CZC 12.67.090.
- (c) Fencing and Screening Requirements. Specific fencing and screening plans for each facility shall be submitted to the City in conjunction with a conditional use permit application. Higher grade fencing, more aesthetic fence designs, and landscaping may be required for the purposes of visual screening, architectural compatibility, site compatibility, and other impact mitigation.
- (d) Monopoles.
 - (1) The height of an existing monopole located in a commercial public facility, or industrial zone may be increased if approved by a conditional use permit. No monopole with antennas and antenna support structures shall exceed a height of 100 feet.
 - (2) A monopole may be located within 500 linear feet from another monopole if approved by a conditional use permit.
 - (3) The maximum height of a monopole with antennas and antenna support structures may be increased if approved by conditional use permit for co-location of a second carrier on an existing monopole. In the event co-location for the second carrier is terminated, the original carrier shall reduce the height of the monopole to its originally approved height within 30 days from the date the second carrier files with the FCC a "Notice to Abandon" the facility. The City shall receive a copy of the "Notice to Abandon" filed with the FCC.
- (e) Non-Flush-Mounted Wall Antennas. A non-flush-mounted wall antenna may extend more than six feet horizontally from the wall surface if approved by a conditional use permit.

- (f) Stealth-Design Antennas and Monopoles. A stealth-design monopole may be located in residential, agricultural, or public facility zones if approved by a conditional use permit. Final determination of the acceptability of a stealth-design antenna or monopole shall be made as part of the conditional use permit process.
- (g) Additional Conditional Use Factors. In addition to conditional use standards outlined in CZC 12.21.100(e), the following factors shall be considered in evaluating an application for a conditional use permit:
 - (1) Compatibility of the proposed structure with the height and mass of existing buildings and utility structures;
 - (2) For new sites, whether location of the antenna on other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., is possible without significantly impacting antenna transmission or reception;
 - (3) Antenna location in relation to existing vegetation, topography, and buildings to obtain the best visual screening; and
 - (4) Whether spacing between monopoles creates quantifiable detrimental impacts to adjoining properties.
 - (5) If practical difficulties are demonstrated by the applicant or upon detailed demonstration by the applicant that a proposed facility can be effectively screened from the view of nearby sensitive land uses, the Planning Commission may reduce a required setback from a residential zone provided that no pole shall be closer than one and one-half times the height of the pole to any dwelling.

SECTION 15: **AMENDMENT** “12.67.090 Landmarks Commission Review” of the Centerville Zoning Code is hereby *amended* as follows:

AMENDMENT

12.67.090 ~~Landmarks~~Historic Preservation Commission Review

Prior to considering a conditional use permit application for any facility within a historic district or on a landmark site, the application shall be reviewed by the Historic Preservation ~~Landmarks~~-Commission. The Historic Preservation ~~Landmarks~~-Commission shall review the application with respect to the development standards set forth in this Chapter and standards for issuance of a conditional use permit.

SECTION 16: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 17: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 18: EFFECTIVE DATE This Ordinance shall be in full force and effect from the date of adoption and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CENTERVILLE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Cheylynn Hayman	_____	_____	_____	_____
Gina Hirst	_____	_____	_____	_____
Robyn Meacham	_____	_____	_____	_____
Brian Plummer	_____	_____	_____	_____
Rick Bangerter	_____	_____	_____	_____

Presiding Officer

Attest

Clark A. Wilkinson, Mayor,
Centerville City

Jennifer Robison, City Recorder,
Centerville City

**CENTERVILLE CITY
ORDINANCE 2026-11**

**AN ORDINANCE AMENDING SECTION 3.03.060 OF THE CENTERVILLE
MUNICIPAL CODE REGARDING THE LANDMARKS COMMISSION AND
AMENDING SECTION 3.03.070 OF THE SAME REGARDING THE WHITAKER
MUSEUM BOARD, RENAMING THE LANDMARKS COMMISSION TO THE
HISTORIC PRESERVATION COMMISSION, AND APPOINTING MEMBERS OF
THE WHITAKER MUSEUM BOARD TO ACT AS MEMBERS OF THE HISTORIC
PRESERVATION COMMISSION**

WHEREAS, the City has previously created the Landmarks Commission as set forth in CMC 3.03.060 (Landmarks Commission) and the Whitaker Museum Board as set forth in CMC 3.03.070 (Whitaker Museum Board); and

WHEREAS, the City Council desires to make a number of amendments to the membership and organization of the Whitaker Museum Board and the Landmarks Commission, to change the name of the Landmarks Commission to the Historic Preservation Commission, and to appoint members of the Whitaker Museum Board to act as members of the Historic Preservation Commission; and

WHEREAS, the City Council finds the amendments to the Section 3.03.060 (Landmarks Commission) and Section 3.03.070 (Whitaker Museum Board) of the Centerville Municipal Code are in the best interest of the City and the community to continue to support the preservation and protection of historic buildings, structures, sites, and districts within the City.

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

SECTION 1: AMENDMENT “3.03.060 Landmarks Commission” of the Centerville Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.03.060 ~~Landmarks~~Historic Preservation Commission

There is a Historic Preservation Commission ~~Landmarks Commission~~ for Centerville City which acts as an advisory commission to the City Council and performs administrative duties regarding historic preservation, and historic sites and landmarks within the City. The organization, powers and duties of the Historic Preservation Commission ~~Landmarks Commission~~ are more particularly set forth in CZC 12.20.070 (Historic Preservation Commission).

SECTION 2: **AMENDMENT** “3.03.070 Whitaker Museum Board” of the Centerville Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.03.070 Whitaker Museum Board

- (a) Creation. There is a Whitaker Museum Board for Centerville City which acts as an advisory board to the City Council regarding the facilities, programs, and policies for the administration and operation of the “The Whitaker” Centerville’s Heritage Museum (hereafter referred to as “The Whitaker” or “Museum”).
- (b) Purpose and intent. The purpose of “The Whitaker” is to support the Centerville City mission which states: “Our mission is to serve the people of Centerville by promoting their peace, health, safety and welfare while planning for the future and preserving the past.” In addition to the City’s mission statement, the mission of “The Whitaker” is as follows: “The Whitaker” Centerville’s Heritage Museum tells Centerville’s story, teaches traditional values, creates links between past and present and cultivates pride in our rich heritage. The Museum Board shall pursue policies and programs in the administration and operation of Museum consistent with these mission statements.
- (c) Members.
 - (1) Number and Appointment. The Whitaker Museum Board shall be comprised of five (5) to seven (7) ~~not more than seven but no less than five regular~~ members who shall be appointed by the Mayor with the advice and consent of the Council. The Mayor may receive names for consideration for appointment to the Board from the Museum Board.
 - (2) Term. Museum Board members shall be appointed to staggered terms of three years and until a successor is appointed; ~~that~~ members may be appointed for terms shorter than three years when necessary to provide for staggered terms.
 - (3) Qualifications. Each Museum Board member should possess interest or knowledge in the operation and function of the Museum and should have a demonstrated interest, knowledge, or experience in the fields related to historic preservation. Board members should also meet the qualifications of the Historic Preservation Commission as set forth in CZC 12.20.070 (Historic Preservation Commission).
 - (4) ~~Liaison. The City Council may appoint one of its members to serve as a liaison to the Museum Board. The liaison should attend the meetings of the Museum Board and serve only to advise and act as a liaison to the City Council regarding the Museum Board with no power to vote on the Museum Board.~~
 - (5) Removal. Museum Board members shall serve at the pleasure of the City Council and may be removed at any time with or without cause by majority vote of the City Council.

- (6) Vacancies. Vacancies on the Museum Board occurring for any reason shall be filled by the Mayor, with the advice and consent of the City Council, in accordance with the procedures for appointment set forth herein for the unexpired term of such Board member.
 - (7) Compensation. Museum Board members shall serve without compensation and shall be deemed “volunteers” for purposes of City ordinances, rules, regulations and policies.
 - (8) Conflicts of Interest. As appointed volunteers of the City, Museum Board members shall comply with the Utah Officers’ and Employees’ Ethics Act as set forth in Utah Code §§ 10-3-1301, et seq.
- (d) Organization and Procedure.
- (1) Chair and Vice-Chair. The Museum Board shall elect one of its members as Chair to oversee the proceedings and activities of the Board. The Museum Board shall also elect one of its members to act as Vice-Chair to perform duties as assigned from the Chair and to oversee the proceedings and activities of the Museum Board in the absence or inability of the Chair to act. The Chair and Vice-Chair shall serve for one year terms and may be re-elected to successive terms. Election of the Chair and Vice-Chair should take place during the first meeting of the Museum Board each year. The Chair and Vice-Chair shall be voting members of the Museum Board.
 - (2) Meetings. The Museum Board may hold meetings at such times as the Board determines is necessary. Generally, Museum Board meetings should be held once a month. Meetings of the Museum Board may be called by the Chair, a majority of the members of the Board, the Mayor, or the City Manager. Meetings shall be conducted in accordance with properly approved policies and guidelines of the Museum Board.
 - (3) Open Meetings. Meetings of the Museum Board shall be conducted in accordance with the Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-101, et seq., including public notification of meeting place, time, and agenda items. The Museum Board shall keep a public record of its proceedings, and all minutes and recordings of the meetings and decisions of the Board shall be filed in the office of the City Recorder.
 - (4) Quorum. No official business of the Museum Board shall be conducted except in the presence of a properly constituted quorum. The quorum shall consist of a majority of the appointed members of the Museum Board, provided the minimum number of members required for a quorum shall be three. All official business must be decided upon by majority vote of the quorum, provided that the minimum number of votes required to take any action shall be three.
 - (5) Government Records. Records of the Museum Board, such as minutes, agendas, staff reports, and packet information, are public records and shall be available for public review and access in accordance with the Utah Government Records and Access Management Act, as set forth in Utah Code §§ 63G-2-101, et seq.
 - (6) Policies and Guidelines. The Museum Board may adopt reasonable policies

for governing the conduct of its business. All such policies shall be consistent with City ordinances, policies and regulations, and shall be submitted to the City Council for review and approval prior to implementation. Policies of the Museum Board requiring City Council approval include substantive or long-term policy matters such as accession and deaccession of property, procurement, Board duties, etc. The Museum Board may also adopt reasonable internal guidelines which do not require City Council approval. Such guidelines may address administrative day-to-day operations of the Museum, duties of volunteers, creation of subcommittees, etc. and shall be consistent with City ordinances, policies and regulations.

- (7) Subcommittees and Other Volunteers. The Museum Board may choose to appoint Board members to oversee specific duties or appoint other volunteers to work in and aid in the operation of the Museum events and programs as needed by creating subcommittees or appointing other volunteers, including tour guides. Prior to appointment, all volunteers must fill out a volunteer application with the City and submit to any required background checks.
- (e) Board Duties. The Museum Board acts in an advisory and volunteer capacity to the City Council regarding the administration and operation of “The Whitaker,” including, but not limited to the following:
 - (1) Prepare and recommend for approval by the City Council a long-range plan, including goals, for “The Whitaker”, review any adopted long-range plan and recommend any updates or changes to the City Council;
 - (2) Recommend to the City Council and implement programs, policies, financing, funding, legislation and other measures, educational programs or activities for the administration “The Whitaker” consistent with the goals of the long-range plan, including, but not limited to review of grant applications and the Museum Director’s annual budget;
 - (3) Manage the overall operations of the Museum, the Museum Director, and all programs implemented by the Museum Board;
 - (4) Initiate, sponsor, and promote involvement, activities, and contributions by the public and private sectors in “The Whitaker” and its facilities, artifacts, programs, and activities;
 - (5) Prepare and recommend for approval by the City Manager and/or City Council appropriate policies, guidelines and procedures for the use, administration and operation of “The Whitaker” and its facilities, artifacts, programs, and activities and for the governance of the Board, and any updates or revisions to the same;
 - (6) Submit annual report to City Council regarding Museum and Board activities;
 - (7) Prepare and recommend to the City Manager and/or City Council employment standards and qualifications for the position of Museum Director of “The Whitaker”, evaluate and make recommendations to the City Manager and Mayor regarding Museum Director’s performance and continuing employment;
 - (8) Prepare and recommend for approval by the City Council collection management policies and system of approval of accession and deaccession of

- artifacts; and
- (9) Prepare recommendations for building restorations, renovations, and repairs to the City Council.
- (f) Chair Duties. It shall be the duty of the Chair to act as the primary point of contact between the City, other members of the Museum Board, and the Museum Director. In the absence of the Chair, the Vice-Chair assumes the duties of the Chair.
- (1) Agenda. The Chair shall develop agendas for each meeting with input from the Museum Board members and the Museum Director.
 - (2) Meetings. The Chair shall preside at Museum Board meetings and provide overall leadership necessary to accomplish the mission and goals of the Board.
 - (3) Orientation. The Chair shall assist in the orientation of new Museum Board members and work with them to ensure they can successfully fulfill their assignments.
- (g) Museum Director. The Museum Director manages the basic operations and programs of the Museum and shall be under the direct supervision of the Museum Board and subject to general supervision of the City Manager. The Museum Director shall perform the duties and functions as set forth in the Job Description for the Museum Director position. The Museum Director is not a voting member of the Museum Board, but serves in the capacity of employee. The City Manager shall be responsible for personnel matters and oversight regarding the Museum Director. The Museum Board may make recommendations or references regarding job performance of the Museum Director to the City Manager.
- (h) Funding. The Museum Board shall operate under the direct supervision of the City Council. The Board's operations shall be funded by City funds, State and Federal grants, donations, contributions, and cultural event promotions, which funds shall be collected and held by the City in a special fund designated for such purposes. Funds may be distributed to the Board on a project by project basis as deemed necessary by the City Council and/or as part of the City's regular budgetary process.
- (i) Purchasing. All purchases and expenditures for the Museum shall comply with the City's Procurement Policy, including, but not limited to budget approval requirements, approval limits, bidding procedures, exemptions, etc. For purposes of such policies, the Museum Director and Board Chair, or their designees, are hereby designated as authorized Purchasing Agents. All purchases and expenditures for the Museum shall also comply with any authorized Museum Board policies, guidelines or procedures. All purchases and expenditures for the Museum shall be consistent with the approved budget for the Museum.
- (j) Liaison. The City Council may appoint one of its members to serve as a liaison to the Museum Board. The liaison should attend the meetings of the Museum Board and serve only to advise and act as a liaison to the City Council regarding the Museum Board with no power to vote on the Museum Board.
- (k) Historic Preservation Commission. The City has created the Historic Preservation Commission as provided in CMC 3.03.060 (Historic Preservation Commission) and CZC 12.20.070 (Historic Preservation Commission). Members of the Whitaker Museum Board shall be considered members of the Historic Preservation Commission

and shall perform the duties and obligations of the Historic Preservation Commission. When appointing members to the Whitaker Museum Board, the Mayor shall consider the qualification requirements for Historic Preservation Commission members as set forth in CZC 12.20.070 (Historic Preservation Commission). Although the members of both bodies are the same, the Historic Preservation Commission and the Whitaker Museum Board shall continue to exist as separate public bodies and shall have separate meetings, agendas, and minutes.

SECTION 3: AMENDMENT “9.08.020 Definitions” of the Centerville Municipal Code is hereby *amended* as follows:

AMENDMENT

9.08.020 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter the most reasonable application.

- (a) “Alluvial Fan Flooding.” Flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
- (b) “Apex.” A point on an alluvial fan or similar land form below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- (c) “Appurtenant structure.” A structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Appurtenant structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of appurtenant structures are detached garages, carports, storage sheds, pole barns and hay sheds.
- (d) “Area of Shallow Flooding.” A designated AH, AP, or VO Zone with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (e) “Base Flood.” The flood having a one percent chance of being equaled or exceeded in any given year.
- (f) “Base Flood Elevation.” The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.
- (g) “Basement.” Any area of the building having its floor sub-grade (below ground level)

- on all sides.
- (h) "Breakaway wall." A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
 - (i) "Critical Feature." An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
 - (j) "Development." Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the special flood hazard area.
 - (k) "Elevated Building."
 - (1) A non-basement building which is:
 - (A) Built, in the case of a building in Zones AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear wall parallel to the floor of the water; and
 - (B) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
 - (2) In the case of Zones AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
 - (3) In the case of Zones VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.
 - (l) "Existing Construction." For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.
 - (m) "Existing Manufactured Home Park or Subdivision." A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this Chapter.
 - (n) Expansion to Existing Manufactured Home Park or Subdivision." The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
 - (o) "Flood or Flooding." A general and temporary condition of partial or complete

inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
 - (2) The unusual and rapid accumulation of runoff of surface waters from any source; or
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (p) "Flood elevation study." An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- (q) "Flood Insurance Rate Map (FIRM)." The official map on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the City.
- (r) "Flood Insurance Study." The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.
- (s) "Flood Protection System." Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (t) "Floodplain" or "Flood Prone Area." Any land area susceptible to being inundated by water from any source (see definition of "flooding").
- (u) "Floodplain Management." The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- (v) "Floodplain Management Regulations." Any state law or city ordinance, including Centerville City zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances such as this Chapter, etc., which provide standards for the purpose of flood damage prevention and reduction.
- (w) "Floodproofing." Any combination of structural and non structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (x) "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (y) "Functionally Dependent Use." A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include

long-term storage or related manufacturing facilities.

- (z) "Highest Adjacent Grade." The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (aa) "Historic Structure." Any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on the State register as promulgated by the Utah Division of State History; or
 - (4) Individually listed on the Centerville City Historic Sites List and Historic Landmark Register, as promulgated by the Centerville City [Historic Preservation Commission](#) ~~Landmarks Commission~~ under [CZC 12.20.070](#) (~~Historic Preservation Commission~~ ~~Landmarks Commission~~).
- (ab) "Hydrodynamic Loads." Forces imposed on structures by flood waters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side.
- (ac) "Hydrostatic Loads." Loads or pressures resulting from the static mass of water at any point of floodwater contact with a structure. They are equal in all directions and always act perpendicular to the surface on which they are applied.
- (ad) "Levee." A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- (ae) "Levee System." A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (af) "Lowest Floor." The lowest floor of the lowest enclosed area (including basement) An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.
- (ag) "Manufactured Home." A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- (ah) "Manufactured Home Park or Subdivision." A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (ai) "Mean Sea Level." For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

- (aj) "New Construction." For purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the City's initial FIRM, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance, and includes any subsequent improvements to such structures.
- (ak) "New Manufactured Home Park or Subdivision." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.
- (al) "Recreational Vehicle." A vehicle which is: (a) built on a single chassis
- (am) "Regulatory Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (an) "Special Flood Hazard Area." The land in the floodplain subject to a one percent or greater chance of flooding in any given year.
- (ao) "Start of Construction." Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (ap) "Structure." A walled and roofed building or manufactured home that is principally above ground.
- (aq) "Substantial Damage." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- (ar) "Substantial Improvement." Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
 - (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by local code enforcement official and which are the minimum

- necessary to assure safe living conditions; or
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”
- (as) “Variance.” A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.
- (at) “Violation.” Failure to comply with any of the terms and conditions of this Chapter.
- (au) “Water Surface Elevation.” The height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 4: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 5: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 6: EFFECTIVE DATE This Ordinance shall be in full force and effect from the date of adoption and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CENTERVILLE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Cheylynn Hayman	_____	_____	_____	_____
Gina Hirst	_____	_____	_____	_____
Robyn Meacham	_____	_____	_____	_____
Brian Plummer	_____	_____	_____	_____
Rick Bangerter	_____	_____	_____	_____

Presiding Officer

Attest

Clark A. Wilkinson, Mayor,
Centerville City

Jennifer Robison, City Recorder,
Centerville City

CENTERVILLE
PLANNING
COMMISSION

Staff Report
8/12/2026

Item No. 2.

Title: Public Hearing - Municipal Code Amendments - Boundary Line Adjustments, Boundary Establishment, and Exchange of Title changes - CMC 15.09.140 (Exchange of Title) - Legislative Decision

Initiated By: Sydney DeWees, Assistant Planner

Staff Representative: Sydney DeWees, Assistant Planner, Mike Eggett, Community Development Director, Lisa Romney, City Attorney

SUBJECT:

Consider amendments to Section 15.09.140 of the Centerville Municipal Code regarding the addition of Code language for Boundary Line Adjustments and Boundary Establishment (in complying with State statutes), and the replacement of existing Exchange of Title Code language as found in CMC 15.09.140.

RECOMMENDATION:

Recommend approval of the Municipal Code text amendment proposal (for amendments to CMC 15.09.140) to City Council.

BACKGROUND:

Over the last few years, the State Legislature has approved legislative bills modifying how boundary lines and boundary line disputes are to be administered by local municipalities and counties. Following these code changes, City staff has been working diligently to reference these State codes in making sure that boundary line adjustment processing is compliant with processing requirements of these State Codes. That being said, City staff has noticed discrepancies with the Exchange of Title (Boundary Adjustment) processing codes, as currently found in CMC 15.09.140. Therefore, City staff felt it important to work on a draft code amendment to change the Exchange of Title codes to reflect corrected and approved Utah State standards for processing Boundary Line Adjustments. The term Boundary Line Adjustments will replace the term Exchange of Title in the City Municipal Code, to better align with Utah State codes, given that the proposed draft language is approved in the future by the City Council.

UPDATED INFORMATION: On November 6, 2025, the Utah Legislature amended Utah Code Sections 57-1-45.5, *Conveyance Document for a Boundary Adjustment -- Form and Effect*; 10-9a-907, *Boundary Establishment -- Process -- Boundary Agreement Not Subject to Review by Land Use Authority -- Prohibitions*; and 10-9a-906, *Simple Boundary Adjustment -- Full Boundary Adjustment -- Process -- Review by Land Use Authority*. Centerville Municipal Code has not yet been updated to reflect these statutory changes.

To ensure compliance with current state law, staff is proposing amendments to Centerville Municipal Code Section 15.09.140, *Boundary Adjustments and Boundary Establishments*, as well as Section 20.030, *Boundary Adjustment Fees*. The proposed revisions are shown in the redlined version provided in the attached

documentation.

The proposed amendments primarily align the City's procedures and application requirements with the updated provisions of Utah State Code. The only additional requirement proposed by the City is that any plats or surveys submitted with a boundary adjustment application include frontage measurements. This requirement allows the City to verify compliance with the minimum frontage standards established in Municipal Code Chapter 15.05 and the applicable zoning districts found in Sections 12.31 through 12.35. Including frontage measurements ensures that a boundary adjustment does not create a parcel that fails to meet the City's frontage requirements.

On July 22, 2026, at the conclusion of the review discussion and guidance from the Planning Commission regarding their first review of the associated language proposal, staff briefly discussed scheduling a public hearing for the proposed Code amendments. The Planning Commission directed City staff to schedule a public hearing for August 12, 2026. A public hearing has hereafter been advertised and scheduled in accordance with State and City public notification requirements. No public comments were provided prior to the completion of this packet information. Any public commentary provided prior to the date of the meeting will be shared with the Planning Commission during the meeting.

ATTACHMENTS:

1. 8.12.26 PC Staff Report Municipal Text Amend - BLA
2. 15.09.140 Redline Update 7.13.26 [PC Work Draft]
3. 15.09.140 Redline Update 7.13.26 [PC Clean Draft]
4. 15.09.140 Current Code
5. 18.080 Subdivision Ordinance Amendment Fees
6. 20.030 Boundary Adjustment Fees
7. USC10-20-S906 Boundary Adjustment
8. USC10-20-S907 Boundary Establishment
9. USC57-1-S45.5 Convey for Bound Adjustment
10. (BLA- S) Boundary Line Adjustment- Simple
11. Boundary Line Adjustment - Simple BLA S
12. BLA S Workflow
13. (BLA- F) Boundary Line Adjustment- Full
14. Boundary Line Adjustment- Full BLA F
15. BLA F Workflow
16. S DeWees Email - Review Boundary Line [20260616]
17. 15.09.140 [1st Draft Version - OLD]



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

STAFF REPORT – PLANNING COMMISSION
AGENDA ITEM 2 – MUNICIPAL CODE TEXT AMENDMENT PROPOSAL

PETITIONER: CITY OF CENTERVILLE

APPLICATION: MUNICIPAL CODE TEXT AMENDMENT

RECOMMENDATION: RECOMMEND APPROVAL OF
MUNICIPAL CODE TEXT AMENDMENT
PROPOSAL TO CITY COUNCIL

BACKGROUND

On November 6, 2025, the Utah Legislature amended Utah Code Sections 57-1-45.5, *Conveyance Document for a Boundary Adjustment -- Form and Effect*; 10-9a-907, *Boundary Establishment -- Process -- Boundary Agreement Not Subject to Review by Land Use Authority -- Prohibitions*; and 10-9a-906, *Simple Boundary Adjustment -- Full Boundary Adjustment -- Process -- Review by Land Use Authority*. Centerville Municipal Code has not yet been updated to reflect these statutory changes.

To ensure compliance with current state law, staff is proposing amendments to Centerville Municipal Code Section 15.09.140, *Boundary Adjustments and Boundary Establishments*, as well as Section 20.030, *Boundary Adjustment Fees*. The proposed revisions are shown in the redlined version provided in the attached documentation.

The proposed amendments primarily align the City's procedures and application requirements with the updated provisions of Utah State Code. The only additional requirement proposed by the City is that any plats or surveys submitted with a boundary adjustment application include frontage measurements. This requirement allows the City to verify compliance with the minimum frontage standards established in Municipal Code Chapter 15.05 and the applicable zoning districts found in Sections 12.31 through 12.35. Including frontage measurements ensures that a boundary adjustment does not create a parcel that fails to meet the City's frontage requirements.

On July 22, 2026, at the conclusion of the review discussion and guidance from the Planning Commission regarding their first review of the associated language proposal, staff briefly discussed scheduling a public hearing for the proposed Code amendments. The Planning Commission directed City staff to schedule a public hearing for August 12, 2026. A public hearing has hereafter been advertised and scheduled in accordance with State and City public notification requirements. No public comments were provided prior to the completion of this packet information. Any public commentary provided prior to the date of the meeting will hereafter be shared with the Planning Commission during the meeting.

STAFF ANALYSIS AND COMMENTS

Typically, *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 any Zoning Code Text 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*”. With this being a proposed Municipal Code Text Amendment that has zoning and land use implications, staff utilized a similar form of review in consideration of the proposed Municipal Code Text Amendments associated with land use and property lines activity.

Staff believes the proposed Municipal Code Text Amenements are consistent with the goals, objectives, and policies of Centerville City’s General Plan.

STAFF CONCLUSION

As a result, City staff is recommending that the Planning Commission provide a favorable recommendation to the City Council for consideration of the Municipal Code text amendment proposal to the Centerville Municipal Code, Section 15.09.140 *Boundary Adjustments and Boundary Establishments*, as well as Section 20.030 *Boundary Adjustment Fees*, as provided.

POTENTIAL MOTIONS

Based on the information provided by the Planning Staff, and as heard during the public hearing, the Planning Commission may make a motion to recommend Council approval of this Municipal Code text amendment proposal request, recommend Council approval of this request with suggested amendment and/or modification, table the matter to a later date, or recommend Council denial of the applicant’s request. With any of these decisions appropriate findings of fact should be provided. Sample motions for the Planning Commission’s convenience are located below with suggested findings of fact.

#1 – APPROVE

“I hereby make a motion to recommend City Council APPROVAL of the proposed Code Text Amendments to Centerville Municipal Code Section 15.09.140 ‘Boundary Adjustments and Boundary Establishments’, and Section 20.030 ‘Boundary Adjustment Fees’, 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 do not create detrimental or negative impacts to established zoning areas within Centerville City.*
- 3. The Planning Commission finds that the proposed text amendments are in the best interests of Centerville City.”*

#2 – APPROVE WITH ANY PROPOSED ADDITIONAL AMENDMENTS

“I hereby make a motion to recommend City Council APPROVAL of the proposed Code Text Amendments to Municipal Code Section 15.09.140 ‘Boundary Adjustments and Boundary Establishments’, and Section 20.030 ‘Boundary Adjustment Fees’, with the language amendment to the request (as provided by the Planning Commission) as follows _____, based on the following reasons for action (findings):”

(Use findings listed above for approval. The Planning Commission may include any additional findings that are deemed applicable.)

#3 – TABLE

“I hereby make a motion to TABLE the proposed Code Text Amendments to Municipal Code Section 15.09.140 ‘Boundary Adjustments and Boundary Establishments’, and Section 20.030 ‘Boundary Adjustment Fees’, until such a time as _____.”

