

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON FEBRUARY 8, 2017 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 Planning Commission of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 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: and at <http://centerville.novusagenda.com/agendapublic>.

Tentative - The times shown below are tentative and are subject to change during the meeting.

Time:

7:00 PM **A. WELCOME AND ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

D. MINUTES REVIEW and ACCEPTANCE

January 25, 2017 Planning Commission

E. COMMISSION BUSINESS

7:10 1. Public Hearing - Zoning Map Amendment, 1150 South 240 East

LEGISLATIVE DECISION

Consider the proposed request for a Zoning Map Amendment for property located at 1150 South 240 East, from a Residential-Medium (R-M) Zone to a Residential-Low (R-L) Zone

7:30 2. Public Hearing - Chitose Johnson Conceptual Subdivision, 1150 South 240 East

ADMINISTRATIVE DECISION

Consider the proposed Conceptual Subdivision Plan for Chitose Johnson, which consists of a 9-lot single-family residential subdivision located at approximately 1150 South 240 East

7:50 3. Public Hearing - Subdivision Ordinance Text Amendments, Municipal Code, Title 15

LEGISLATIVE DECISION

Consider the proposed amendments to Title 15 of the Centerville Municipal Code regarding Subdivisions

8:10 4. Public Hearing - Text Amendment - Accessory Setbacks

LEGISLATIVE DECISION

[Previously Tabled from January 11, 2017 Planning Commission]

Consider amending the current zoning text to increase accessory building setbacks in R-L, R-M, and R-H Zones

F. ADJOURNMENT

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
2/8/2017**

Item No.

Short Title: January 25, 2017 Planning Commission

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- January 25, 2017 PC Preliminary Draft minutes

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, January 25, 2017

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

Kevin Daly
Logan Johnson
Cheylenn Hayman, Vice Chair
Kathy Helgesen
Gina Hirst
Becki Wright

MEMBERS ABSENT

David Hirschi, Chair

STAFF PRESENT

Emily Hatch, Recording Secretary
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Cassie Younger, City Planner

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Logan Johnson

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held January 11, 2017 were reviewed and amended. Commissioner Helgesen made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Wright and passed by unanimous vote (6-0).

PUBLIC HEARING – GENERAL PLAN TEXT AMENDMENT SOUTHEAST NEIGHBORHOOD PLAN- Consider a proposed General Plan Text Amendment regarding the future residential density allowances in the Southeast Neighborhood [Neighborhood 1] – Centerville City Council, c/o Mayor Paul Cutler, Applicant.

Cory Snyder, Community Development Director, gave some context for the draft edits of the Southeast Plan made by Staff. The plan under discussion today is for the residential

1 component. The commercial areas will be addressed in the future, as the second phase of this
2 project. The written recommendations were an attempt by Mr. Snyder to capture the essence of
3 past discussions in relation to amending the Southeast Neighborhood Plan, including the concern
4 over allowing more multi-family developments and the potential change of Residential-Medium
5 Zones. The drafted edits also include suggested changes to some phrases used in the Plan. Mr.
6 Snyder emphasized that these discussions about the future and expectations of the City are
7 necessary parts of the function of the Planning Commission. Mr. Snyder noted there is no intent
8 on the part of Staff for a final decision on the Plan to be made tonight, unless the Commission
9 feels that the edits made so far are sufficient. Staff, however, does not feel that the Plan is solid,
10 as of yet.

11
12 Mr. Snyder stated that the Southeast Neighborhood Plan covers the portion of the City
13 south of Main Street and East of Parrish Lane (400 North) to city limits, either in the foothills or
14 to Bountiful. In Section 12-480-1 of the General Plan, a map is referenced which should show
15 the City divided into individual neighborhoods; however, the location of this map is unknown
16 and should be prepared and attached or the reference deleted. Currently, the city is broken up
17 into neighborhoods, which are broken up into sub-districts. Some clarification is needed to
18 differentiate between the two in the Plan.

19
20 Mr. Snyder said that the most significant change to the introduction of Section 12-480-2
21 is Staff's attempt to explain the purpose, justifications, and expectations for the Plan. Due to the
22 area's geographic location along commercial corridors, Southeast Centerville has been a place
23 where multi-family developments naturally occur, which has caused tension for the existing
24 neighborhoods. The edits made to the Plan are an attempt to balance the desires of the existing
25 neighborhoods while also looking to the future.

26
27 Mr. Snyder presented the option of replacing the term "Old Townsite" with "Centerville
28 Deuel Creek Historic District". There is a Residential-Medium area that falls within this
29 boundary that provides a buffer around the Centerville Elementary Area and City Hall Area,
30 separating the Elementary School, City Hall, and Founders Park from an interior neighborhood.
31 In the Deuel Creek District, the preference is for single-family homes that preserve the historic
32 nature of the area, the decision must be made whether the streets are the necessary buffer rather
33 than the homes. Mr. Snyder referenced Parrish Lane (400 North) as an example, where there are
34 many duplexes along the road, yet 100 North and 100 East have only single-family homes, yet is
35 labeled as a Residential-Medium buffer between City Hall and the residential neighborhood. A
36 decision is needed with regards to the balance between maintaining the Historic District while
37 also achieving this buffer around City Hall. There was some discussion about changing the name
38 of the subdistrict back to "Old Townsite" to avoid confusion with the Deuel Creek Historic
39 District Overlay Zone in the Zoning Code (which has a different boundary description than this
40 neighborhood in the General Plan).

