

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, JANUARY 28, 2015, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

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

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. This agenda is also posted on the City's Website: www.centervilleut.net and on NovusAgenda at the following link: <http://centerville.novusagenda.com/agendapublic>

Tentative Time: (The times shown below are tentative and are subject to change during the meeting)

- | | | |
|------|----|--|
| 7:00 | A. | WELCOME AND ROLL CALL |
| | B. | PLEDGE OF ALLEGIANCE |
| | C. | PRAYER OR THOUGHT – Vice-Chair, Kevin Merrill |
| | D. | MINUTES REVIEW AND ACCEPTANCE – January 14, 2015 |
| | E. | COMMISSION BUSINESS |
-
- | | | |
|------|----|--|
| 7:10 | 1. | PUBLIC HEARING ZONING CODE TEXT AMENDMENT, CHAPTER 12-48 – SOUTH MAIN STREET CORRIDOR ZONE
Consider a proposed zoning code text amendment for various sections of Chapter 12-48-South Main Street Corridor Zone. Taylor Spendlove, Brighton Centerville LLC, Applicant |
| 7:30 | 2. | PUBLIC HEARING ZONE MAP AMENDMENT FOR 74 EAST 300 SOUTH <u>AND</u> 337 EAST 400 SOUTH
Consider a zone map amendment for property located at 74 East 300 South and 337 East 400 South from R-L (Residential-Low) to C-M (Commercial-Medium) for Walton Village Town Home Development. Taylor Spendlove, Brighton Centerville LLC, Applicant |
| 7:50 | 3. | PUBLIC HEARING PARK HILLS PHASE 3 SUBDIVISION, 2130 NORTH ROCK MANOR DRIVE
Consider a preliminary subdivision plan for Park Hills Phase 3 Subdivision, which consists of 3 building lots, to be located at approximately 2130 North Rock Manor Drive. Daren & Kara Burnett, Rock Manor Trust, Applicants |
| 8:10 | 4. | PUBLIC HEARING ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 – ACCESSORY DWELLING UNITS (ADUs)
Consider a proposed zoning code text amendment to Chapter 12-60-Accessory Dwelling Units (ADUs), by adding new regulations to this chapter. Centerville City, Applicant |

8:30

5. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

a. Upcoming Meetings

- *PC Meeting February 11, 2015: Code Text Amend., Household Pets & Kennels, The Pastures Phase 1 Amended Site Plan, Tri-City Polaris Amended Site Plan, possible continuation of Accessory Dwelling Units*

8:35 F. **ADJOURNMENT**

Posted January 23, 2015 by Community Development

**MAKING Life
BETTER**
Centerville City

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, January 14, 2015

7:00 p.m.

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

MEMBERS PRESENT

David Hirschi, Chair

Gina Hirst

William Ince, arrived at 7:15 pm

Logan Johnson

Scott Kjar

Kevin Merrill

Debra Randall

STAFF PRESENT

Brandon Toponce, Assistant Planner

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

VISITORS

Robert Holman

Paul Gapinski

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Hirschi

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meetings held December 10, 2014 were reviewed and amended. Commissioner Hirschi made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Merrill and passed by unanimous vote (6-0).

COMMISSION BUSINESS

Commissioner Kjar and Commissioner Hirschi were both nominated to serve as Chair of the Planning Commission for 2015. Commissioner Hirschi was voted in as the Chair of the Planning Commission for 2015 with a unanimous vote (6-0).

PRELIMINARY DRAFT

Planning Commission Meeting
January 14, 2015

Page 2

Commissioner Merrill and Commissioner Hirst were both nominated to serve as the Vice-Chair of the Planning Commission for 2015. Commissioner Merrill was voted in as the Vice-Chair of the Planning Commission for 2015 with a roll-call vote (4-2).

FINAL SITE PLAN | PARKIN OFFICE/WHSE BLDG | 1384 WEST 75 NORTH
Consider a final site plan for the Parkin Office/Warehouse Building to be located on Lot 5 of the Evergreen Business Park, 1384 West 75 North, in the I-H Zone. Robert Holmes, Robert Holmes Construction Inc., Applicant

Brandon Toponce, Assistant Planner, reported the applicant received conceptual site plan approval from the Planning Commission last month. Mr. Toponce reviewed the conditions of approval set during the conceptual site plan approval. The applicant has met the necessary requirements for building elevation/materials, trash enclosure, and equipment screening. A landscaping/parking plan was submitted but lacks one (1) tree and six (6) shrubs. A new landscape plan must be submitted prior to building permit approval. The applicant is not proposing any signage at this time other than window signs. Any future changes to signage will require additional approval. The applicant will be required to secure all utility provider sheets and receive approval for the drainage system prior to building permit approval. The site has adequate fire protection with two (2) fire hydrants and a shared fire access.

The applicant will be developing the site all at once and will be required to post a bond for landscaping improvements and any other public improvements that may be required. The applicant will need to submit a building permit application with all the required construction drawings. The Building Official will need to approve the plans prior to any construction taking place on the property. The applicant has completed the necessary requirements to receive final site plan approval. The final site plan will expire after one (1) year, if the construction does not begin or a final occupancy is not issued, or the building is not completed within two years.

Lisa Romney, City Attorney, suggested the applicant be required to enter into an improvement agreement.

Commissioner Hirst made a **motion** for the Planning Commission to approve the final site plan for the Parkin Office/Warehouse Building, to be located at 1384 West 75 North, with the following conditions:

Conditions:

1. An updated landscaping plan shall be submitted indicating 1 additional tree in the parking lot island and also, 6 additional shrubs within the parking lot island. This shall be submitted and reviewed prior to the issuance of a building permit

2. Utility provider sheets for Rocky Mountain Power and the South Davis Metro Fire Agency shall be submitted prior to the issuance of a building permit.
3. All engineering and drainage shall be reviewed by City Staff and approved prior to the issuance of a building permit.
4. An improvement agreement shall be entered into and a bond shall be posted by the applicant in regard to landscaping and public infrastructure improvements prior to the issuance of a building permit.
5. A building permit shall be issued prior to any onsite construction
6. Fire access at the northeast corner of the property shall be maintained as indicated on the final site plan.

Reasons for Action (findings):

1. The submitted final site plan was found to be complete and adequate for review by the Planning Commission [Section 12-21(110)(e)].
2. The final site plan conforms to the accepted conceptual plan dated December 10, 2014.
3. The proposed site appears to have met all applicable development standards for the I-H Zone [Chapter 12-35].

The motion was seconded by Commissioner Kjar and passed by unanimous roll-call vote (7-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next regularly scheduled Planning Commission Meeting will be held on Wednesday, January 28, 2015.
2. Upcoming Agenda items:
 - * South Main Street Corridor (Walton Village), Zone Map & Text Amendment
 - * ADUs Zone Text Amendment
 - * Park Hills Phase 3, Preliminary Subdivision

The meeting was adjourned at 7:30 p.m.

David Hirschi, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

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

**STAFF REPORT
AGENDA: ITEM 1**

APPLICANT: **BRIGHTON HOMES
C/O TAYLOR SPENDLOVE
215 NORTH REDWOOD RD. SUITE #8
NORTH SALT LAKE, UTAH 84054**
APPLICATION: **ZONING CODE TEXT AMENDMENTS**
APPLICANT REQUEST: **AMEND CENTERVILLE CITY ZONING ORDINANCES
FOR VARIOUS PROVISIONS OF THE SOUTH MAIN
STREET CORRIDOR DISTRICT**
RECOMMENDATION: **STAFF RECOMMENDS BOTH DENIAL AND APPROVAL
TO VARIOUS REGULATIONS**

BACKGROUND

Brighton Homes desires to redevelop several properties within and adjacent to Main Street, on the east side between 300 North and Porter Lane. However, they are requesting to amend the zoning text of the South Main Street Corridor District to facilitate their land use development plan for the property. Staff is both supportive and unsupportive of the various changes being requested.

ZONE TEXT AMENDMENTS SUMMARY

The primary focus of the amendments are along the east side of the corridor district. This east side area was previously altered from the original Ordinance version adopted by the City, as a result of public turmoil about UTA's Plan to consider a light rail system down Main Street. The City Council fashioned a distinction between the east and west sides that was not part of the original Ordinance. The developer would like the City to reconsider several of the east side provisions to effectively treat the east and west sides equally. The desired amendments are summarized as follows (see attachments for specific details):

- ✓ Building Height - Change the building height measurement from curb height to top of building elevation to from curb to midpoint of roof
- ✓ Building Height - Change the Traditional Main Street Lot Type with regards to building heights from 25 feet to 35 feet

- ✓ Floor Area Ratio - Change the Traditional Main Street Lot Type with regards to ground floor retail/office use percentage of 50% to allow the residential space behind to occupy 60% of the ground floor, if used for parking space area
- ✓ Lot Dimension - Change Table 12-48-4, Lot Size Dimension Requirements for Traditional Main Street Lot with regards to increasing to the 35-foot height requirement for east side and increasing the maximum lot width from 240 feet to 500 feet.

ZONE TEXT AMENDMENT REVIEW PROCESS

Factors to be Considered

The deciding entity must consider three (3) factors when making a recommendation and a final decision for a zone text amendment. These required factors are found in Section 12-21-080(e) of Centerville City's Zoning Ordinance. Staff's review and conclusions for these factors are provided below:

1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?

✓ South Main Street Corridor Plan:

- City Objective 1.C – “Encourage additional [land uses]...by way of mixed use.”
- City Objective 1.D – “Encourage greater intensity...such as retail with housing above, and greater floor-area-ratios, such as a two-story building rather than a one-story building...”
- City Objective 1.E – “Incorporate Main Street into the neighborhood planning process for both east and west side...to allow for consistency and coordination”
- City Objective 4.D – “Encourage a variety of complementary architectural styles, types, and massing of structures to establish connectivity...”
- City Objective 4.F – “Require appropriate building heights within each District”
- City Goal 7- Traditional & City Center Main Street – “Create a commercial district with a central core intersection that is designed to serve as the heart of the City...”