#4 – DENY

“I hereby make a motion to recommend City Council DENIAL of the proposed Code Text Amendments to Centerville Municipal Code Section 15.09.140 ‘Boundary Adjustments and Boundary Establishments’, and Section 20.030 ‘Boundary Adjustment Fees’, based on the following reasons for action (findings):

1. *The Planning Commission finds that the proposed text amendments are NOT consistent with the goals, objectives, and policies of the General Plan.*
2. *The Planning Commission finds that the proposed text amendments may create detrimental or negative impacts to established zoning areas within Centerville City.*
3. *The Planning Commission finds that the proposed text amendments are NOT in the best interests of Centerville City.”*

(Planning Commission may include any additional findings that are deemed applicable)

15.09.140 Exchange Of Title Boundary Adjustments and Boundary Establishments

(a) Boundary adjustments shall be processed in accordance with Utah Code § 10-20-906 and this Section. A boundary adjustment is an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between adjoining lots or parcels. A boundary adjustment may not create an additional lot or parcel. In accordance with the provisions of Utah Code § 10-9a-608, the owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the Zoning Administrator in accordance with the provisions of this Section.

(b) Boundary adjustments shall be classified as either Simple Boundary Adjustments or Full Boundary Adjustments as provided in this Section.

(1) Simple Boundary Adjustment. A person may propose a Simple Boundary Adjustment to the Zoning Administrator. A proposal for a Simple Boundary Adjustment shall:

(A) Include a conveyance document that complies with Utah Code § 57-1-45.5; and

(B) Describe all lots or parcels affected by the proposed boundary adjustment.

(2) The Zoning Administrator shall consent to a proposed Simple Boundary Adjustment if the Zoning Administrator verifies that the proposal satisfies Subsection (b)(1) and does not:

(A) Affect a public right-of-way, municipal utility easement, or other public property;

(B) Affect an existing easement, onsite wastewater system, or internal lot restriction;
or

(C) Result in a lot or parcel out of conformity with applicable land use regulations.

~~(b) — (3) If the Zoning Administrator determines that a proposed Simple Boundary Adjustment does not meet the requirements of Subsection (b)(2), a Full Boundary Adjustment is required. An application for exchange of title approval shall be filed in writing with the Community Development Director on forms provided by the City, and shall include, at a minimum, the following:~~

~~(1) Three hard copies and one electronic copy of a survey, prepared by a licensed land surveyor or professional engineer, accurately drawn to scale and certified, showing:~~

~~(A) The two affected lots or parcels;~~

~~(B) The location of existing buildings on the lots or parcels;~~

~~(C) The proposed location of the new lot or parcel line;~~

~~(D) Any existing easements, driveways, utilities and infrastructure improvements;~~

~~(E) The frontage calculations for the two lots before and after the exchange of title; and~~

~~(F) The size of the two lots before and after the exchange of title.~~

~~(2) The applicable fees and deposits as set forth in the City Fee Schedule.~~

~~(3) The proposed notice of approval and conveyance of title documents.~~

(c) Full Boundary Adjustment

(1) To propose a Full Boundary Adjustment, the adjoining property owners shall submit a proposal to the Zoning Administrator that includes:

(A) A conveyance document that complies with Utah Code § 57-1-45.5;

(B) A survey, prepared by a licensed land surveyor or professional engineer, accurately drawn to scale and certified, that complies with Utah Code § 57-1-45.5(3)(b), including:

- (A) (i) the frontage calculations for the lots before and after the boundary adjustment; and
- (ii) any additional information required by the Zoning Administrator to verify compliance with the zoning regulations applicable to the subject parcels;

(C) If required by this Title, a proposed plat amendment corresponding with the proposed Full Boundary Adjustment, prepared in accordance with Utah Code § 10-20-811 and applicable City ordinances;

(D) A completed boundary line adjustment application submitted to the Zoning Administrator in a form established by the Zoning Administrator or designee along with any fees and deposits as set forth in the City Fee Schedule;

(E) Written approval of any proposed easement adjustments by all affected property owners, easement holders, and other parties with a legal interest in the easement.

(2) The Zoning Administrator shall provide consent to a proposed Full Boundary Adjustment if:

(A) The proposal includes all information required by Subsection (c)(1);

(B) The survey required by Subsection (c)(1)(B) shows no evidence of a violation of a land use regulation; and

~~(B)-(C) If a corresponding plat amendment is required by City ordinance, the plat amendment has been approved in accordance with Utah Code § 10-20-811; and The Zoning Administrator shall review all applications for exchange of title approval and shall approve such requests if the exchange of title will not result in a violation of any land use ordinance of the City.~~

(C) The boundary adjustment does not result in the creation of a new parcel.

(d) Consent to a boundary adjustment under this Section is an administrative act. The Zoning Administrator shall provide notice of consent to the person proposing the boundary adjustment in a format that makes clear that:

(1) The City and the Zoning Administrator are not responsible for any error related to the boundary adjustment; and

(2) The Davis County Recorder may record the boundary adjustment, as set forth in Utah Code § 10-20-906;

(3) The descriptions of both the original parcels and the parcels created by the boundary adjustment have been provided and correctly described; and

(4) Acknowledgement for each party executing the notice is in accordance with the

provisions of the Utah Recognition of Acknowledgements Act, as set forth in Utah Code § 57-2a-1, et seq.

~~(c) No exchange of title shall be permitted which would result in the creation of a new dwelling lot or housing unit or the creation of a remnant piece of land that did not previously exist.~~

(e) A boundary adjustment is effective on the day the boundary adjustment, as consented to by the Zoning Administrator, is recorded by the Davis County Recorder along with the relevant conveyance document in accordance with Utah Code §§ 10-20-906 and 57-1-45.5

(f) A notice of approval recorded under this Section does not act as a conveyance of title to real property. If a boundary line adjustment is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the approved change with the Davis County Recorder's Office.

(g) The recording of a boundary adjustment does not constitute a land use approval.

(h) Boundary Establishments

(1) The owners of adjoining property may initiate a Boundary Establishment to resolve an ambiguous, uncertain, or disputed boundary between adjoining properties and to agree upon the location of an existing common boundary between the adjoining properties.

(2) Adjoining property owners executing a Boundary Establishment shall:

(A) Prepare an establishment document that complies with Utah Code § 57-1-45; and

(B) Record the Boundary Establishment with the Davis County Recorder in accordance with Utah Code § 57-1-45.

(3) A Boundary Establishment is not subject to review by the City or the Zoning Administrator and does not require the consent or approval of the City or the Zoning Administrator before it may be recorded.

(4) A Boundary Establishment is effective on the day it is recorded by the Davis County Recorder.

(5) Nothing in this Subsection prohibits the City from enforcing applicable land use regulations in accordance with state law.

~~(d) If an exchange of title is approved by the Zoning Administrator, a notice of approval acceptable to the City shall be recorded in the Davis County Recorder's Office, which notice of approval shall:~~

~~(1) Be executed by each owner included in the exchange and by the Zoning Administrator;~~

~~(2) Contain an acknowledgment for each party executing the notice in accordance with the provision of the Utah Recognition of Acknowledgments Act, as set forth in Utah Code §§ 57-2a-1, et seq.; and~~

~~(3) Recite the descriptions of both the original parcels and the parcels created by the exchange of title.~~

~~(e) A notice of approval recorded under this Section does not act as a conveyance of title to real property. If an exchange of title is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the~~

~~approved changed with the Davis County Recorder's Office.~~

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2024-01](#) on 1/16/2024

15.09.140 Boundary Adjustments and Boundary Establishments

- (a) Boundary adjustments shall be processed in accordance with Utah Code § 10-20-906 and this Section. A boundary adjustment is an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between adjoining lots or parcels. A boundary adjustment may not create an additional lot or parcel.
- (b) Boundary adjustments shall be classified as either Simple Boundary Adjustments or Full Boundary Adjustments as provided in this Section.
 - (1) Simple Boundary Adjustment. A person may propose a Simple Boundary Adjustment to the Zoning Administrator. A proposal for a Simple Boundary Adjustment shall:
 - (A) Include a conveyance document that complies with Utah Code § 57-1-45.5; and
 - (B) Describe all lots or parcels affected by the proposed boundary adjustment.
 - (2) The Zoning Administrator shall consent to a proposed Simple Boundary Adjustment if the Zoning Administrator verifies that the proposal satisfies Subsection (b)(1) and does not:
 - (A) Affect a public right-of-way, municipal utility easement, or other public property;
 - (B) Affect an existing easement, onsite wastewater system, or internal lot restriction;
or
 - (C) Result in a lot or parcel out of conformity with applicable land use regulations.
 - (3) If the Zoning Administrator determines that a proposed Simple Boundary Adjustment does not meet the requirements of Subsection (b)(2), a Full Boundary Adjustment is required.
- (c) Full Boundary Adjustment
 - (1) To propose a Full Boundary Adjustment, the adjoining property owners shall submit a proposal to the Zoning Administrator that includes:
 - (A) A conveyance document that complies with Utah Code § 57-1-45.5;
 - (B) A survey, prepared by a licensed land surveyor or professional engineer, accurately drawn to scale and certified, that complies with Utah Code § 57-1-45.5(3)(b), including:
 - (i) the frontage calculations for the lots before and after the boundary adjustment; and
 - (ii) any additional information required by the Zoning Administrator to verify compliance with the zoning regulations applicable to the subject parcels;
 - (C) If required by this Title, a proposed plat amendment corresponding with the proposed Full Boundary Adjustment, prepared in accordance with Utah Code § 10-20-811 and applicable City ordinances;
 - (D) A completed boundary line adjustment application submitted to the Zoning Administrator in a form established by the Zoning Administrator or designee along with any fees and deposits as set forth in the City Fee Schedule;

- (E) Written approval of any proposed easement adjustments by all affected property owners, easement holders, and other parties with a legal interest in the easement.
- (2) The Zoning Administrator shall provide consent to a proposed Full Boundary Adjustment if:
 - (A) The proposal includes all information required by Subsection (c)(1);
 - (B) The survey required by Subsection (c)(1)(B) shows no evidence of a violation of a land use regulation; and
 - (C) If a corresponding plat amendment is required by City ordinance, the plat amendment has been approved in accordance with Utah Code § 10-20-811; and The boundary adjustment does not result in the creation of a new parcel.
- (d) Consent to a boundary adjustment under this Section is an administrative act. The Zoning Administrator shall provide notice of consent to the person proposing the boundary adjustment in a format that makes clear that:
 - (1) The City and the Zoning Administrator are not responsible for any error related to the boundary adjustment;
 - (2) The Davis County Recorder may record the boundary adjustment, as set forth in Utah Code § 10-20-906;
 - (3) The descriptions of both the original parcels and the parcels created by the boundary adjustment have been provided and correctly described; and
 - (4) Acknowledgement for each party executing the notice is in accordance with the provisions of the Utah Recognition of Acknowledgements Act, as set forth in Utah Code § 57-2a-1, et seq.
- (e) A boundary adjustment is effective on the day the boundary adjustment, as consented to by the Zoning Administrator, is recorded by the Davis County Recorder along with the relevant conveyance document in accordance with Utah Code §§ 10-20-906 and 57-1-45.5
- (f) A notice of approval recorded under this Section does not act as a conveyance of title to real property. If a boundary line adjustment is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the approved change with the Davis County Recorder's Office.
- (g) The recording of a boundary adjustment does not constitute a land use approval.
- (h) Boundary Establishments
 - (1) The owners of adjoining property may initiate a Boundary Establishment to resolve an ambiguous, uncertain, or disputed boundary between adjoining properties and to agree upon the location of an existing common boundary between the adjoining properties.
 - (2) Adjoining property owners executing a Boundary Establishment shall:
 - (A) Prepare an establishment document that complies with Utah Code § 57-1-45; and
 - (B) Record the Boundary Establishment with the Davis County Recorder in accordance with Utah Code § 57-1-45.

- (3) A Boundary Establishment is not subject to review by the City or the Zoning Administrator and does not require the consent or approval of the City or the Zoning Administrator before it may be recorded.
- (4) A Boundary Establishment is effective on the day it is recorded by the Davis County Recorder.
- (5) Nothing in this Subsection prohibits the City from enforcing applicable land use regulations in accordance with state law.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2024-01](#) on 1/16/2024

15.09.140 Exchange Of Title

- (a) In accordance with the provisions of Utah Code § 10-9a-608, the owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the Zoning Administrator in accordance with the provisions of this Section.
- (b) An application for exchange of title approval shall be filed in writing with the Community Development Director on forms provided by the City, and shall include, at a minimum, the following:
 - (1) Three hard copies and one electronic copy of a survey, prepared by a licensed land surveyor or professional engineer, accurately drawn to scale and certified, showing:
 - (A) The two affected lots or parcels;
 - (B) The location of existing buildings on the lots or parcels;
 - (C) The proposed location of the new lot or parcel line;
 - (D) Any existing easements, driveways, utilities and infrastructure improvements;
 - (E) The frontage calculations for the two lots before and after the exchange of title; and
 - (F) The size of the two lots before and after the exchange of title.
 - (2) The applicable fees and deposits as set forth in the City Fee Schedule.
 - (3) The proposed notice of approval and conveyance of title documents.
- (c) The Zoning Administrator shall review all applications for exchange of title approval and shall approve such requests if the exchange of title will not result in a violation of any land use ordinance of the City.
- (d) No exchange of title shall be permitted which would result in the creation of a new dwelling lot or housing unit or the creation of a remnant piece of land that did not previously exist.
- (e) If an exchange of title is approved by the Zoning Administrator, a notice of approval acceptable to the City shall be recorded in the Davis County Recorder's Office, which notice of approval shall:
 - (1) Be executed by each owner included in the exchange and by the Zoning Administrator;
 - (2) Contain an acknowledgment for each party executing the notice in accordance with the provision of the Utah Recognition of Acknowledgments Act, as set forth in Utah Code §§ 57-2a-1, et seq.; and
 - (3) Recite the descriptions of both the original parcels and the parcels created by the exchange of title.
- (f) A notice of approval recorded under this Section does not act as a conveyance of title to real property. If an exchange of title is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the approved changed with the Davis County Recorder's Office.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2024-01](#) on 1/16/2024

18.080 Subdivision Ordinance Amendment

The following fees shall apply to subdivision ordinance amendments.

Subdivision Ordinance	Fee	Professional Services Deposit ¹	When Due
Subdivision Ordinance Amendments	\$250	\$250	Upon Application

1. Applicants shall be required to pay the cost of required engineering, consulting, and/or legal services actually incurred by the City for applications to amend City Ordinances in accordance with CFS 18.040. The Professional Services Deposit will be used and applied toward such services costs actually incurred by the City.

HISTORY

Adopted by Res. [2017-18](#) on 8/15/2017

20.030 Boundary Adjustments

The following fees shall apply to boundary adjustments.

Boundary Adjustments	Fee	Professional Services Deposit	When Due
Exchange of Title Simple	\$125 \$375	\$250	Upon Application
Lot Line Adjustment (Two Adjoining Lots) Full	See Plat Amendment \$500	See Plat Amendment	Upon Application See Plat Amendment
Parcel Boundary Adjustment (Two Adjoining Parcels) Establishment	Not Regulated by City	-	-
Boundary Line Agreement (Disputed Property Line)	Not Regulated by City	-	-

Effective 11/6/2025

10-20-906 Simple boundary adjustment -- Full boundary adjustment -- Process -- Review by land use authority.

- (1) A person may propose a simple boundary adjustment to a land use authority as described in this section.
- (2) A proposal for a simple boundary adjustment shall:
 - (a) include a conveyance document that complies with Section 57-1-45.5; and
 - (b) describe all lots or parcels affected by the proposed boundary adjustment.
- (3) A land use authority shall consent to a proposed simple boundary adjustment if the land use authority verifies that the proposed simple boundary adjustment:
 - (a) meets the requirements of Subsection (2); and
 - (b) does not:
 - (i) affect a public right-of-way, municipal utility easement, or other public property;
 - (ii) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
 - (iii) result in a lot or parcel out of conformity with land use regulations.
- (4) If the land use authority determines that a proposed simple boundary adjustment does not meet the requirements of Subsection (3), a full boundary adjustment is required.
- (5) To propose a full boundary adjustment, the adjoining property owners shall submit a proposal to the land use authority that includes:
 - (a) a conveyance document that complies with Section 57-1-45.5;
 - (b) a survey that complies with Subsection 57-1-45.5(3)(b); and
 - (c) if required by municipal ordinance, a proposed plat amendment corresponding with the proposed full boundary adjustment, prepared in accordance with Section 10-20-811.
- (6) A land use authority shall consent to a proposed full boundary adjustment made under Subsection (5) if:
 - (a) the proposal submitted to the land use authority under Subsection (5) includes all necessary information;
 - (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land use regulation; and
 - (c) if required by municipal ordinance, the plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with Section 10-20-811.
- (7)
 - (a) Consent under Subsection (3) or (6) is an administrative act.
 - (b) Notice of consent under Subsection (3) or (6) shall be provided to the person proposing the boundary adjustment in a format that makes clear:
 - (i) the land use authority is not responsible for any error related to the boundary adjustment; and
 - (ii) a county recorder may record the boundary adjustment.
- (8) A boundary adjustment is effective from the day on which the boundary adjustment, as consented to by the land use authority, is recorded by a county recorder along with the relevant conveyance document.
- (9) The recording of a boundary adjustment does not constitute a land use approval.
- (10) A municipality may enforce municipal ordinances against, or withhold approval of a land use application for, property that is subject to a boundary adjustment if the municipality determines that the resulting lots or parcels are not in compliance with the municipality's land use regulations in effect on the day on which the boundary adjustment is recorded.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

Effective 11/6/2025

10-20-907 Boundary establishment -- Process -- Boundary agreement not subject to review by land use authority -- Prohibitions.

- (1) The owners of adjoining property may initiate a boundary establishment to:
 - (a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining properties; and
 - (b) agree upon the location of an existing common boundary between the adjoining properties.
- (2) Adjoining property owners executing a boundary establishment described in Subsection (1) shall:
 - (a) prepare an establishment document that complies with Section 57-1-45; and
 - (b) record the boundary establishment with the county recorder for the county in which the property exists, in accordance with Section 57-1-45.
- (3) A boundary establishment:
 - (a) is not subject to review of a land use authority; and
 - (b) does not require consent or approval from a land use authority before it may be recorded.
- (4) A boundary establishment is effective from the day it is recorded by a county recorder.
- (5) A municipality may enforce municipal ordinances against property with a boundary establishment that violates a land use regulation.
- (6) A boundary establishment that complies with this section presumptively:
 - (a) has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed; and
 - (b) conveys the ownership of the adjoining parties to the established common boundary.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

Effective 11/6/2025

57-1-45.5 Conveyance document for a boundary adjustment -- Form and effect.

- (1) A conveyance document, as defined in Sections 10-20-102 and 17-79-102, for a boundary adjustment shall comply with this section.
- (2) A conveyance document shall include:
 - (a) the name and signature of each party to the conveyance document;
 - (b) the address of each party to the conveyance document for assessment purposes;
 - (c) a legal description of the parcel or lot owned by each party before the boundary adjustment;
 - (d) a legal description of the parcel or lot owned by each party after the boundary adjustment; and
 - (e) sufficient language to convey title from one party to another party, in conformity with the proposed boundary adjustment.
- (3) In addition to the information required in Subsection (2), a conveyance document shall include as an exhibit, in a legible and recordable format:
 - (a) a visual or graphic of the proposed boundary adjustment and all properties affected by the proposed boundary adjustment, depicting:
 - (i) the former boundary location;
 - (ii) the new boundary location; and
 - (iii) the size, shape, and dimensions of each adjusted parcel or lot;
 - (b) if the property owners have conducted a survey, a reference to the record of the survey map, as defined in Section 17-73-504, showing:
 - (i) existing dwellings, outbuildings, improvements, and other physical features;
 - (ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
 - (iii) the former boundary location;
 - (iv) the new boundary location;
 - (v) the size, shape, and dimensions of each adjusted lot or adjusted parcel; and
 - (vi) other existing or proposed improvements that impact or are subject to land use regulations; and
 - (c) if the conveyance document addresses a boundary adjustment that requires an amendment to a subdivision plat under Section 10-20-906 or 17-79-806, the amendment to the subdivision plat.
- (4)
 - (a) A conveyance document is effective on the day it is recorded as part of a boundary adjustment.
 - (b) Before recording a conveyance document, a county recorder shall confirm that the conveyance document is:
 - (i) in a legible and recordable format, including any exhibit to the conveyance document; and
 - (ii) accompanied by a notice of consent to the boundary adjustment from a land use authority under Subsection 10-20-906(3) or (6) or Subsection 17-79-806(3) or (6).
 - (c) Upon receipt of a conveyance document, or any exhibit to a conveyance document, that is not in a legible and recordable format, a county recorder shall provide the person submitting the conveyance document with an explanation of the corrections necessary to record the conveyance document.
- (5) The recording of a boundary adjustment presumptively:
 - (a) relocates an existing boundary by creating a new boundary between the adjoining properties;
 - (b) changes the size, shape, or configuration of two or more adjoining lots or parcels;
 - (c) does not affect any previously recorded easement unless the easement is expressly and properly modified by the boundary adjustment; and

(d) affixes the ownership of the adjoining parties to the adjusted boundary.

Amended by Chapter 15, 2025 Special Session 1



CENTERVILLE CITY BOUNDARY LINE ADJUSTMENT SIMPLE CHECKLIST

Boundary Line Adjustment Simple – Completeness Checklist

The following application, information, fees, and documentation is required for a Boundary Line Adjustment Simple application completeness review.

Project Name:

Date:

TRACKING HISTORY:

Application Submitted:

Completeness Checklist DRC Meeting (1):

Completeness Checklist DRC Meeting (2):



Application Requirement	Code Reference	Department	Comments	
Complete Online Application Form	15.09.140	Planning		
Application Fees	20.030 Boundary Adjustments	Planning		
Conveyance of Title Documents	15.09.140	Legal	Utah State Code § 57-1-45.5	
List of current owners of each property as indicated by current records of the Davis County Recorder's Office.	15.09.140	Planning		
Signed Property Owner Affidavit from each property owner	15.09.140	Planning/ Legal		
Provide a Statement describing the proposed changes and why the changes are taking place.	15.09.140	Planning		
Current Legal description of both parcels.	15.09.140	Legal		
Proposed legal description of both parcels.	15.09.140	Legal		
Copies of any agreements with adjacent property owners relevant to the proposed boundary line adjustment.	15.09.140	Legal		
Survey will include the following:				
One (1) electronic copy of a survey	15.09.140	Planning		
Stamp of licensed land surveyor or professional engineer	15.09.140	Planning		
The name and addresses of the engineer or surveyor for contacting purposes.		Planning		
Survey tie to the State grid or other permanent established marker in Davis County.	15.09.140	Engineering		

Commented [SD1]: [Utah Code Section 57-1-45.5](#)



The two affected lots or parcels	15.09.140	Planning		
The proposed location of the new lot or parcel line	15.09.140	Planning		
The size of the two lots before and after the exchange	15.09.140	Planning/ Engineering		
The frontage calculations for the two lots before and after the exchange of title	15.09.140	Planning/ Engineering		
The location of existing buildings on the lots or parcels	15.09.140	Planning		
Any existing easements, driveways, utilities and infrastructure improvements	15.09.140	Planning/ Public Works		

If a Simple Boundary Line Adjustment approved by the Zoning Administrator, a notice of approval acceptable to the City shall be recorded in the Davis County Recorder's Office, which notice of approval shall state:

1. The land use authority is not responsible for any error related to the boundary adjustment , as set forth in Utah Code § 10-20-906;
2. Davis County may record the boundary adjustment, as set forth in Utah Code § 10-20-906;
3. Whom each owner included in the exchange;
4. The descriptions of both the original parcels and the parcels created by the exchange of title;
5. Acknowledgment for each party executing the notice in accordance with the provision of the Utah Recognition of Acknowledgments Act, as set forth in Utah Code §§ 57-2a-1, et seq; and
6. Be from the City Zoning Administrator;

A notice of approval recorded under this Section does not act as a conveyance of title to real property. If a boundary line adjustment is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the approved changed with the Davis County Recorder's Office.

Orange text optional fields

Contact Information	
Applicant	Name, Email, Phone, Preferred form of contact
Preferred form of contact	Phone, Email
Property Owner(s)	Name, Email, Phone, Preferred form of contact
Preferred form of contact	Phone, Email
Engineer	Name, Email, Phone
Surveyor	Name, Email, Phone
Project manager	Name, Email, Phone
Property Owner Authorization	
Signature from all property owners	Print Notary form here:
Title Report for the Properties	A title report (preliminary title report) is a research document prepared by a title company that list the current legal owners, property description, and any recorded liens, easements, or encumbrances.
Warranty Deed	A warranty deed is a legal document used to transfer ownership (title) of real estate from one party (the grantor) to another (the grantee). It guarantees that the seller holds clear title to the property and has the legal right to sell it.
Any agreements with adjacent property owners?	Yes, No
If yes, please explain	Submittal Needed
Property Information	
	Insert zoning Map link Explanation: To find the following information Please visit the Cities interactive Zoning Map. In the search bar enter your address, click on the parcel and the following information will be available.
Project Address (1)	
Parcel Number	
Acreage	
Zoning	Agriculture-Low (A-L), Commercial-High (C-H), Commercial-Medium (C-M), Commercial-Very High (C-VH), Florentine Villa Special District, Industrial-High (I-H), Industrial-Very High (I-VH), Public Facility -Medium(PF-M), Public Facility -Very High (PF-VH), Public Facility-High (PF-H), Public Facility-Low(PF-L), Residential-High (R-H), Residential-Very High(R-VH), Residential-Medium (RH-M), Residential-Low (R-L), Shorelands Commerce Park
Is property (1) located in the Hillside Overlay Zone?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Hillside Overlay, there will be cross hatch marks on your property

Is property (1) located in the Historic District?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Deuel Creek Historic District, there will be dots on your property if you are
Is property (1) part of a Planned Development Overlay or Planned Unit Development?	Yes, No
If yes, please provide the Name and year	
Is property (1) part of a Community Development Authority?	Yes, No
If yes, please provide the Name and year	
Parcel Number	
Acreage	
Zoning	Agriculture-Low (A-L), Commercial-High (C-H), Commercial-Medium (C-M), Commercial-Very High (C-VH), Florentine Villa Special District, Industrial-High (I-H), Industrial-Very High (I-VH), Public Facility -Medium(PF-M), Public Facility -Very High (PF-VH), Public Facility-High (PF-H), Public Facility-Low(PF-L), Residential-High (R-H), Residential-Very High(R-VH), Residential-Medium (RH-M), Residential-Low (R-L), Shorelands Commerce Park
Is property (2) located in the Hillside Overlay Zone?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Hillside Overlay, there will be cross hatch marks on your property
Is property (2) located in the Historic District?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Deuel Creek Historic District, there will be dots on your property if you are
Is property (2) part of a Planned Development Overlay or Planned Unit Development?	Yes, No
If yes, please provide the Name and year	
Is property (2) part of a Community Development Authority?	Yes, No
If yes, please provide the Name and year	
Are the parcels part of a planned center?	Yes, No (Explanation: Planned Center definition per CZC 12. 12 Planned Center: A development comprised of mixed uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion pursuant to a conditional use permit.)
Do the parcels contain lands which are reserved in private ownership for community use, including common areas	If yes, please submit the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas
Simple Qualifying factors	
Does the Boundary adjustment affect a public right-of-way, municipal utility easement, or other public property?	Yes, No If yes, then a Full Boundary Line Adjustment is needed. Be prepared to provide the name and address of each owner of record of land that is adjacent to the public street, right-of-way, or easement, or accessed exclusively by or within 300 feet of the public street, right-of-way, or easement, and the signature of each owner under who consents to the vacation.

Does the Boundary adjustment affect an existing easement, onsite wastewater system, or internal lot restriction?	Yes, No If yes, then a Full Boundary Line Adjustment is needed.
Does the Boundary adjustment create a lot or parcel that does not conform to the city zoning code regulations?	Yes, No If yes, then you will need to contact the Community Development Department before proceeding. And will need a Full Boundary Line Adjustment
Simple	
Checklist	
Current Survey	Please upload the current survey with all the items required in CMC Municipal Code 15.09.140
Proposed Survey	Please upload the proposed survey with all the items required in CMC Municipal Code 15.09.140
Current Legal Description of Parcels with associated parcel numbers	
Proposed Legal Description of Parcels with associated parcel numbers	

Simple Boundary Line Adjustment Workflow

A: applicant	P: planner (Syd)	E: Eco. Dev. Director (Mike)	CA: City Attorney	R: City Recorder	
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A: Applies

A: Pays Fees

P: Get notified

P: Review materials that A submitted and create checklist

P: Communicates with A if additional items are needed

A: Gets P Additional items needed/ updates

P: Creates staff report

P: Compiles file folder for exhibits

P: Emails E staff report and exhibits

E: Reviews staff report, exhibit, and makes edits if necessary

E: Emails CA for compliance review and makes update request if necessary

E: Writes Notice of Approval letter is emailed to A, CA, and R

A: File and records a conveyance of title reflecting the approved changed with the Davis County Recorder's Office



CENTERVILLE CITY BOUNDARY LINE ADJUSTMENT FULL CHECKLIST

Boundary Line Adjustment Full – Completeness Checklist

The following application, information, fees, and documentation is required for a Boundary Line Adjustment Full application completeness review. Upon review, the Zoning Administrator can request the Boundary line Adjustment require more than a survey and become a formalized Plat. If the Zoning Administrator requires a plat be recorded, the plat must meet the city Details and Drawings along with the requirements for a plat found in City Municipal Code, Chapter 15.