1 Within each section of the plan detailing a sub-areas, Mr. Snyder made efforts to
2 maintain clarity, as requested by the City Council, by specifying that no high-density
3 developments shall be allowed, rather than simply excluding it from the list of allowed
4 developments.

5
6 Mr. Snyder reformatted the area discussing Centerville Junior High to include
7 information on The Courtyard at Pages Lane, which didn't exist when the Plan was written.

8
9 The last two sub-areas discussed by Mr. Snyder were the Extreme South Main Street
10 Area (Centerville/Bountiful border), a Residential-Medium and Residential-Low area that
11 includes the duplexes along 1200 South, the west side of which is in Centerville and the east side
12 of which is in Bountiful, and the Southeast Residential Area, which is predominantly a single-
13 family area. It is specified that high-density developments will not be allowed in these areas in
14 the future.

15
16 Mr. Snyder discussed Pages Lane and how it relates to the areas discussed previously. He
17 referenced the Balling Engineering property that came before the Commission recently, which
18 borders on Pages Lane. The applicant originally requested that this be re-zoned as Residential-
19 High but the area ended up as Residential-Medium. Mr. Snyder explained that it is necessary to
20 think about corridors, such as Pages Lane, as part of the community identity.

21
22 Commissioner Hayman referenced the Utah Code that requires the Commission to
23 regularly review moderate income housing needs and identify opportunities to encourage these
24 housing needs. The Staff Report states that Mr. Snyder asked the GIS (Geographical Information
25 Systems) Division to run an analysis on this matter. Commissioner Hayman asked Mr. Snyder if
26 this analysis fulfills the Utah Code requirement and, if not, how often this should be done and
27 how recently it was last done. Mr. Snyder answered that while this is a neighborhood plan, it's
28 best to also keep in mind the existing General Policies as well. The moderate income housing
29 plan was adopted in 2002 and updated in 2012. The most recent report was to be provided to
30 Workforce Services in 2016, but that deadline has been extended to 2017. The City Council will
31 be completing a survey with regards to plans and actions taken. The plan completed in 2012 used
32 data from county valuations, which, while data rich, are not necessarily reflective of the market.
33 However, it did conclude that Centerville met the suggested target of market number of units for
34 residents with 80% of the median income for the metropolitan statistical area. There are also
35 provisions in state law to consider those at 50% of the median income or lower; if this was the
36 standard, then Centerville City would fall short of the target for moderate income housing.
37 Centerville City selected a strategy provided by Wasatch Front Regional Council planning tools
38 to look at open market yields in comparison to those of our city, to use as a method of
39 determining what actions the City should take in the future. Centerville City does have a shortage
40 of multi-family housing, which are typically rental residences. It should be kept in mind that the
41 current changes to the Southeast Neighborhood Plan specify that no high-density developments
42 shall be allowed, which includes multi-family housing. Mr. Snyder asked the Commission to

1 consider whether other areas of the city should be investigated as options for multi-family
2 housing.

3
4 Commissioner Daly asked Mr. Snyder how the suggested edits for Section 12-480-2
5 came about. Mr. Snyder responded that the suggested edits were a distillation of various
6 discussions regarding the matter, including the preservation of the Deuel Creek Historic District
7 and the burden of multi-family housing in the south area of the city. The suggested edits made by
8 Mr. Snyder were done so as an interpretation of information heard from the City Council in
9 conjunction with the information he has regarding the balance of the plan as a whole.

10
11 Commission Johnson read the end of the suggested added paragraph in Section 12-480-
12 2, where it states, "...encourage higher-density housing development to other less concentrated
13 locations in other parts of the City and/or region," and asked Mr. Snyder what these other areas
14 are and how higher-density housing is being encouraged there. Mr. Snyder responded that the
15 idea of this Plan is to have a protectionist view of density in the Southeast area, which does not
16 translate to city-wide policy. Commissioner Hayman discussed the fact that there are two
17 considerations for multi-family housing: either to push this housing to less-concentrated areas or
18 to push all of this type of housing to the same area (the southwest side of the city). The phrasing
19 used by Mr. Snyder would not support this second approach. Mr. Snyder explained that this type
20 of housing could be pushed to the north, the southwest, or the west – but, when discussed in
21 correlation with the moderate income housing plan, the City does need to look at other locations,
22 since the southeast is not an option in the current Plan.