Staff's Conclusion- Building Heights – The General Plan for this area does not directly address the issue of 35-foot building heights. However, the policy language does desire the bulking and massing of buildings to facilitate mixed-use development. Staff is supportive of the height request to better facilitate a mixed-use development pattern. Generally, the lot sizes along Main Street are small and need the extra mass and bulk to achieve a mixed-use pattern. Furthermore, since the City Center District is the focal or heart of the corridor, staff is also supportive of allowing the 35-foot building height in this district.

Staff's Conclusion- Floor Area Ratio – The General Plan does address floor area ratios in relation to multiple story development. Additionally, the language desires

ground level uses to be commercial in nature and not residential. Further reducing the 50% commercial expectation to allow residential parking area is not consistent with the goals and objectives for creating a variety of uses within the district.

Staff's Conclusion- Lot Dimensions – The General Plan language promotes a mixture of uses and desires variety to create the expected visual appeal of the street. Staff believes that allowing a 500-foot lot width, promotes a greater potential for homogeneous pattern to the layout of buildings and uses. This can happen when an entire block is developed as a singular project rather than an amalgamation of different interpretations of the code over a period of several years. This is a major concern of the planning staff with the applicant's submitted conceptual idea for developing the property. There is little distinction from one area of the project to another area or location.

2. Is the proposed amendment **harmonious with the overall character** of existing development in the vicinity of the subject property? and,
3. What is the extent to which the proposed amendment may adversely affect adjacent property?

Staff's Conclusion- Building Heights – Staff believes that the request for 35 feet does not create a conflict on the east side of the street. The existing R-L District located behind the area already allows for the development of homes with a maximum height of 35 feet (*see Table 12-32-1*).

Staff's Conclusion- Floor Area Ratio – Staff believes that the change in floor area for the ground level to facilitate residential development is not in character of the underlying C-M Zoning, which is based on the area being a local commercial support district.

Staff's Conclusion- Lot Dimensions – Staff believes that the change to allow 500-foot lot widths does not promote small localized commercial or mixed-use development. The intent of the smaller lot size is to discourage large single site development by keeping the small lot development pattern that lead to establishing a variety of commercial, office, and residential uses.

PLANNING STAFF RECOMMENDATION

Staff Suggested Action #1 – I hereby make a motion for the Planning Commission to **recommend APPROVAL** of the following proposed text amendments:

1. *Change the Traditional and City Center Lot Zoning Regulations and related development tables for building heights to match the existing west side standards to allow a 35-foot maximum building height.*

Suggested reasons for the action:

- a. The Planning Commission finds that there is General Plan policy language that desires the bulking and massing of buildings to facilitate mixed-use development.

- b. The Planning Commission finds that the height request better facilitates a mixed-use development pattern.
- c. The Planning Commission finds that in general, the lot sizes along Main Street are small and need the extra mass and bulk to achieve a mixed-use pattern.
- d. The Planning Commission further finds that since the City Center District is the focal or heart of the corridor, allowing the 35-foot building height in City Center District is also warranted.
- e. The Planning Commission finds that the request for 35 feet does not create a conflict on the east side of the street, because the existing R-L District located behind the area already allows for the development of homes with a maximum height of 35 feet.

Staff Suggested Action #2 – I hereby make a motion for the Planning Commission to **recommend DENIAL** of the following proposed text amendments:

1. *Any changes to the Floor Area Ratios or Lot Dimensions, as proposed by the petitioner.*

Suggested reasons for the action:

- a. The Planning Commission finds that the General Plan does address floor area ratios in relation to multiple-story development.
- b. The Planning Commission finds that the language desires ground level uses to be commercial in nature and not residential.
- c. The Planning Commission finds that further reducing the 50% commercial expectation to allow residential parking area is not consistent with the goals and objectives for creating a variety of uses within the district.
- d. The Planning Commission finds that the General Plan language promotes a mixture of uses and desires variety to create the expected visual appeal of the street.
- e. The Planning Commission finds that allowing a 500-foot lot width, promotes a greater potential for homogeneous pattern to the layout of buildings and uses.
- f. The Planning Commission finds that this can happen when an entire block is developed as a singular project, rather than an amalgamation of different interpretations of the code over a period of several years.
- g. The Planning Commission finds that the change in floor area for the ground level to facilitate residential development is not in character of the underlying C-M Zoning, which is based on the area being a local commercial support district.
- h. The Planning Commission finds that the change to allow 500-foot lot widths does not promote small-localized commercial or mixed-use development.
- i. The Planning Commission finds that the intent of the smaller lot size is to discourage large single site development by keeping the small lot development pattern that lead to establishing a variety of commercial, office, and residential uses.

Text Amendment Requests
Chapter 12-48 South Main Street Corridor Zone

12-48.150-1-B

Current:

The maximum height to measure from the Main Street grade (i.e. top back of curb) to the top of the roof

Requested Change:

The maximum height is measured from the Main Street grade (i.e. top back of curb) to the midpoint of the roof.

Reasoning:

The code throughout residential areas allows for the maximum height to be measured to the midpoint of the roof.

12-48-1 SMSC Overlay District Sub-District Illustration Map 12-48-1

Requested Changes:

Include Parcel Number 030020111 and 030020020 in the Traditional Main Street District sub zone.

Reasoning:

The two parcels are bordered on two sides by parcels located within the Traditional Main Street District subzone; these two parcels would make a more squared shape to the zone in-between 300 South and Porter Lane and reach to the Mid-block of the underlying block, We are requesting through a Zone Map Amendment Application for the zones of these two parcels to match the zoning to its adjacent parcels.

12-48-1 Traditional Main Street Lot Page 11

Current:

East Side 1.5/2 stories 25' maximum

Requested Change:

East Side 1.5/3 stories 35' maximum

Reasoning:

Currently the west side allows for a 35' maximum height with a conditional use, residential areas just to the east of the zone per zoning ordinance are allowed to go to a maximum height of 35' as well. A 35' maximum height would be in line with the standards height found throughout the city.

12-48-1 Traditional Main Street Lot Page 11

Current:

Uses: Ground floor uses shall be non-residential, such as office or retail, on the street-side portion of the building. Residential uses may occupy the rear portion (up to 50% of the ground floor. Upper floor uses may be residential, office, retail.

Requested Changes:

Uses: Ground floor uses shall be non-residential, such as office or retail, on the street-side portion of the building. Residential uses may occupy the rear portion (up to 50% of the ground floor if living space and up to 60% if used as Residential parking space). Upper floor uses may be residential, office, retail.

Reasoning:

Garages require 22'-24' depth, the request is to help keep the entire townhome depth manageable (40'-42') deep.

Table 12-48-4- Lot Size and Dimension Requirements (4) Tradition Main Street Lot

Current:

Lot Type	Total	Stories	First Floor	Upper Floor	Front	Side	Rear	Lot Width	
East Side	25'	1.5/2	10	8	5 to 10	0	15	25/240	
West Side	35'	1.5/3	10	8	5 to 10	0	15	25/240	

Requested Changes:

Lot Type	Total	Stories	First Floor	Upper Floor	Front	Side	Rear	Lot Width	
East Side	35'	1.5/3	10	8	5 to 10	0	15	25/500	
West Side	35'	1.5/3	10	8	5 to 10	0	15	25/500	

Reasoning:

Currently the west side allows for a 35' maximum height with a conditional use, residential areas just to the east of the zone per zoning ordinance are allowed to go to a maximum height of 35' as well. A 35' maximum height would be in line with the standards height found throughout the city.

The lot width maximum request is to allow for cohesive design along the length of one city block if a project warrants it.

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

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT: **BRIGHTON HOMES**
C/O TAYLOR SPENDLOVE
215 NORTH REDWOOD RD. SUITE #8
NORTH SALT LAKE, UTAH 84054
taylor@brightonhomes-utah.com

APPLICATION: **ZONING CODE TEXT AMENDMENTS**

APPLICANT REQUEST: **AMEND CENTERVILLE CITY ZONING MAP – REZONE TWO PROPERTIES FROM R-L TO C-M AND INTO THE SOUTH MAIN STREET CORRIDOR (SMSC) OVERLAY ZONE**

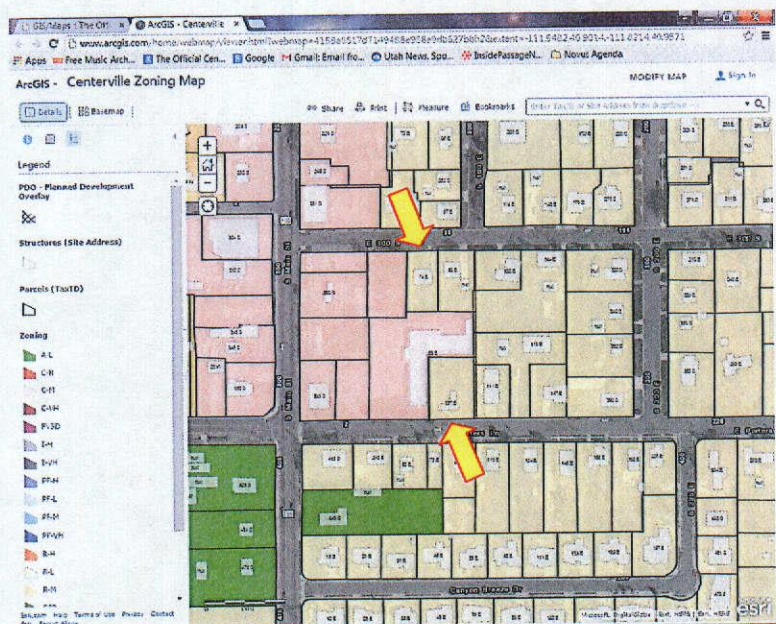
RECOMMENDATION: **STAFF RECOMMENDS TO TABLE THE REZONE REQUESTS**

BACKGROUND

Brighton Homes desires to redevelop several properties within and adjacent to Main Street, on the east side between 300 South and Porter Lane. However, there are two adjacent properties located to the east on each street that the petitioners would like to include in their proposed development. Currently, each property contains a small home that the petitioners have under contract. If rezoned, the petitioners plan to demolish these homes and include them in the layout of their proposed redevelopment plan.