Project Name:

Date:

TRACKING HISTORY:

Application Submitted:

Completeness Checklist DRC Meeting (1):

Completeness Checklist DRC Meeting (2)



Application Requirement	Code Reference	Department	Comments	
Complete Online Application Form	15.09.140	Planning		
Application Fees	20.030 Boundary Adjustments	Planning		
Conveyance of Title Documents	15.09.140	Legal	Utah State Code § 57-1-45.5	
List of current owners of each property as indicated by current records of the Davis County Recorder's Office.	15.09.140	Planning		
Signed Property Owner Affidavit from each property owner	15.09.140	Planning/ Legal		
Provide a Statement describing the proposed changes and why the changes are taking place.	15.09.140	Planning		
Current Legal description of both parcels.	15.09.140	Legal		
Proposed legal description of both parcels.	15.09.140	Legal		
Copies of any agreements with adjacent property owners relevant to the proposed boundary line adjustment.	15.09.140	Legal		
Survey will include the following:				
One (1) electronic copy of a survey	15.09.140	Planning		
Stamp of licensed land surveyor or professional engineer	15.09.140	Planning		

Commented [SD1]: [Utah Code Section 57-1-45.5](#)



The name and addresses of the engineer or surveyor for contacting purposes.		Planning		
Survey tie to the State grid or other permanent established marker in Davis County.	15.09.140	Engineering		
All affected lots or parcels	15.09.140	Planning		
The proposed location of the new lot or parcel line	15.09.140	Planning		
The size of the two lots before and after the exchange	15.09.140	Planning/ Engineering		
The frontage calculations for the two lots before and after the exchange of title	15.09.140	Planning/ Engineering		
The location of existing buildings, structures, improvements, or any other physical feature on the lots or parcels	15.09.140	Planning		
Any existing easements, driveways, utilities and infrastructure improvements	15.09.140	Planning/ Public Works		
Plat will include the following:				
Printed on tracing linen with the outside or trim line dimensions of 19" by 30" and the border line of the plat shall be drawn in heavy lines leaving a space of at least 1.5" on the left side and at least 0.5" margin on the other sides	15.004.030	City Recorder		
Markings shall be made on the tracing linen, mylar, or comparable material, with approved waterproof black ink	15.04.030	City Recorder		
Signature block for: ☐ authorized parties ☐ property owners ☐ lienholders	15.04.030	Planning/Legal		
Blocks for signature: ☐ Community Development Director ☐ City Engineer ☐ City Attorney ☐ Mayoral Approval (a signature line for the Mayor and an attestation by the City Recorder) ☐ Davis County Recorder in the lower right corner	15.04.030	Planning/Legal		
Owners dedication certificate and signature line for each property owner of record and significant lienholders	15.04.030	Legal		
Notary public's acknowledgment for each signature on the plat	15.04.030	Legal		
Certification of the accuracy of the plat and any traverse to permanent survey monuments by a land surveyor registered to practice in the State of Utah. (Registered land surveyor's "Certificate of Survey")	15.04.030	Planning/ Engineering		



The location and dimensions to the nearest existing bench mark or monument, and section line.	15.04.030	Engineering		
A correct metes and bounds description of all property included within the plat	15.04.030	Engineering		
An accurate and complete survey to second order accuracy	15.04.030	Engineering		
A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one foot to 20,000 feet.	15.04.030	Engineering		
The boundary lines of all lots tied to public survey monuments in the project showing: ☐ Bearings ☐ Distances ☐ Dimensions ☐ Square footage ☐ Orientation ☐ Topography (lines shall be slightly heavier than street and lot lines)	15.04.030	Engineering		
Depiction of the survey mathematical information(bearing and distances), and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines: ☐ straight lines ☐ central angle ☐ radius and arc length of curves	15.04.030	Engineering		
Depiction of the calculated Davis County coordinates for all property corners and monuments within the plat	15.04.030	Engineering		
Lot and boundary closure calculated to the nearest 100th of a foot.	15.04.030	Engineering		
Public dedicated lots, blocks, and parcels are delineated and designated with dimensions, boundaries and courses clearly shown and defined. A plat note describing the ownership and maintenance responsibilities.	15.04.030	Engineering		
Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat with dedication and ownership designation. A plat note describing the ownership and maintenance responsibilities.	15.04.030	Engineering/ Planning		
Square footage of each lot and parcel	15.04.030	Planning		
Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.	15.04.030	Engineering		



Depiction of all the side lines proposed easements of record by fine dashed lines, clearly labeled, have widths depicted, and sufficient ties thereto to definitely locate the same with respect to the plat as shown on the title report	15.04.030	Engineering		
Depiction of all the side lines of all existing easements of record by fine dashed lines, clearly labeled, have widths depicted, and sufficient ties thereto to definitely locate the same with respect to the plat as shown on the title report	15.04.030	Engineering		
Depiction of all stakes, monuments and other evidence indicating the boundaries of the plat as found on the site (Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced)	15.04.030	Engineering		
Depiction of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties	15.04.030	Engineering		
All right of way monuments at angle points and intersections as approved by the City Engineer	15.04.030	Engineering		

If a Full Boundary Line Adjustment approved by the Zoning Administrator, a notice of approval acceptable to the City shall be recorded in the Davis County Recorder's Office, which notice of approval shall state:

1. The land use authority is not responsible for any error related to the boundary adjustment , as set forth in Utah Code § 10-20-906;
2. Davis County may record the boundary adjustment, as set forth in Utah Code § 10-20-906;
3. Whom each owner included in the exchange;
4. The descriptions of both the original parcels and the parcels created by the exchange of title;
5. Acknowledgment for each party executing the notice in accordance with the provision of the Utah Recognition of Acknowledgments Act, as set forth in Utah Code §§ 57-2a-1, et seq; and
6. Be from the City Zoning Administrator;

A notice of approval recorded under this Section does not act as a conveyance of title to real property. If a boundary line adjustment is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the approved changed with the Davis County Recorder's Office.

Orange text optional fields

Contact Information	
Applicant	Name, Email, Phone, Preferred form of contact
Preferred form of contact	Phone, Email
Property Owner(s)	Name, Email, Phone, Preferred form of contact
Preferred form of contact	Phone, Email
Engineer	Name, Email, Phone
Surveyor	Name, Email, Phone
Project manager	Name, Email, Phone
Property Owner Authorization	
Signature from all property owners	Print Notary form here:
Title Report for the Properties	A title report (preliminary title report) is a research document prepared by a title company that list the current legal owners, property description, and any recorded liens, easements, or encumbrances.
Warranty Deed	A warranty deed is a legal document used to transfer ownership (title) of real estate from one party (the grantor) to another (the grantee). It guarantees that the seller holds clear title to the property and has the legal right to sell it.
Any agreements with adjacent property owners?	Yes, No
If yes, please explain	Submittal Needed
Property Information	
	Insert zoning Map link Explanation: To find the following information Please visit the Cities interactive Zoning Map. In the search bar enter your address, click on the parcel and the following information will be available.
Project Address (1)	
Parcel Number	
Acreage	
Zoning	Agriculture-Low (A-L), Commercial-High (C-H), Commercial-Medium (C-M), Commercial-Very High (C-VH), Florentine Villa Special District, Industrial-High (I-H), Industrial-Very High (I-VH), Public Facility -Medium(PF-M), Public Facility -Very High (PF-VH), Public Facility-High (PF-H), Public Facility-Low(PF-L), Residential-High (R-H), Residential-Very High(R-VH), Residential-Medium (RH-M), Residential-Low (R-L), Shorelands Commerce Park
Is property (1) located in the Hillside Overlay Zone?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Hillside Overlay, there will be cross hatch marks on your property

Is property (1) located in the Historic District?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Deuel Creek Historic District, there will be dots on your property if you are
Is property (1) part of a Planned Development Overlay or Planned Unit Development?	Yes, No
If yes, please provide the Name and year	
Is property (1) part of a Community Development Authority?	Yes, No
If yes, please provide the Name and year	
Project Address (2)	
Parcel Number	
Acreage	
Zoning	Agriculture-Low (A-L), Commercial-High (C-H), Commercial-Medium (C-M), Commercial-Very High (C-VH), Florentine Villa Special District, Industrial-High (I-H), Industrial-Very High (I-VH), Public Facility -Medium(PF-M), Public Facility -Very High (PF-VH), Public Facility-High (PF-H), Public Facility-Low(PF-L), Residential-High (R-H), Residential-Very High(R-VH), Residential-Medium (RH-M), Residential-Low (R-L), Shorelands Commerce Park
Is property (2) located in the Hillside Overlay Zone?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Hillside Overlay, there will be cross hatch marks on your property
Is property (2) located in the Historic District?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Deuel Creek Historic District, there will be dots on your property if you are
Is property (2) part of a Planned Development Overlay or Planned Unit Development?	Yes, No
If yes, please provide the Name and year	
Is property (2) part of a Community Development Authority?	Yes, No
If yes, please provide the Name and year	
Are the parcels part of a planned center?	Yes, No (Explanation: Planned Center definition per CZC 12. 12 Planned Center: A development comprised of mixed uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion pursuant to a conditional use permit.)
Do the parcels contain lands which are reserved in private ownership for community use, including common areas	If yes, please submit the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas
Project Address (3)	
Parcel Number	
Acreage	

Zoning	Agriculture-Low (A-L), Commercial-High (C-H), Commercial-Medium (C-M), Commercial-Very High (C-VH), Florentine Villa Special District, Industrial-High (I-H), Industrial-Very High (I-VH), Public Facility -Medium(PF-M), Public Facility -Very High (PF-VH), Public Facility-High (PF-H), Public Facility-Low(PF-L), Residential-High (R-H), Residential-Very High(R-VH), Residential-Medium (RH-M), Residential-Low (R-L), Shorelands Commerce Park
Is property (3) located in the Hillside Overlay Zone?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Hillside Overlay, there will be cross hatch marks on your property
Is property (3) located in the Historic District?	Yes, No Use the city Zoning Map: https://experience.arcgis.com/experience/e89f86d44a1843fa8d9dd580208e3542/ make sure to check Zoning- Deuel Creek Historic District, there will be dots on your property if you are
Is property (3) part of a Planned Development Overlay or Planned Unit Development?	Yes, No
If yes, please provide the Name and year	
Is property (3) part of a Community Development Authority?	Yes, No
If yes, please provide the Name and year	
Are the parcels part of a planned center?	Yes, No (Explanation: Planned Center definition per CZC 12. 12 Planned Center: A development comprised of mixed uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion pursuant to a conditional use permit.)
Do the parcels contain lands which are reserved in private ownership for community use, including common areas	If yes, please submit the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas
Full Qualifying factors	
Does the Boundary adjustment affect a public right-of-way, municipal utility easement, or other public property?	Yes, No If yes, please provide the name and address of each owner of record of land that is Adjacent to the public street, right-of-way, or easement, or accessed exclusively by or within 300 feet of the public street, right-of-way, or easement, and the signature of each owner under who consents to the vacation.
Does the Boundary adjustment affect an existing easement, onsite wastewater system, or internal lot restriction?	Yes, No If yes, please provide a description of the affected easement, onsite wastewater system, or internal lot restriction, including the location, purpose, and any proposed changes resulting from the Boundary Adjustment. Provide any supporting documentation, approvals, or owner consent required for the modification.
Does the Boundary adjustment create a lot or parcel that does not conform to the city zoning code regulations?	Yes, No If yes, then you will need to contact the Community Development Department before proceeding. And will need a Full Boundary Line Adjustment
Simple	
Checklist	

Current Survey	Please upload the current survey with all the items required in CMC Municipal Code <u>15.09.140</u>
Proposed Survey	Please upload the proposed survey with all the items required in CMC Municipal Code <u>15.09.140</u>
Current Legal Description of Parcels with associated parcel numbers	
Proposed Legal Description of Parcels with associated parcel numbers	

Full Boundary Line Adjustment Workflow

A: applicant	P: planner (Syd)	E: Eco. Dev. Director (Mike)	CA: City Attorney	PW:Public Works Director	CE: City Engineer	R: City Recorder	
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A: Applies

A: Pays Fees

P: Get notified

P: Review materials that A submitted and create checklist

P: Adds item to DRC Agenda

P: Compiles file folder for exhibits

P: Sets comment due date 2 weeks out

DRC MEETING

P: Communicates with A if additional items are needed from E, CA, PW, CE

A: Gets P Additional items needed/ updates

** Process repeats until staff is satisfied with BLA**

P: Creates staff report

P: Compiles file folder for exhibits

P: Emails E staff report and exhibits

E: Reviews staff report, exhibit, and makes edits if necessary

E: Writes Notice of Approval letter is emailed to A, CA, and R

A: File and records a conveyance of title reflecting the approved changed with the Davis County Recorder's Office

Boundary Adjustments

From Sydney DeWees <sydney.dewees@centervilleutah.gov>

Date Tue 6/16/2026 2:07 PM

To Michael Eggett <michael.eggett@centervilleutah.gov>

Cc Lisa Romney <lisa.romney@centervilleutah.gov>

11 attachments (644 KB)

15.09.140 Current Code.pdf; 15.09.140.docx; 18.080 Subdivision Ordinance Amendment Fees.pdf; 20.030 Boundary Adjustment Fees.docx; 20.030 Boundary Adjustment Fees.pdf; Boundary Line Adjustment - Simple BLA S.docx; Boundary Line Adjustment- Full BLA F.docx; (BLA- F) Boundary Line Adjustment- Full.docx; (BLA- S) Boundary Line Adjustment- Simple.docx; BLA F Workflow.docx; BLA S Workflow.docx;

Hey Mike,

I have worked on the BLA information.. I was hoping to get the code amended soon. I have cc Lisa in the email to see if she has any suggestions on the code

I have attached my redline version of the code I also have attached the current code how it reads. In the word doc there will be links to the state code. There are fees in the fee schedule that need to be updated, my suggestion is to make it a simple and a full. The BLA currently references the site plan amendment, so I just copied how much it is. I have attached my redline for BLA boundary line adjustments fee schedule.

I have attached a simple and a full BLA application question for applications.

I have also added the checklist for each.

I have created what I think is the best work flow for each.

I would really like to get this updated. Please let me know your feedback and let me know when it can be presented to the planning commission and city council.

Simple Boundary Line Adjustment

Short:

A Simple Boundary Line Adjustment is a process that allows adjoining property owners to adjust a shared property boundary without creating a new lot or changing the adjustments where the resulting properties continue to comply with applicable zoning and subdivision requirements. The approved documents must be recorded with the

Long:

A Simple Boundary Line Adjustment allows adjoining property owners to modify the location of a shared property line through an approved boundary line adjustment intended for minor corrections, boundary clarifications, or adjustments between existing properties. The property owners must submit the required documentation for C materials necessary to verify the proposed adjustment. The City reviews the request to ensure the adjustment does not create additional lots, create nonconforming conditions, or change the boundary line adjustment documentation must be recorded with the County Recorder. Approval of a boundary line adjustment does not constitute approval for future

Full Boundary Line Adjustment

Short:

A Full Boundary Line Adjustment is a process that allows adjoining property owners to adjust a shared property boundary without creating a new lot or changing the adjustment, this process provides a detailed legal record of the revised boundaries and may be required when the adjustment involves multiple properties, significant changes, or information.

Long: A Full Boundary Line Adjustment is a formal process used to modify property boundaries through a recorded survey or plat document. This process is typically required for updated legal descriptions, or needs a recorded map showing the new property configuration. The applicant must submit the required boundary line adjustment documentation, descriptions, and any additional documentation required by the City. The City reviews the proposal for compliance with zoning, subdivision, and other applicable regulations recorded with the County Recorder. A Full Boundary Line Adjustment modifies property boundaries only and does not create a new subdivision lot or approve future developments.



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City Planner

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sydney.dewees@centervilleutah.gov

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15.09.140 Exchange-Of-Title Boundary Line Adjustments

a) In accordance with the provisions of Utah Code § ~~10-9a-608~~10-20-906, the owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange-of-title boundary line adjustment is approved by the Zoning Administrator in accordance with the provisions of this Section. Boundary line adjustments shall be classified as either Simple Boundary Line Adjustments or Full Boundary Line Adjustments, as defined below.

1) Simple Boundary Line Adjustment is a boundary adjustment that does not:

- A. Affect a public right-of-way, municipal utility easement, or other public property;
- B. Affect an existing easement, onsite wastewater system, or internal lot restriction; or
- C. Create a lot or parcel that does not conform to applicable land use regulations.

2) Full Boundary Line Adjustment is a boundary adjustment that does:

- A. Affect a public right-of-way, municipal utility easement, or other public property;
- B. Affect an existing easement, onsite wastewater system, or internal lot restriction; or

b) An application for exchange of title approval shall be filed in writing with the Community Development Director on forms provided by the City, and shall include, at a minimum, the following A complete boundary line adjustment application shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator along with any fees and deposits as set forth in the City Fee Schedule.

1) The simple boundary line adjustment shall include:

- A. Conveyance document that complies with the Utah State Code § ~~57-1-45.5~~ and describes all lots or parcels affected by the proposed boundary adjustment
- B. One electronic copy of a survey, prepared by a licensed land surveyor or professional engineer, accurately drawn to scale and certified, showing:

Commented [SD1]: Utah Code Section 57-1-45.5

1. The affected lots or parcels;
2. The proposed location of the new lot or parcel line;
3. The size of the lots before and after the exchange of title;
4. The frontage calculations for the lots before and after the exchange of title;
5. The location of existing buildings, improvements, and other physical features on the lots or parcels;
6. Any existing easements, rights-of-way, conditions, or restrictions recorded or apparent; and
7. Any additional information required by the Zoning Administrator to verify compliance with the zoning regulations applicable to the subject parcels.

2) The full boundary line adjustment shall include:

A. Conveyance document that complies with the Utah State Code § ~~57-1-45.5~~; and describes all lots or parcels affected by the proposed boundary adjustment

Commented [SD2]: [Utah Code Section 57-1-45.5](#)

B. One electronic copy of a survey, prepared by a licensed land surveyor or professional engineer, accurately drawn to scale and certified, showing:

1. The affected lots or parcels;
2. The proposed location of the new lot or parcel line;
3. The size of the lots before and after the exchange of title;
4. The frontage calculations for the lots before and after the exchange of title;
5. The location of existing buildings, improvements, and other physical features on the lots or parcels;
6. Any existing easements, rights-of-way, conditions, or restrictions recorded or apparent; and

7. Any additional information required by the Zoning Administrator to verify compliance with the zoning regulations applicable to the subject parcels.

C. Written approval of any proposed easement adjustments by all affected property owners, easement holders, and other parties with a legal interest in the easement.

c) The Zoning Administrator shall review all applications for the boundary line adjustment approval and shall approve such requests if the boundary line adjustment will not result in a violation of any land use ordinance of the City.

d) No boundary line adjustment shall be permitted which would result in the creation of a new parcel.

e) If the boundary line adjustment is approved by the Zoning Administrator, a consent acceptable to the City shall be recorded in the Davis County Recorder's Office, which notice of approval shall be made clear:

A. The land use authority is not responsible for any error related to the boundary adjustment, as set forth in Utah Code § 10-20-906;

B. Davis County may record the boundary adjustment, as set forth in Utah Code § 10-20-906;

C. Whom each owner included in the exchange;

D. The descriptions of both the original parcels and the parcels created by the exchange of title; and

E. Acknowledgment for each party executing the notice in accordance with the provision of the Utah Recognition of Acknowledgments Act, as set forth in Utah Code §§ 57-2a-1, et seq.

f) A notice of approval recorded under this Section does not act as a conveyance of title to real property. If a boundary line adjustment is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the approved changed with the Davis County Recorder's Office.

~~2) Three hard copies and one electronic copy of a survey, prepared by a licensed land surveyor or professional engineer, accurately drawn to scale and certified, showing:~~

~~A. The two affected lots or parcels;~~

~~B. The location of existing buildings on the lots or parcels;~~

~~C. The proposed location of the new lot or parcel line;~~

~~D. Any existing easements, driveways, utilities and infrastructure improvements;~~

~~E. The frontage calculations for the two lots before and after the exchange of title; and~~

~~F. The size of the two lots before and after the exchange of title.~~

~~3) The applicable fees and deposits as set forth in the City Fee Schedule.~~

~~4) The proposed notice of approval and conveyance of title documents.~~

~~e) The Zoning Administrator shall review all applications for exchange of title approval and shall approve such requests if the exchange of title will not result in a violation of any land use ordinance of the City.~~

~~e) No exchange of title shall be permitted which would result in the creation of a new dwelling lot or housing unit or the creation of a remnant piece of land that did not previously exist.~~

~~d) — If an exchange of title is approved by the Zoning Administrator, a notice of approval acceptable to the City shall be recorded in the Davis County Recorder's Office, which notice of approval shall:~~

~~1) — Be executed by each owner included in the exchange and by the Zoning Administrator;~~

~~2) — Contain an acknowledgment for each party executing the notice in accordance with the provision of the Utah Recognition of Acknowledgments Act, as set forth in Utah Code §§ 57-2a-1, et seq.; and~~

- 3) ~~Recite the descriptions of both the original parcels and the parcels created by the exchange of title.~~
- e) ~~A notice of approval recorded under this Section does not act as a conveyance of title to real property. If an exchange of title is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the approved changed with the Davis County Recorder's Office.~~

CENTERVILLE
PLANNING
COMMISSION

Staff Report
8/12/2026

Item No. 3.

Title: Public Hearing - Zoning Code Amendments - Detached Accessory Dwelling Unit (DADU) - CZC 12.58 (Detached Accessory Dwelling Unit Standards) and CZC 12.36.020 (Table of Uses for Residential Uses) - Legislative Decision

Initiated By: Mike Eggett, Community Development Director

Staff Representative: Mike Eggett, Community Development Director, Lisa Romney, City Attorney

SUBJECT:

Consider amendments to the Centerville Zoning Code be enacting a new Chapter 12.58 regarding regulations and standards for detached accessory dwelling units (DADU) and amendments to Section 12.36.020 regarding use categories for detached accessory dwelling units (DADU) within the established residential uses table.

RECOMMENDATION:

Recommend approval of the Zoning Code text amendment proposal (for the addition of Chapter 12.58 and amendments to Section 12.36.020) to City Council, subject to final amendment review direction by the Planning Commission.

BACKGROUND:

During the most recent Utah Legislative Session, the State Legislature approved Senate Bill 284 *Local Land and Water Modifications* (Governor signed on March 18, 2026). Within this approved bill is significant language regarding a requirement for Utah cities (including Centerville) to establish City land use regulations for the allowance of Detached Accessory Dwelling Units (DADUs) within the City's municipal boundaries. This Senate Bill language has further been memorialized in Utah State Codes 10-21-101 and 10-21-304 respectively. Additionally, Senate Bill 284 requires that Utah State Code Section 10-21-304 go into effect on October 1, 2026.

In preparation for the July 22, 2026, Planning Commission meeting, City staff prepared a summary document of City Codes from Utah jurisdictions reflecting their take on addressing the Detached ADU requirement. Also, staff prepared additional documentation as a discussion starting point and provided a draft concept land use Code for Detached ADUs (to be included in the Centerville Zoning Code (Title 12)). Please see the attachments for the noted documents, State Code language, and City Codes for Internal ADUs.

On July 22, 2026, at the conclusion of the review discussion and guidance from the Planning Commission, staff briefly discussed scheduling a public hearing for the proposed Zoning Code amendments. The Planning Commission directed City staff to schedule a public hearing for August 12, 2026. A public hearing has hereafter been advertised and scheduled in accordance with State and City public notification requirements. No public comments were provided prior to the completion of this packet information. Any public commentary

provided prior to the date of the meeting will be shared with the Planning Commission during the meeting.

ATTACHMENTS:

1. 8.12.26 PC Staff Report Zoning Text Amend - DADU
2. Proposed Draft DADUs Code [202606-07] - working draft PC Update 20260806
3. Proposed Draft DADUs Code [202606-07] - clean draft PC
4. 12.36.020 Table of Uses for Res Uses draft PC (DADU) - 20260730
5. USC 10-21-304 DADUs
6. USC 10-21-101 ADUs Definitions
7. USC 10-21-303 IADUs
8. CZC 12.60 IADUs
9. ULCT Detached-ADU-One-Page - 20260715
10. DADU Municipal Code Analysis [June 2026]
11. DADU Code variation ideas - 20260708



CENTERVILLE

COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West • Centerville, Utah 84014 • (801) 292-8232 • Fax: (801) 292-8251

STAFF REPORT – PLANNING COMMISSION AGENDA ITEM 3 – ZONING CODE TEXT AMENDMENT

PETITIONER: CITY OF CENTERVILLE

APPLICATION: ZONING CODE TEXT AMENDMENT

RECOMMENDATION: RECOMMEND APPROVAL OF ZONING CODE TEXT AMENDMENT PROPOSAL TO CITY COUNCIL, SUBJECT TO FINAL AMENDMENT REVIEW DIRECTION BY PLANNING COMMISSION

BACKGROUND

During the most recent Utah Legislative Session, the State Legislature approved Senate Bill 284 *Local Land and Water Modifications* (Governor signed on March 18, 2026). Within this approved bill is significant language regarding a requirement for Utah cities (including Centerville) to establish City land use regulations for the allowance of Detached Accessory Dwelling Units (DADUs) within the City's municipal boundaries. This Senate Bill language has further been memorialized in Utah State Codes 10-21-101 and 10-21-304 respectively. Additionally, Senate Bill 284 requires that Utah State Code Section 10-21-304 go into effect on October 1, 2026.

In preparation for the July 22, 2026, Planning Commission meeting, City staff prepared a summary document of City Codes from Utah jurisdictions reflecting their take on addressing the Detached ADU requirement. Also, staff prepared additional documentation as a discussion starting point and provided a draft concept land use Code for Detached ADUs (to be included in the Centerville Zoning Code (Title 12)). Please see the attachments for the noted documents, State Code language, and City Codes for Internal ADUs.

On July 22, 2026, at the conclusion of the review discussion and guidance from the Planning Commission, staff briefly discussed scheduling a public hearing for the proposed Zoning Code amendments. The Planning Commission directed City staff to schedule a public hearing for August 12, 2026. A public hearing has hereafter been advertised and scheduled in accordance

with State and City public notification requirements. No public comments were provided prior to the completion of this packet information. Any public commentary provided prior to the date of the meeting will hereafter be shared with the Planning Commission during the meeting.

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 Text 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*”.

Staff believes the proposed Zoning Text Amenements are consistent with the goals, objectives, and policies of Centerville City’s General Plan.

STAFF CONCLUSION

As a result, City staff is recommending the Planning Commission support the Zoning Code text amendment proposal to Centerville Zoning Codes, which adds new Chapter 12.58 *Detached Accessory Dwelling Unit (DADU) Standards* and modifies Section 12.36.020 *Table of Uses for Residential Uses*, and that the Planning Commission send a favorable recommendation to the City Council for formal review consideration. Further, staff supports the Planning Commission in making additional efforts in refining the proposed language if there is interest in further modifying the provided draft DADU zoning language proposal prior to taking any formal action in providing a recommendation to the City Council.

POTENTIAL MOTIONS

Based on the information provided by the Planning Staff, and as heard during the public hearing, the Planning Commission may make a motion to recommend Council approval of this zoning text amendment proposal request, recommend Council approval of this request with suggested amendment and/or modification, table the matter to a later date, or recommend Council denial of the applicant’s request. With any of these decisions appropriate findings of fact should be provided. Sample motions for the Planning Commission’s convenience are located below with suggested findings of fact.

#1 – APPROVE

“I hereby make a motion to recommend City Council APPROVAL of the proposed Zoning Code Text Amendments to the Centerville Municipal Code by adding new Chapter 12.58 ‘Detached Accessory Dwelling Unit (DADU) Standards’ and amending Section 12.36.020 ‘Table of Uses for Residential Uses’, 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 do not create detrimental or negative impacts to established zoning areas within Centerville City.*
- 3. The Planning Commission finds that the proposed text amendments are in the best interests of Centerville City.”*

#2 – APPROVE WITH ANY PROPOSED ADDITIONAL AMENDMENTS

“I hereby make a motion to recommend City Council APPROVAL of the proposed Zoning Code Text Amendments to the Centerville Municipal Code by adding new Chapter 12.58 ‘Detached Accessory Dwelling Unit (DADU) Standards’ and amending Section 12.36.020 ‘Table of Uses for Residential Uses’, with the language amendment to the request (as provided by the Planning Commission) as follows _____, based on the following reasons for action (findings):”

(Use findings listed above for approval. The Planning Commission may include any additional findings that are deemed applicable.)