23
24 Commissioner Hayman asked if the phrase "other part of the city and/or region," meant
25 that the City could attempt to limit multi-family housing within city limits, and instead attempt to
26 move it to surrounding cities. Mr. Snyder responded that there is a statement earlier in the
27 General Plan that states that it is not necessary to provide a cross-section of housing, which
28 makes him uncomfortable. The use of the phrase "and/or region" is an acknowledgment of the
29 possibility that future planning may limit multi-family housing. There is currently a high-
30 demand for multi-family housing in the South Davis area. Whatever regulations are in place, the
31 current market drives the prices of homes. Regardless, the City should consider state statute
32 requirements and regulations regarding moderate income housing and the city's obligation to
33 provide a plan for such housing.

34
35 Commissioner Wright agreed that it is necessary to protect against market, but also
36 questioned the benefits of legislating against market with regards to the health of the city and its
37 housing market. Commission Johnson referenced analyses by Strong Towns with regards to
38 exclusionary zoning against multi-family housing and how these practices damage the financial
39 sustainability of a city. The tax revenue from single-family housing does not balance the cost of
40 maintaining that infrastructure, so other means of income are necessary. Commissioner Johnson
41 said he hesitates to agree with the general premise of the Plan due to concerns about financial
42 stability for the City.

1 Commissioner Wright discussed the strong sentiment from the general public against
2 high-density housing in Centerville. She suggested some clarification on the definition of high-
3 density and also referenced the Balling Engineering property, which was able to change from
4 high-density to medium-density just by purchasing a very small area of land from the
5 neighboring church. Citizens seem to be more accepting of medium-density as opposed to high-
6 density, without really understanding the difference between the two. She said she is
7 uncomfortable limiting the plan to such a degree that it is exclusionary of high-density areas.
8 Medium density is appropriate for many areas, and Commissioner Wright questioned the need to
9 specify that there shall be no medium-density residential developments, as listed in section a.2.
10 of the Residential Policies of the Plan, when there are already several medium-density
11 developments in this area.

12
13 Commissioner Hayman said she had the same concern with regards to the Southeast
14 Residential Area, section e.2., which also specifies no medium-density developments. She
15 explained she also feels like the public has an immediate dislike for high-density housing based
16 on the name, rather than on an understanding of what high-density really means. She described
17 her own property as an example of a home that could not be on a single-family lot, yet would not
18 likely be considered as high-density by the public. She expressed her discomfort at excluding
19 medium-density developments from the Southeast Residential Neighborhood.

20
21 Commissioner Wright restated the importance of clearly defining the meaning of high-
22 density.

23
24 Mr. Snyder also agreed that the public has a preconception of what high-density housing
25 is. He gave the example of a home on a 9,000 square foot lot, which would be a single-family
26 home, versus a 6-plex, which is likely to be seen as high-density regardless of the plot size. He
27 explained that several homes in the historic divisions are single-family by definition, but not
28 necessarily low-density.

29
30 Commissioner Wright discussed the many areas of multi-family housing that exist in
31 northwest Centerville. In the northern area of the city, these seem more accepted by the public
32 as they're not replacing anything. However, the southern area of the city is seen as more historic
33 by the residents, and so they are less accepting of multi-family homes in the area. Commissioner
34 Daly agreed that density is a matter of perception. He also referenced the Balling Engineering
35 project, which has the perception of being high-density since it isn't the same as the rest of the
36 neighborhood. However, in northern Centerville, the areas of multi-family housing are their own
37 neighborhood, and so don't differ from the surrounding area. In the southern area of Centerville,
38 there is the desire to maintain the neighborhoods as they are, rather than changing them by
39 introducing high-density developments. Commissioner Daly said that he, in general, agrees with
40 the suggested edits to the Plan for this reason.

1 Commissioner Hayman was surprised by the amount of multi-family housing in northern
2 Centerville. She discussed the data included in the Staff Report, showing that the percentage of
3 multi-family residences in southern Centerville (-17%) is close to the percentage of multi-family
4 residences city-wide (-18%), and wondered which area of the city has the most multi-family
5 residences. Mr. Snyder responded that the northwest area has the most high-density accrual, and
6 the northeast area has the least amount of differences across housing types. Commissioner
7 Wright asked what the area surrounding the Balling Engineering property was zoned.
8 Commissioner Daly responded that the area to the east is high-density and the area to the south is
9 commercial. Commissioner Wright explained that she felt that medium-density for the Balling
10 Engineering property actually made sense, due to the surrounding area. The citizens are more
11 likely unhappy with the change to the neighborhood rather than the zoning of the area. Mr. Daly
12 agreed that it is the perception of density that causes concern for the citizens, and referenced
13 flag-lots as an example of this.

14
15 Commissioner Hayman referenced the first sentence in the new paragraph in Section 12-
16 480-2, which states that “multi-family development has become a dominant form of newer
17 housing development,” and inquired as to the accuracy of this statement. Mr. Snyder said that the
18 term “dominant,” is debatable; he was addressing the matter from an infill, teardown perspective,
19 for which multi-family is the dominant form. In this paragraph, he attempted to justify the slow-
20 down of multi-family residence development. Commissioner Daly said he wasn’t bothered by
21 the term “dominant,” which seemed to speak to the current trend of getting as many units on a
22 plot of land as possible, and referenced several examples seen by the Commission recently, all of
23 which were in the southeastern area of Centerville. Commissioner Wright agreed with
24 Commissioner Hayman that, while there have been significant increases in the number of multi-
25 family residences, it is not the dominant form of development in the South Davis area. Mr.
26 Snyder expressed his willingness to readdress the wording in this section.