ZONE MAP AMENDMENTS ILLUSTRATED

The map amendment request is for two parcels. Parcel 1 is located on 300 South, just east of the Pineae



Grower's Outlet site. Parcel 2 is located on Porter Lane, just east of the O'Brien Glass site.

ZONE TEXT AMENDMENT REVIEW PROCESS

Factors to be Considered

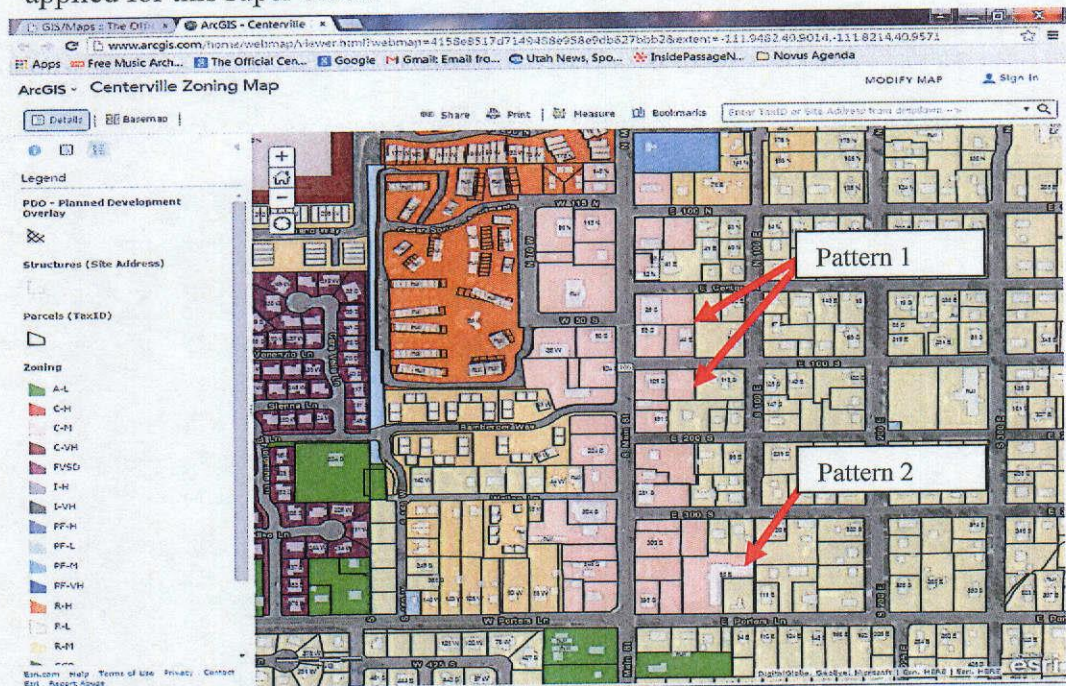
The deciding entity must consider three (3) factors when making a recommendation and a final decision for a zone text amendment. These required factors are found in Section 12-21-080(e) of Centerville City's Zoning Ordinance. Staff's review and conclusions for these factors are provided below:

1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?

✓ *Neighborhood 1 - Southeast Centerville:*

- ***City Objective 2.B.4 [Main Street Commercial]*** – *"To preserve the residential integrity of the surrounding areas, future commercial development on Main Street...shall not extend more than one-half block east of Main Street."*

Staff's Conclusion- From staff's review of the current zoning map, there are two block patterns for how this one-half block limitation is being applied. Pattern 1 is a traditional [short] block system. Pattern 2 is a super [extended] block system. The subject properties are located within Pattern 2, a super block. Currently, the O'Brien Glass site at the mid-block area already extends to the one-half block limit from Main Street and forms a peninsula within the center of the half block. The subject properties to be rezoned flank this existing center peninsula area. Thus, it is staff's opinion that the rezoning request remains consistent with the language of the General Plan and how the current zoning has been previously applied for this super block.



2. Is the proposed amendment **harmonious with the overall character** of existing development in the vicinity of the subject property? and,
3. What is the extent to which the proposed amendment may adversely affect adjacent property?

Staff's Conclusion- Staff believes that the rezone request does not change or add to the existing transitional land use pattern from arterial commercial to single-family neighborhood. It is a matter of when or where to make such a transition, as addressed with the City's General Plan. Additionally, the current Zoning Ordinance also understands this matter and contains regulations regarding setbacks, buffering, and so forth to minimize conflicts between these two zones.

4. What is the adequacy of facilities and services intended to serve the subject property?

➤ ***Staff Response:*** The area is already developed with numerous commercial buildings, homes and all related utility services are readily available to support the rezone request.

PLANNING STAFF RECOMMENDATION

The proposed zoning map amendment has two elements. One is to rezone the property from R-L to C-M. The other is to expand the SMSC Overlay District to include the subject properties. By not doing so, the property would not be eligible for mixed-use development.

In reviewing the published newspaper notice, only one element was covered and that was the change to C-M. If the Commission is inclined to consider the petitioner's proposal, then this second element needs to be posted prior to making a recommendation to the City Council.

Staff Suggested Action – I hereby make a motion for the Planning Commission to **TABLE** the proposed Zone Map Amendment until the notice to amend the SMSC Overlay District is properly posted in preparation for a formal Planning Commission decision and action.

Zoning Amendment Requests

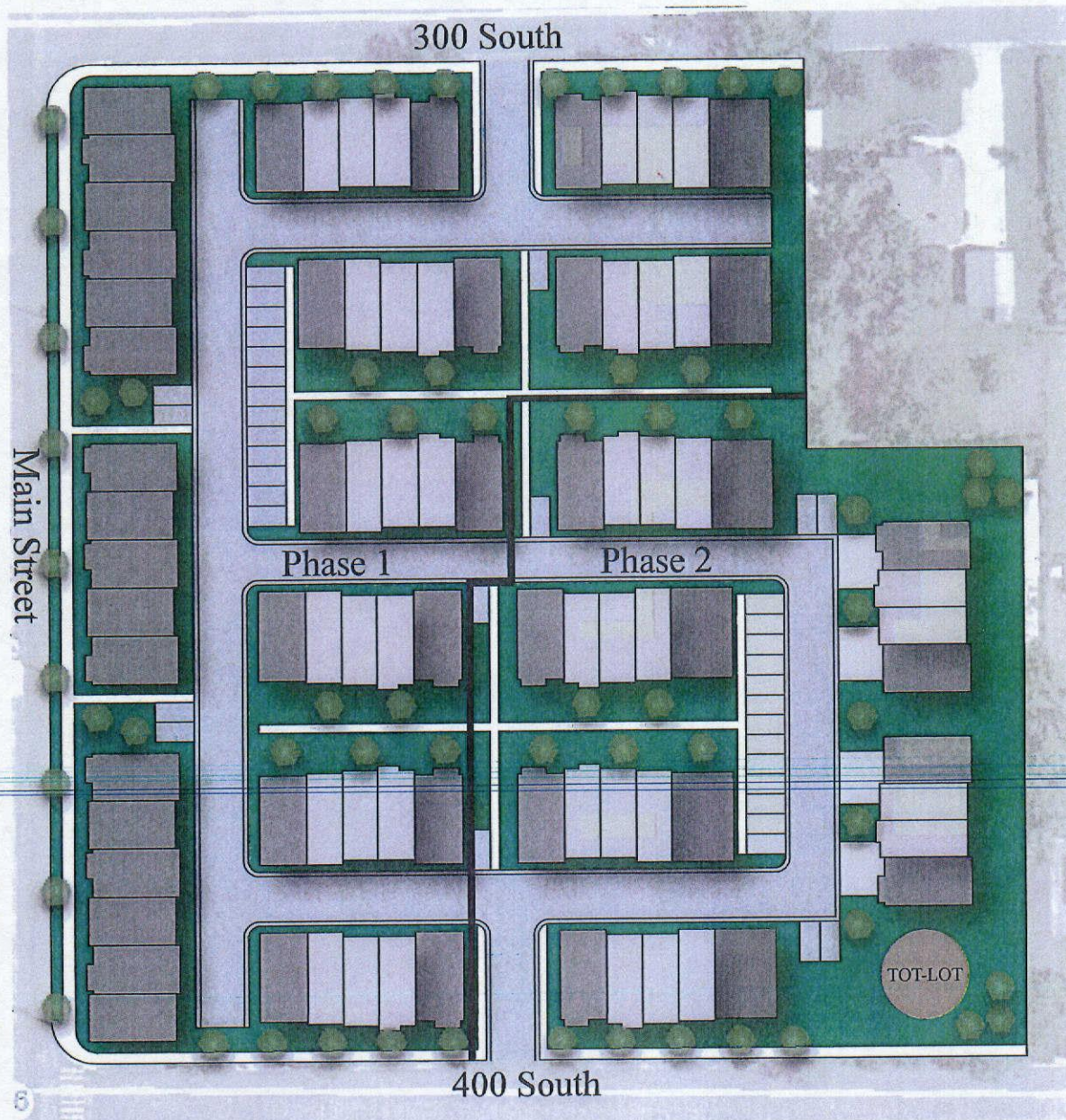
Brighton Centerville LLC is requesting a rezone of two properties. One located at 74 East 300 South and the second located at 337 East 400 South. The two properties are currently zone R-L however they are bordered on their rear property lines as well as their west property lines by the C-M zone. The rezone would allow for two things, it would square up the commercial zoning without encroaching past the midblock; the second is to allow for the development of the commercial property to the west in a more cohesive and efficient way following the South Main Street Corridor District plan. It has been requested in a separate application that these parcels be included in the South Main Street Overlay District.