#3 – TABLE

“I hereby make a motion to TABLE the proposed Zoning Code Text Amendments to the Centerville Municipal Code for adding new Chapter 12.58 ‘Detached Accessory Dwelling Unit (DADU) Standards’ and amending Section 12.36.020 ‘Table of Uses for Residential Uses’, until such a time as _____.”

#4 – DENY

“I hereby make a motion to recommend City Council DENIAL of the proposed Zoning Code Text Amendments to the Centerville Municipal Code for adding new Chapter 12.58 ‘Detached Accessory Dwelling Unit (DADU) Standards’ and amending Section 12.36.020 ‘Table of Uses for Residential Uses’, based on the following reasons for action (findings):

- 1. The Planning Commission finds that the proposed text amendments are NOT consistent with the goals, objectives, and policies of the General Plan.*

2. *The Planning Commission finds that the proposed text amendments may create detrimental or negative impacts to established zoning areas within Centerville City.*
3. *The Planning Commission finds that the proposed text amendments are NOT in the best interests of Centerville City.”*

(Planning Commission may include any additional findings that are deemed applicable)

Proposed Draft Detached Accessory Dwelling Unit (DADU) Language to include in Title 12 (CZC)

I suggest using Millcreek City's Code as the starting point model backbone for the Centerville City Ordinances in combination with Centerville language previously used to establish Internal Accessory Dwelling Units (where they are both so similar in many ways), then combine suggested code concepts to incorporate into this language, along with directives from Planning Commission and City Attorney.

MILCREEK CITY 19.15 "Accessory Dwelling Units Standards" CZC 12.58 Detached Accessory Dwelling Units (DADU)

18.71 ACCESSORY DWELLING UNIT STANDARDS 12.58 DETACHED ACCESSORY DWELLING UNIT (DADU) STANDARDS

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Development Standards For Detached Accessory Dwelling Units

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12.58.110 Other Applicable Regulations and Codes

12.58.120 Violations and Enforcement

18.71.010 Purpose 12.58.010 Purpose

The purpose of this Chapter is to establish the use and development regulations for the allowance of detached accessory dwelling units (DADUs) within the City. These regulations are intended to provide opportunity for secondary separate living quarters (i.e., dwelling unit) located externally on the same property as a primary single-family dwelling in

accordance with applicable State law, including, but not limited to Utah Code § 10-21-304. Accessory Dwelling Units (ADUs) in single-household residential zones are an important tool in the overall housing goals and needs of the City and allow for alternative and flexible housing options in owner-occupied single-household dwellings. The purposes of the ADU standards of this code are to:

1. Create new housing units while respecting the appearance, neighborhood character, and scale of single-household residential development.
2. Provide more housing choices in residential zones.
3. Allow more efficient use of existing housing and large yards.
4. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households.
5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.
6. Broaden the range of affordable housing options throughout the City.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

18.71.020 Interpretation 12.58.020 Interpretation and Scope

The City's intent in adopting this ordinance is not to increase the density of the underlying zone designation. An **Detached** ADU shall always be an accessory use to the principal dwelling.

The requirements of this Chapter shall apply to any Detached ADU created or established within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville Municipal Code, or other laws.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

12.58.030 Definitions

Certain words and phrases in this Chapter, including uses, are defined in CZC 12.12 (Definitions). In addition to the definitions set forth in CZC 12.12 (Definitions), the following words and phrases shall have the following meanings:

(a) Detached Accessory Dwelling Unit (DADU). A detached accessory dwelling unit means an accessory dwelling unit created and located externally on the same property as a primary single-family dwelling as more particularly defined in Utah Code § 10-21-101.

(b) Primary Dwelling or Primary Single-Family Dwelling. Primary dwelling or primary single-family dwelling means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record as more particularly defined in Utah Code § 10-21-101.

18.71.030 Applicability**12.58.040 Approval and Authorization**

1. The Zoning Administrator is authorized to issue permits for Detached ADUs in accordance with the procedures and objective standards for review as set forth in this Chapter and as set forth in CZC 12.21.090 (Permitted Use Review). Decisions regarding the review, approval, or denial of Detached ADUs are administrative proceedings and shall be made in accordance with the provisions of this Chapter and CZC 12.21.060 regarding decision-making standards for administrative proceedings.

2. Properties are eligible for an accessory dwelling unit if:

1. (a) Use in Combination. A Detached ADU shall be established as a secondary accessory dwelling unit located externally on the same property as a primary single-family dwelling and shall only be established in combination within a primary single-family dwelling. **The property is owner-occupied;**

2. (b) Owner Occupancy Required. A Detached ADU shall only be established on a primary single-family dwelling property that is occupied by an owner in accordance with the "Owner Occupancy" requirements of CZC 12.60.090. **The use of the property at the time of application and at any time thereafter is single-household residential, and**

(c) Number allowed. Only one Detached ADU is allowed for:

1. A lot, parcel, or tract of land greater than 8,500 square feet; and
2. A primary single-family dwelling located within a primarily residential use zone as more particularly designated in CZC 12.36 (Table of Uses).

The property is in an R-1 or A zone.

3. 3. A maximum of one (1) accessory dwelling unit (internal or detached) shall be permitted on a qualifying owner-occupied single-family dwelling lot.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

~~18.71.040~~12.58.050 Permitted And Conditional Uses And LimitationsUses Allowed

1. ~~Detached ADUs are allowed in residential zones as set forth in CZC 12.36 (Table of Uses). Permitted and conditional uses are indicated by "P" or "C," respectively. Uses not permitted are indicated by "N."~~Internal ADUs are a permitted use as set forth in Utah Code Section 10-9a-530, with additional requirements set forth in MKZ 18.71.070.

2. Attached and Detached ADUs are permitted uses in the R-1 and A zones are subject to the design standards of this chapter.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

~~18.71.050~~ Request For Compliance Determination

A property owner may request a review to determine the compliance of an accessory dwelling unit. This request shall be conducted following the procedure as set forth in MKZ 18.15.030 (E). The Planning Director shall issue a Compliance Determination in writing. If the Planning Director determines that an Accessory Dwelling Unit complies with the standards of this chapter, then a notice of compliance shall be recorded on the property at the Salt Lake County Recorder's Office. Notices that demonstrate compliance with the City's land use regulations and state statute shall include, at a minimum, the following:

1. A description of the primary dwelling;
2. A statement that the primary dwelling or property contains an ADU;
3. A statement that the primary dwelling or property is owner-occupied; and
4. A statement that the ADU may only be used in accordance with the City's land use regulations.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

~~18.71.060~~ Development Standards Generally12.58.060 General Development Standards

The development standards set forth in this Section shall apply to any Detached ADU that is created or established within the City. The purposes of these development standards are to ensure that a Detached ADU is clearly and distinctly an accessory use and externally

located and developed as an additional residential dwelling use to the approved primary single-family dwelling use located on the property.

1. Minimum Lot Size. The minimum lot size for establishing a Detached ADU shall be 8,500 square feet or more within an accessory structure as defined in CZC 12.12.040.

1-2. A Detached ADU ~~n accessory dwelling unit~~ shall not be sold separately or subdivided from the principal dwelling unit or property.

2-3. A property may have ~~either an internal or attached ADU as part of a primary dwelling, or a~~ Detached ADU on the lot or parcel that is shared with the primary dwelling. No ~~single-family residential dwelling~~ property may have more than one type of ADU (internal or detached) on the same property.

3-4. The design and size of the Detached ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. ~~When a new ADU is proposed in an existing single-household dwelling, the entire ADU shall comply with all applicable standards.~~

4. ~~The installation of separate utility meters is prohibited.~~ The installation of a separate utility meter (from the main single-family dwelling) and other separate utilities connections will be required to be provided and connected to a Detached ADU.

5. ~~An~~ The minimum setback for a Detached ADU shall be eight (8') feet from all rear yard property lines. A Detached ADU shall ~~otherwise~~ comply with the regulations of the underlying zone for accessory buildings, ~~this includes compliance with location, height, and development standards for accessory building development within the underlying zone. Further no second story development of accessory buildings for Detached ADU use is allowed.~~ Where the provisions in this chapter are inconsistent with provisions found in any other chapters of City ordinances, the most restrictive provisions shall apply.

6. Design Standards. The Detached ADU, ~~attached or detached,~~ shall incorporate at least one of the exterior materials used in the principal dwelling for 20 percent of all structure facades. The Detached ADU must have a pitched roof unless the principal dwelling has a flat roof, in which case ~~an~~ Detached ADU may have a flat roof or a pitched roof. The Detached ADU shall maintain the same color of the primary dwelling for at least 50 percent of all facades.

7. Easements. Detached ADUs may not be built within a recorded easement; this includes Public Utility Easements (PUE).

8. Parking. At least one additional parking space shall be provided for a Detached ADU that is sized smaller than 650 gross square feet and two additional parking spaces shall be provided for a Detached ADU that is sized 650 gross square feet or larger; provided, however that the existing parking requirements for the primary single-family dwelling are to remain in place or restored if missing. The Detached ADU parking space(s) may be located in tandem with other required parking spaces. All required parking spaces must be located behind the front yard setback line of the lot.

7-9. Bulk Yard Area Limitation. The combined building footprint coverage of a lot area for the primary single-family dwelling combined with the Detached ADU shall not exceed the impervious surface allowance for the respective zoning district in which it is located.

~~8. Additional requirements for internal ADUs shall be as set forth in MKZ 18.71.070.~~

~~9. Additional requirements for attached ADUs shall be as set forth in MKZ 18.71.080.~~

10. Additional requirements for Detached ADUs shall be as set forth in MKZ 18.71.090 as otherwise directed in this section of Code.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

18.71.070 Development Standards For Internal Accessory Dwelling Units

Internal ADUs are regulated pursuant to Utah Code Section 10-9a-530, and additionally shall:

1. Not change the appearance of the primary dwelling as a single household dwelling;
2. Be prohibited from having separate utility meters from the primary dwelling; and
3. Be prohibited in a mobile home or manufactured home.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

18.71.080 Development Standards For Attached Accessory Dwelling Units

Attached ADUs are permitted, subject to the following standards:

1. The entrance for the attached ADU shall not be visible from a public right-of-way.

2. The occupancy limit for an attached ADU is two adults and any number of children.
3. The lot or parcel coverage for an attached ADU is determined by the underlying zone standards.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

18.71.090 Development Standards For Detached Accessory Dwelling Units 12.58.070 Development Standards For Detached Accessory Dwelling Units

1. A detached ~~Detached~~ ADU shall be a permanent structure ~~or fixed and anchored to a foundation or concrete slab so as to be installed as a permanent structure. Additionally, appropriate screening/skirting shall be provided around the base of any structure fixed and anchored to a foundation or concrete slab. Trailers, mobile homes, and other portable structures, especially structures with wheels, shall not be permitted as a detached ADU.~~
2. A detached ADU is not eligible for The Neighborhood Compatibility Modification provisions found in MKZ 18.34 or MKZ 18.36.
3. A detached ADU shall not be used as a short-term rental.
- 4.2. Exterior lighting shall provide illumination directed downward and shall follow the ~~standards as set forth in MKZ 18.68, Outdoor Lighting~~ lighting standards of the City. Light sources shall not be visible from abutting properties.
- 5.3. Windows on a façade, located within 15 feet of an abutting property containing a single-household, twin home, or duplex dwelling, shall be fixed (non-operable) and translucent or shall be installed skylights. g
4. ~~Entrances, Location of Entrances. Only one additional entrance may be located on the wall facade that can be viewed from the public street directly adjacent to the same lot or parcel in which the Detached ADU is located. All other entrances must be located on wall facades facing interior to the lot.~~
 - (a) Ground Entrance Restrictions. Ground entrances and coverings are prohibited on a wall facade facing a perimeter lot line, unless such wall façade is at least 10 feet from a perimeter lot line and such coverings are located at least 6 feet from any perimeter lot line.
6. parking, and stairways within 15 feet of an abutting property shall not be visible from the abutting property. This may be done with a fence along the side and rear

property lines, landscaping that is dense enough to obscure activity or by placing the entrances and stairs out of view of abutting properties. Corner properties with ADU entrances facing a right-of-way are not required to screen the entrance if not facing the same right-of-way as the primary dwelling entrance.

5. Detached ADUs shall not be built on slopes of 30 percent or greater.

7.6. Second story development of an accessory building for Detached ADU use is prohibited.

8.7. Balconies on the second story of an ADU are prohibited. Basement development for a Detached ADU is permitted and, if utilized, will be calculated into the total gross square footage use of the Detached ADU.

9.8. Exterior stairways and landing shall not encroach into a setback.

Table 18.71-2 12.58.070-1

Detached Accessory Dwelling Unit Standard

Minimum Property Area	8,5008,000 SF	
Location	Rear Yard	
Gross Square Footage	An Detached ADU shall be the lesser of the gross square footage of the existing main building, or 1,000-square feet allowed at a minimum size of 350 gross square feet and up to a maximum size of 1250 gross square feet. No single level can exceed 800 square feet in size and basements are permitted with Detached ADU development as long as the entire Detached ADU is below or meets maximum gross square footage requirements.	
Property Coverage Total	Determined by the underlying zone designation	
Setbacks from Side and Rear Yard Property Lines	5-8 Feet minimum	For each inch in height over 16 feet accessory dwelling units shall be property lines an additional inch.
Setback from Main Building	6 Feet	

Commented [ME1]: Do we want/need a similar table? Is this already otherwise covered in the proposed code language?

Maximum Height	The lesser of 24 feet or the height of the existing main building. 20 Feet, further second story development of an accessory building for Detached ADU use is prohibited.
Occupancy Limit	2 adults and any number of children

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

Amended by Ord. 25-38 on 9/8/2025

Commented [ME2]: Do we want an occupancy limit? If so, is this a good standard or should we use a standard from another City?

Commented [ME3R2]: Talked with Building Official and Fire Marshal. No regulations applicable to occupancy limits that can be applied.

18.71.100-12.58.080 Limitations, Termination, And ExemptionsTermination

- (a) No Short-Term Rental. A Detached ADU may not be used as a rental unit for fewer than 90 consecutive days as more particularly defined and regulated pursuant to Utah Code § 10-20-304. In order to regulate and prohibit short-term rentals, the City shall require and record a notice for any approved Detached ADU with the Davis County Recorder's Office in accordance with Utah Code § 10-20-304.
- (b) Termination of Detached ADU Use. The approval permit for a Detached ADU shall become null and void if the occupancy requirements of this Chapter are not satisfied, or the owner declares termination through writing or through neglect or any other confirmed non-corrected action that violates the provisions of this Chapter. Upon such termination of a Detached ADU use, the owner shall remove one or more features that make up a Detached ADU including but not limited to living, sleeping, or kitchen facilities, including electrical, gas, or plumbing, as deemed acceptable to the City to render the Detached ADU removed or unusable.
- (c) Exemptions. Detached ADUs shall not be included in the gross density calculations for primarily single-family zoning districts.

Commented [ME4]: I am not certain if State Code allows us to do this like it does with Internal ADUs per Utah Code 10-21-303? Will need to defer to City Attorney for guidance with this statement to see if this needs to be reworded or cited differently.

Commented [ME5]: This is language found in Centerville Code for Internal ADUs. I suggest using the same language unless language from another City is stronger and/or should be incorporated here.

If a property owner is found to be in violation of this title the City may revoke the use of an ADU on the property.

Commented [ME6]: Do we want to use this same standard as it relates to Detached ADUs? A similar statement is noted earlier in this proposed language.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

18.71.110 Addressing

The property owner may request to have an ADU be given a separate address from the primary dwelling. A property owner requesting an additional address and shall submit for a site plan review to the City Planning and Zoning Department and pay any associated fees.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

18.71.120 Enforcement And Noticing

1. In addition to any other legal or equitable remedies available to a municipality, City may hold a lien against a property that contains an internal accessory dwelling unit if:

1. The owner of the property violates any provisions of this Title, and any other applicable section of the code;
2. The City provides a written notice of violation in accordance with section B;
3. The owner of the property fails to cure the violation within the time period prescribed in the written notice;
4. The City provides a written notice of lien in accordance with MKZ 18.71.120(C);
5. The City records a copy of the written notice of lien with the County Recorder.

2. The written notice of violation shall:

1. Describe the specific violation;
2. Provide the owner of the ADU a reasonable opportunity to cure the violation that is:
 1. At least 14 days after the day on which the City sends the written notice of violation, if the violation results from the owner renting or offering to rent the ADU as a short-term rental; or
 2. At least 30 days after the day on which the City sends the written notice of violation, for any other violation.
3. State that if the owner of the property fails to cure the violation within the time period described above, the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
4. Notify the owner of the property:
 1. That the owner of the property may file an appeal of the notice of violation within 10 days after the day on which the written notice of violation is postmarked or posted on the property; and
 2. Of the name and address of the City office where the owner of the property may file the written objection;

5. ~~Be mailed to:~~
 1. ~~The property's owner of record; and~~
 2. ~~Any other individual designated to receive notice in the owner's license or permit records; and~~
6. ~~Be posted on the property.~~
3. ~~The written notice of lien shall:~~
 1. ~~Comply with Utah Code Section 38-12-102;~~
 2. ~~State that the property is subject to a lien;~~
 3. ~~Specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;~~
 4. ~~Be mailed to:~~
 1. ~~The property's owner of record; and~~
 2. ~~Any other individual designated to receive notice in the owner's license or permit records; and~~
 5. ~~Be posted on the property.~~
4. ~~Appeals. A property owner that receives a written notice of violation or a written notice of lien may file an appeal in accordance with MKZ 18.04, Appeals.~~
 1. ~~If the owner of property files a written objection to a notice of violation, the City may not record a lien until a hearing is held to determine that the specific violation occurred.~~
 2. ~~If the City determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the expiration of the opportunity to cure the violation, regardless of whether the hearing is held after that day.~~
 3. ~~If the owner of property cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation.~~
5. ~~Upon issuing a permit or business license for an ADU, the City may record a notice in the Salt Lake County Recorder's Office. Upon recording a notice, the City shall~~

deliver a copy of the notice to the property owner via First Class Mail. The notice shall include:

- 1.— A description of the primary dwelling;
- 2.— A statement that the primary dwelling contains an ADU; and
- 3.— A statement that the ADU may only be used in accordance with City ordinances.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

~~18.71.130 Existing Buildings~~ 12.58.090 Existing Buildings And Detached ADU Conversion

1. (a) Existing buildings in ~~Millcreek~~ Centerville that were permitted prior to ~~September 17, October 1, 2026~~ 2021, that are intended to be used as an ~~Detached~~ ADU and cannot satisfy the standards set forth in this chapter must file an application to have a structure declared a noncomplying structure and then follow the application process for a Nonconformities Determination as set forth in ~~MKZ 18.15.040 (A) and MKZ 18.60.090~~ CZC 12.22 to have the use legally established. A property with an existing guest house does not qualify for an additional detached ADU. By definition, a guest house may not be rented out or leased. If a property owner wants to convert a guest house to a detached ADU the property owner must follow all applicable processes and design requirements for detached ADUs;

2.— Attached Accessory Dwelling Unit Conversions

- 1.— A portion of a building attached to the primary dwelling that is noncomplying and was legally established as determined under ~~MKZ 18.60, Nonconformities~~, may be converted or expanded for the purpose of converting or enlarged for the purpose of converting, into an ADU upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find that:
 - 1.— The primary dwelling, or portion thereof, is no less than three feet (3') from the side and rear property lines;
 - 2.— The attached ADU does not have a light source projecting onto abutting properties;

Commented [ME7]: Per Utah Code 10-21-304(2), we are required to “include a process for the owner of a legally constructed accessory structure to convert the accessory structure to a detached accessory dwelling unit”

Commented [ME8]: This language likely won't apply to us and will likely be omitted; but should we have a section of language for existing buildings in similar circumstances, or is this not necessary? We will need to decide whether or not to address this and may also look to the similar codes from other cities.

Commented [ME9R8]: I amended this comment to reflect a date of start for this ordinance, reference to the Centerville Zoning Code for Nonconformities, and omitted guest house comments. Hopefully, this matches what the Planning Commission is seeking and also meets State Code; would also defer to legal for additional commentary and counsel. - July 30, 2026

3. The attached ADU does not have any balconies, porches, or windows facing abutting property owners, unless facing a property located in an R-M, C-1, or C Zone.
4. The attached ADU does not protrude higher than the measured height of the existing noncomplying structure being expanded as measured from original ground surface.
5. The attached ADU can accommodate all required parking on the property, and does not violate the required off-street parking standards, including parking requirements of this title.

3. (b) Detached Accessory Dwelling Unit Conversions

1. A detached building that complies with all applicable height, building envelope, setback, and property coverage requirements may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit, provided the existing setbacks of the detached building are not further reduced and the structure complies with or can be altered to comply with the applicable sections of the adopted zoning, building, and fire codes of the City.
2. A detached building, that is noncomplying and was legally established as determined under MKZ 18.60, Nonconformities, may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find:
 1. The side or rear setbacks of the detached building are not further reduced to accommodate the ADU;
 2. The detached building does not have a light source projecting onto an abutting property;
 3. The facade of the detached building located within five feet (5') and facing an abutting property line, does not have any balconies, porches, landings, stairs, doors, or windows;
 4. For properties with rear yards that abut an RM, C-1, or C Zone, the detached building does not exceed 24 feet in height;
 5. For all properties, located abutting a Residential Zone Boundary or a legally established residential dwelling, the detached building does

not protrude higher than the measured height of the existing noncomplying structure being expanded;

6. Does not create any new visual impacts that a fence or wall cannot otherwise mitigate;

7. The detached ADU can accommodate all required parking on the property, and does not violate or diminish the required off-street parking standards, including parking requirements of this title;

8. Does not violate applicable standards and regulations outlined in the applicable zoning district;

9. The structure or proposed expansion of the structure is not within any recorded easement;

10. Does not result in runoff or drainage from the accessory building onto an abutting property;

11. The detached building shall meet all other requirements of MKZ 18.71.090, except as provided otherwise in this section; and

12. Meets the applicable sections of the adopted building and fire codes of the City.

4. (c) The Land Use Hearing Officer Zoning Administrator, or designee, may impose conditions and limitations upon issuance of a permit for an addition to, enlargement of, moving of, or reconstruction of a structure as necessary to prevent or mitigate adverse effects on other properties located in the neighborhood of the subject property, consistent with the standards of this Title.

Commented [ME10]: This is not completely clear to me and may need to be omitted, unless someone else is able to determine what this is trying to say.

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

12.58.100 Occupancy Requirements, Licenses, And Owner Affidavits

The occupancy requirements set forth in this Section shall apply to any ADU that is created or established within the City. The purposes of these occupancy requirements are to accommodate secondary separated living quarters (i.e., dwelling unit) with reasonable limitations on their use and to minimize the impact on neighboring properties and the desired setting of the City's single-family neighborhoods.

(a) Definitions and Terms. The following definitions or terms are applicable to the creation and use of Detached ADUs;

1. Owner. An owner is defined as a person occupying the premises as their sole primary residence and having at least 50% or greater ownership interest in the property.
 2. Full-Time Residency. Full-time residency means the owner must live in a dwelling for at least 183 consecutive calendar days of each calendar year.
 3. Detached ADU Occupation. The Detached ADU is exclusively used for other family members or for long-term rental with a minimum rental period of 90 days or more.
 4. Owner Occupancy Affidavit. A signed and notarized owner-occupancy acknowledgement for the property for sanctioning a Detached ADU and filed with the City Recorder's Office and/or recorded at the Davis County Recorder's Office.
 5. Temporary Owner Absence Waiver. An approval granting a waiver of the occupancy requirement due to specific short-term or temporary absences.
- (b) Full Time Owner Residency. Either the primary single-family dwelling or the Detached ADU is to be occupied by a full-time residency property owner as shown on the Davis County Tax Assessment rolls.
- (c) Owner Occupancy Affidavit and License. A Detached ADU owner must apply for a Detached ADU License and sign an "owner occupancy affidavit" with the City and have it filed with the City Recorder and/or recorded at the Davis County Recorder's Office prior to receiving authorization of constructing and/or use of a Detached ADU. Such license and affidavit shall at minimum establish the following:
1. That he/she/they are owner(s) of the property located in Centerville, Utah.
 2. That he/she/they applied and intend to receive approval to construct or use a Detached ADU pursuant to Centerville City ordinances.
 3. That the owner(s) of the property confirm that the Detached ADU will be used for the purpose of offering a long-term rental of at least 90 days or more to any occupant of the Detached ADU.
 4. That an owner with at least a 50% interest in the property will occupy either the primary single-family dwelling or Detached ADU for six months of each calendar year, except where a "temporary owner absence waiver" is granted in accordance with Subsection (d).
 5. That if the owner(s) of property are unable or unwilling to fulfill the requirements for use of a Detached ADU, then the owners agree to remove one or more features that make it a Detached ADU, including but not limited to living areas, sleeping areas, or kitchen facilities, including electrical, gas, or plumbing and further agree to terminate, in writing, the Detached ADU permit and approval.
 6. That the license and affidavit shall run with the land and be binding upon all owners, heirs, and assigns, and upon all parties acquiring any right, title, or interest in the property.
 7. That the owners and their heirs, successors, and assigns will inform all prospective purchasers of the property of the terms and conditions of the permit authorizing the ADU.

Commented [ME11]: Again will need to check with City Attorney to see if we can require this in the same way that we do with Internal ADUs language.

Commented [ME12]: Again will need to verify with City Attorney to see if we can require this in the same way that we do with Internal ADUs language.

(d) Recorded Notice of Detached ADU. On or after October 1, 2021, the City may record against the property a notice of any approved Detached ADU in the Davis County Recorder's Office in accordance with Utah Code § 10-20-303. *[Internal comment – should we cite a Code here or delete and end with "Office."?]*

(e) Temporary Owner Absence Waiver. The owner(s) shall comply with the Full-Time Owner Residency Requirements, or such absence or abandonment shall terminate the Detached ADU permit, as approved by the City. Nonetheless, an owner may receive a one-time waiver of the occupancy requirement upon submitting in writing evidence showing good cause of temporary absence, such as:

1. A job relocation;
2. Military assignment;
3. Medical or other care of others;
4. Sabbatical leave;
5. Educational pursuits; or
6. Personal illness.

A one-time waiver of the occupancy requirement will then be authorized, by the City's Zoning Administrator, up to a maximum of three years and one month. Thereafter, if not re-occupied by the property owner, then the Detached ADU permit shall be deemed null and void and one or more features constituting the Detached ADU shall be removed immediately, upon notice from Centerville City, or the property will subject to applicable enforcement measures.

12.58.110 Other Applicable Regulations and Codes

The creation and use of Detached ADUs are subject to other pertinent codes, restrictions, and regulations that address applicable life, safety, and welfare concerns. Any Detached ADU shall comply with the following:

1. Construction and Fire Codes. A Detached ADU shall be subject to all related regulations regarding the building construction and fire codes, as adopted by the City and State.
2. Utilities and Charges. A Detached ADU shall provide the necessary utilities and services such as, but not limited to, sewer, water, gas, electricity, and garbage collection. All City provided utilities shall be established in the property owner(s) name and the property owner shall be responsible for the payment of such utility services.
3. Development and Impact Fees. Detached ADUs meeting the development standards of this Title shall be exempt from payment of additional impact fees beyond the establishment of the primary single-family dwelling for the property.
4. Street Addressing. A Detached ADU will not be given a new distinct address by the City. Such Detached ADUs may refer mail/parcel packages to be delivered separately by the same address as the primary building using a subsidiary numerical or alphabetical reference (e.g., 1390 West #A), as approved by the Public Works

Commented [ME13]: This language is from Centerville Code for internal ADUs, hence the reference to Utah Code 10-20-303. This language does not exist in Utah Code 10-20-304 and, therefore, may need to be removed entirely for detached ADUs code here; will defer to City Attorney for guidance.

Director, local postmaster, and emergency service agencies, or by securing a separate postal box.

Commented [ME14]: Need to verify this language convention with the Public Works Director to make sure this is the same as IADUs.