27
28 Commissioner Hayman discussed the market pressure to put in the maximum number of
29 housing units possible, which suggests that there is a lot of interest in multi-family housing. She
30 expressed concern with the City trying to be exclusionary, regardless of the market trend, and
31 force multi-family housing to other cities to protect the single-family homes. She said she prefers
32 the idea of spreading the multi-family housing throughout the city, rather than concentrating it in
33 one area, and said that the arteries of the city seem like a logical place for this type of residence
34 as a transition from medium- to low-density.

35
36 Mr. Snyder presented an alternative perspective, giving the Cove at Deuel Creek
37 Subdivision as an example. Zoning should be used to preserve values, health, safety, and welfare
38 of a community. However, there is also the issue of property rights: the concept that when you
39 buy a piece of land, you are also purchasing a set of rights associated with that piece of land.
40 Current zoning allows four units per acre; however, there is a distinction between the zoning of
41 an area and the tools to implement the zoning of an area, such as flag lot ordinances or infill

1 opportunities. These tools should be available to allow property owners to reach the full
2 potential of their property.

3
4 Commissioner Wright agreed with Mr. Snyder, explaining that one of the reasons she is
5 uncomfortable limiting medium-density developments is because of property rights. The
6 Planning Commission has a mission to maintain a healthy, viable city, but also has a
7 responsibility to respect property rights. Commissioner Daly said he believes the Plan does
8 support this, and it discusses that there are various zones throughout this area and these zones
9 would not be changed, unless the issue is brought before the Commission by the owner.
10 Commissioner Wright referenced section 1.a.2, which states that medium-density developments
11 will not be allowed, even though there are medium-density developments already in existence in
12 this area. Commissioner Daly responded that there are no medium-density developments in the
13 area detailed in section 1.a. Commissioner Wright asked for clarification on what is considered
14 Centerville Deuel Creek Historic District. Mr. Snyder responded that there is a mismatch of
15 terms between Deuel Creek and Old Town; the area and label descriptions do not align.
16 Commissioner Hayman said there is too much confusion if the Deuel Creek Zoning does not
17 match up with the Deuel Creek Historic District, and she would be inclined to call it something
18 else to avoid confusion. Mr. Snyder said he is hoping that the Commission can provide some
19 clarification on the issue by selecting an appropriate term for the area.

20
21 Commissioner Daly asked if multi-family residences are allowed in commercial areas.
22 Mr. Snyder replied that the South Centerville Main Street Plan allows an option for a certain
23 number of units, generally within medium-density zones.

24
25 Commissioner Hayman asked Mr. Snyder if he'd ever seen cities or municipalities with
26 zoning codes that are segmented more than just low, medium, and high densities. Mr. Snyder
27 replied that there are three ways to approach this issue: adjust the ranges used while keeping the
28 terms used, segment the zones into more than three categories, or to relabel the zones to be
29 specific to the area. Commissioner Daly suggested another alternative approach of redefining the
30 zones – for example, low density meaning up to three units – then requiring conditional use for
31 more units than allowed in that zone yet less than what is allowed in the next level of zoning.
32 Commissioner Wright stated that City Council prefers not to have conditions such as these.

33
34 Commissioner Hayman opened the public hearing at 8:31 pm. Seeing no one with any
35 questions or comments, Commissioner Hayman closed the public hearing at 8:31 pm.

36 Commissioner Wright referenced Centerville Commons which, though it is not low-
37 density, is a desirable area of housing for various family types. She expressed her concern for the
38 vitality of the city if medium-density housing is not allowed, and worries this policy does not
39 look to the future of the city. Commissioner Daly stated that Centerville Commons seems to
40 work because it is the whole neighborhood, and did not replace a different style of neighborhood
41 that was there previously. However, there don't seem to be any large, vacant pieces of land left
42 in Centerville that could be developed into new residential neighborhoods.

1 Commissioner Hayman asked about the far east of Centerville with regards to open areas
2 for potentially high-density areas. Commissioner Daly mentioned that the potential development
3 of this area of Centerville, which would fall into the boundaries of the Southeast neighborhood,
4 should be discussed. Mr. Snyder agreed, and said this could be something discussed in the
5 second portion of the discussion of this Plan. Commissioner Daly said he thought it was
6 appropriate for the residential discussion, as it is unlikely that this area will have any commercial
7 development. However, he suggests that it not be developed for residential. Mr. Snyder said it is
8 an option to add a new sub-district for this area. Commissioner Wright expressed her reluctance
9 to begin addressing this matter due to the potential consequences of opening the matter up for
10 discussion. Commissioner Daly suggested adding another point to section 1.e of the Plan, stating
11 that no new residential developments shall be allowed east of existing residential zones. Mr.
12 Snyder acknowledged that this is something that could be added to the Plan, which could prevent
13 adding a new zone or sub-district. Ms. Romney, City Attorney, asked if the Foothills Master
14 Plan governed the area under discussion, to which Mr. Snyder replied in the affirmative.
15 Commissioner Wright again stated her reluctance to address this matter, worrying that opening
16 the matter up for discussion would create the possibility of this area being developed at some
17 point in the future.