The two parcels will be part of an overall plan incorporating the Traditional Main Street Sub District Plan within the South Main Street Plan Corridor District. The development will consist of a for sale town home community and live work spaces along main street. The community will incorporate traditional architectural styles and provide cohesiveness along Main Street between 300 South and 400 South. Garages located at the rear of each unit will create an old main street look to 300 South, 400 South, and main street. Units will range from approximately 1,200 sqft to 2,150 sqft, in addition each unit will incorporate 2 garaged parking spaces.

RECEIVED DEC 23 2014

Conceptual Site Layout

Main Street Plan



Total Acreage 3.84 Ac

Unit Count: 85 Units

Parking Count: 220 Spaces

-170 Private Spaces

-50 Visitor Space

Main Street Live Work Units

Rear Loaded Garage



BRIGHTON HOMES

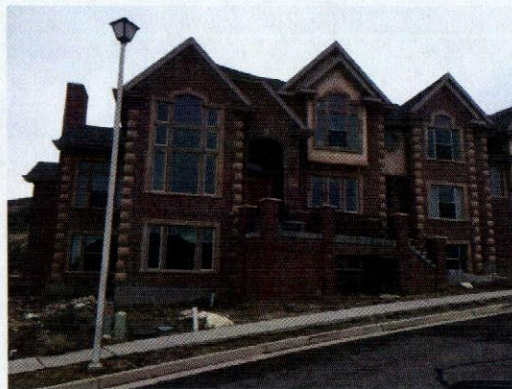
Walton Village



BRIGHTON  HOMES

Text Amendment Changes

- Remove request for the 500' frontage change request
- Remove request for the 40% vs 50% commercial
- Request for 35' height change to text.



Current Site



Current Site



Community Advantages

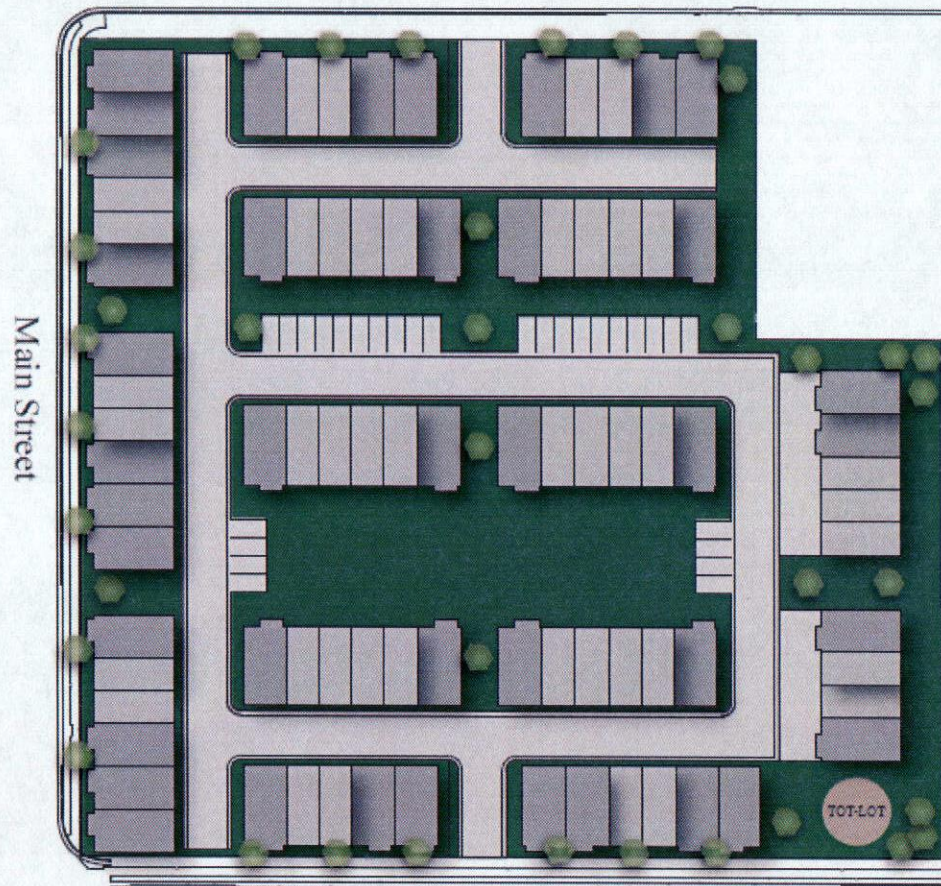
- Clean up Main Street
 - Current Homes and Buildings in Disrepair
- Townhomes worth on average \$210,000
- Active Homeowners Association and management company to enforce strict rules
- Vibrant new architecturally pleasing community

Brighton's Investment in The City

- \$14,000,000 – total project cost
- Great opportunity to fix neighborhood blight
- Community input in the approval process
 - We want to listen and mitigate concerns.

Walton Village

300 South



Main Street

400 South

BRIGHTON  HOMES

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

**STAFF REPORT
AGENDA: ITEM 3**

PROPERTY OWNER: TRUSTEES OF ROCK MANOR TRUST
170 WEST 400 SOUTH
BOUNTIFUL, UT 84010

APPLICANT: KARA FADEL BURNETT, TRUSTEE
253 SOUTH 850 EAST
CENTERVILLE, UT 84010

PROPERTY: 2130 NORTH ROCK MANOR DRIVE
PARK HILLS SUBDIVISION PHASE 3

ACREAGE: 3.99

TOTAL LOTS: 3

ZONING: R-L (RESIDENTIAL-LOW)

APPLICATION: PRELIMINARY SUBDIVISION

RECOMMENDATION: APPROVAL OF THE PRELIMINARY SUBDIVISION

BACKGROUND

On October 22, 2014, the Planning Commission accepted the conceptual site plan for the Park Hills Phase 3 Subdivision located at 2130 North Rock Manor Drive. Phase 3 consists of two developed lots and a larger remnant parcel that will not be utilized at this time. Although the street has been developed along Rock Manor Drive, it has not been dedicated and is only found within an easement. However, now that two lots are being completed, the street in front of the newly formed properties must be dedicated. With the dedication, the Subdivision Ordinance requires the applicant to receive conceptual, preliminary and final site plan reviews by the Planning Commission.

As a reminder, the new lots will be created from a larger parcel of land and are located on the northeast corner and the southwest corner. On the conceptual plans, Lot 2 was considered the remaining parcel, however, staff believed this made it appear as if the remaining land was to be developed along with the other two lots. Therefore, staff requested this piece be

considered the remnant parcel and Lot 3 now be labeled as Lot 2. Lot 1 is 12,031 square feet, Lot 2 is 15,429 square feet and the remaining piece of land is 3.18 acres.

PREVIOUS CONDITIONS OF APPROVAL

1. All professional service fees shall be paid.
 - **Staff Response:** The applicant has paid all application fees, yet they will still be responsible for all additional fees and bonds.
2. A bond shall be posted for all public infrastructure and utility work to be conducted.
 - **Staff Response:** A bond shall be assessed for any public improvements; such as a new sidewalk on the east in front of Lot 1. This bond will be assessed by the City Engineer and must be posted prior to recordation of the subdivision.
3. The preliminary subdivision plan shall indicate proper drainage, grading and contours at intervals of at least 2 feet, to be reviewed and approved by the City Engineer.
 - **Staff Response:** A grading plan has been submitted for Lot 2, yet has not been addressed for Lot 1. This will need to be completed as part of the final subdivision application. The City Engineer has a concern with Lot 2 draining on to the western property and has requested a detention basin be located on the west to allow the collection of water and the slow percolation into the ground. All drainage concerns must be reviewed and accepted by the City Engineer, as part of the final submittal.
4. The applicant shall submit the preliminary subdivision application following all applicable criteria in Chapter 15-3 of the Subdivision Ordinance.
 - **Staff Response:** A full application was submitted on January 7, 2015.
5. The closest fire hydrant shall be indicated on the final plans and reviewed and approved by the South Davis Metro Fire Marshal and the Public Works Director.
 - **Staff Response:** The fire hydrant closest to Lot 2 has been indicated, but not for Lot 1. According to the Public Works Director, a fire hydrant does exist adjacent to Lot 1 and will need to be depicted on the final plans.
6. The "buildable pad" for Lots 1 and 3 shall be indicated on the preliminary plans.
 - **Staff Response:** Lot 2 indicates the buildable area, however, the final plans will still need to indicate the buildable pad for Lot 1.
7. Public utility easements shall be required on Lot 1 and 3 only, and shall indicate a 10-foot easement along the front, and on the other two sides measuring at 7 feet.
 - **Staff Response:** Easements have been located on Lots 1 and 2, however, they only need 3 easements and not all 4. The front easement will need to be 10 feet, while the other two sides need to be 7 feet. An issue of concern that was expressed by the City Engineer was the remaining parcel of land and if easements would be required on this lot. However, since this is a remnant

piece and will not be developed at this time, it was determined by staff that it would not be required at this time.

8. All utilities shall be shown on the preliminary subdivision plan to ensure adequate service.
 - **Staff Response:** All utilities are indicated on the plans for both lots. The applicant will need to ensure that water meters are not found within the driveway of the future homes.
9. All applicable utility provider sheets shall be submitted with the final subdivision application.
 - **Staff Response:** The applicant has sent all provider sheets to the utility companies making them aware of the future development on Rock Manor Drive.
10. Legal descriptions shall be submitted for the street dedications and shall be reviewed as part of the preliminary plan by City staff.
 - **Staff Response:** This will still need to be submitted and reviewed by City staff.