12.58.120 Violations and Enforcement

The applicable enforcement procedures for violations of these Detached ADU ordinance provisions shall be subject to the civil or criminal penalties of CZC 12.23 (Enforcement). Additionally, the City may utilize the enforcement provisions of Utah Code § 10-20-303 (Internal Accessory Dwelling Units) regarding violations and holding liens against the property. *[Internal comment – should we cite a Code here or delete and remove from, "...of Utah Code 10-20-303 (Internal Accessory Dwelling Units)"?]*

Commented [ME15]: Not sure what language to use here in place of this as Utah Code 10-20-304 does not have an enforcement provision or standard in the same way that Utah Code 10-20-303 with a spelled out lien process. May need to evaluate enforcement language from other cities ordinances or just omit this sentence; will seek guidance from the City Attorney.

PC Mtg discussed ideas for language addition:

Concrete slab with no basement

Gross square feet would allow for basements to be utilized (seem to be consensus on this)

Setbacks: 8 ft from all property lines (seems to be an idea to support); covers PUE no placement

Mason: Find out how many registered DADUs that Bountiful has in their community; LaRae – what they typically see in use as it relates to the size of the lot, do they allow basements

No second stories allowed

Add IADU for stairs, doors, etc

Accessory structure: would it allow sub-foundation development (building code or zoning code language?)

Gross square footage maximum at 1250 maximum (no single level can exceed 800sf maximum, utilizing basement req); 350sf min

8500 sf lot size minimum

Proposed Draft Detached Accessory Dwelling Unit (DADU) Language to include in Title 12 (CZC)

I suggest using Millcreek City's Code as the starting point model backbone for the Centerville City Ordinances in combination with Centerville language previously used to establish Internal Accessory Dwelling Units (where they are both so similar in many ways), then combine suggested code concepts to incorporate into this language, along with directives from Planning Commission and City Attorney.

CZC 12.58 Detached Accessory Dwelling Units (DADU)

12.58 DETACHED ACCESSORY DWELLING UNIT (DADU) STANDARDS

- 12.58.010 Purpose**
- 12.58.020 Interpretation and Scope**
- 12.58.030 Definitions**
- 12.58.040 Approval and Authorization**
- 12.58.050 Uses Allowed**
- 12.58.060 Development Standards Generally**
- 12.58.070 Development Standards For Detached Accessory Dwelling Units**
- 12.58.080 Limitations, Termination, And Exemptions**
- 12.58.090 Existing Buildings and Detached ADU Conversion**
- 12.58.100 Occupancy Requirements, Licenses, And Owner Affidavits**
- 12.58.110 Other Applicable Regulations and Codes**
- 12.58.120 Violations and Enforcement**

12.58.010 Purpose

The purpose of this Chapter is to establish the use and development regulations for the allowance of detached accessory dwelling units (DADUs) within the City. These regulations are intended to provide opportunity for secondary separate living quarters (i.e., dwelling unit) located externally on the same property as a primary single-family dwelling in accordance with applicable State law, including, but not limited to Utah Code § 10-21-304.

12.58.020 Interpretation and Scope

The City's intent in adopting this ordinance is not to increase the density of the underlying zone designation. A Detached ADU shall always be an accessory use to the principal dwelling.

The requirements of this Chapter shall apply to any Detached ADU created or established within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville Municipal Code, or other laws.

12.58.030 Definitions

Certain words and phrases in this Chapter, including uses, are defined in CZC 12.12 (Definitions). In addition to the definitions set forth in CZC 12.12 (Definitions), the following words and phrases shall have the following meanings:

- (a) Detached Accessory Dwelling Unit (DADU). A detached accessory dwelling unit means an accessory dwelling unit created and located externally on the same property as a primary single-family dwelling as more particularly defined in Utah Code § 10-21-101.
- (b) Primary Dwelling or Primary Single-Family Dwelling. Primary dwelling or primary single-family dwelling means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record as more particularly defined in Utah Code § 10-21-101.

12.58.040 Approval and Authorization

- (a) The Zoning Administrator is authorized to issue permits for Detached ADUs in accordance with the procedures and objective standards for review as set forth in this Chapter and as set forth in CZC 12.21.090 (Permitted Use Review). Decisions regarding the review, approval, or denial of Detached ADUs are administrative proceedings and shall be made in accordance with the provisions of this Chapter and CZC 12.21.060 regarding decision-making standards for administrative proceedings.
- (b) Properties are eligible for an accessory dwelling unit if:
 - 1. Use in Combination. A Detached ADU shall be established as a secondary accessory dwelling unit located externally on the same property as a primary single-family dwelling and shall only be established in combination within a primary single-family dwelling.
 - 2. Owner Occupancy Required. A Detached ADU shall only be established on a primary single-family dwelling property that is occupied by an owner in accordance with the “Owner Occupancy” requirements of CZC 12.60.090.
 - 3. Number allowed. Only one Detached ADU is allowed for:
 - a. A lot, parcel, or tract of land greater than 8,500 square feet; and
 - b. A primary single-family dwelling located within a primarily residential use zone as more particularly designated in CZC 12.36 (Table of Uses).

- (c) A maximum of one (1) accessory dwelling unit (internal or detached) shall be permitted on a qualifying owner-occupied single-family dwelling lot.

12.58.050 Uses Allowed

Detached ADUs are allowed in residential zones as set forth in CZC 12.36 (Table of Uses). Permitted and conditional uses are indicated by “P” or “C,” respectively. Uses not permitted are indicated by “N.”

12.58.060 General Development Standards

The development standards set forth in this Section shall apply to any Detached ADU that is created or established within the City. The purposes of these development standards are to ensure that a Detached ADU is clearly and distinctly an accessory use and externally located and developed as an additional residential dwelling use to the approved primary single-family dwelling use located on the property.

- (a) Minimum Lot Size. The minimum lot size for establishing a Detached ADU shall be 8,500 square feet or more within an accessory structure as defined in CZC 12.12.040.
- (b) A Detached ADU shall not be sold separately or subdivided from the principal dwelling unit or property.
- (c) A property may have a Detached ADU on the lot or parcel that is shared with the primary dwelling. No single-family residential dwelling property may have more than one type of ADU (internal or detached) on the same property.
- (d) The design and size of the Detached ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- (e) The installation of a separate utility meter (from the main single-family dwelling) and other separate utility connections will be required to be provided and connected to a Detached ADU.
- (f) The minimum setback for a Detached ADU shall be eight (8') feet from all rear yard property lines. A Detached ADU shall otherwise comply with the regulations of the underlying zone for accessory buildings, this includes compliance location, height, and development standards for accessory building development within the underlying zone. Further no second story development of accessory buildings for Detached ADU use is allowed. Where the provisions in this chapter are inconsistent

with provisions found in any other chapters of City ordinances, the most restrictive provisions shall apply.

- (g) Design Standards. The Detached ADU shall incorporate at least one of the exterior materials used in the principal dwelling for 20 percent of all structure facades. The Detached ADU must have a pitched roof unless the principal dwelling has a flat roof, in which case a Detached ADU may have a flat roof or a pitched roof. The Detached ADU shall maintain the same color as the primary dwelling for at least 50 percent of all facades.
- (h) Easements. Detached ADUs may not be built within a recorded easement; this includes Public Utility Easements (PUE).
- (i) Parking. At least one additional parking space shall be provided for a Detached ADU that is sized smaller than 650 gross square feet and two additional parking spaces shall be provided for a Detached ADU that is sized 650 gross square feet or larger; provided, however that the existing parking requirements for the primary single-family dwelling are to remain in place or restored if missing. The Detached ADU parking space may be located in tandem with other required parking spaces. All required parking spaces must be located behind the front yard setback line of the lot.
- (j) Bulk Yard Area Limitation. The combined building footprint coverage of a lot area for the primary single-family dwelling combined with the Detached ADU shall not exceed the impervious surface allowance for the respective zoning district in which it is located.
- (k) Additional requirements for Detached ADUs shall be as set forth as otherwise directed in this section of Code.

12.58.070 Development Standards For Detached Accessory Dwelling Units

- (a) A detached ADU shall be a permanent structure or fixed and anchored to a foundation or concrete slab so as to be installed as a permanent structure. Additionally, appropriate screening/skirting shall be provided around the base of any structure fixed and anchored to a foundation or concrete slab.
- (b) Exterior lighting shall provide illumination directed downward and shall follow the lighting standards of the City. Light sources shall not be visible from abutting properties.

- (c) Windows on a façade, located within 15 feet of an abutting property containing a single-household, twin home, or duplex dwelling, shall be fixed (non-operable) and translucent or shall be installed skylights.
- (d) Location of Entrances. Only one additional entrance may be located on the wall façade that can be viewed from the public street directly adjacent to the same lot or parcel in which the Detached ADU is located. All other entrances must be located on wall facades facing interior to the lot.
 - 1. Ground Entrance Restrictions. Ground entrances and coverings are prohibited on a wall façade facing a perimeter lot line, unless such wall façade is at least 10 feet from a perimeter lot line and such coverings are located at least 6 feet from any perimeter lot line.
- (e) Detached ADUs shall not be built on slopes of 30 percent or greater.
- (f) Second story development of an accessory building for Detached ADU is prohibited.
- (g) Basement development for a Detached ADU is permitted and, if utilized, will be calculated into the total gross square footage use of the Detached ADU.
- (h) Exterior stairways and landing shall not encroach into a setback.

Table 12.58.070-1	
<i>Detached Accessory Dwelling Unit Standard</i>	
Minimum Property Area	8,500 SF
Location	Rear Yard
Gross Square Footage	An ADU shall be allowed at a minimum size of 350 gross square feet and up to a maximum size of 1250 gross square feet. No single level may exceed 800 total square feet in size; and basements are permitted with Detached ADU development as long as the entire Detached ADU is below or meets maximum gross square footage requirements.
Property Coverage Total	Determined by the underlying zone designation
Setbacks from Rear Yard Property Lines	8 Feet minimum

Setback from Main Building	6 Feet
Maximum Height	20 Feet, further second story development of an accessory building for Detached ADU use is prohibited
Occupancy Limit	2 adults and any number of children

Commented [ME1]: Do we want an occupancy limit? If so, is this a good standard or should we use a standard from another City?

Commented [ME2R1]: Talked with Building Official and Fire Marshal. No regulations applicable to occupancy limits that can be applied.

12.58.080 Limitations, Termination, and Exemptions

- (a) No Short-Term Rental. A Detached ADU may not be used as a rental unit for fewer than 90 consecutive days as more particularly defined and regulated pursuant to Utah Code § 10-20-304. In order to regulate and prohibit short-term rentals, the City shall require and record a notice for any approved Detached ADU with the Davis County Recorder's Office in accordance with Utah Code § 10-20-304.
- (b) Termination of Detached ADU Use. The approval permit for a Detached ADU shall become null and void if the occupancy requirements of this Chapter are not satisfied, or the owner declares termination through writing or through neglect or any other confirmed non-corrected action that violates the provisions of this Chapter. Upon such termination of a Detached ADU use, the owner shall remove one or more features that make up an Detached ADU including but not limited to living, sleeping, or kitchen facilities, including electrical, gas, or plumbing, as deemed acceptable to the City to render the Detached ADU removed or unusable.
- (c) Exemptions. Detached ADUs shall not be included in the gross density calculations for primarily single-family zoning districts.

12.58.190 Existing Buildings And Detached ADU Conversion

- (a) Existing buildings in Centerville that were permitted prior to October 1, 2026, that are intended to be used as a Detached ADU and cannot satisfy the standards set forth in this chapter must file an application to have a structure declared a noncomplying structure and then follow the application process for a Nonconformities Determination as set forth in CZC 12.22 to have the use legally established.
- (b) Detached Accessory Dwelling Unit Conversions
 - 1. A detached building that complies with all applicable height, building envelope, setback, and property coverage requirements may be converted,

Commented [ME3]: This language likely won't apply to us and will likely be omitted; but should we have a section of language for existing buildings in similar circumstances, or is this not necessary? We will need to decide whether or not to address this and may also look to the similar codes from other cities.

Commented [ME4R3]: I amended this comment to reflect a date of start for this ordinance, reference to the Centerville Zoning Code for Nonconformities, and omitted guest house comments. Hopefully, this matches what the Planning Commission is seeking and also meets State Code; would also defer to legal for additional commentary and counsel. - July 30, 2026

or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit, provided the existing setbacks of the detached building are not further reduced and the structure complies with or can be altered to comply with the applicable sections of the adopted zoning, building, and fire codes of the City.

- (c) The Zoning Administrator, or designee, may impose conditions and limitations upon issuance of a permit for an addition to, enlargement of, moving of, or reconstruction of a structure as necessary to prevent or mitigate adverse effects on other properties located in the neighborhood of the subject property, consistent with the standards of this Title.

12.58.100 Occupancy Requirements, Licenses, And Owner Affidavits

The occupancy requirements set forth in this Section shall apply to any ADU that is created or established within the City. The purposes of these occupancy requirements are to accommodate secondary separated living quarters (i.e., dwelling unit) with reasonable limitations on their use and to minimize the impact on neighboring properties and the desired setting of the City's single-family neighborhoods.

- (a) Definitions and Terms. The following definitions or terms are applicable to the creation and use of Detached ADUs;
 - 1. Owner. An owner is defined as a person occupying the premises as their sole primary residence and having at least 50% or greater ownership interest in the property.
 - 2. Full-Time Residency. Full-time residency means the owner must live in a dwelling for at least 183 consecutive calendar days of each calendar year.
 - 3. Detached ADU Occupation. The Detached ADU is exclusively used for other family members or for long-term rental with a minimum rental period of 90 days or more.
 - 4. Owner Occupancy Affidavit. A signed and notarized owner-occupancy acknowledgement for the property for sanctioning a Detached ADU and filed with the City Recorder's Office and/or recorded at the Davis County Recorder's Office.
 - 5. Temporary Owner Absence Waiver. An approval granting a waiver of the occupancy requirement due to specific short-term or temporary absences.
- (b) Full Time Owner Residency. Either the primary single-family dwelling or the Detached ADU is to be occupied by a full-time residency property owner as shown on the Davis County Tax Assessment rolls.
- (c) Owner Occupancy Affidavit and License. A Detached ADU owner must apply for a Detached ADU License and sign an "owner occupancy affidavit" with the City and

have it filed with the City Recorder and/or recorded at the Davis County Recorder's Office prior to receiving authorization of constructing and/or use of a Detached ADU. Such license and affidavit shall at minimum establish the following:

1. That he/she/they are owner(s) of the property located in Centerville, Utah.
2. That he/she/they applied and intend to receive approval to construct or use a Detached ADU pursuant to Centerville City ordinances.
3. That the owner(s) of the property confirm that the Detached ADU will be used for the purpose of offering a long-term rental of at least 90 days or more to any occupant of the Detached ADU.
4. That an owner with at least a 50% interest in the property will occupy either the primary single-family dwelling or Detached ADU for six months of each calendar year, except where a "temporary owner absence waiver" is granted in accordance with Subsection (d).
5. That if the owner(s) of property are unable or unwilling to fulfill the requirements for use of a Detached ADU, then the owners agree to remove one or more features that make it a Detached ADU, including but not limited to living areas, sleeping areas, or kitchen facilities, including electrical, gas, or plumbing and further agree to terminate, in writing, the Detached ADU permit and approval.
6. That the license and affidavit shall run with the land and be binding upon all owners, heirs, and assigns, and upon all parties acquiring any right, title, or interest in the property.
7. That the owners and their heirs, successors, and assigns will inform all prospective purchasers of the property of the terms and conditions of the permit authorizing the ADU.

(d) Recorded Notice of Detached ADU. On or after October 1, 2026, the City may record against the property a notice of any approved Detached ADU in the Davis County Recorder's Office in accordance with Utah Code § 10-20-303. *[Internal comment - should we cite a Code here or delete and end with "Office."?]*

(e) Temporary Owner Absence Waiver. The owner(s) shall comply with the Full-Time Owner Residency Requirements, or such absence or abandonment shall terminate the Detached ADU permit, as approved by the City. Nonetheless, an owner may receive a one-time waiver of the occupancy requirement upon submitting in writing evidence showing good cause of temporary absence, such as:

1. A job relocation;
2. Military assignment;
3. Medical or other care of others;
4. Sabbatical leave;
5. Educational pursuits; or
6. Personal illness.

Commented [ME5]: This language is from Centerville Code for internal ADUs, hence the reference to Utah Code 10-20-303. This language does not exist in Utah Code 10-20-304 and, therefore, may need to be removed entirely for detached ADUs code here; will defer to City Attorney for guidance.

A one-time waiver of the occupancy requirement will then be authorized, by the City's Zoning Administrator, up to a maximum of three years and one month. Thereafter, if not re-occupied by the property owner, then the Detached ADU permit shall be deemed null and void and one or more features constituting the Detached ADU shall be removed immediately, upon notice from Centerville City, or the property will subject to applicable enforcement measures.

12.58.110 Other Applicable Regulations and Codes

The creation and use of Detached ADUs are subject to other pertinent codes, restrictions, and regulations that address applicable life, safety, and welfare concerns. Any Detached ADU shall comply with the following:

1. Construction and Fire Codes. A Detached ADU shall be subject to all related regulations regarding the building construction and fire codes, as adopted by the City and State.
2. Utilities and Charges. A Detached ADU shall provide the necessary utilities and services such as, but not limited to, sewer, water, gas, electricity, and garbage collection. All City provided utilities shall be established in the property owner(s) name and the property owner shall be responsible for the payment of such utility services.
3. Development and Impact Fees. Detached ADUs meeting the development standards of this Title shall be exempt from payment of additional impact fees beyond the establishment of the primary single-family dwelling for the property.
4. Street Addressing. A Detached ADU will not be given a new distinct address by the City. Such Detached ADUs may refer mail/parcel packages to be delivered separately by the same address as the primary building using a subsidiary numerical or alphabetical reference (e.g., 1390 West #A), as approved by the Public Works Director, local postmaster, and emergency service agencies, or by securing a separate postal box.

12.58.120 Violations and Enforcement

The applicable enforcement procedures for violations of these Detached ADU ordinance provisions shall be subject to the civil or criminal penalties of CZC 12.23 (Enforcement).

Additionally, the City may utilize the enforcement provisions of Utah Code § 10-20-303 (Internal Accessory Dwelling Units) regarding violations and holding liens against the property. *[Internal comment – should we cite a Code here or delete and remove from, "...of Utah Code 10-20-303 (Internal Accessory Dwelling Units)"?]*

Commented [ME6]: Need to verify this language convention with the Public Works Director to make sure this is the same as IADUs.

Commented [ME7]: Not sure what language to use here in place of this as Utah Code 10-20-304 does not have an enforcement provision or standard in the same way that Utah Code 10-20-303 with a spelled out lien process. May need to evaluate enforcement language from other cities ordinances or just omit this sentence; will seek guidance from the City Attorney.

12.36.020 Table Of Uses For Residential Uses

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

Residential 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
Assisted living facility	N	N	N	C	P	N	C	P	P	N	N	N	N	N	N
Boarding house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	C	C	C	P	P	C	C	P	C	P	P
Dwelling, basement	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Dwelling, earth sheltered	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Dwelling, multiple-family	N	N	N	P ²	C	N	N	N	N	N	N	P ¹	N	N	N
Dwelling, single-family	P	N	P	P ²	N	N	N	N	N	N	N	N	N	N	N
Dwelling, single-family with detached accessory dwelling unit	P?	N	P	P	N	N	N	N	N	N	N	N	N	N	N
Dwelling, single-family with internal accessory dwelling unit	P	N	P	P	N	N	N	N	N	N	N	N	N	N	N
Dwelling, temporary	See CZC 12.56 (Temporary Uses).														
Dwelling, two-family	N	N	N	P ²	P	N	N	N	N	N	N	N	N	N	N
Flag Lot Subdivision Development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Guest house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Manufactured home	P	N	P	P	N	N	N	N	N	N	N	N	N	N	N

Manufactured and mobile home park	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Manufactured and mobile home subdivision	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mobile home	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Protective housing facility	N	N	N	C	C	N	N	C	P	N	C	C	N	N	N
Rehabilitation/Treatment facility	N	N	N	N	C	N	C	C	C	N	N	C	N	N	N
Residential facility for persons with a disability	See CZC 12.65 (Residential Facilities).														
Transitional housing facility	N	N	N	N	C	N	N	C	C	N	C	C	N	N	N
Twin home	N	N	N	p ²	N	N	N	N	N	N	N	N	N	N	N

Multiple-family residential dwellings shall only be permitted in the C-VH Zone as part of a commercial planned development in accordance with and subject to the provisions of CZC 12.41 (Planned Development Overlay Zone).

See the permitted densities within the R-M Zone as more particularly described in CZC 12.30.020 (Zone Purposes) and as set forth in CZC 12.32.300 (Table of Development Standards in Residential Zones). Any residential development within the R-M Zone shall also be subject to the development standards set forth in CZC 12.32.055 (Additional Development Standards for R-M and R-H Zones).

Accessory Dwelling Units

HISTORY

[Adopted by Ord. 2016-20 on 7/15/2016](#)

[Amended by Ord. 2016-29 on 11/15/2016](#)

Amended by Ord. 2017-28 on 11/21/2017

Amended by Ord. 2021-18 on 9/7/2021

Effective 10/1/2026

10-21-304 Detached accessory dwelling units.

- (1)
 - (a) A specified municipality shall adopt a land use regulation that permits a detached accessory dwelling unit on any lot or parcel that is 11,000 square feet or larger and contains a single-family dwelling, if the single-family dwelling is a permitted use on the lot or parcel.
 - (b) This section does not prohibit a municipality from adopting a land use regulation that permits a detached accessory dwelling unit on a lot or parcel that is smaller than 11,000 square feet.
- (2) A land use regulation described in Subsection (1) shall:
 - (a) require that a detached accessory dwelling unit comply with all applicable building, health, and fire codes; and
 - (b) include a process for the owner of a legally constructed accessory structure to convert the accessory structure to a detached accessory dwelling unit subject to applicable:
 - (i) dwelling and accessory structure setback requirements; and
 - (ii) building, health, and fire codes.
- (3) A land use regulation described in Subsection (1) may not:
 - (a) require a conditional use permit for a detached accessory dwelling unit if the proposed detached accessory dwelling unit is located in a primarily residential zone;
 - (b) require more than two on-site parking spaces assigned to a detached accessory dwelling unit that is 650 square feet or larger;
 - (c) require more than one on-site parking space assigned to a detached accessory dwelling unit that is smaller than 650 square feet; or
 - (d) include design standards for a detached accessory dwelling unit that conflict with Section 10-20-618.
- (4) A land use regulation described in Subsection (1) may:
 - (a) require a detached accessory dwelling unit to:
 - (i) conform to applicable land use regulations that regulate structure size, dimension, height, and maximum lot coverage;
 - (ii) conform to setback requirements, that may take into account proximity to property lines and other structures, easements, window orientation, massing, or other elements; and
 - (iii) be designed consistent with the design of the single-family dwelling;
 - (b) prohibit a detached accessory dwelling unit from being:
 - (i) larger in size than the single-family dwelling located on the same lot or parcel;
 - (ii) located within a public utility easement or other recorded easement;
 - (iii) located in a front-yard area of a lot or parcel; or
 - (iv) rented for less than 90 consecutive days;
 - (c) require that the owner of a lot or parcel where a detached accessory dwelling unit is located reside in the detached single-family dwelling or detached accessory dwelling unit located on the lot or parcel;
 - (d) require that when a detached garage is converted to a detached accessory dwelling unit, any parking spaces required for the single-family dwelling that were located within the detached garage are replaced on-site;
 - (e) prohibit more than one accessory dwelling unit on a lot or parcel; and
 - (f) prohibit a detached accessory dwelling unit if:
 - (i) the detached accessory dwelling unit will not have adequate access to a required utility service that is a project improvement, including sanitary sewer, culinary water, electrical, or storm water; or

- (ii) a utility service that is a system improvement, including sanitary sewer, culinary water, electrical, or storm water, to which the detached accessory dwelling unit is required to connect does not have sufficient capacity to support the addition of the detached accessory dwelling unit to the utility service system improvements.
- (5) This section does not supersede:
 - (a) a land use regulation that regulates a detached accessory building that is not a detached accessory dwelling unit;
 - (b) prohibitions or restrictions on detached accessory dwelling units in a development agreement signed by a municipality on or before May 6, 2026; or
 - (c) a land use regulation or administrative action that:
 - (i) is not prohibited by law; and
 - (ii) relates to a detached accessory dwelling unit.

Enacted by Chapter 166, 2026 General Session

Effective 7/1/2026

10-21-101 Definitions.

As used in this part:

- (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a single-family dwelling and contained on one lot or parcel.
- (2) "Accessory structure" means a detached structure located on the same lot or parcel as a principal structure and is incidental and subordinate to the size and use of the principal structure.
- (3) "Affordable housing" means housing offered for sale at 80% or less of the median county home price for housing of that type.
- (4) "Agency" means the same as that term is defined in Section 17C-1-102.
- (5) "Applicable metropolitan planning organization" means the metropolitan planning organization that has jurisdiction over the area in which a fixed guideway public transit station is located.
- (6) "Applicable public transit district" means the public transit district, as defined in Section 17B-2a-802, of which a fixed guideway public transit station is included.
- (7) "Base taxable value" means a property's taxable value as shown upon the assessment roll last equalized during the base year.
- (8) "Base year" means, for a proposed home ownership promotion zone area, a year beginning the first day of the calendar quarter determined by the last equalized tax roll before the adoption of the home ownership promotion zone.
- (9) "Detached accessory dwelling unit" means an accessory dwelling unit that is not attached to or within a primary detached single-family dwelling and located on the same lot or parcel as the primary detached single-family dwelling.
- (10) "Division" means the Division of Housing and Community Development within the Governor's Office of Economic Development.
- (11) "Existing fixed guideway public transit station" means a fixed guideway public transit station for which construction begins before June 1, 2022.
- (12) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- (13) "Home ownership promotion zone" means a home ownership promotion zone created in accordance with Title 63N, Chapter 23, Part 5, Home Ownership Promotion Zone for Municipalities.
- (14) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-21-201(4).
- (15) "Initial report" or "initial moderate income housing report" means the one-time report described in Subsection 10-21-202(1).
- (16) "Internal accessory dwelling unit" means an accessory dwelling unit created:
 - (a) within a primary dwelling;
 - (b) within the footprint of the primary dwelling described in Subsection (16)(a) at the time the internal accessory dwelling unit is created; and
 - (c) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- (17) "Moderate income housing strategy" means a strategy described in Subsection 10-21-201(3)(a)(iii).
- (18) "New fixed guideway public transit station" means a fixed guideway public transit station for which construction begins on or after June 1, 2022.
- (19) "Participant" means the same as that term is defined in Section 17C-1-102.
- (20) "Participation agreement" means the same as that term is defined in Section 17C-1-102.
- (21)

- (a) "Primary dwelling" means a single-family dwelling that:
 - (i) is detached; and
 - (ii) is occupied as the primary residence of the owner of record.
- (b) "Primary dwelling" includes a garage if the garage:
 - (i) is a habitable space; and
 - (ii) is connected to the primary dwelling by a common wall.
- (22) "Project improvements" means the same as that term is defined in Section 11-36a-102.
- (23) "Qualifying land use petition" means a petition:
 - (a) that involves land located within a station area for an existing public transit station that provides rail services;
 - (b) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection 63N-23-104(1)(a);
 - (c) that proposes the development of an area greater than five contiguous acres, with no less than 51% of the acreage within the station area;
 - (d) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;
 - (e) that would require a higher density than the density currently allowed by the municipality;
 - (f) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and
 - (g) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection 63N-23-104(1)(a) for the station area in which the development is proposed, subject to Subsection 63N-23-104(2)(d).
- (24) "Report" means an initial report or a subsequent progress report.
- (25) "Specified municipality" means:
 - (a) a city of the first, second, third, or fourth class; or
 - (b) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.
- (26)
 - (a) "Station area" means:
 - (i) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or
 - (ii) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.
 - (b) "Station area" includes any parcel bisected by the radius limitation described in Subsection (26)(a)(i) or (ii).
- (27) "Station area plan" means a plan that:
 - (a) establishes a vision, and the actions needed to implement that vision, for the development of land within a station area; and
 - (b) is developed and adopted in accordance with this section.
- (28) "Subsequent progress report" means the annual report described in Subsection 10-21-202(2).
- (29) "System improvements" means the same as that term is defined in Section 11-36a-102.
- (30) "Tax commission" means the State Tax Commission created in Section 59-1-201.
- (31)
 - (a) "Tax increment" means the difference between:
 - (i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a home ownership promotion zone, using the current assessed value and each taxing entity's current certified tax rate as defined in Section 59-2-924; and

- (ii) the amount of property tax revenue that would be generated from that same area using the base taxable value and each taxing entity's current certified tax rate as defined in Section 59-2-924.
- (b) "Tax increment" does not include property revenue from a multicounty assessing and collecting levy or a county additional property tax described in Section 59-2-1602.
- (32) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

Amended by Chapter 393, 2026 General Session

Effective 11/6/2025

10-21-303 Internal accessory dwelling units.