18
19 Mr. Snyder said that, if the Commission requests, he can create a second draft of the
20 Southeast Neighborhood Plan based on the current discussion taking place in the Planning
21 Commission meeting, as well as make recommended changes to the first draft. Commissioner
22 Hayman expressed her support of this suggestion, and said she would like to see the various
23 options presented side-by-side in this second draft.

24
25 Commissioner Wright asked if the Townsite definitely does not align with what is zoned.
26 Mr. Snyder replied that the Townsite Directives in the Plan were not edited, so the boundary
27 lines listed are the original boundary lines. Commissioner Wright suggested adding the
28 consideration of accurately aligning these with what is currently in place. Ms. Romney reminded
29 the Commission that there is a General Plan, which details the vision of the future, and the
30 zoning district, and warned about having a General Plan Area with the same name as the zoning
31 overlay. In addition, an attempt to align these would result in an overlap between the Historic
32 District and the Centerville Elementary Area. She suggested that a better approach may be to
33 choose a new name or revert back to the old name, and reference that this new area is within an
34 existing area. Mr. Snyder expressed his willingness to reformat the plan appropriately.

35
36 Commissioner Daly proposed an addition to the sections for the Centerville Elementary
37 Area and the Southeast Residential Area (since there is no Taylor Elementary Area), to specify
38 that any development in these areas shall be designed and developed for minimal impact upon
39 the schools. Uses that may have detrimental impact upon the school shall not be allowed. Similar
40 instructions are currently included in the commercial plan, and should be specifically stated in
41 the residential plan as well.

Commissioner Wright asked for more information on section 1.c.2, which has been suggested for removal in the edits. Mr. Snyder said that the area south of the Riviera Townhouses has since been developed into a courtyard, so this item no longer applies.

Commissioner Hayman made a **motion** for the Planning Commission to table the issue of the General Plan Amendments of the Southeast Neighborhood Plan and direct Staff to make revisions consistent with their discussion. Commissioner Helgesen seconded the motion, which passed by unanimous vote (6-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. Items scheduled for February 8, 2017:

- Accessory Building Setbacks, Continued Discussion (PC Tabled Item on January 11, 2017)
- Chitose Johnson Tentative Rezone Application and Conceptual Subdivision (rescheduled from January 25, 2017)
- A Conditional Use Permit, just recently submitted
- Amendments to the Subdivision Ordinance

Commissioner Daly followed up with Mr. Snyder on a Conditional Use Permit application from the previous meeting, and asked if the Fire Marshall had performed their review for York Automotive. Mr. Snyder replied that the Fire Marshall had not yet done so, but the applicant had followed up and scheduled a site visit for the following week.

Commissioner Hayman made a **motion** to adjourn. Commissioner Johnson seconded the motion, which passed by unanimous vote (6-0).

The meeting was adjourned at 8:46 p.m.

David Hirschi, Chair

Date Approved

Emily Hatch, Recording Secretary

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
2/8/2017**

Item No. 1.

Short Title: Public Hearing - Zoning Map Amendment, 1150 South 240 East

Initiated By: Ronn Marshall

Scheduled Time: 7:10

SUBJECT

LEGISLATIVE DECISION

Consider the proposed request for a Zoning Map Amendment for property located at 1150 South 240 East, from a Residential-Medium (R-M) Zone to a Residential-Low (R-L) Zone

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- D 02-08-2017 PC Staff Report - Zone Map Amendment to R-L at 1150 S 240 East - C Johnson Subdivision