PRELIMINARY SUBDIVISION REVIEW CHAPTER 15-3

Plat preparation and required information

The following items will still need to be addressed as part of the final plat:

- Lot 2 found on the submitted plans will need to be labeled as a remnant parcel and that it will not be developed until a future date
- Lot 3 will need to be labeled as Lot 2
- Legal description for those portions of the road in front of Lot 1 and Lot 2 will need to be depicted on the final plat
- The 3 easements on each lot will need to be depicted instead of 4
- Submit a current title report to City staff

General Review

According to the General Plan, this area is found within Neighborhood 3, Northeast Centerville. It further states the goal for this area is to remain low-density single-family development, which the proposed subdivision will accomplish.

The proposed lots are found within the Residential-Low (R-L) Zone, which will allow for the proposed development. Each lot depicted has adequate street frontage, buildable area and setbacks as required in Chapter 12-32 of the Zoning Ordinance. Although the Fire Marshal has indicated adequate fire protection is found for the subdivision, the applicant will still need to indicate the nearest fire hydrant for Lot 1. Finally, the applicant will be required to complete a new 4-foot sidewalk along the east side of Rock Manor Drive in front of Lot 1. However, Lot 1 is not being developed at this time and if the sidewalk is built now it may be damaged during construction of the home. In order to avoid this waste of resources and funding by the applicant, staff would recommend the applicant sign an agreement that when the home is constructed they will place the sidewalk in front of the lot. Staff does not believe

this will have a negative impact on the community, since a bond will already be posted by the applicant for the amount of the sidewalk.

The proposed subdivision meets applicable Zoning Ordinance Requirements for development in the R-L Zone. In addition, the general requirements for all subdivisions pertaining to layout, lot size, utility improvements have been depicted and are in harmony with the Subdivision Ordinance Requirements [Section 15-5-101 through 106].

CONCLUSION

The submitted preliminary plat follows the accepted conceptual plans and has been found to meet all applicable standards for a preliminary review. The applicant will still be responsible for submitting a final plat and posting all bonds associated with public improvements.

PLANNING STAFF RECOMMENDATION

Suggested Motion for the preliminary subdivision plat for Park Hills Phase 3 Subdivision located at 2130 North Rock Manor Drive: I hereby make a motion for the Planning Commission to approve the preliminary subdivision plan for the proposed Park Hills Phase 3 Subdivision, located at 2130 North Rock Manor Drive, subject to the following:

1. Lot 2 depicted on the preliminary site plan shall be relabeled as to state: remnant parcel for future development.
2. Lot 3 depicted on the preliminary site plan shall be relabeled as Lot 2.
3. A bond shall be posted for all public infrastructure and utility work to be conducted.
4. An agreement shall be signed with the applicant that they shall be responsible to place the sidewalk on Lot 1 as part of the construction of a new single-family dwelling on the same lot.
5. Lot 1 shall depict a drainage plan and the buildable area as part of the final submittal and shall be reviewed by City staff.
6. Public utility easements on both Lot 1 and 2 shall be found on three sides with the front being 10 feet and two other sides at 7 feet.
7. A detention basin shall be created in the back of Lot 2 to allow water to slowly percolate into the ground and not flow on to adjacent property. This drainage swell shall be review and approved by the City Engineer as part of the final subdivision process.
8. The fire hydrant located on the northwest corner of Lot 1 shall be indicated.
9. Legal descriptions shall be submitted for the street dedication and shall be reviewed as part of the final subdivision process by City staff.
10. A current title report shall be submitted and reviewed by staff as part of the final subdivision process.
11. The applicant shall submit the final subdivision application following all applicable criteria in Chapter 15-4 of the Subdivision Ordinance.

Suggested Reasons for the Action (Findings):

1. The preliminary subdivision is in harmony with the General Plan [Section 12-480-52(1)(e)]

2. The new subdivision meets the objectives for development within a Residential-Low Zone [Section 12-30-020(b)(1)].
3. It appears all applicable development standards for development within an R-L Zone have be satisfied [Table 12-32-1].
4. It appears all general requirements for all subdivisions have been satisfied [Chapter 15-5].
5. All applicable standards found in the Subdivision Ordinance pertaining to a preliminary subdivision application have been satisfied [Chapter 15-3].

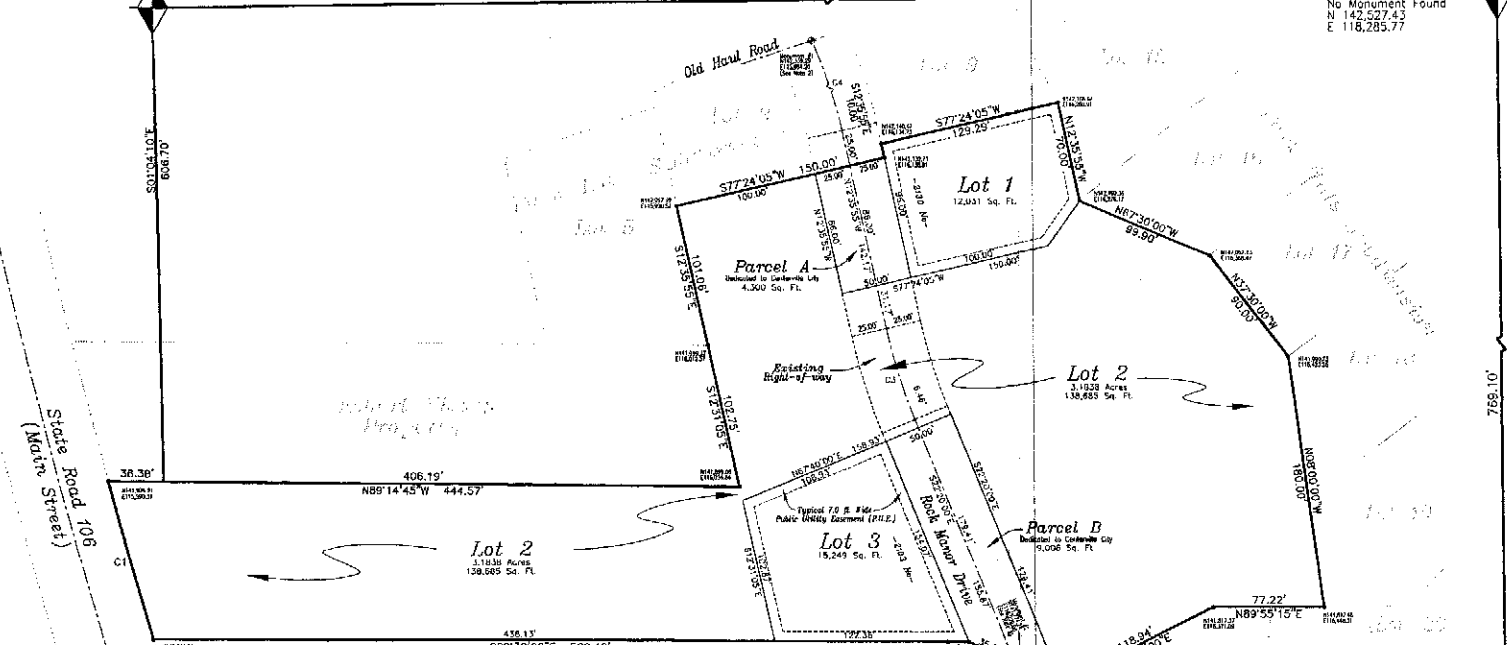
Park Hills Subdivision Phase 3

Being a Part of the South Half of Section 31, T.3N., R.1E., S.L.B. & M.
Centerville City, Davis County, Utah

Center of Section 31,
T.3N., R.1E., S.L.B. & M.
No Monument Found
N 142.511.03
E 115.617.38

East Quarter Corner
Section 31, T.3N.,
R.1E., S.L.B. & M.
No Monument Found
N 142.527.43
E 118.285.77

N89°38'50"E (1/4 Section Line) 2,668.46'



Boundary Description

Beginning at the Northeast Corner of Lot 8 of Park Hills Subdivision Phase 2 which point is N73°40'W 1381.32 ft. along the Section Line and West 2,038.51 ft. from the Southeast Corner of Section 31, T.3N., R.1E., S.L.B. & M. and running thence along the boundary of said Park Hills Phase 2 in the following bearings and distances to the Southeast Corner of Lot 19 of Park Hills Subdivision: (1) N63°00'00"E 132.44 ft., (2) S87°58'15"E 73.73 ft. thence along the boundary of said Park Hills Subdivision in the following eight corners: (a) N63°00'00"E 180.00 ft., (b) N37°30'00"W 95.00 ft., (c) N47°30'00"W 79.50 ft., (d) N123°25'55"W 120.00 ft., (e) S77°24'05"W 120.00 ft., (f) S17°33'00"E 101.68 ft. thence: S17°31'00"E 102.75 ft. along the East boundary of the Robert Family Trust Property, thence N14°10'W 447.17 ft. more or less to the East line of State Highway 100, thence Southeast along said East line of Highway 100, 117.19 ft. along the arc of a S89°55'15"E right curve to the left through a radial angle of 1°04'47" thence S15°15'03"E 117.19 ft. thence S89°55'15"E 588.49 ft. along a fence line boundary established by boundary line agreement in Book 1441, Page 1140 of Davis County Records to the Northwest Corner of said Park Hills Subdivision Phase 2, thence along the boundary of said Park Hills Phase 2 in the following bearings and distances to the point of beginning: (1) S83°53'45"E 14.10 ft., (2) S88°24'48"E 74.90 ft. containing 4.1185 Acres.

Surveyor's Certificate

I, J. Scott Balling, a Registered Land Surveyor holding Certificate No. 162195 as prescribed under the seal of the State of Utah, do hereby certify that by the authority of the owner I have made a survey of the tract of land shown on this plat and described hereinafter and have subdivided said tract of land into lots, and parcels hereinafter to be known as "Park Hills Subdivision Phase 3" and that the same has been correctly surveyed and shown as the ground is shown.