- (1) In any area zoned primarily for residential use:
 - (a) the use of an internal accessory dwelling unit is a permitted use;
 - (b) except as provided in Subsections (2) and (3), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:
 - (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
 - (ii) total lot size;
 - (iii) street frontage; or
 - (iv) internal connectivity; and
 - (c) a municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.
- (2) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
- (3) A municipality may:
 - (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
 - (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
 - (c) require a primary dwelling:
 - (i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space contemplated under this Subsection (3)(c)(i); and
 - (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space;
 - (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
 - (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
 - (f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:
 - (i) 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units that:
 - (A) have a final plat approval dated on or after October 1, 2021; and
 - (B) comply with applicable land use regulations; or
 - (ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;
 - (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
 - (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
 - (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;

- (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
 - (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (4); and
 - (l) record a notice for an internal accessory dwelling unit in accordance with Subsection (5).
- (4)
- (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:
 - (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (3);
 - (ii) the municipality provides a written notice of violation in accordance with Subsection (4)(b);
 - (iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (4)(d), if the owner files a written objection in accordance with Subsection (4)(b)(iv);
 - (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (4)(b);
 - (v) the municipality provides a written notice of lien in accordance with Subsection (4)(c); and
 - (vi) the municipality records a copy of the written notice of lien described in Subsection (4)(a)(v) with the county recorder of the county in which the property is located.
 - (b) The written notice of violation shall:
 - (i) describe the specific violation;
 - (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
 - (A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
 - (B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;
 - (iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (4)(b)(ii), the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 - (iv) notify the owner of the property:
 - (A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
 - (B) of the name and address of the municipal office where the owner may file the written objection;
 - (v) be mailed to:
 - (A) the property's owner of record; and
 - (B) any other individual designated to receive notice in the owner's license or permit records; and
 - (vi) be posted on the property.
 - (c) The written notice of lien shall:
 - (i) comply with the requirements of Section 38-12-102;
 - (ii) state that the property is subject to a lien;
 - (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 - (iv) be mailed to:

- (A) the property's owner of record; and
- (B) any other individual designated to receive notice in the owner's license or permit records; and
- (v) be posted on the property.
- (d)
 - (i) If an owner of property files a written objection in accordance with Subsection (4)(b)(iv), the municipality shall:
 - (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (4)(b) has occurred; and
 - (B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (4)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
 - (ii) If an owner of property files a written objection under Subsection (4)(b)(iv), a municipality may not record a lien under this Subsection (4) until the municipality holds a hearing and determines that the specific violation has occurred.
 - (iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
- (e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (4)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (4)(b).
- (5)
 - (a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.
 - (b) The notice described in Subsection (5)(a) shall include:
 - (i) a description of the primary dwelling;
 - (ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and
 - (iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.
 - (c) The municipality shall, upon recording the notice described in Subsection (5)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Renumbered and Amended by Chapter 15, 2025 Special Session 1

12.60 Internal Accessory Dwelling Units

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12.60.110 Other Applicable Regulations And Codes

12.60.010 Purpose

The purpose of this Chapter is to establish the use and development regulations for the allowance of internal accessory dwelling units (Internal ADUs) within the City. These regulations are intended to provide opportunity for an internally located secondary separated living quarters (i.e., dwelling unit) within a primary single-family dwelling in accordance with applicable State law, including, but not limited to Utah Code § 10-21-303.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

Amended by Ord. [2026-01](#) (LUDMA renumbering) on 2/3/2026

12.60.020 Scope

The requirements of this Chapter shall apply to any Internal ADU created or established within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville Municipal Code, or other laws.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

12.60.030 Definitions

Certain words and phrases in this Chapter, including uses, are defined in CZC 12.12 (Definitions). In addition to the definitions set forth in CZC 12.12 (Definitions), the following words and phrases shall have the following meanings:

- (a) Internal Accessory Dwelling Unit (Internal ADU). An internal accessory dwelling unit means an accessory dwelling unit created within a primary dwelling as more particularly defined in Utah Code § 10-20-612.
- (b) Primary Dwelling or Primary Single-Family Dwelling. Primary dwelling or primary single-family dwelling means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record as more particularly defined in Utah Code § 10-20-612.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

Amended by Ord. [2026-01](#) (LUDMA renumbering) on 2/3/2026

12.60.040 Approval And Authorization

The Zoning Administrator is authorized to issue permits for Internal ADUs in accordance with the procedures and objective standards for review as set forth in this Chapter and as set forth in CZC

12.21.090 (Permitted Use Review). Decisions regarding the review, approval, or denial of Internal ADUs are administrative proceedings and shall be made in accordance with the provisions of this Chapter and CZC 12.21.060 regarding decision-making standards for administrative proceedings.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

12.60.050 Use Allowed

Internal ADUs are allowed in residential zones as set forth in CZC 12.36 (Table of Uses). Permitted and conditional uses are indicated by “P” or “C,” respectively. Uses not permitted are indicated by “N.”

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

12.60.060 Limitations, Termination, And Exemptions

- (a) Use in Combination. An Internal ADU shall be established as an internally located secondary accessory dwelling unit and shall only be established in combination within a primary single-family dwelling.
- (b) Owner Occupancy Required. An Internal ADU shall only be established for a primary single-family dwelling that is occupied by an owner in accordance with the “Owner Occupancy” requirements of CZC 12.60.090.
- (c) Number allowed. Only one Internal ADU is allowed for:
 - (1) A lot, parcel, or tract of land greater than 6,000 square feet; and
 - (2) A primary single-family dwelling located within a primarily residential use zone as more particularly designated in CZC 12.36 (Table of Uses).
- (d) Location or Placement. An Internal ADU may be integrated within or as a part of the primary single-family dwelling structure and shall maintain the character of the primary single-family dwelling structure and such neighborhood context.
- (e) Separate Dwelling Units. Any portion of a primary single-family dwelling that has been sectioned off, mechanically, physically, or by other means, so that any occupant in the primary single-family dwelling does not have full and free access to the separated portion of the dwelling and such separated area contains living quarters which provide sleeping, sanitary, and fixed kitchen facilities, or any separate accessory building or structure containing the same, shall be subject to the provisions of this Chapter, regardless of the relationship of the occupants.
- (f) No Short-Term Rental. An Internal ADU may not be used as a short-term rental for fewer than 30 consecutive days as more particularly defined and regulated pursuant to Utah Code § 10-8-85.4. In order to regulate and prohibit short-term rentals, the City shall require and record a notice for any approved Internal ADU with the Davis County Recorder’s Office in accordance with Utah Code § 10-20-303.
- (g) Termination of Internal ADU Use. The approval permit for an Internal ADU shall become null and void if the occupancy requirements of this Chapter are not satisfied, or the owner declares termination through writing or through neglect or any other confirmed non-corrected action that violates the provisions of this Chapter. Upon such termination of an Internal ADU use, the owner shall remove one or more features that make up an Internal ADU including but not limited to living, sleeping, or kitchen facilities, including electrical, gas, or plumbing, as deemed acceptable to the City to render the Internal ADU removed or unusable.
- (h) Exemptions. Internal ADUs shall not be included in the gross density calculations for primarily single-family zoning districts.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

Amended by Ord. [2026-01](#) (LUDMA renumbering) on 2/3/2026

12.60.070 General Development Standards

The development standards set forth in this Section shall apply to any Internal ADU that is created or established within the City. The purposes of these development standards are to ensure that the Internal ADU is clearly and distinctly an accessory use and internally located as part of the approved primary single-family dwelling use located on the property.

(a) Creation. An Internal ADU shall only be established through the following methods:

- (1) Converting existing living area, attic, basement, or other area of a primary single-family dwelling. The conversion of the primary single-family dwelling's garage space is prohibited without providing the required parking stalls in another appropriately City approved location;
- (2) Adding floor area to the primary single-family dwelling; or
- (3) Integrating an Internal ADU into the design plan for new construction of a primary single-family dwelling.

(b) Minimum Lot Size. The minimum lot size for establishing an Internal ADU shall be 6,000 square feet or more within a primary single-family dwelling.

(c) Setbacks. An Internal ADU created within or attached to the primary single-family dwelling shall meet the applicable front, side, and rear yard setbacks for "main buildings" as listed in the development standards of the respective zone.

(d) Heights. An Internal ADU created within or attached to the primary single-family dwelling shall meet the applicable height requirement for primary or main buildings as listed in the development standards of the respective zone.

(e) Parking. At least one additional parking space shall be provided for an Internal ADU; provided, however that the existing parking requirements for the primary single-family dwelling are to remain in place or restored if missing. The Internal ADU parking space may be located in tandem with other required parking spaces. All required parking spaces must be located behind the front yard setback line of the lot.

(f) Bulk Yard Area Limitation. The combined building footprint coverage of a lot area for the primary single-family dwelling and the Internal ADU shall not exceed the impervious surface allowance for the respective zoning district in which it is located.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

12.60.080 Design Standards

The design standards set forth in this Section are to apply to any Internal ADU that is created or established within the City. The purposes of these design standards are to ensure Internal ADU compatibility with the general pattern, character, and livability of Centerville's typical low density single-family neighborhoods.

(a) Exterior Finish Materials. The exterior finish materials should be compatible with, or visually appear to be harmonious with the type, size, and colors of the finish materials utilized on the primary single-family dwelling on the lot or parcel.

- (b) Location of Entrances. Only one additional entrance may be located on the wall facade that can be viewed from the public street directly adjacent to the same lot or parcel in which the Internal ADU is located. All other entrances must be located on wall facades facing interior to the lot.
 - (1) Ground Entrance Restrictions. Ground entrances and coverings are prohibited on a wall facade facing a perimeter lot line, unless such wall facade is at least 10 feet from a perimeter lot line and such coverings are located at least 6 feet from any perimeter lot line.
 - (2) Upper Story Entrance Restrictions. Upper story entrances and coverings (e.g., access from balconies and decks) having no other ground entrances are prohibited on a wall facade facing a perimeter lot line unless such wall facade is located 10 feet from the perimeter lot line and such coverings are located at least 6 feet from any perimeter lot line.
- (c) Roof Pitch. The roof pitch should be compatible or visually appear to be harmonious with the roof pitch style of the primary single-family dwelling on the lot or parcel in which the ADU is located.
- (d) Windows. Windows should be compatible or visually appear to be harmonious in proportion (i.e., width to height) and orientation (i.e., horizontal, or vertical) to windows used for the primary single-family dwelling.
- (e) Eaves. Building eaves for Internal ADUs should meet one of the following designs:
 - (1) The eaves are to project from the walls the same distance as the eaves on the primary single-family dwelling.
 - (2) The eaves are to project from the walls at least one foot on all elevations.
 - (3) If the primary single-family dwelling style has no eaves, then eaves are not required for the Internal ADU.
- (f) Design. The Internal ADU shall be designed and maintained in a manner that does not change the appearance of the primary single-family dwelling.
- (g) Exceptions. If there is a conflict between these design standards and the adopted Construction Codes of the City, then the applicable Construction Code shall govern that particular design element.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

12.60.090 Occupancy Requirements, Licenses, And Owner Affidavits

The occupancy requirements set forth in this Section shall apply to any ADU that is created or established within the City. The purposes of these occupancy requirements are to accommodate internal secondary separated living quarters (i.e., dwelling unit) with reasonable limitations on their use and to minimize the impact on neighboring properties and the desired setting of the City's single-family neighborhoods.

- (a) Definitions and Terms. The following definitions or terms are applicable to the creation and use of Internal ADUs;
 - (1) Owner. An owner is defined as a person occupying the premises as their sole primary residence and having at least 50% or greater ownership interest in the property.

- (2) Full-Time Residency. Full-time residency means the owner must live in a dwelling for at least 183 consecutive calendar days of each calendar year.
 - (3) Internal ADU Occupation. The Internal ADU is exclusively used for other family members or for long-term rental with a minimum rental period of 30 days or more.
 - (4) Owner Occupancy Affidavit. A signed and notarized owner-occupancy acknowledgement for the property for sanctioning an Internal ADU and filed with the City Recorder's Office and/or recorded at the Davis County Recorder's Office.
 - (5) Temporary Owner Absence Waiver. An approval granting a waiver of the occupancy requirement due to specific short-term or temporary absences.
- (b) Full Time Owner Residency. Either the primary single-family dwelling or the Internal ADU is to be occupied by a full-time residency property owner as shown on the Davis County Tax Assessment rolls.
- (c) Owner Occupancy Affidavit and License. An Internal ADU owner must apply for an Internal ADU License and sign an "owner occupancy affidavit" with the City and have it filed with the City Recorder and/or recorded at the Davis County Recorder's Office prior to receiving authorization of constructing and/or use of an Internal ADU. Such license and affidavit shall at minimum establish the following:
- (1) That he/she/they are owner(s) of the property located in Centerville, Utah.
 - (2) That he/she/they applied and intend to receive approval to construct or use an Internal ADU pursuant to Centerville City ordinances.
 - (3) That the owner(s) of the property confirm that the Internal ADU will be used for the purpose of offering a long-term rental of at least 30 days or more to any occupant of the Internal ADU.
 - (4) That an owner with at least a 50% interest in the property will occupy either the primary single-family dwelling or Internal ADU for six months of each calendar year, except where a "temporary owner absence waiver" is granted in accordance with Subsection (d).
 - (5) That if the owner(s) of property are unable or unwilling to fulfill the requirements for use of an Internal ADU, then the owners agree to remove one or more features that make it an Internal ADU, including but not limited to living areas, sleeping areas, or kitchen facilities, including electrical, gas, or plumbing and further agree to terminate, in writing, the Internal ADU permit and approval.
 - (6) That the license and affidavit shall run with the land and be binding upon all owners, heirs, and assigns, and upon all parties acquiring any right, title, or interest in the property.
 - (7) That the owners and their heirs, successors, and assigns will inform all prospective purchasers of the property of the terms and conditions of the permit authorizing the ADU.
- (d) Recorded Notice of Internal ADU. On or after October 1, 2021, the City may record against the property a notice of any approved Internal ADU in the Davis County Recorder's Office in accordance with Utah Code § 10-20-303.
- (e) Temporary Owner Absence Waiver. The owner(s) shall comply with the Full-Time Owner Residency Requirements, or such absence or abandonment shall terminate the Internal ADU permit, as approved by the City. Nonetheless, an owner may receive a one-time waiver of the occupancy requirement upon submitting in writing evidence showing good cause of temporary absence, such as:

- (1) A job re-location;
- (2) Military assignment;
- (3) Medical or other care of others;
- (4) Sabbatical leave;
- (5) Educational pursuits; or
- (6) Personal Illness.

A one-time waiver of the occupancy requirement will then be authorized, by the City's Zoning Administrator, up to a maximum of three years and one month. Thereafter, if not re-occupied by the property owner, then the Internal ADU permit shall be deemed null and void and one or more features constituting the Internal ADU shall be removed immediately, upon notice from Centerville City, or the property will subject to applicable enforcement measures.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

Amended by Ord. [2021-25](#) on 11/16/2021

Amended by Ord. [2026-01](#) (LUDMA renumbering) on 2/3/2026

12.60.100 Violations And Enforcement

The applicable enforcement procedures for violations of these Internal ADU ordinance provisions shall be subject to the civil or criminal penalties of CZC 12.23 (Enforcement). Additionally, the City may utilize the enforcement provisions of Utah Code § 10-20-303 (Internal Accessory Dwelling Units) regarding violations and holding liens against the property.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

Amended by Ord. [2026-01](#) (LUDMA renumbering) on 2/3/2026

12.60.110 Other Applicable Regulations And Codes

The creation and use of Internal ADUs are subject to other pertinent codes, restrictions, and regulations that address applicable life, safety, and welfare concerns. Any Internal ADU shall comply with the following:

- (a) Construction and Fire Codes. An Internal ADU shall be subject to all related regulations regarding the building construction and fire codes, as adopted by the City and State.
- (b) Utilities and Charges. An Internal ADU shall provide the necessary utilities and services such as, but not limited to, sewer, water, gas, electricity, and garbage collection. All City provided utilities shall be established in the property owner(s) name and the property owner shall be responsible for the payment of such utility services.
- (c) Development and Impact Fees. Internal ADUs meeting the development standards of this Title shall be exempt from payment of additional impact fees beyond the establishment of the primary single-family dwelling for the property.
- (d) Street Addressing. An Internal ADU will not be given a new distinct address by the City. Such Internal ADUs may refer mail/parcel packages to be delivered separately by the same address as the primary building using a subsidiary numerical or alphabetical reference (e.g., 1390 West #A), as approved by the Public Works Director, local postmaster, and emergency service agencies, or by securing a separate postal box.

(e) Second Kitchen in Single-Family Dwelling. An Internal ADU is separate and distinct from a second kitchen authorization pursuant to CZC 12.55.160. If a property owner has an approved second kitchen that the property owner wants to convert into or eliminate to allow for an Internal ADU, the property owner shall notify the City of the second kitchen authorization as part of the application process for approval of an Internal ADU. Any document recorded against the property regarding conversion of or limitations on the second kitchen shall be vacated or removed from the property title prior to approval or as a condition of approval of the Internal ADU.

HISTORY

Adopted by Ord. [2021-18](#) on 9/7/2021

Detached Accessory Dwelling Unit (DADU) Roadmap

July 15, 2026

Statutory Requirements

SB 284 (2026) enacted Utah State Code [§10-21-304](#), which requires all cities that submit MIHP reports to adopt a detached accessory dwelling unit (DADU) ordinance **by October 1, 2026**. ULCT negotiated this language so that key legislative priorities were spelled out in statute, but the majority of implementation details are left to the discretion of individual municipalities.

To be compliant with state law, your city's DADU ordinance **MUST**:

- Allow DADUs on lots larger than 11,000 sq. ft. with single family dwellings
- Require DADUs to comply with all applicable building, health, and fire codes
- Include a process for conversion of a legally constructed accessory structure to a DADU, subject to dwelling and accessory structure setback requirements

To be compliant with state law, your city's DADU ordinance **MUST NOT**:

- Require a conditional use permit for a DADU proposed in a primarily residential zone
- Require more than one parking spot for a DADU less than 650 sq. ft., or more than two parking spots for all DADUs
- Include designs standards that conflict with [§10-20-618](#)

Additional Policy Considerations

Your city has the discretion to include any other regulations in its DADU ordinance so long as these additional regulations don't conflict with the statutory requirements outlined above. However, as you create or modify your DADU ordinance, please consider how your policies may be seen from a state legislator's perspective. Are the regulations necessary? Do the additional regulations effectively eliminate a property owner's ability to construct a DADU on their lot?

Other regulations your city may consider including in its DADU ordinance are:

- Prohibiting DADUs in areas with inadequate access to utilities and/or insufficient infrastructure capacity, on the project and system level, for sanitary sewer, culinary water, electric, or storm water
- Regulating size (individually or in relation to the single-family dwelling), dimension, height, maximum lot coverage, and setback requirements

- Requiring DADUs to have a consistent design with the single-family dwelling
- Prohibiting DADUs from being in front yards and public utility easements
- Prohibiting DADUs from being rented for less than 90 consecutive days
- Requiring the owner to live in the single-family dwelling or the DADU
- Requiring replacement of on-site parking spaces when a garage is converted to a DADU
- Limiting a property owner from having both a DADU and an internal ADU on the same lot (giving the property owner the choice to have one or the other). Both DADUs and IADUs must still be permitted per city code, but the city code may require a property owner to choose either one or the other.
- Requiring compliance with all other land use ordinances of the city, including business licensing, utility meters, mailing addresses, and more

Please remember that just because you CAN include additional regulations in your DADU ordinance does not always mean that you SHOULD. Be deliberate and thoughtful in how you approach your DADU policies.

Example DADU Ordinances

You can find links to detached ADU ordinances from twenty Utah cities below. **Please note that most of these examples require modifications to fully comply with all requirements of §10-21-304.** Therefore, these examples should be used by city decision makers as a reference for formatting and policy considerations instead of a comprehensive template.

- | | |
|---|---|
| 1. Brigham City Code Title XV 156.360 | a. See 18.71.130(C) for an example of a DADU conversion process |
| 2. Clinton City Code 28-3-27 | |
| 3. Draper City Code 9-31 | 12. Murray City Code 17.78 |
| 4. Farmington City Code 11-28-200 | 13. Ogden City Code 15-13-39 |
| a. Farmington's ADU toolkit | 14. Providence City Code 10-12-4 |
| 5. Grantsville City Code Land Use Ordinances Chapter 25 | 15. Riverton City Code 18.225.080 |
| 6. Holladay City Code 13.14.031 | 16. Salt Lake City Code 21A.40.200 |
| 7. Hurricane City Code 10-41 | 17. Smithfield City Code 17.92 |
| 8. Ivins City Code 16.12.103 | 18. Springville City Code 11-6-134 |
| 9. Layton City Code 19.06.300 | 19. St. George City Code 10-17A-3 |
| 10. Midvale City Code 17-7-1.8 | 20. Washington City Code 9-8A-8 |
| 11. Millcreek City Code 18.71 | |

Disclaimer: This document is not intended to be legal advice and should not be relied upon as such. We encourage you to seek your own legal advice and read applicable state statute to determine how to comply with legal requirements referenced in this document.

DETACHED ACCESSORY DWELLING UNIT – CODE

RESEARCH OF OTHER JURISDICTIONS

BOUNTIFUL CITY 14-14-124 “Accessory Dwelling Units”

14-14-124 ACCESSORY DWELLING UNIT

A. Purpose: The City recognizes that accessory dwelling units in single-family residential zones can be an important tool in the overall housing plan for the City. The purposes of the accessory dwelling unit standards of this Code are to:

1. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.
2. Provide for affordable housing opportunities.
3. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the City.
4. Provide opportunities for additional income to offset rising housing costs.
5. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
6. Preserve the character of single-family neighborhoods by providing standards governing development of accessory dwelling units.

B. Detached Accessory Dwelling Units.

1. A detached accessory structure located on an owner-occupied property.
2. A detached accessory dwelling unit is a conditional use, reviewed and considered for approval by the Bountiful City Administrative Committee.

C. A detached accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all the following criteria:

1. Shall be a conditional use only within the Single-Family Residential zone, Residential Multiple (RM) Family Zone, and the Downtown (DN) Mixed Use Zone; and shall not be permitted in any other zone.
2. It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.

3. It is unlawful to reside in, or allow to reside in, an accessory dwelling unit that has not received a conditional use permit or without written authorization from the Bountiful City Planning Department.

4. A maximum of one (1) accessory dwelling unit shall be permitted on a qualifying lot.

5. It is unlawful to construct, locate, or otherwise situate an accessory dwelling unit on a lot or parcel of land that does not contain a habitable single-family dwelling.

6. A deed restriction limiting the use of a property to a single-family dwelling, prepared by the Bountiful City Planning Director, and signed by all owners of the property on which an accessory dwelling unit is located, shall be recorded with the Davis County Recorder's Office prior to occupancy of the accessory dwelling unit. If a building permit is required, then said deed restriction shall be recorded prior to issuance of the building permit.

7. The property owner must occupy either the principal unit or the accessory dwelling unit as their permanent residence and at no time receive rent for the owner-occupied unit. An application for an accessory dwelling unit shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or other similar means required by the Planning Department.

8. Separate utility meters shall not be permitted for the accessory dwelling unit.

9. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit, if applicable.

10. Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveway and parking area shall be in compliance with this Title. In addition to the parking required for the principal unit at the time of construction, one (1) off-street parking space shall be provided for an accessory dwelling unit. Any additional occupant vehicles shall be parked offstreet in City Code compliant parking areas. On-street parking may be utilized in compliance with the current parking limitations outlined in the Bountiful Traffic Code regarding on-street parking.

11. Shall be at least three hundred fifty (350) square feet in size and shall not exceed one thousand two hundred fifty (1,250) square feet.

12. Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.

13. Shall be configured so that any exterior doors, stairs, windows, or similar features are located as far away from adjoining properties as is reasonably possible to provide privacy to those properties.

14. Shall meet all the setbacks required of an accessory structure.

15. Shall be located behind the front building line of the principal unit.

16. The separate entrance of the accessory dwelling unit may be visible from the front or corner lot side yard based on proximity and appropriate mitigation proposed by the applicant and approved by the Administrative Committee.

D. Internal Accessory Dwelling Units.

1. An internal accessory dwelling unit is an accessory unit created:

- a. within a primary dwelling;
- b. within the footprint of the primary dwelling at the time the internal accessory dwelling is created; and
- c. For the purpose of offering a long-term rental of 30 consecutive days or longer.

2. An internal accessory dwelling unit is a permitted use within a primary dwelling, reviewed and considered for approval by Bountiful City Staff. A primary dwelling is a single-family dwelling that is detached and is occupied as the primary residence of the owner or record.

E. An internal accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all the following criteria:

1. Shall be permitted only within the Single-Family Residential Zone, the Residential Multiple (RM) Family Zone, and the Downtown (DN) Mixed Use Zone; and shall not be permitted in any other zone.

2. It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.

3. It is unlawful to reside in, or allow to reside in, an accessory dwelling unit that has not received a permit or without written authorization from the Bountiful City Planning Department.

4. A maximum of one (1) accessory dwelling unit shall be permitted per lot.

5. A deed restriction limiting the use of a property to a single-family dwelling, prepared by the Bountiful City Planning Director, and signed by all owners of the property on which an accessory dwelling unit is located, shall be recorded with the Davis County Recorder's Office prior to occupancy of the accessory dwelling unit. If a building permit is required, then said deed restriction shall be recorded prior to issuance of the building permit.

6. The property owner must occupy either the principal unit or the accessory dwelling unit as their permanent residence and at no time receive rent for the owner-occupied unit. An application for an accessory dwelling unit shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or other similar means required by the Planning Department. Effective April 1, 2022, short term rentals of 30 days or less are prohibited.

7. Separate utility meters shall not be permitted for the accessory dwelling unit.

8. Any property and any structure that contains an approved accessory dwelling unit shall be designed and maintained in such a manner that the property maintains the appearance of a single-family dwelling. Except as provided below, a separate entrance to the accessory dwelling unit shall not be allowed on the front or corner lot side yard. A separate entrance shall be located to the side or rear of the principal residence.

a. An accessory dwelling unit in a basement may share a common entrance with the principal unit, provided each unit has a separate interior door.

9. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit, if applicable.

10. Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveway and parking area shall be in compliance with this Title. In addition to the parking required for the principal unit at the time of construction, one (1) off-street parking space shall be provided for an accessory dwelling unit. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas. On-street parking may be utilized in compliance with the current parking limitations outlined in the Bountiful Traffic Code regarding on-street parking.

11. Shall have its own dedicated separate entrance from the principal unit in compliance with section 14-14-124(E)(8) and shall not have the appearance of a two-family dwelling (duplex). The separate entrance shall have a walkway in compliance with applicable building codes.

F. Internal Accessory Dwelling Unit Violation.

1. In addition to any other legal or equitable remedies available to Bountiful City, the City may hold a lien against a property that contain internal accessory dwelling unit subject to state law.

NORTH SALT LAKE CITY 10-19-17 “Residential (Accessory Dwelling Unit)”

10-19-17: RESIDENTIAL:

A. Accessory Dwelling Units:

1. Definition of Accessory Dwelling Unit: A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities which is: 1) within or attached to a single-family residential building, or 2) within a detached accessory structure associated with a single-family dwelling.

2. Purpose and Intent: The purpose and intent of this section is to recognize the residential character of the City of North Salt Lake and to provide for supplementary living accommodations in the community, as well as provide for supplementary income opportunities of property owners. These provisions are intended to provide for affordable housing with reasonable limitations to minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory dwelling units.

3. Owner Occupied: No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Davis County tax assessment rolls. Owner occupancy for a dwelling with an accessory dwelling unit shall not be required when:

a. The owner cannot live in the dwelling because of a bona fide temporary absence of three years or less for a temporary job assignment, sabbatical, or voluntary service;

b. The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and

c. The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical or voluntary service.

4. Dwelling Unit Occupancy: The occupants of an accessory dwelling unit shall be limited by one of the following family categories:

a. One person living alone; or

b. Two (2) or more persons all related by blood, by marriage, by adoption; by legal guardianship or foster children; or

c. Up to four (4) unrelated persons living as a single housekeeping unit.

d. Any of the above categories plus a temporary guest. A "temporary guest" is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.

e. For purposes of the definition of family, the term "related" shall mean a spouse, parent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousins, great-grandparent, and great-grandchild. The term "related" does not include other, more distant relationships.

5. Zones: An accessory dwelling unit which meets ordinance requirements may be allowed in a single-family dwelling unit or in a detached accessory structure within any zone upon a single family lot. No accessory dwelling unit may be allowed in any multi-family dwelling or multifamily lot, or on any lot that cannot satisfy the parking, setback, or lot coverage requirements.