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

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: CHITOSE JOHNSON TRUST

**APPLICANT: RONN MARSHALL
MAPLE HILLS REALTY
161 NORTH MAIN
BOUNTIFUL, UT**

PROPERTY LOCATION: 1150 SOUTH 240 EAST and 1188 S 240 EAST

PARCEL SIZE: 3.1 acres

ZONING DISTRICT: RESIDENTIAL-MEDIUM

APPLICATION: ZONING MAP AMENDMENT TO RESIDENTIAL-LOW

**STAFF RECOMMENDATION: CONSIDER APPROVAL OF THE CHANGE IN
ZONING**

BACKGROUND

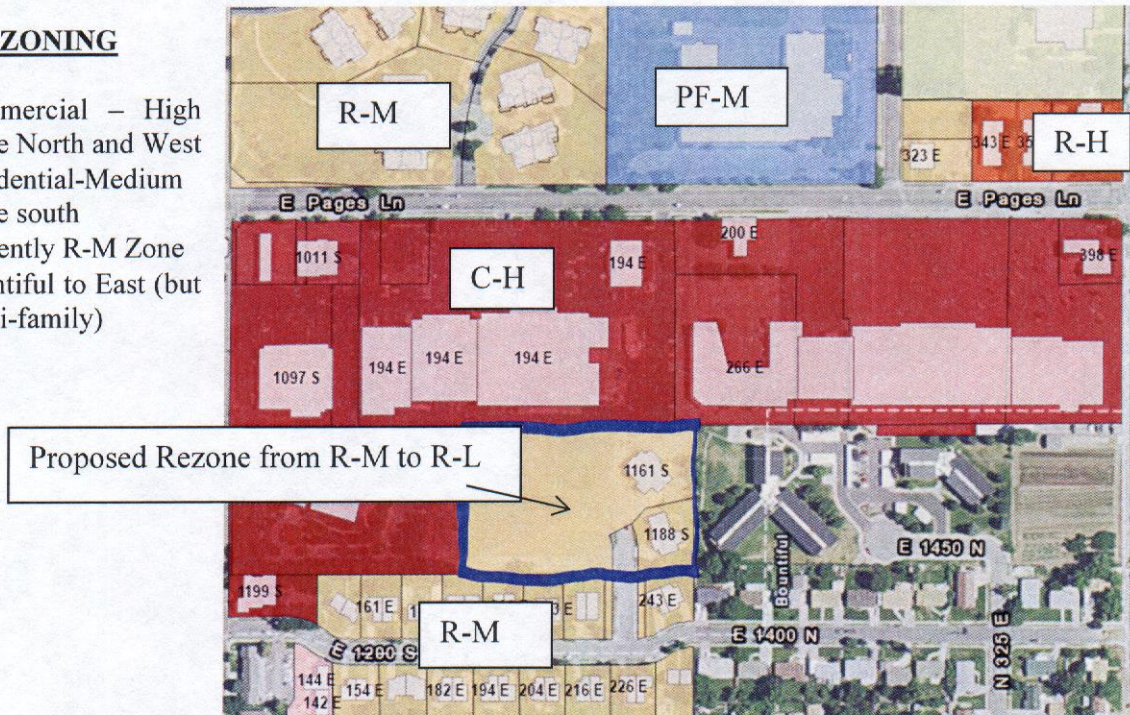
Ronn Marshall has submitted a Zoning Map Amendment application for the property at 1150 S 240 East, included the two houses already built at 1161 and 1188 S 240 E. Based on his current Conceptual Subdivision Plans, a residential- low zoning and Development Standards would fit best with his design, and perhaps the surrounding properties.

Pages Lane Commercial strip is to the north, with Deseret Industries right above the property, and to the south is an entire street of duplexes in an R-M zone. To the west is a Resurrection Episcopal church, and to the east is The Meadows, a large apartment complex that belongs to Bountiful.



CURRENT ZONING

- Commercial – High to the North and West
- Residential-Medium to the south
- Currently R-M Zone
- Bountiful to East (but Multi-family)

**REVIEW AND ANALYSIS OF THE REQUEST****Factors to be considered, Section 12.21.080(e)**

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

Staff Response: A re-zone to a Low Residential district is consistent with the General Plan, which says:

“The extreme south Main Street area [the area south of Pages Lane commercial center and east of Main Street] should be developed with appropriate medium or low density residential development or with commercial uses. Any development in this area should be carefully designed to be compatible with existing development in the area, and to carefully buffer the rear of the buildings of the pages Lane commercial center. The use of planned unit developments to achieve the foregoing objectives is desirable and preferred for residential development.”

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

Staff Response: Yes and no.

- In a traditional urban transect, a zoning map would transition from commercial to higher density residential units, leaving low-residential furthest away from higher uses, like commercial and industrial zones. As you can see from the current zoning map, only medium and high density residential zones surround Pages Lane for this reason, including those in Bountiful. Seeing as the Commercial strip is located directly north of the proposed re-zone property, Residential-Medium would be the next logical zoning allocation in order to transition to less intense zones gradually.
- But, there are two existing single family homes already on or next to this lot which sets the precedent for R-L on this lot, which they received using a Conditional Use Permit. If R-M was preferred, the two previous homes should not have been approved. Considering the housing to the south are only duplexes, it is not unreasonable to believe that single family would be accepted there.
- As states in the General Plan, and even more now that since Pages Lane Commercial District is not as economically vibrant as it once was and may be under some transition itself, R-M or R-L would be acceptable to put here as long as there would be significant buffering on the north and west ends of the property.

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

- The Subdivision would need significant buffering from the commercial strip to the north, but the commercial strip or surrounding properties would likely not be affected themselves.
- Based on the Staff Report on SE Neighborhood Residential Density, the city itself would be affected in the furthering lack of multi-family housing options, and again, going over "market yield" for single family residential. As noted in a previous Staff Report, the Southeast Quadrant of the City is currently *under* the "Open Market Yield" for townhomes and duplexes (at 10% of housing units, while the open market yield is 14%). Getting rid of this zone, and therefore the ability to build two-family homes, would put them further below those percentages, although Centerville as a whole is *above* them for this housing type.