Owner's Dedication

I, J. Scott Balling, a Registered Land Surveyor holding Certificate No. 162195 as prescribed under the seal of the State of Utah, do hereby certify that by the authority of the owner I have made a survey of the tract of land shown on this plat and described hereinafter and have subdivided said tract of land into lots, and parcels hereinafter to be known as "Park Hills Subdivision Phase 3" and that the same has been correctly surveyed and shown as the ground is shown.

Acknowledgement

On this _____ day of _____, 2015, there personally appeared before me, the undersigned Notary Public, Kure Fude Burnett, agent of the Owner's Dedication, who duly acknowledged to me that she is a trustee of Rock Manor Trust, which entity is the owner of the tract of land described hereon and that she signed this deed and voluntarily so belief of said entity for the uses and purposes therein mentioned.

Notary Public: _____
Residence: _____
My Commission Expires: _____

Legend

- Boundary Line
- Public Utility Easements
- Center Line
- Lot Lines
- Set Back and Cap
- Brass Monument
- Section Corner

Davis County Recorder

Entry No. _____ Fee Paid _____
one Recorded this _____ day of _____, 2015, at _____
in _____ of _____
_____ of Official Records
_____ Davis County Recorder
_____ Deputy Recorder

Curve Information

Curve	Radius	Length	Angle	Chord	Chord Bearing
C1	118.00	117.00	117.00	117.00	S117°27'50"E
C2	118.00	117.00	117.00	117.00	S117°27'50"E
C3	118.00	117.00	117.00	117.00	S117°27'50"E

Centerville City Council Approval

Presented to the City Council of Centerville City, Utah, on _____ day of _____, 2015 at which time this subdivision was approved and accepted.
City Recorder Attest: _____
Mayor: _____

Recommended for Approval

Recommended for approval this _____ day of _____, 2015.
Centerville City Planning Commission Chairperson: _____

Recommended for Approval

Recommended for approval this _____ day of _____, 2015.
Centerville City Engineer: _____

Recommended for Approval

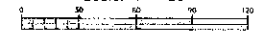
Recommended for approval this _____ day of _____, 2015.
Centerville City Attorney: _____

Notes:

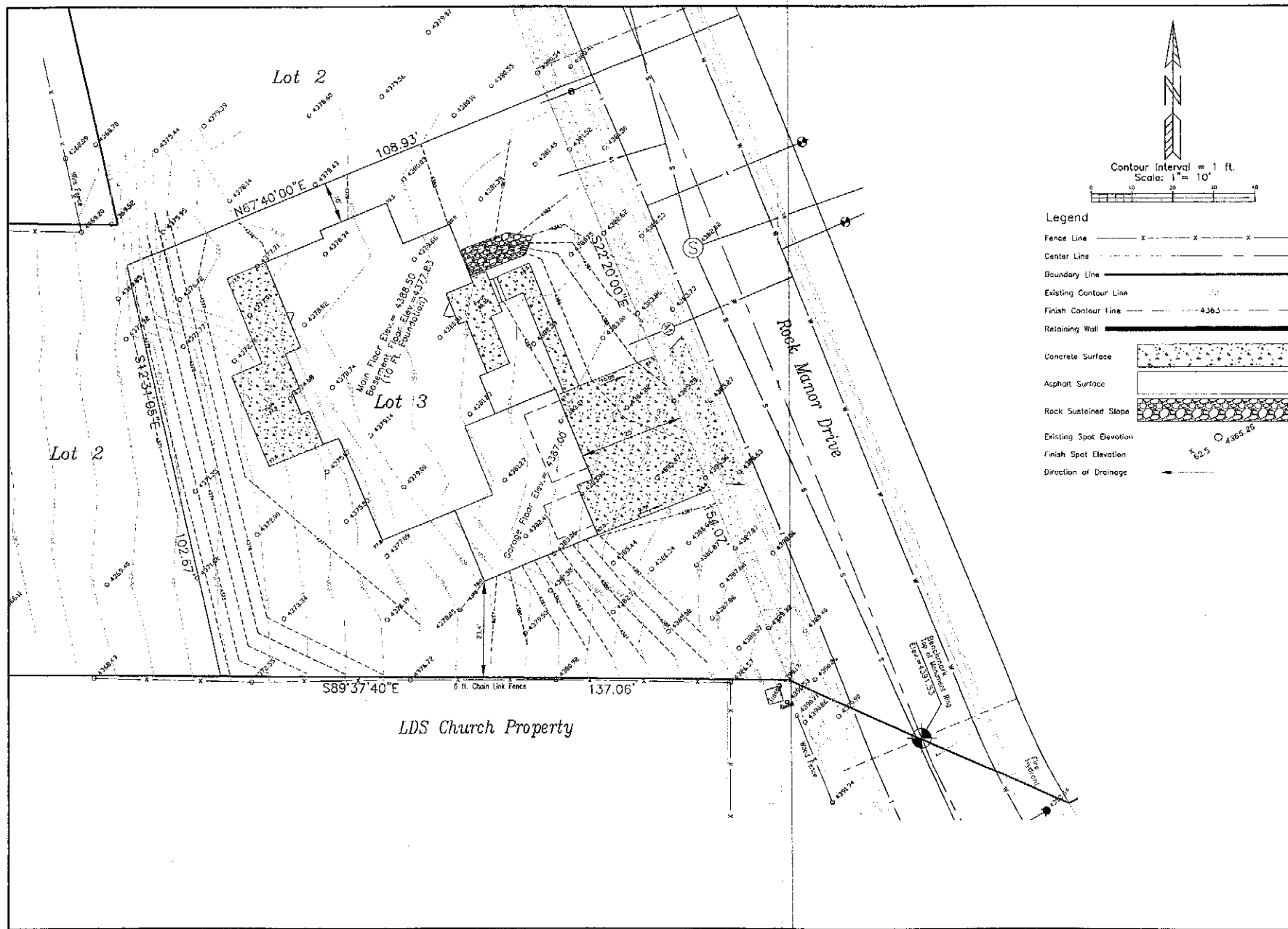
1. No Contingent one based on Davis County Surveyor's Office Station.
2. The State of Utah for this subdivision is between monuments 1 and 2 as follows: S47°12'17" E18.78 ft.

Southeast Corner
Section 31, T.3N.,
R.1E., S.L.B. & M.
Existing Brass Monument
N 139°47'16"
E 118.513.24

January, 2015
Scale: 1" = 30'



Balling Engineering
323 Ellis Pages Lane
P.O. Box 825
Centerville, Utah 84014
Phone: (801) 282-7227
Fax: (801) 289-0418



Contour Interval = 1 ft.
Scale: 1" = 10'

Legend

Fence Line ——— X ——— X ——— X ———

Center Line ——— ——— ———

Boundary Line ——— ——— ———

Existing Contour Line ——— ——— ———

Finish Contour Line ——— ——— ———

Retaining Wall ——— ——— ———

Concrete Surface [Pattern]

Asphalt Surface [Pattern]

Rock Sustained Slope [Pattern]

Existing Spot Elevation ○ 4365.20

Finish Spot Elevation ○ 4365.20

Direction of Drainage ——— ——— ———

Lot 3, Park Hills Phase 3

Site Grading Plan

For: Daren Burnett
 323 East Pages Lane
 Cedar Breakers
 Provo, Utah 84014
 Phone: 801-299-8788
 Email: daren.burnett@baling.com