6. Number Of Accessory Dwelling units: A maximum of one accessory dwelling unit shall be allowed in each owner occupied single-family dwelling, or in a detached accessory structure associated with a single-family dwelling.

7. Location & Type:

a. Within or Attached to Main Dwelling: Accessory dwelling units may be allowed within or attached to the main residential dwelling (basement or addition), over the garage (attached or detached), or in a detached accessory structure (cottage home, guest house, or tiny home).

b. Setback Standard Compliance: Accessory dwelling units as an addition to a primary dwelling shall meet all minimum setback standards required for the primary dwelling.

c. Behind the Primary Dwelling: An accessory dwelling unit within an accessory structure must meet the minimum of side yard required by the zone for the primary dwelling and a rear yard setback of ten (10) feet, unless no windows, doors, or

other openings are adjacent to the property line, in which case the allowed setback shall be five (5) feet.

d. Adjacent to the Primary Dwelling: An accessory dwelling unit within the side yard of the primary dwelling are required to meet the same front, side, and rear yard setback as the primary dwelling.

e. Second Story Accessory Dwelling Units: An accessory dwelling unit located in an accessory structure may only be located on a second story if the structure meets the same minimum standards in the zone for height, as well as front, side, and rear setback as the primary dwelling.

8. Appearance: Single family residences with interior accessory dwelling units shall retain the appearance of a single family home. An accessory dwelling unit in an accessory structure shall be designed so that, to the degree reasonably feasible, the appearance of the building is compatible with the architectural components of the primary dwelling unit (e.g., exterior materials, color, and roof pitch).

9. Size:

a. Basement Dwelling Units: Shall be permitted to occupy the entirety of the basement of the primary home regardless of area or bedroom count.

b. Accessory Dwelling Units (Detached Structures): The size of an accessory dwelling unit shall be at least three hundred (300) square feet and shall not exceed twelve hundred (1200) square feet and be limited to no more than two (2) bedrooms.

10. Lot Coverage: The combined building coverage for the detached accessory dwelling units, main dwelling and additional accessory buildings may not be larger than the maximum coverage allowed in the zone for the lot and rear yards per section 10-10-3.

11. Building Entrances: A new single-family structure approved with an accessory dwelling unit attached to or detached from the main dwelling unit, shall have a separate, accessible entrance or stairway. An accessory dwelling unit approved in an existing structure may use existing entrances on any side of the structure that faces a street, or a side or rear entrance. Dwellings with two (2) front doors side by side may not be used to provide separate entrances for each unit with the exception of dwellings where the second door provides direct access to the dwelling basement. The purpose of this requirement is to preserve the single-family residential appearance of the building.

12. Address: The principal dwelling unit and the accessory dwelling unit shall have the same address number, but shall refer to the accessory dwelling unit as unit B. Addresses must be located in a visible location on the street frontage side of the home.

13. Parking:

a. A single-family dwelling with an accessory dwelling unit shall provide at least one (1) additional off street parking spaces for the accessory unit, above the minimum spaces required for a single family dwelling. Accessory dwelling unit parking may not be in tandem with required parking of the main dwelling. One additional off street parking space shall be required for accessory dwelling units with 2 or more bedrooms. ADU's located within one quarter (1/4) mile of a bus rapid transit route shall be permitted to reduce the parking requirement by one (1) space for the main dwelling unit.

b. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except for within an approved driveway.

c. The minimum width of parking areas and driveways shall be paved with concrete or asphalt,

14. Separate Living Areas: An accessory dwelling unit must provide living areas for eating, sleeping and sanitation facilities separate from the principal dwelling unit.

15. Building Code: All construction and remodeling shall comply with building codes and ordinance requirements in effect at the time of construction or remodeling, in accordance with Utah state code section 10-9a-511.5, changes to dwellings - egress windows.

16. Utility Meters: A single-family dwelling with an accessory dwelling unit may have separate meters for each water, gas, and electricity utility service. Each utility meter shall be in the property owner's name and the property owner shall be responsible for payment of all utilities. No additional water development or connection fee shall be required, unless a separate utility connection is requested and installed by the property owner.

17. Interior Access: An interior access between the main living area and an attached accessory dwelling unit must be maintained, unless sufficient means of egress have been determined during an inspection by the fire department.

18. Not Intended For Sale: The accessory dwelling unit shall not be intended for sale or detached by deed and shall only be rented.

19. Accessory Dwelling Unit Permit: Any person owning an existing accessory dwelling unit that has not previously been permitted by the city, or any person constructing or causing the construction of a residence that has an accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, shall obtain a land use permit for the accessory dwelling unit from the community development department. This shall be in addition to any required building permit for the

work to be performed. In order to meet the requirements of the land use permit, the applicant shall:

a. Submit a completed application form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters,

b. Include detailed floor plans with labels on rooms indicating uses or proposed uses,

c. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges,

d. Make all corrections identified as necessary to comply with building code requirements, as identified by the chief building official or his designee, and provide photos of the life safety items required by building code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters, and

e. Demonstrate and affirm that their property is otherwise in compliance with all other provisions of the zoning ordinance.

20. Exceptions to Standards: The Planning Commission may issue a conditional use permit for ADU's which modify the requirements for an ADU with respect to maximum size, minimum parking, or setback.

a. In approving a conditional use permit the Planning Commission may require additional conditions to mitigate the impact of the ADU on surrounding properties. Specifically the Planning Commission may require: (1) For ADU's that exceed the maximum size of 1,200 sq. ft.: increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking. (2) For ADUs with reduced or no additional parking: restrictions on occupancy to tenants without vehicles. (3) For ADU's with reduced setbacks: privacy fencing and limitation on windows and doors adjacent to abutting property lines.

21. Failure To Complete Or Obtain A Land Use Permit: If the property owner does not obtain a land use permit as outlined above, the accessory dwelling unit shall not be considered legal nor approved. Failure to obtain a land use permit for an existing accessory dwelling unit may result in a citation for a code violation as governed by the process in North Salt Lake City Title 12, Administrative Code Enforcement Hearing Program.

22. Home Occupation Businesses: Home occupation businesses in an accessory dwelling unit shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an accessory dwelling unit without the express written permission of the property owner.

23. Accessory Dwelling Units, Tiny Homes:

a. Only one tiny home shall be permitted as an accessory dwelling unit per residential lot.

b. The tiny home shall be properly connected to water and sewer facilities.

c. The tiny home dwelling structure must be located on a dedicated parking location of asphalt or concrete and have the wheels and axel underbody skirted from view..

d. Building inspections are required for construction of the foundation, as well as to ensure the correct installation of the structure, and to approve the correct connection to the utilities.

e. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.

f. The dwelling structure shall be constructed with materials that are weather resistant and aesthetically consistent with the main dwelling.

g. The community development director may approve deviations from the architectural standards on the basis of a finding that the architectural style proposed provides compensation design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.

h. The parking shall be the same as subsection 13 of this section.

WEST POINT CITY 17.70.060 “Accessory Dwelling Units”

17.70.060 Accessory dwelling units.

A. *Purpose.* Accessory dwelling units (ADUs) in single-family residential zones are an important tool in the overall housing goals and needs of the city and allow for alternative and flexible housing options in owner-occupied single-family residences.

B. *Accessory Dwelling Units Defined.* An accessory dwelling unit (ADU) is a second dwelling unit in an owner-occupied single-family property that is clearly incidental and

accessory to the main dwelling on the property. ADUs can be either internal, detached or attached.

1. *ADU (Internal)*. “Internal ADU” means an ADU created (a) within a primary dwelling unit; (b) within the footprint of the primary dwelling unit at the time the internal ADU is created; and (c) for the purpose of offering a long-term rental of 30 consecutive days or longer. Internal ADUs must meet the standards in Utah Code § [10-9a-530](#).

2. *ADU (Detached)*. “Detached ADU” means an ADU located in an accessory building on the property and not attached to or within the principal dwelling unit.

3. *ADU (Attached)*. “Attached ADU” means a new ADU is constructed as a physical expansion (i.e., addition) of the primary dwelling and is attached to the single-family dwelling unit by one or more common walls.

C. Permitted and Conditional Uses. See use table in WCPP [17.60.050](#) for specific zoning designations that include permitted and conditional uses. If the ADU is not designated within a particular zone on the table, then it is prohibited.

D. General Standards.

1. ADU permit application shall be required for all internal, attached, and detached units. Only applications deemed complete by the community development director or designee will be processed. Complete applications include appropriate application forms reflecting the standards of the city, plans, texts, and signatures as required on the form available in the community development department and on the city’s website. A letter or email confirming the completeness of the application may be requested by the applicant. All applications shall be accompanied by the appropriate fee as established from time to time by resolution of the city council.

2. Only one ADU per property is permitted.

3. ADUs shall meet all building codes and obtain all required permits prior to occupancy of the ADU.

4. The applicant shall have a fee simple title to the property.

5. The ADU shall have a separate entrance that faces away from the street and that does not disrupt the single-family appearance of the existing structure.

6. The ADU shall have a minimum of one bedroom and a three-quarter bath.

7. The ADU shall have a kitchen.

8. No vehicles shall be parked on the front lawn or other landscaped areas.

9. The property shall be neatly maintained and shall meet all current codes regarding property maintenance and public health standards.

10. The applicant has not been notified or fined by the city for any code violations relating to this property or any other property within the previous 12 months.

11. *Owner Occupancy.* The city shall only permit an accessory dwelling unit when an owner occupant lives on the property within either the principal or accessory dwelling unit. Owner occupancy shall not be required when:

a. The owner has a bona fide, temporary absence of three years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

b. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.

12. The ADU must be rented for periods of 30 consecutive days or more.

13. All ADUs shall connect to the same (water, gas, sewer, etc.) utility lines as the primary dwelling.

E. Internal ADU Standards.

1. Internal ADUs shall maintain the outward appearance of a single-family residence, so that the appearance is not altered in a manner to appear as a duplex with such features as two front doors and two garages or carports facing the street.

F. Attached ADU Standards.

1. Attached ADUs shall maintain the outward appearance of a single-family residence, so that the appearance is not altered in a manner to appear as a duplex with such features as two front doors and two garages or carports facing the street.

2. The total area of an attached ADU shall not exceed 50 percent of the square footage of the habitable area of the building footprint of the primary residence and in no case exceed 800 square feet.

G. Detached ADU Standards.

1. Detached ADUs shall be placed on a permanent foundation.

2. Detached ADUs shall have a similar appearance as the primary unit.

3. Detached ADUs may not be built within a recorded easement.

4. For detached ADUs, the maximum size limit shall be based on the minimum lot size as specified in Table 17.70.060-1.

5. Mobile homes, recreational vehicles, or shipping containers shall not be considered a detached ADU.

6. An ADU shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations.

7. Detached ADUs shall follow the same regulations for lot coverage as outlined in WPC 17.70.030(A)(4).

8. No basements are allowed in detached ADUs.

9. *Fire Regulations.*

a. The maximum distance from a fire hydrant to the front entrance of the detached ADU shall not be greater than 500 feet as the “hose lies.”

b. No portion of the detached ADU shall be further away than 150 feet from the public road.

Table 17.70.060-1.

Internal ADU	Attached ADU	Detached Single-Story ADU	
Location	Part of Primary Dwelling	Attached to Primary Dwelling	Rear Yard Area
Minimum Lot Size	6,000 sf	6,000 sf	10,000 sf
Size Limit, Habitable	No Limitation	50% up to 800 sf	650 sf (on lots less than 12,000 sf)
			800 sf (on lots greater than 12,000 sf)
Maximum Height Limit	Same Max Height Regulations for Single-Family	Same Max Height Regulations for Single-Family	No Taller Than the

	Dwellings (see WPCC 17.70.020)	Dwellings (see WPCC 17.70.020)	Primary Dwelling
Minimum Side Setback	Same as Primary Dwelling	Same as Primary Dwelling	10'
Minimum Rear Setback	Same as Primary Dwelling	Same as Primary Dwelling	10'
Off-Street Parking	1	1	2

[Ord. 11-07-2023A § 1 (Exh. A); Ord. 06-21-2022A § 1; Ord. 12-21-2021A § 1 (Exh. A); Ord. 08-17-2021B § 2 (Exh. A)].

SALT LAKE COUNTY 19.15 “Accessory Dwelling Units

Chapter 19.15 - Accessory Dwelling Units

Sections:

19.15.010 - Purpose.

Salt Lake County recognizes that accessory dwelling units in single-family residential zones can be an important tool in meeting Salt Lake County's moderate income housing needs. The purposes of the accessory dwelling unit ("ADU") standards of this code are to:

- A. Comply with State of Utah legislation which allows for internal ADUs generally and requires counties to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
- B. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- C. Provide for moderate income housing opportunities;
- D. Make housing units available to households with moderate incomes who might otherwise have difficulty finding housing in Salt Lake County;
- E. Provide opportunities for additional income to offset rising housing costs;

F. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;

G. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs; and

H. Ensure that ADUs are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.020 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Accessory dwelling unit" (ADU) means a self-contained dwelling unit located on an owner-occupied property that is either incorporated within the single-family residence (IADU) or in a detached building (detached ADU) and is further defined by this chapter and by Utah State Code.

"Internal accessory dwelling unit" (IADU) means an accessory dwelling unit created:

A. Within a primary dwelling;

B. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and

C. For the purpose of offering a long-term rental of thirty consecutive days or longer.

"Owner occupancy" means a property where the property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

"Primary dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

A. "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.

"Public utility easement" (PUE) means an area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.030 - Allowed areas and zones.

A. IADUs shall be a permitted use on single family home lots in areas zoned primarily for residential use with a lot area of six thousand square feet or greater, including R zones, A zones, Forestry zones, and the PC Zone. Detached ADUs are also permitted but may only be built on single family home lots with an area of seven thousand square feet or greater, except that detached ADUs in a PC Zone are permitted on single family home lots with a minimum area of six thousand square feet if the county has approved design standards for the same.

B. In no case shall an ADU be permitted in a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.040 - Number of residents.

ADUs shall not be occupied by more than one family.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.050 - Setbacks.

A. Internal ADUs. Setbacks on IADUs are the same as the setbacks for a single-family dwelling in the zone.

B. Detached ADUs Built After Adoption of this Chapter. Side yard setbacks on detached ADUs will be consistent with setbacks for a single-family dwelling in the zone. Rear yard setbacks on detached ADUs are a minimum of ten feet. Detached ADUs must also be a minimum of six feet from the main dwelling. For detached ADUs, if existing PUEs are greater than the required setback, the minimum setback will be the PUE boundary.

C. Conversion of Existing Accessory Structures Built Prior to the Adoption of this Chapter. Side yard and rear yard setbacks on existing accessory structures built prior to the adoption of this Chapter, which are to be converted to a detached ADU, shall comply with the accessory structure setback standards at the time the structure was legally erected. The detached ADU shall be set back a minimum of six feet from the primary dwelling. An exception to these setbacks is an existing structure that has been declared a noncomplying structure under section [19.88.150](#).

Figure 19.15.1: Setback Standards for a Detached ADU Built After Adoption of this Chapter.

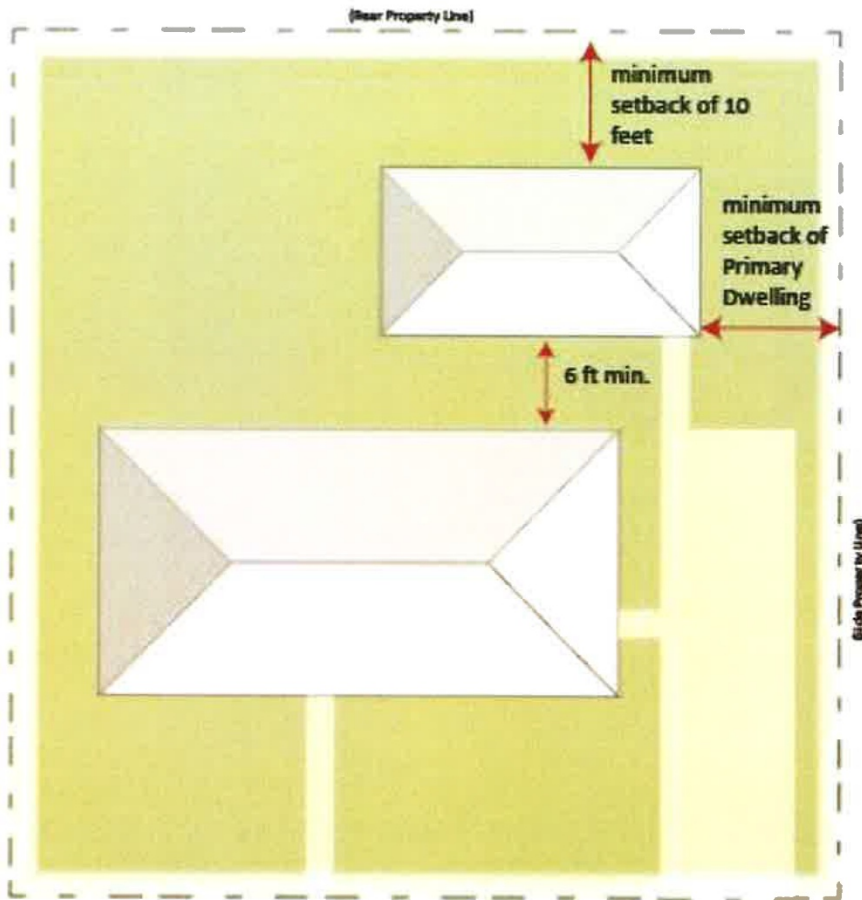
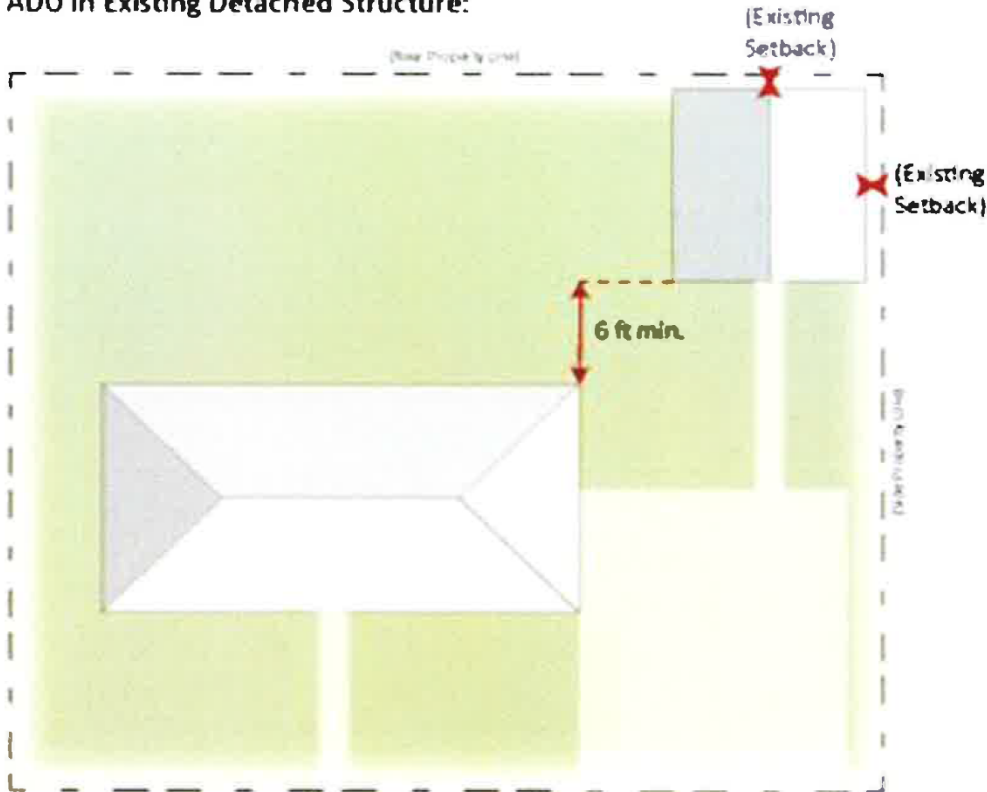


Figure 19.15.2: Setback Standards for an Existing Accessory Structure Built Prior to the Adoption of this Chapter and Converted to a Detached ADU.

ADU in Existing Detached Structure:



(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.060 - Parking requirements.

In addition to the required parking for the existing home, the property owner must demonstrate that at least one on-site parking space is available for the ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU or detached ADU, any parking spaces that previously existed and were required to meet off-street parking requirements for the primary dwelling shall be replaced.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.070 - Height requirements.

Height restrictions for IADUs shall be consistent with the height standards for single-family dwellings in the zone. Detached ADUs shall comply with the following height requirements:

1. For detached ADUs with a rear or side yard setback of less than ten feet: the maximum height is twenty feet;

2. For detached ADUs with a rear or side yard setback of ten feet or more: the maximum height is the height of the primary dwelling.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.080 - Lot coverage.

Lot coverage maximums as outlined per each zone. Any additions to an existing building or construction of a detached ADU shall comply with Section [19.15.050](#) and except as provided in that section, shall not exceed the allowable lot or rear yard coverage standard for the underlying zone.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.090 - Owner occupancy.

The principal unit or the ADU must have owner occupancy, except for medical, military service, or religious reasons for a time period of up to two years. If an absence is warranted due to the above reasons, an on-site manager shall be designated. The property owner may not receive rent for the unit that was occupied by the owner. An application for an ADU shall include evidence of owner occupancy.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.100 - Number of ADUs per lot.

No more than one ADU, whether internal or detached, is permitted per lot.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.110 - ADU design standards.

A. An approved building permit is required for all ADUs before an ADU is constructed, and all other applicable provisions of this chapter and the Salt Lake County Code must be met before an ADU can be rented. Existing non-compliant ADUs may come into compliance by receiving a permit and verifying existing work was done according to code.

B. A building permit may not be issued for an ADU until the applicant has provided written confirmation from the applicable water supplier that the ADU complies with all applicable water service requirements.

C. The design and size of an ADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements. The design and size of a detached ADU shall conform to these codes and any other applicable codes and a building permit.

D. Detached ADUs shall have a permanent concrete slab on which they are built, unless they are constructed above a garage. Detached ADUs are not allowed to be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.

E. Conversions of an existing space to an ADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, and sufficient HVAC and climate control for the ADU.

F. IADUs shall not require a separate HVAC or firewall.

G. The owner shall provide a separate address marking for emergency services and mailing services.

H. Detached ADUs shall not be located in a front or corner lot side yard unless the lot size is at least one acre and the detached ADU is at least thirty feet from the front lot line.

I. New detached ADUs must be offset ten feet or more from the front facade of the main dwelling.

J. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.

K. Single family residences with a detached ADU shall retain the same appearance as a single-family residence.

L. An existing accessory building may be converted into an ADU provided that it meets the same ADU requirements in this chapter.

(Ord. No. 1926, § II, 6-25-2024; Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.120 - Affidavit and notice of accessory dwelling unit.

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary dwelling or ADU as their permanent residence. Upon approval of the ADU by the building official, and upon the issuance of a business license pursuant to Section [19.15.130](#), a notice of accessory dwelling unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and secure reauthorization of the ADU by the building and business license officials. A copy of the recorded notice shall be provided to the applicant when completed.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.130 - Business licensing.

Prior to renting out any ADU, a business license must be obtained. That license must be maintained as long as the unit is rented out.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.140 - Retention of single-family residence status and verification of water and sewer.

A. ADUs are part of a single-family residence and shall not be used as a multi-family residence.

B. IADUs may not be separately metered apart from the single-family residence. Detached ADUs may be separately metered so long as the property owner is billed for both.

C. Applications for ADUs must include submittal of written verification from water and sewer providers that water and sewer are available to the ADU (or in the event of a septic system, verification from the Salt Lake Health Department that the system meets applicable regulations and is performing properly).

D. ADUs may not be sold or subdivided separately from the single-family residence.

(Ord. No. 1936, § II, 4-8-2025; Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.150 - Short-term rental use prohibited.

Units approved as ADUs shall not be used as short-term rentals. Any rentals shall be made for thirty consecutive days or more.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

19.15.160 - Variances.

The land use hearing officer may grant variances to the standards of this chapter in accordance with Section [19.92.040](#). The land use hearing officer may not grant a variance from building code requirements, owner occupancy provisions, square footage requirements, or the number of units allowed per lot.

(Ord. No. 1924, § II, 6-4-2024; Ord. No. 1886, § II, 11-2-2021)

[19.14.080 - Informational.](#)

MILCREEK CITY 19.15 “Accessory Dwelling Units Standards”

[18.71 ACCESSORY DWELLING UNIT STANDARDS](#)

[18.71.010 Purpose](#)

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[18.71.030 Applicability](#)

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[18.71.100 Termination](#)

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[18.71.120 Enforcement And Noticing](#)

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[18.71.010 Purpose](#)

Accessory Dwelling Units (ADUs) in single-household residential zones are an important tool in the overall housing goals and needs of the City and allow for alternative and flexible housing options in owner-occupied single-household dwellings. The purposes of the ADU standards of this code are to:

1. Create new housing units while respecting the appearance, neighborhood character, and scale of single-household residential development.
2. Provide more housing choices in residential zones.
3. Allow more efficient use of existing housing and large yards.
4. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households.
5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.
6. Broaden the range of affordable housing options throughout the City.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

[18.71.020 Interpretation](#)

The City's intent in adopting this ordinance is not to increase the density of the underlying zone designation. An ADU shall always be an accessory use to the principal dwelling.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

[18.71.030 Applicability](#)

Properties are eligible for an accessory dwelling unit if:

1. The property is owner occupied,
2. The use of the property at the time of application and at any time thereafter is single-household residential, and
3. The property is in an R-1 or A zone.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

[18.71.040 Permitted And Conditional Uses And Limitations](#)

1. Internal ADUs are a permitted use as set forth in [Utah Code Section 10-9a-530](#), with additional requirements set forth in [MKZ 18.71.070](#).
2. Attached and Detached ADUs are permitted uses in the R-1 and A zones are subject to the design standards of this chapter.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

[18.71.050 Request For Compliance Determination](#)

A property owner may request a review to determine the compliance of an accessory dwelling unit. This request shall be conducted following the procedure as set forth in [MKZ 18.15.030 \(E\)](#). The Planning Director shall issue a Compliance Determination in writing. If the Planning Director determines that an Accessory Dwelling Unit complies with the standards of this chapter, then a notice of compliance shall be recorded on the property at the Salt Lake County Recorder's Office. Notices that demonstrate compliance with the City's land use regulations and state statute shall include, at a minimum, the following:

1. A description of the primary dwelling;
2. A statement that the primary dwelling or property contains an ADU;
3. A statement that the primary dwelling or property is owner-occupied; and

4. A statement that the ADU may only be used in accordance with the City's land use regulations.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

18.71.060 Development Standards Generally

1. An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or property.
2. A property may have either an internal or attached ADU as part of a primary dwelling, or a detached ADU on the lot or parcel that is shared with the primary dwelling. No property may have more than one ADU.
3. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new ADU is proposed in an existing single-household dwelling, the entire ADU shall comply with all applicable standards.
4. The installation of separate utility meters is prohibited.
5. An ADU shall comply with the regulations of the underlying zone for accessory buildings. Where the provisions in this chapter are inconsistent with provisions found in any other chapters of City ordinances, the most restrictive provisions shall apply.
6. Design Standards. The ADU, attached or detached, shall incorporate at least one of the exterior materials used in the principal dwelling for 20 percent of all structure facades. The ADU must have a pitched roof unless the principal dwelling has a flat roof, in which case an ADU may have a flat roof or a pitched roof. The ADU shall maintain the same color of the primary dwelling for at least 50 percent of all facades.
7. ADUs may not be built within a recorded easement.
8. Additional requirements for internal ADUs shall be as set forth in [MKZ 18.71.070](#).
9. Additional requirements for attached ADUs shall be as set forth in [MKZ 18.71.080](#).
10. Additional requirements for detached ADUs shall be as set forth in [MKZ 18.71.090](#).

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

18.71.070 Development Standards For Internal Accessory Dwelling Units

Internal ADUs are regulated pursuant to [Utah Code Section 10-9a-530](#), and additionally shall:

1. Not change the appearance of the primary dwelling as a single-household dwelling;
2. Be prohibited from having separate utility meters from the primary dwelling; and
3. Be prohibited in a mobile home or manufactured home.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

18.71.080 Development Standards For Attached Accessory Dwelling Units

Attached ADUs are permitted, subject to the following standards:

1. The entrance for the attached ADU shall not be visible from a public right-of-way.
2. The occupancy limit for an attached ADU is two adults and any number of children.
3. The lot or parcel coverage for an attached ADU is determined by the underlying zone standards.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

18.71.090 Development Standards For Detached Accessory Dwelling Units

1. A detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures, especially structures with wheels, shall not be permitted as a detached ADU.
2. A detached ADU is not eligible for The Neighborhood Compatibility Modification provisions found in [MKZ 18.34](#) or [MKZ 18.36](#).
3. A detached ADU shall not be used as a short-term rental.
4. Exterior lighting shall provide illumination directed downward and shall follow the standards as set forth in [MKZ 18.68, Outdoor Lighting](#). Light sources shall not be visible from abutting properties.
5. Windows on a façade, located within 15 feet of an abutting property containing a single-household, twin home, or duplex dwelling, shall be fixed (non-operable) and translucent or shall be installed skylights.