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

- Existing facilities and services either exist or will be provided in the subdivision regardless of the zone.

PLANNING STAFF RECOMMENDATIONS

Motion One: ACCEPT the Zoning Map Amendment from R-M into R-L

PROPOSED ACTION: I hereby make a motion for the Planning Commission to **ACCEPT** the Zone Map Amendment for 1150 South 240 East from a Residential- Medium District into a Residential- Low District.

SUGGESTED REASONS FOR THE ACTION:

1. The Zoning Map Amendment would still be consistent with the General Plan
2. The proposed zoning change and subsequent development standards on this lot would be consistent with already existing single family properties within this subdivision.

Motion Two: REJECT the Amendment from R-M to R-L

PROPOSED ACTION: I hereby make a motion for the Planning Commission to **REJECT** the Zone Map Amendment for 1150 South 240 East from a Residential- Medium District into a Residential- Low District.

SUGGESTED REASONS FOR THE ACTION:

1. Centerville City needs more Duplex and Multi-family housing options in the city and in particular the Southeast neighborhood, as established in earlier Staff Reports.
2. Traditional urban transect suggests a higher use of this property, with relation to adjacent Commercial and R-M Zones.

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
2/8/2017**

Item No. 2.

Short Title: Public Hearing - Chitose Johnson Conceptual Subdivision, 1150 South 240 East

Initiated By: Ronn Marshall, Applicant

Scheduled Time: 7:30

SUBJECT

ADMINISTRATIVE DECISION

Consider the proposed Conceptual Subdivision Plan for Chitose Johnson, which consists of a 9-lot single-family residential subdivision located at approximately 1150 South 240 East

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- 02-08-2017 PC Staff Report - Conceptual Subdivision - C. Johnson 1150 S 240 E
- C. Johnson Conceptual Subdivision

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

**STAFF REPORT
AGENDA: ITEM 2**

PROPERTY OWNER: CHITOSE JOHNSON TRUST

**APPLICANT: RONN MARSHALL
MAPLE HILLS REALTY
161 NORTH MAIN
BOUNTIFUL, UTAH**

PROPERTY LOCATION: 1150 SOUTH 240 EAST

PROPERTY SIZE: 3.1 ACRES, GROSS

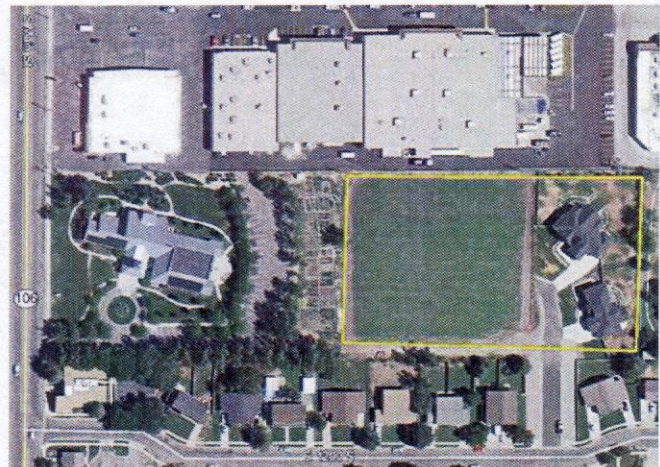
ZONING DISTRICT: RESIDENTIAL-MEDIUM

APPLICATION: CONCEPTUAL SUBDIVISION

**STAFF RECOMMENDATION: CONSIDER APPROVAL OF THE CONCEPTUAL
SUBDIVISION**

BACKGROUND

Ronn Marshall would like to create a nine-lot single-family lot subdivision of the south side of Pages Lane commercial district on vacant ground. This land is currently an R-M zone, but may be changed into an R-L zone, with the application pending. Staff will assess the plan, design, and layout with both zones in mind. It should be noted that two existing properties and housing are included in this subdivision. The houses at 1188 and 1161 S 240 East are already built, making this a nine-lot subdivision, seven of which would be created.



Process

The conceptual subdivision review gives the applicant an opportunity to receive guidance from the City in relation to subdivision regulations and the layout. It also allows the public an opportunity to express their concern regarding the proposed subdivision.

General Plan 12-480- 2-d

“The extreme south Main Street area [the area south of Pages Lane commercial center and east of Main Street] should be developed with appropriate medium or low density residential development or with commercial uses. Any development in this area should be carefully designed to be compatible with existing development in the area, and to carefully buffer the rear of the buildings of the Pages Lane commercial center. The use of planned unit developments to achieve the foregoing objectives is desirable and preferred for residential development.”

Both R-M and R-L would be fitting for this site according to the General Plan, as further discussed in the Re-zone application.

Conditional Use Permit

If the property is to remain in R-M, single family homes will need a Conditional Use Permit in R-M Zones, as stated in the Table of Uses in [12.36.010]. The Conditional Use Permit will need to follow and have all the requirements necessary and stated in 12.21.100.