Balling Engineering

Civil Engineering • Surveying • Planning

Phone: 801-295-7237
 Fax: 801-299-0418
 Email: info@baling.com

Revisions	
By	Description

Surveyor: J.S. Baling

Date Surveyed: 10-27-14

Drafting: J.S. Baling

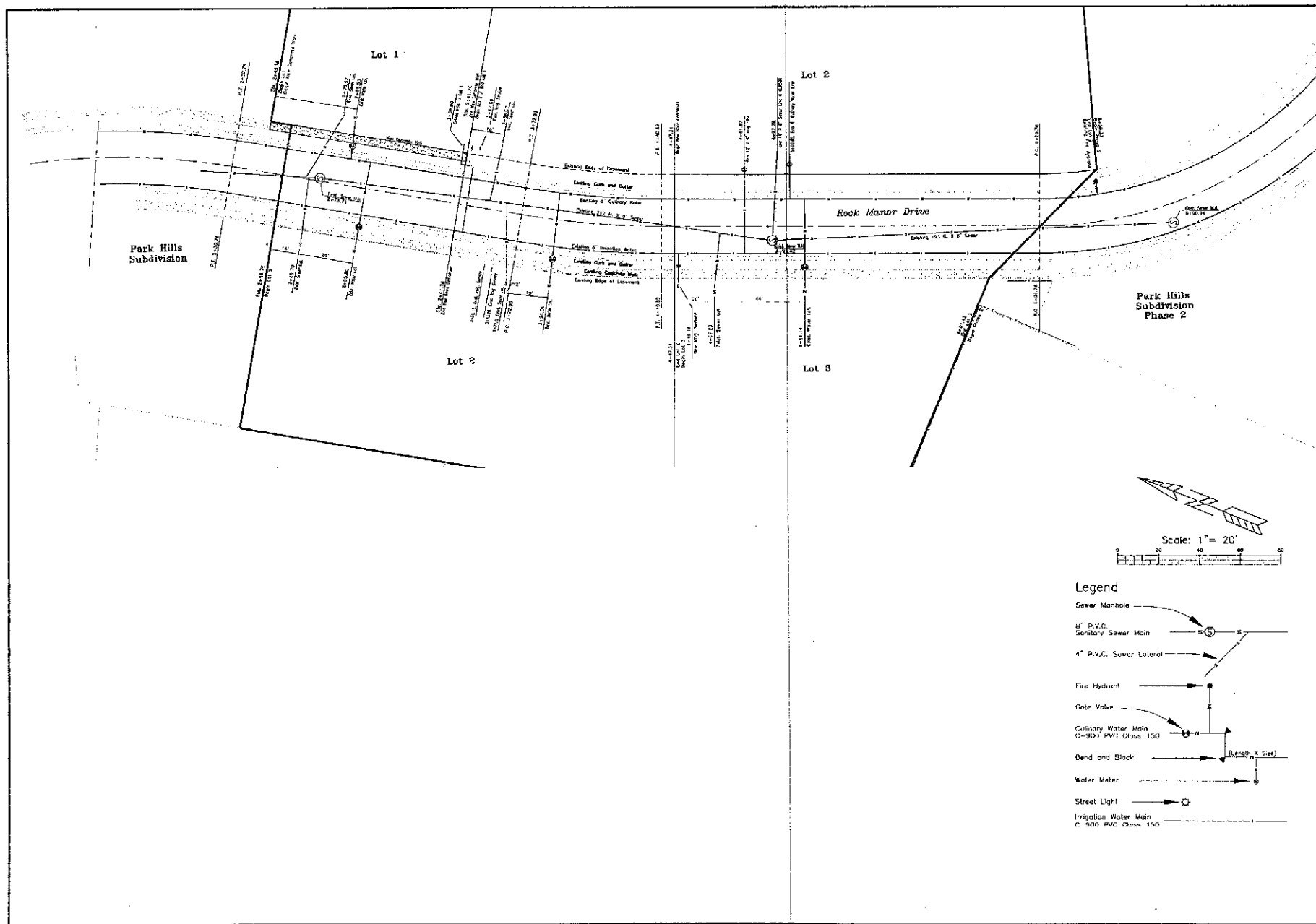
Checked By: J.S. Baling

Submitted Date: 1-10-15

File Number: C103

C103

Sheet 3 of 3



Revisions

Rev	Description

Surveyor: J.S. B. '94
Date Surveyed: 10-27-14
Checked By: J.S. B. '94
Submittal Date: 1-13-15
File Number: C102

Park Hills Phase 3
Rock Manor Drive Improvements

For: Daren Burnett
 253 So. 650 East
 Salt Lake City, Utah 84143
 Phone: 801-299-8700

Balling Engineering
 Civil Engineering • Planning
 Phone: (801) 295-7237
 Fax: (801) 299-0419
 Email: jballing@belling.com

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

**STAFF REPORT
AGENDA: ITEM 4**

APPLICANT: **CENTERVILLE CITY PLANNING COMMISSION
C/O DAVID HIRSCHI, CHAIR
250 NORTH MAIN STREET
CENTERVILLE, UTAH 84014**

APPLICATION: **ZONING CODE TEXT AMENDMENTS**

APPLICANT REQUEST: **AMEND CENTERVILLE CITY ZONING ORDINANCES TO
ALLOW FOR THE DEVELOPMENT AND USE OF
ACCESSORY DWELLING UNITS (ADUs)**

RECOMMENDATION: **CONSIDER RECOMMENDING APPROVAL OF THE
ZONING CODE TEXT AMENDMENTS & IF ADUs ARE
DESIRABLE, TABLING FOR ADDITIONAL MINOR CODE
TEXT AMENDMENTS**

BACKGROUND

Over the past months of 2014, the Planning Commission has held some public discussion meetings to assess the possibility of allowing accessory dwelling units as part of the housing options within the City. The Commission hosted both general feedback and a roundtable discussion meeting, where dates and times were posted on the City's website and in the City newsletters and/or utility billings.

Generally, these meetings indicated that allowing such housing type might be appropriate, provided sufficient use regulations could be developed. However, there were some concerns about allowing detached ADUs, or units constructed separately from the primary dwelling. Additionally, the Commission also questioned whether some aesthetic design standards were actually needful. Due to consensus that allowing ADUs might be appropriate, the Commission asked staff to prepare a draft Ordinance to review and discuss.

DRAFT ADU ORDINANCE SUMMARY

The draft Ordinance is compiled using typical standards found throughout many Utah cities. However, such provisions have been modified or altered to reflect Centerville's Zoning Ordinance style; as well as elements that attempt to reflect the characteristics of using ADUs in

Centerville City. Each section contains a brief description of the issues described in the Ordinance section.

Purpose – General Ordinance language describing the “why” of the Ordinance.

Scope – General Ordinance language setting the “who” of the Ordinance.

Definitions – General Ordinance language referencing the use of terms and locations for further understanding.

Use Allowed – General Ordinance language describing the allowance and zoning districts regarding ADUs. Ordinance currently only proposes ADU use in (A-L) and (R-L) Zones.

Limitations, Termination, and Exemptions – Specific Ordinance language addressing the parameters for ADU use. ADU use fundamentals such as occupancy, density, location, measurement, termination, and exceptions are identified.

General Development Standards – Specific Ordinance language setting terms and conditions of ADU use with regards to ensuring that the dwelling is subordinate to the primary home. The regulations address establishment, space and size, setbacks, heights, parking, etc.

Design Standards (Optional Consideration) – Specific Ordinance language addressing visual aesthetics for additions or detached structures. Elements identified include use of exterior materials, entrance locations, roof pitch, window treatment, etc.

Occupancy Requirements – Specific Ordinance language establishing an owner occupancy requirement and/or when a termination is warranted. The regulations also allow a temporary leave of absence before any cessation is required. A written recorded agreement with specific terms and conditions is required as part of establishing an ADU.

Other Applicable Regulations and Codes – General Ordinance language referencing other applicable codes and requirements such as building and fire codes.

Conditional Use Required – General Ordinance language indicating the requirement to obtain a conditional use permit to allow an ADU use.

ZONE TEXT AMENDMENT REVIEW PROCESS

Factors to be Considered

The deciding entity must consider three (3) factors when making a recommendation and a final decision for a zone text amendment. These required factors are found in Section 12-21-080(e) of Centerville City's Zoning Ordinance. Staff's review and conclusions for these factors are provided below:

1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?

- ✓ [Moderate Income Housing Plan Statement] **Goal 6-D** – “Consider Adopting Basic or Flexible Design Standards for Small-Lot or Underutilized Land Parcels Within Existing Developed Areas of the City”

- **City Objective 6-D.4** – “Consider Adopting an ‘accessory dwelling’ Ordinance with design standards. Such allowances may also be considered ‘conditional uses’ in single family zones...”
- **City Objective 6-D.5** – “Consider adopting additional design and layout standards with any objectives mentioned above to ensure compatibility with the surrounding context and appearance of the neighborhood.”

Staff’s Conclusion – The objective is to consider the use of ADUs. Additionally, the concept of also including design standards was to be considered. Thus, staff concludes that **the proposed Ordinance is consistent** with the City’s Moderate Income Housing Element concerning both the use of ADUs and of implementing design standards.

2. Is the proposed amendment **harmonious with the overall character** of existing development in the vicinity of the subject property?

Staff Response: The **proposed Ordinance includes several compatibility elements** to maintain neighborhood characteristics, such as:

- ADUs are to be clearly and distinctly subordinate to the primary use
- Owner Occupancy Requirements
- Location & Size Limitations
- Design Expectations

3. What is the extent to which the proposed amendment may adversely affect adjacent property?

- **Staff’s Response:** **The proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties.** Such elements provide self-contained on-site needs to minimize off-site conflicts with adjoining properties. Additionally, an ADU use is deemed a conditional use (CUP). A CUP allows the approving authority (i.e. Planning Commission) to review each case to assess the potential impacts and set conditions to mitigate concerns or potential problems. The listed parameters, restrictions or limitations include:

- Size & Location
- Minimum and Maximum Habitable Space Area for ADU
- Provision of Parking Spaces for Both House and ADU
- Provision of Yard Areas for Both House and ADU
- Design Standards (*optional considerations*)
 - Exterior Finishes
 - Location of Entrances
 - Roof Pitch & Eave Expectations

ADDITIONAL CONSIDERATIONS – IMPACT FEES

As part of any development proposal, from single-family subdivisions to large commercial development, the City has adopted “impact fees.” Impact fees are charged to cover the costs of expanding or sizing utility service infrastructure. Such fees cover items such as water lines and meters, storm drains, fire service, and even for providing parks. Since ADUs may create added demands for some services, it may not always be the case for other such services. The concept of ADUs are to capitalize and opportunity to use existing single-family style developments and associated infrastructure to keep costs down but increase the opportunity to find housing options. Charging a full service impact fee to an ADU may be a dis-incentive and may not be a flawless balance between the actual impact and the end user of an ADU. The Commission and Council need to consider this as part of any decision to allow ADUs in the City.

PLANNING STAFF RECOMMENDATION

Staff Suggested Action - I hereby make a motion for the Planning Commission to **TABLE** this matter for further discussion and direct staff to accomplish or report further, as follows:

1. *(Commission to identify any issues or edits to be addressed or accomplished by staff).*

[New Section] Chapter 12-60-Accessory Dwelling Units

1

[Add]	12-60-010.	Purpose
	12-60-020.	Scope
	12-60-030.	Definitions
	12-60-040.	Use Allowed
	12-60-050.	Limitations, Termination, and Exemptions
	12-60-060.	General Development Standards
	12-60-070.	Design Standards <i>(Optional)</i>
	12-60-080.	Occupancy Requirements
	12-60-090.	Other Applicable Regulations and Codes
	12-60-100.	Conditional Use Required

[Add] 12-60-010. Purpose

The purpose of this Chapter is to establish the use and development regulations for the allowance of accessory dwelling units (ADU's) within the City. These regulations are intended to provide opportunity for secondary separated living quarters (i.e. dwelling unit) for the elderly to be taken care of by family members, or permit alternative housing options for newly married couples or the return of adult children, or even perhaps for those who are on a fixed income to supplement a mortgage payment. Provided however, that the ADU is to be clearly and distinctly subordinate to the approved primary building use and size located on the property and must not disrupt the residential environment and character of single-family neighborhoods.