6. Entrances, parking, and stairways within 15 feet of an abutting property shall not be visible from the abutting property. This may be done with a fence along the side and rear property lines, landscaping that is dense enough to obscure activity or by placing the entrances and stairs out of view of abutting properties. Corner properties with ADU entrances facing a right-of-way are not required to screen the entrance if not facing the same right-of-way as the primary dwelling entrance.
7. Detached ADUs shall not be built on slopes of 30 percent or greater.
8. Balconies on the second story of an ADU are prohibited.
9. Exterior stairways and landing shall not encroach into a setback.

Table 18.71-2

Detached Accessory Dwelling Unit Standard

Minimum Property Area	8,000 SF
Location	Rear Yard
Gross Square Footage	An ADU shall be the lesser of the gross square footage of the existing main building, or 1,000 square feet.
Property Coverage Total	Determined by the underlying zone designation
Setbacks from Side and Rear Yards	5 Feet minimum
Setback from Main Building	6 Feet
Maximum Height	The lesser of 24 feet or the height of the existing main building.
Occupancy Limit	2 adults and any number of children

HISTORY

Repealed & Reenacted by Ord. 25-12 on 4/28/2025

Amended by Ord. 25-38 on 9/8/2025

18.71.100 Termination

If a property owner is found to be in violation of this title the City may revoke the use of an ADU on the property.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

[18.71.110 Addressing](#)

The property owner may request to have an ADU be given a separate address from the primary dwelling. A property owner requesting an additional address shall submit for a site plan review to the City Planning and Zoning Department and pay any associated fees.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

[18.71.120 Enforcement And Noticing](#)

1. In addition to any other legal or equitable remedies available to a municipality, City may hold a lien against a property that contains an internal accessory dwelling unit if:
 1. The owner of the property violates any provisions of this Title, and any other applicable section of the code;
 2. The City provides a written notice of violation in accordance with section B;
 3. The owner of the property fails to cure the violation within the time period prescribed in the written notice;
 4. The City provides a written notice of lien in accordance with [MKZ 18.71.120\(C\)](#);
 5. The City records a copy of the written notice of lien with the County Recorder.
2. The written notice of violation shall:
 1. Describe the specific violation;
 2. Provide the owner of the ADU a reasonable opportunity to cure the violation that is:
 1. At least 14 days after the day on which the City sends the written notice of violation, if the violation results from the owner renting or offering to rent the ADU as a short-term rental; or

2. At least 30 days after the day on which the City sends the written notice of violation, for any other violation.
3. State that if the owner of the property fails to cure the violation within the time period described above, the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
4. Notify the owner of the property:
 1. That the owner of the property may file an appeal of the notice of violation within 10 days after the day on which the written notice of violation is postmarked or posted on the property; and
 2. Of the name and address of the City office where the owner of the property may file the written objection;
5. Be mailed to:
 1. The property's owner of record; and
 2. Any other individual designated to receive notice in the owner's license or permit records; and
6. Be posted on the property.
3. The written notice of lien shall:
 1. Comply with [Utah Code Section 38-12-102](#);
 2. State that the property is subject to a lien;
 3. Specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
 4. Be mailed to:
 1. The property's owner of record; and
 2. Any other individual designated to receive notice in the owner's license or permit records; and
 5. Be posted on the property.
4. Appeals. A property owner that receives a written notice of violation or a written notice of lien may file an appeal in accordance with [MKZ 18.04, Appeals](#).

1. If the owner of property files a written objection to a notice of violation, the City may not record a lien until a hearing is held to determine that the specific violation occurred.
 2. If the City determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the expiration of the opportunity to cure the violation, regardless of whether the hearing is held after that day.
 3. If the owner of property cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation.
5. Upon issuing a permit or business license for an ADU, the City may record a notice in the Salt Lake County Recorder's Office. Upon recording a notice, the City shall deliver a copy of the notice to the property owner via First Class Mail. The notice shall include:
1. A description of the primary dwelling;
 2. A statement that the primary dwelling contains an ADU; and
 3. A statement that the ADU may only be used in accordance with City ordinances.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

18.71.130 Existing Buildings

1. Existing buildings in Millcreek that were permitted prior to September 17, 2021, that are intended to be used as an ADU and cannot satisfy the standards set forth in this chapter must file an application to have a structure declared a noncomplying structure and then follow the application process for a Nonconformities Determination as set forth in [MKZ 18.15.040 \(A\)](#) and [MKZ 18.60.090](#) to have the use legally established. A property with an existing guest house does not qualify for an additional detached ADU. By definition, a guest house may not be rented out or leased. If a property owner wants to convert a guest house to a detached ADU the property owner must follow all applicable processes and design requirements for detached ADUs.
2. Attached Accessory Dwelling Unit Conversions

1. A portion of a building attached to the primary dwelling that is noncomplying and was legally established as determined under [MKZ 18.60, Nonconformities](#), may be converted or expanded for the purpose of converting or enlarged for the purpose of converting, into an ADU upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find that:
 1. The primary dwelling, or portion thereof, is no less than three feet (3') from the side and rear property lines;
 2. The attached ADU does not have a light source projecting onto abutting properties;
 3. The attached ADU does not have any balconies, porches, or windows facing abutting property owners, unless facing a property located in an R-M, C-1, or C Zone.
 4. The attached ADU does not protrude higher than the measured height of the existing noncomplying structure being expanded as measured from original ground surface.
 5. The attached ADU can accommodate all required parking on the property, and does not violate the required off-street parking standards, including parking requirements of this title.

3. Detached Accessory Dwelling Unit Conversions

1. A detached building that complies with all applicable height, building envelope, setback, and property coverage requirements may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit, provided the existing setbacks of the detached building are not further reduced and the structure complies with or can be altered to comply with the applicable sections of the adopted building and fire codes of the City.
2. A detached building, that is noncomplying and was legally established as determined under [MKZ 18.60, Nonconformities](#), may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find:
 1. The side or rear setbacks of the detached building are not further reduced to accommodate the ADU;

2. The detached building does not have a light source projecting onto an abutting property;
 3. The facade of the detached building located within five feet (5') and facing an abutting property line, does not have any balconies, porches, landings, stairs, doors, or windows;
 4. For properties with rear yards that abut an RM, C-1, or C Zone, the detached building does not exceed 24 feet in height;
 5. For all properties, located abutting a Residential Zone Boundary or a legally-established residential dwelling, the detached building does not protrude higher than the measured height of the existing noncomplying structure being expanded;
 6. Does not create any new visual impacts that a fence or wall cannot otherwise mitigate;
 7. The detached ADU can accommodate all required parking on the property, and does not violate or diminish the required off-street parking standards, including parking requirements of this title;
 8. Does not violate applicable standards and regulations outlined in the applicable zoning district;
 9. The structure or proposed expansion of the structure is not within any recorded easement;
 10. Does not result in runoff or drainage from the accessory building onto an abutting property;
 11. The detached building shall meet all other requirements of [MKZ 18.71.090](#), except as provided otherwise in this section; and
 12. Meets the applicable sections of the adopted building and fire codes of the City.
4. The Land Use Hearing Officer may impose conditions and limitations upon issuance of a permit for an addition to, enlargement of, moving of, or reconstruction of a structure as necessary to prevent or mitigate adverse effects on other properties located in the neighborhood of the subject property, consistent with the standards of this Title.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

EAGLE MOUNTAIN 17.70 “Accessory Dwelling Units

[Home](#) [<](#) [>](#)

Chapter 17.70

ACCESSORY DWELLING UNITS

Sections:

[17.70.010 Definition.](#)

[17.70.020 Purpose and intent.](#)

[17.70.030 Accessory dwelling unit standards.](#)

[17.70.040 Accessory dwelling unit permit.](#)

[17.70.050 Noncompliance.](#)

17.70.010 Definition.

Accessory Dwelling Unit. An accessory dwelling unit is an independent habitable living unit, with a kitchen, bath facilities, and its own entryway, which is: (1) within or attached to an owner-occupied single-family residential dwelling, or (2) within a separate detached accessory structure, or above a detached garage, on a single-family lot. Does not include motor homes, fifth-wheels, travel trailers, campers, or other housing units on wheels.

[Ord. [O-41-2021](#) § 1 (Exh. A)].

17.70.020 Purpose and intent.

This chapter provides a process to allow affordable housing within the city through accessory dwelling units within single-family detached dwellings or in separate detached structures in zoning districts specified in this title. The standards in this chapter include reasonable limitations to minimize impact on neighboring properties. [Ord. [O-41-2021](#) § 1 (Exh. A)].

17.70.030 Accessory dwelling unit standards.

Proposed accessory dwelling units must be in compliance with the following criteria to ensure that health and safety considerations are addressed and that the residential characteristics of neighborhoods are preserved. Accessory dwelling units are to be clearly

incidental and secondary to the primary residential use of the property. The approval criteria include:

A. Number of Accessory Dwelling Units. A maximum of one accessory dwelling unit is allowed on a residential lot, whether it is in an owner-occupied single-family dwelling, or in a detached accessory structure associated with a single-family dwelling.

B. Occupancy and Owner Occupation. The owner(s) of the residence shall live in the dwelling in which the ADU was created (either in the primary unit or in the ADU), except for bona fide temporary absences. The occupants of the ADU shall be related to each other by blood, marriage, or adoption; or consist of no more than two unrelated individuals living as a single housekeeping unit. The occupants of the ADU shall not sublease a portion of the unit to other individuals. The following are not considered accessory dwelling unit uses and do not fall under the regulation of this chapter: occupation by a live-in maid, in-home nurse, nanny or any other person or persons who are provided a place to live as part of their employment with, or services they provide to, the owner/resident of the dwelling; or while a family member is called up for military service, etc.; and any occupation by individuals related by blood or marriage.

C. Code Compliance. The accessory dwelling unit shall conform to all applicable standards in the International Fire Code and International Residential Code.

D. Location and Type. Accessory dwelling units may be allowed within or attached to the main single-family residential dwelling, over the garage (attached or detached), or in a detached accessory structure (cottage home, casita, guest house), where permitted by EMMC [17.25.030](#).

1. ADU – Basement. An accessory dwelling unit in a basement must have a separate exterior entrance located on either the side or the rear of the building. An internal connection to the primary dwelling is not required.

2. ADU – Attached. Accessory dwelling units attached to the primary dwelling as an addition shall meet all minimum setback standards required for the primary dwelling, as found in EMMC [17.25.040](#). Attached ADUs must have a separate entrance located on the side or in the rear of the building. An internal connection to the primary dwelling is not required.

3. ADU – Detached.

a. Maximum Height. Maximum height of accessory dwelling units located above a garage is 35 feet. Standalone units may not exceed two stories and 35 feet in height.

b. Size. The living space of a detached accessory dwelling unit must be a minimum of 400 square feet, up to a maximum of 1,200 square feet. Detached accessory dwelling units may not have more than two bedrooms and must be permanently connected to utilities, attached to a site-built permanent foundation which complies with building code, and must comply with all other applicable standards of this chapter. A building permit and inspections are required for construction of the foundation and installation of the structure and connection to utilities.

c. Setbacks. Detached accessory dwelling units must meet the same front, side, and rear yard setbacks as the primary dwelling and be located at least six feet from the primary dwelling.

d. Street Frontage. The lot must have a minimum street frontage of 70 feet to receive approval for a detached accessory dwelling unit. A smaller-frontage lot may be approved if, at the discretion of the approval authority, the lot configuration is unique and/or the primary dwelling unit is unique in size or location on the lot, and the impacts to neighbors and the street are substantially similar to those on a 70-foot-wide lot.

E. Exterior Appearance. The accessory dwelling unit shall be incorporated into the residence so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. All entrances to accessory dwelling units shall be located on the side or in the rear of the building. The architectural style, building materials, and colors of detached ADUs shall be compatible and consistent with the architectural style, materials, and color of the primary dwelling unit. If the ADU is above a detached garage, the architectural style, building materials, and colors of the ADU must match those of the garage.

F. Utilities. Detached accessory dwelling units may have separate utility meters, and all municipal utilities shall be in the property owner's name and the property owner shall be responsible for payment of all municipal utilities.

G. Parking. Off-street parking for two vehicles shall be available for use by the tenants of the accessory dwelling unit. Driveway parking in front of a garage does not qualify, unless the accessory dwelling unit is located within such garage, in which case the required parking for the primary dwelling within an enclosed garage, as required within Chapter [17.55](#) EMMC, shall be provided elsewhere on the property. All parking shall be on a hard surface (concrete, asphalt, etc.). Occupants may not park on the street along the frontage of a neighboring property.

H. Address. The principal dwelling and the accessory dwelling unit shall have the same address number but shall refer to the accessory dwelling unit as unit “B.” The address must be located in a visible location on the street frontage side of the home.

I. Short-Term Rental Prohibited. Accessory dwelling units may not be rented for a period of less than 30 consecutive days. [Ord. [O-03-2024](#) § 2 (Exh. A); Ord. [O-33-2023](#) § 2 (Exh. A); Ord. [O-17-2023](#) § 2 (Exh. A); Ord. [O-41-2021](#) § 1 (Exh. A)].

17.70.040 Accessory dwelling unit permit.

Any person owning an existing accessory dwelling unit that has not been permitted by the city, or any person constructing or causing construction of a residence that has an accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, shall obtain an accessory dwelling unit permit from the planning division of the city’s community development department. This shall be in addition to any required building permit for the work to be performed. The applicant shall obtain all necessary building permits and pay all applicable fees prior to constructing the ADU, including permits for a basement that was finished previously without a permit. Accessory dwelling units constructed without an approved accessory dwelling unit permit shall be considered illegal until a permit is submitted to and approved by the city.

A. Applications. Applicants for an accessory dwelling unit shall submit a complete application and the supporting materials listed in this section to the planning division of the community development department.

1. Owner Signature. The owner shall sign the application, agreeing to occupy the dwelling (either the primary unit or the ADU), except for bona fide temporary absences, and agreeing to comply with the standards in this chapter.

2. Site Plan. A site plan shall be provided that shows property lines, dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings to property lines, the location of required off-street parking, and utility meters.

3. Floor Plan. A detailed floor plan, to scale, showing the floor in which the accessory dwelling unit will be located, including labels on rooms indicating uses or proposed uses, shall be provided.

4. Evidence of Building Permit. Evidence shall be provided that a building permit was obtained for the building and/or area containing the accessory dwelling unit.

5. Fee. The processing fee required by the current consolidated fee schedule approved by the city council shall be paid in full.

B. Planning Director or Designee Approval. The planning director or designee shall approve an accessory dwelling unit application if it is in complete compliance with all the approval criteria standards identified in this chapter. As part of the planning director's or designee's review, inspections may be required by the planning or building divisions, and/or fire department.

C. Exceptions to Standards. Accessory dwelling unit applications that deviate from the approval criteria may be considered by the planning commission in a public meeting. After conducting a public hearing and reviewing the application, the planning commission may approve, approve with conditions, or deny the exception request. Applicants requesting exceptions are not guaranteed approval and must provide evidence that the exceptions will not create negative impacts on neighboring properties. Conditions must be connected to the exceptions being requested, and may include increased setbacks, limitations on windows and doors adjacent to abutting property lines, privacy fencing, and additional parking. Exceptions shall not be granted for the number of accessory dwelling units, owner occupation, permanent utility connections, attachment to permanent foundations, building permit requirements, exterior appearance, off-street parking, addressing, and for short-term rentals.

D. Transfer of Ownership. Upon sale of the home or transfer of ownership, accessory dwelling unit permits shall remain valid so long as the accessory dwelling unit is in compliance with the city's ordinances and conditions of approval. [Ord. [O-56-2025](#) § 2 (Exh. A); Ord. [O-41-2021](#) § 1 (Exh. A)].

17.70.050 Noncompliance.

Owners of the single-family dwelling where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the city's ordinances and conditions of approval. Property owners who fail to maintain or violate the city's ordinances regulating accessory dwelling unit use or conditions upon which approval was contingent may have the accessory dwelling unit permit revoked by the planning director, designee or planning commission. Enforcement will occur in accordance with Chapter [4.10](#) EMMC, Article V, Administrative Code Enforcement Hearing Procedures. [Ord. [O-56-2025](#) § 2 (Exh. A); Ord. [O-41-2021](#) § 1 (Exh. A)].

Public Works Requested Additions to the DADUs Draft Language

- Separate water meter and water line for DADU development; support sewer district having a separate line as well, if required by SDSO.
- Require one on-site parking space for a DADU smaller 650 sqft; require two on-site parking spaces for a DADU at 650 sqft or larger (per UCA 10-21-304(3))

Additional Concepts and Ideas From Other Cities for DADUs (not currently reflected in proposed draft language)

Bountiful City

- Review and consider approval as a conditional use permit for DADUs by Bountiful City Administrative Committee (14-14-124(B.)(2.) & 14-14-124(C.)(3.))
- Language stating ADU may not be developed on land without habitable single-family dwelling (14-14-124(C.)(5.))
- Size for DADU is minimum of 350 sqft in size and not to exceed 1,250 sqft in size (14-14-124(C.)(11.))
- 8,000 sqft minimum buildable land lot size (14-14-124(C.)(12.))
- Doors, windows, stairs, features configuration away from adjoining properties (14-14-124(C.)(13.))
- Meet setbacks required for accessory structures (14-14-124(C.)(14.))
- Locate DADU behind front building line of principal unit (14-14-124(C.)(15.))
- Separate entrance location guidance and approval from Admin Committee for DADU (14-14-124(C.)(16.))

City of North Salt Lake

- Dwelling Unit Occupancy standards for DADU defined (10-19-17(A.)(4.))
- DADU setbacks standards for rear yard setback of 10 ft or 5 ft with requirements (10-19-17(A.)(7.)(c.))
- Second story standards for DADU allowed by meeting standards in zone for height and setbacks of primary dwelling (10-19-17(A.)(7.)(e.))
- A bit different standard for DADU appearance (10-19-17(A.)(8.))
- Size for DADU is minimum of 300 sqft and not to exceed 1200 sqft in size; also limited to only two bedrooms (10-19-17(A.)(9.)(b.))
- Existing entrances language and allowance criteria (10-19-17(A.)(11.))
- Addressing system standard for DADU (10-19-17(A.)(12.))

- Different DADU parking standard, specifically tandem parking not allowed and further definition of where parking allowed on site (10-19-17(A.)(13.))
- Utility metering standards for DADU, including commentary on fees waiver for water development and connection (10-19-17(A.)(16.))
- Conditional use process with Planning Commission for Exception to these DADU standards (10-19-17(A.)(20.))
- Commentary on Home Occupation Businesses in DADU (10-19-17(A.)(22.))
- Allowance of Tiny Homes as DADUs on a lot (10-19-17(A.)(23.))

West Valley City

- DADU requirement for entrance facing away from the street and not disrupt single-family dwelling use appearance (17.70.060(D.)(5.))
- Requirement for minimum one bedroom, three-quarter bath, and kitchen (17.70.060(D.)(6.) & (7.))
- Requirement that a requested DADU property have no known code violations within the last 12 months (17.70.060(D.)(10.))
- Language that DADU may not be built in recorded easement (17.70.060(G.)(3.))
- Statement that mobile homes, recreational vehicles, or shipping containers are not allowed as DADUs (17.70.060(G.)(5.))
- Statement that no basements are allowed in DADUs (17.70.060(G.)(8.))
- Standards regarding fire regulations for DADUs (17.70.060(G.)(9.))
- Table 17.70.060-1 has standards regarding lot size minimum (10,000 sqft), size limits for DADU of 650 sqft and 800 sqft depending on size of lot, height allowance no taller than primary dwelling, minimum DADU setbacks of 10 ft from rear and side yards, and 2 on-site parking stalls required.

Salt Lake County

- DADUs allowed on single-family home lots of 7,000 sqft or larger, 6,000 sqft minimum in PC Zone (19.15.030(A.))
- DADU setback standards for new ADU structures: 10 ft rear yard, meet setbacks of single-family dwelling zone, 6 ft from dwelling minimum, minimum setback will be PUE if PUE is greater than required setback (no development over PUE). (19.15.050(B.))
- Conversion of existing accessory structures built before code to DADU standards: comply with accessory structure setback standards at time accessory structure built, 6 ft from main dwelling minimum, unless noncompliance granted than can meet those setbacks based on noncompliance approval (19.15.050(C.))
- Setback standards examples for DADU build (Figure 19.15.1 & 2)

- Language regarding parking space still required for conversion of garage into DADU space (19.15.060)
- Height requirements standards: rear or side setback less than ten feet, then maximum height is 20 ft; rear or side setback ten feet or more, then maximum height of primary dwelling match (19.15.070)
- Lot coverage maximum standards (19.15.080)
- No allowance for DADUs to be built on basement, piers, or temporary/wheeled structure; must be on permanent concrete slab (19.15.110(D.))
- Allowance for DADU in front yard or corner lot side yard is lot is at least one acre and DADU is at least 30 ft from front lot line (19.15.110(H.))
- DADU must be offset at least ten feet or more from front façade of main dwelling (19.15.110(I.))
- Drainage standards and requirements (19.15.110(J.))
- Appearance matching single-family dwelling (19.15.110(K.))
- Business licensing standards (19.15.130)

Eagle Mountain

- DADU does not include motor homes, fifth-wheels, travel trailers, campers, or housing on wheels (17.70.010)
- DADU allows for above detached garage (17.70.010) & (17.70.030(D.))
- ADUs are secondary and incidental to primary residential use (17.70.030)
- Maximum height allowance of 35 feet and two stories maximum (17.70.030(D.)(3.)(a.))
- Size DADU allowance minimum of 400 sqft and maximum size of 1,200 sqft (17.70.030(D.)(3.)(b.))
- Setbacks same as front, rear, and side yard setbacks of primary dwelling; 6 ft minimum distance from primary dwelling (17.70.030(D.)(3.)(c.))
- Street frontage requirement of 70 feet or more for DADU, unless approval authority discretion provided (17.70.030(D.)(3.)(d.))
- Appearance of DADU matching single-family dwelling (17.70.030(D.)(3.)(e.))
- Separate utility meters for DADU and in property owner's name and property owner pays utility billing (17.70.030(D.)(3.)(f.))
- Parking standards for two off-street parking spaces (this will need to be amended now in light of UCA 10-21-304(3) for parking). (17.70.030(D.)(3.)(g.))
- Addressing standards convention (17.70.030(D.)(3.)(h.))
- Deviations and Exceptions to Standards to be reviewed and considered by Planning Commission for approval consideration and conditions (17.70.040(C.))
- Transfer of Ownership allowance for DADU establishment (17.70.040(D.))

- Noncompliance and revocation of DADU permit by City (17.70.050)

CENTERVILLE
PLANNING
COMMISSION

Staff Report
8/12/2026

Item No. 1.

Title: Community Development Director's Report

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

CENTERVILLE
PLANNING
COMMISSION

Staff Report
8/12/2026

Item No. 1.

Title: Minutes Review and Approval - July 22, 2026

Initiated By: Jennifer Robison, City Recorder

Staff Representative:

SUBJECT:

Consideration of Planning Commission meeting minutes from July 22, 2026.

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 07-22-26 PC DRAFT [Final]

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, July 22, 2026
7:00 p.m.

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

MEMBERS PRESENT

LaRae Patterson, Vice Chair
Paul Mendenhall
Gary Woodward
Layne Jenkins
Mason Kjar, Chair, arrived at 7:12 pm

MEMBERS ABSENT

Amanda Jorgensen
Michael Adamson

STAFF PRESENT

Mike Eggett, Community Development Director
Sydney DeWees, Planner
Lisa Romney, City Attorney

LEGISLATIVE THOUGHT/PRAYER Commissioner Gary Woodward

PLEDGE OF ALLEGIANCE

DISCUSSION – REVIEW OF DRAFT CODE CONCEPTS FOR DETACHED ACCESSORY DWELLING UNITS (DADU) TO BE LOCATED IN CHAPTER 12 OF THE CENTERVILLE ZONING CODE AND SCHEDULING OF A PUBLIC HEARING

Community Development Director Mike Eggett presented a revised draft DADU ordinance for the Commission's continued review, noting it was informed by recent guidance from the Utah League of Cities and Towns and modeled largely after Millcreek City's ordinance. He explained that while many provisions are dictated by state law, the Commission still had discretion over several development standards. Through discussion, the Commission reached consensus on numerous policy issues, including requiring DADUs to be permanently affixed to a concrete foundation, establishing a minimum unit size to effectively exclude tiny homes, deleting a proposed compliance determination section, requiring separate utility connections, prohibiting short-term rentals, requiring owner occupancy, and limiting building height to 20 feet to prevent second-story living space. The Commission also agreed to allow basements, require downward-directed lighting, and adopt architectural standards requiring exterior materials, colors, and rooflines to be generally compatible with the primary dwelling.

The Commission also reached consensus on several site design standards. Windows within 15 feet of a property line would be required to be fixed, non-operable, and translucent to protect neighboring privacy, and discussion regarding entrances and stairway locations relative to the neighboring properties. An 8-foot rear yard setback, including setback location relative to utility easements, and parking requirements consistent with State law were supported. Existing conforming accessory buildings could be converted into DADUs, with grandfathering provisions contemplated for certain legally existing nonconforming structures. After considerable discussion, the Commission recommended lowering the minimum qualifying lot size from the state maximum of 11,000 square feet to 8,500 square feet to make the ordinance available to more Centerville properties. Commissioners also supported a maximum DADU size of 1,250 square feet, with no

individual level exceeding 800 square feet, and discussed establishing a minimum size of approximately 350 square feet.

The Commission also discussed the interaction of the ordinance with private HOA covenants, which City Attorney Lisa Romney noted remain enforceable independent of the City's regulations. Commissioners agreed to remove references to guest houses from the draft, requiring all detached habitable structures to comply with the DADU ordinance. Mr. Eggett was directed to gather implementation data from Bountiful City's recently adopted ordinance to help inform the upcoming public hearing and final refinement of the draft.

The Planning Commission scheduled the DADU public hearing for August 12, 2026, and directed staff to advertise the notice by July 31, 2026.

DISCUSSION – REVIEW OF DRAFT CODE CONCEPTS FOR BOUNDARY LINE ADJUSTMENTS PROCESSING IN REPLACEMENT OF EXCHANGE OF TITLE CODES, AS FOUND IN CMC 15.09.140 AND SCHEDULING OF A PUBLIC HEARING

City Planner Sydney DeWees presented draft amendments to replace the City's existing Exchange of Title provisions with updated Boundary Line Adjustment regulations consistent with recent changes to State law. She explained the proposal establishes three categories - Boundary Line Establishment, Boundary Line Adjustment (Simple), and Boundary Line Adjustment (Full) - and aligns City procedures with State requirements while adding only limited local provisions, such as frontage calculations for full adjustments to ensure zoning compliance. Ms. DeWees noted the changes are intended to streamline the review process and reduce confusion for applicants and surveyors, particularly after the City processed six boundary line adjustment requests in the previous three months under outdated Code language.

Commissioners expressed general support for the draft. Vice Chair Patterson suggested clarifying language describing the full adjustment process, which Ms. DeWees agreed to revise before the public hearing. The Planning Commission scheduled the Boundary Line Adjustment public hearing for August 12, 2026, and directed staff to advertise the notice accordingly.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Mr. Eggett reported that an additional zoning text amendment public hearing is scheduled for the August 12, 2026, Planning Commission meeting. Ms. Romney explained that the proposed amendments would restructure the City's historic preservation functions by having the Whitaker Museum Board also serve as the Landmarks Commission, which would be renamed the Historic Preservation Commission. She noted the proposal was initiated by the Mayor after the Landmarks Commission had been inactive for an extended period. Separate public hearings on the Municipal Code and Zoning Code amendments will be held before the Planning Commission forwards its recommendation to the City Council.

MINUTES REVIEW AND APPROVAL

Minutes of the July 8, 2026, Planning Commission meeting were reviewed. Commissioner Jenkins **moved** to approve the minutes. Commissioner Mendenhall seconded the motion, which passed unanimously (5-0).

ADJOURNMENT

At 7:58 p.m., Commissioner Woodward **moved** to adjourn the meeting. Commissioner Jenkins seconded the motion, which passed unanimously (5-0).

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Jennifer Robison, City Recorder

Date Approved