[Add] 12-60-020. Scope

The requirements of this Chapter shall apply to any 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 City Code, or other laws.

[Add] 12-60-030. Definitions

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

[Add] 12-60-040. Use Allowed

(a) *Permitted.* ADU's are to be allowed in residential zones as set forth on the Table of Uses Allowed in Chapter 12-36 of this Title. Permitted and conditional uses are indicated by "P" or "C," respectively. Uses not permitted are indicated by "N."

[Add] 12-60-050. Limitations, Termination, and Exemptions

-
- (a) *Use in Combination.* An ADU shall be established as a subordinate accessory dwelling unit in both use and size and shall only be established in combination with a primary single-family dwelling unit.
- (b) *Owner Occupancy Required.* An ADU shall only be established for single-family dwellings that are occupied by an owner in accordance with the “Owner Occupancy” requirements of subsection 12-60-080.
- (c) *Number allowed.* Only one (1) ADU is allowed for a:
- (1) Lot, parcel, or tract of land; and
 - (2) Main building or structure of a primary single-family dwelling.
- (d) *Location or Placement.* The ADU may be integrated within or a part of the primary use structure; or may be separated or detached from the primary structure provided its building or structure is located entirely within the yard area that is present behind (rear portion) the primary building of the lot or parcel.
- (e) *Separate Dwelling Units.* Any portion of a single-family dwelling that has been sectioned off, mechanically, physically, or by other means, so that any occupant in the 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) *Termination of ADU use.* The approval permit for an 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 action violates the provisions of this Chapter. Upon such termination of ADU use, the owner shall remove one or more features that make up an 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 ADU removed or unusable.
- (g) *Exemptions.* The following exemptions shall apply to the use of ADU’s:
- 1) Accessory dwelling units shall not be included in the gross density calculations for single-family zoning districts (i.e. A-L and R-L Zones).
 - 2) Except as provided in this Chapter regarding establishing a separate dwelling unit, the provisions of this Chapter do not apply if a single family dwelling is wholly occupied by a family, as defined in Chapter 12-12-Definitions, or other laws.

1. *Exception.* For conversion of an existing accessory structure on a lot or parcel, the minimum five (6) setback may be reduced to the standard accessory building three (3) foot setback, provided there is sufficient emergency ingress/egress from all habitable space areas within the structure and the structure meets the applicable building and fire regulations.
- (d) *Heights.* ADU's shall meet the following:
- (1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable height requirement for primary or main buildings as listed in the development standards of its respective residential zone.
 - (2) Detached ADU's shall be limited to a height of 20 feet, as measured by the average of all four (4) sides of the building's elevation using the mid-point between the lowest eave and the highest ridge line.
- (e) *Parking.* At least one (1) additional parking space shall be provided for an ADU, provided however that the existing parking requirements for the primary dwelling are in place or restored if missing. The 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) *Yard Space.* Every ADU shall be provided yard space using one (1) of the following methods:
- (1) *Common Space.* The ADU and primary or main building may equally share yard areas for use by all occupants.
 - (2) *Private Space.* At least 200 square feet (25% if the maximum allowed ADU size) of yard area shall be provided for exclusive use by the ADU, regardless of its size.
- (g) *Bulk Rear Yard Area Limitation.* For detached ADU's, the combined building foot print coverage of the required rear yard area (i.e. rear yard setback area) for all accessory buildings, including the ADU, shall not exceed 20%.

[Add - Optional]

12-60-070. Design Standards

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

-
1. *Exception.* For conversion of an existing accessory structure on a lot or parcel, the minimum five (5) setback may be reduced to the standard accessory building three (3) foot setback, provided there is sufficient emergency ingress/egress from all habitable space areas within the structure and the structure meets the applicable building and fire regulations.

4

(d) *Heights.* ADU's shall meet the following:

- (1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable height requirement for primary or main buildings as listed in the development standards of its respective residential zone.
- (2) Detached ADU's shall be limited to a height of 20 feet, as measured by the average of all four (4) sides of the building's elevation using the mid-point between the lowest eave and the highest ridge line.

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- (1) *Common Space.* The ADU and primary or main building may equally share yard areas for use by all occupants.
- (2) *Private Space.* At least 200 square feet (25% if the maximum allowed ADU size) of yard area shall be provided for exclusive use by the ADU, regardless of its size.

(g) *Bulk Rear Yard Area Limitation.* For detached ADU's, the combined building foot print coverage of the required rear yard area (i.e. rear yard setback area) for all accessory buildings, including the ADU, shall not exceed 20%.

[Add - Optional]

12-60-070. Design Standards

The design standards set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these design standards are to ensure 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 must be the same, or visually appear to match the type, size, and colors, as the finish materials utilized on the primary or main building of the lot or parcel.
- (b) *Location of Entrances.* Only one (1) entrance shall 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 ADU is located. All other entrances must be located on wall facades facing interior to the lot.
- (1) *Ground Entrance Restrictions.* Ground entrances shall be prohibited on a wall facade facing a perimeter lot line, unless such wall facade is at least 6 feet from a perimeter lot line.
- (2) *Upper Story Entrance Restrictions.* An upper story entrance (e.g. access from balconies and decks) having no other ground entrance shall be prohibited on a wall facade facing a perimeter lot line unless such wall facade is located 20 feet from the perimeter lot line.
- (c) *Roof Pitch.* The roof pitch must be the same or visually appear to use the same as the roof pitch style of the primary or main building of the lot or parcel in which the ADU is located.
- (d) *Windows.* Windows must match or visually appear to match in proportion (i.e. width to height) and orientation (i.e. horizontal or vertical) to windows used for the main or primary building.
- (e) *Eaves.* Building eaves for ADU's must meet one of the following designs:
- (1) The eaves must project from the walls the same distance as the eaves on the primary or main building.
- (2) The eaves must project from the walls at least one (1) foot on all elevations.
- (3) If the primary or main building style has no eaves, then eaves are not required for the ADU.
- (f) *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.

[Add] **12-60-080. Occupancy Requirements**

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 to 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 ADU's;
- (1) *Owner.* An owner is defined as a person having at least 50% or greater interest in the property.
 - (2) *Full-time Residency.* Full-time residency means the owner must live in the dwelling for at least six (6) months of each calendar year.
 - (3) *Owner Occupancy Covenant.* A signed and notarized owner-occupancy agreement that is recorded on the property title for sanctioning an ADU.
 - (4) *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 dwelling or the ADU is to be occupied by a full time resident property owner, as shown on the Davis County Tax Assessment rolls.
- (c) *Owner Occupancy Covenant.* ADU owners must sign and record an "owner occupancy covenant" with the City and have it recorded at the Davis County Recorder prior to receiving an ADU permit. The covenant 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 received approval to construct or use an~~ accessory dwelling pursuant to Centerville City ordinances.
 - (3) That the owner(s) of the property will restrict the use of the principal dwelling and ADU in compliance with Centerville City ordinances.
 - (4) That an owner with at least a 50% interest in the property will occupy either the primary dwelling or ADU for six months of each calendar year, except where a "temporary owner absence waiver" is granted by Centerville City ordinances.
 - (5) That if the owner(s) of property are unable or unwilling to fulfill the requirements for use of an ADU, then the owners agree to remove one or more features that make it an 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 ADU permit and approval.
 - (6) That the covenant shall run with the land and be binding upon the owners, heirs, and assigns, and upon any parties acquiring any right, title, or interest in the property.

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- (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 covenant.

- (d) *Temporary Owner Absence Waiver.* The owner(s) shall comply with the Full-time Owner Residency Requirements or shall terminate, in writing, the ADU permit, as deemed acceptable to the City. Nonetheless, an owner may receive a waiver of the occupancy requirement upon submitting in writing evidence showing good cause such as:

- (1) Temporary job dislocation,
- (2) Sabbatical leave,
- (3) Educational pursuits, or
- (4) Illness

A waiver of the occupancy requirement may be granted, by the City's Zoning Administrator, up to a maximum of three (3) years. Thereafter, if not re-occupied, then ADU permit shall be deemed null and void and one or more features shall be removed immediately, upon notice from Centerville City, or the property will subject to applicable enforcement measures.

[Add] **12-60-090. Other Applicable Regulations and Codes**

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

- (a) *Construction and Fire Codes.* An ADU shall be subject to all related regulations regarding the construction and fire codes, as adopted by the City and State.
- (b) *Utilities and Charges.* An 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 in the property owner(s) name and the owner shall be responsible for the payment of such services.
- (c) *Development and Impact Fees.* A permit for an ADU shall not be issued until payment is received for all related development and impact fees, as depicted in the City's Fee Schedule.
- (d) *Addressing.* An ADU will not be given a new distinct address by the City. Such ADU's may refer mail to be delivered separately by the same address as the primary building using with a subordinate numerical or alphabetical reference (e.g. 1390

West #A), as approved by the local postmaster and/or emergency service agencies.

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[Add] **12-60-100. Conditional Use Permit Required**

The creation and use of ADU's are subject to the issuance of a conditional use permit pursuant to the requirements of Section 12-21-100 of this Title and the standards and requirements of this Chapter.

Related Zoning Ordinance Amendments *(These amendments will need to be noticed for public hearing prior to the Commission formally recommending any changes to the City Council)*

Chapter 12-12-Definitions;

[Edit] Dwelling, Single-family, with Accessory ~~Apartment~~ **Dwelling Unit (ADU)** – A **lot, parcel, or tract of land** ~~building~~ having only one (1) **primary** dwelling unit and one (1) accessory dwelling unit.

Chapter 12-36-Table of Uses;

[Edit] [Residential Uses] Dwelling, Single-family, with Accessory ~~Apartment~~ **Dwelling Unit (ADU)** – Strike **"N"** and list as a conditional use **"C"** in both the A-L and R-L Zones.