Development Standards 12.32.300

<u>Building Standards</u>	<u>R-M</u>	<u>Current Plan</u>	<u>Compliance R-M</u>	<u>Compliance R-L</u>
Distance between buildings	6 feet	~18'+	yes	yes
Maximum height, main building	35 feet	unknown	unknown	unknown
<u>Lot and Parcel Standards</u>				
Minimum area	10,000 sq ft	7,886 SF +	No, 3 lots non-conforming	Yes
Minimum frontage	60'	44' +	No, 3 lots nonconforming	Yes
Minimum width, interior lot	60'	70'+	Yes	Yes
Minimum width, corner lot	60'	90'	Yes	Yes
Front setbacks	25'	25'	Yes	Yes
Rear setbacks	20'	21'+	Yes	Yes
Interior Side Yard	8'-10'	8' +	Yes	Yes
Street Side Yard	20'	30'	Yes	Yes
Density	4 per acre	9 units/ 3.1 acre	Yes; would still need CUP for single family	Yes

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS - CHAPTER 15-5

Layout Section 15-5-101 and Lots Section 15-5-102

There are issues in regards to street frontage and minimum lots size in its current R-M zone. Three of the nine lots currently do not meet minimum frontage or lot sizes in a Residential Medium district. If the Zoning Map Amendment to R-L is accepted, these issues would be mitigated.

Street, Drainage, and Utility Improvements Section 15-5-103, 105, 106

The Conceptual plan does not show all existing utilities or proposed utilities which will need to be noted on the Preliminary Subdivision Plan. Because of the differing elevations on the site, storm drains at the lowest elevation needs to be verified for drainage issues, where sub-drains will need to be run off-site to the west.

CONCLUSION

Despite which zone the Conceptual Subdivision falls into, the plan has the potential to, or already does follow our General Plan and Zoning Code to make this an adequate development.

PLANNING STAFF RECOMMENDATION

Suggested Motion One: [For an R-M Zone]

Suggested Motion for the Conceptual Subdivision Plat for Chitose Johnson Subdivision located at 1150 South 240 East: I hereby make a motion for the Planning Commission to accept the Conceptual Subdivision Plat for The Chitose Johnson Subdivision, located at 1150 South 240 East Lane, subject to the following conditions:

- All lots would need a minimum of 10,000 square feet. Currently, three [3] lots do not meet this standards and would need to be readjusted for the requirements in an R-M Zone.
- All lots in the subdivision need a minimum street frontage of 60 feet. Street Frontage would also need to be expanded on at least 3 lots to meet the minimum 60' Frontage requirement for R-M Zones.
- A Conditional Use Permit is needed for single-family homes and would need to follow all and provide all the requirements necessary and stated in 12.21.100.
- Drainage would need to be addresses due to differing elevations on the lot and approved by the City Engineer.

Suggested Reasons for the Action (Findings):

- a) The conceptual subdivision appears to be consistent with the General Plan
- b) Adequately meets Subdivision Ordinance Standards in the Municipal Code, Chapter 15-5.
- c) With changes, this plan has the potential to meet the Development Standards for an R-M Zone laid out in CZC 12.32.300
- d) The applicable review standards of the Subdivision Ordinance pertaining to a Conceptual Subdivision application have been reviewed and directives established to allow the proposal to proceed to preliminary subdivision plan submittal.

Suggested Motion Two: [For an R-L Zone]

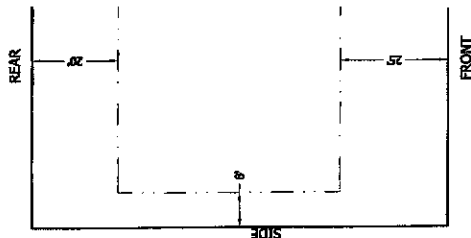
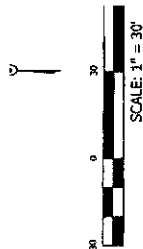
Suggested Motion for the Conceptual Subdivision: *Suggested Motion for the Conceptual Subdivision Plat for Chitose Johnson Subdivision located at 1150 South 240 East:* I hereby make a motion for the Planning Commission to ACCEPT the Conceptual Subdivision Plat for The Chitose Johnson Subdivision, located at 1150 South 240 East Lane, subject to the following conditions:

- Preliminary and Final Site Plan will have to be submitted in accordance with 12
- Drainage would need to be addresses due to differing elevations on the lot and approved by the City Engineer.

Suggested Reasons for the Actions (Findings):

- a) The conceptual subdivision appears to be consistant with the General Plan
- b) It follows the Municipal Code Subdivision Ordinance in 15. 5
- c) Adequately meets the Development Standards laid out for an R-L Zone in CZC 12.32.300
- d) The applicable review standards of the Subdivision Ordinance pertaining to a Conceptual Subdivision application have been reviewed and directives established to allow the proposal to proceed to preliminary subdivision plan submittal.

APN: 090040035
CORP OF THE PRESIDING BISHOP OF
THE CHURCH OF JESU
194 E PAGES LANE



TYPICAL BUILDING:

VICINITY

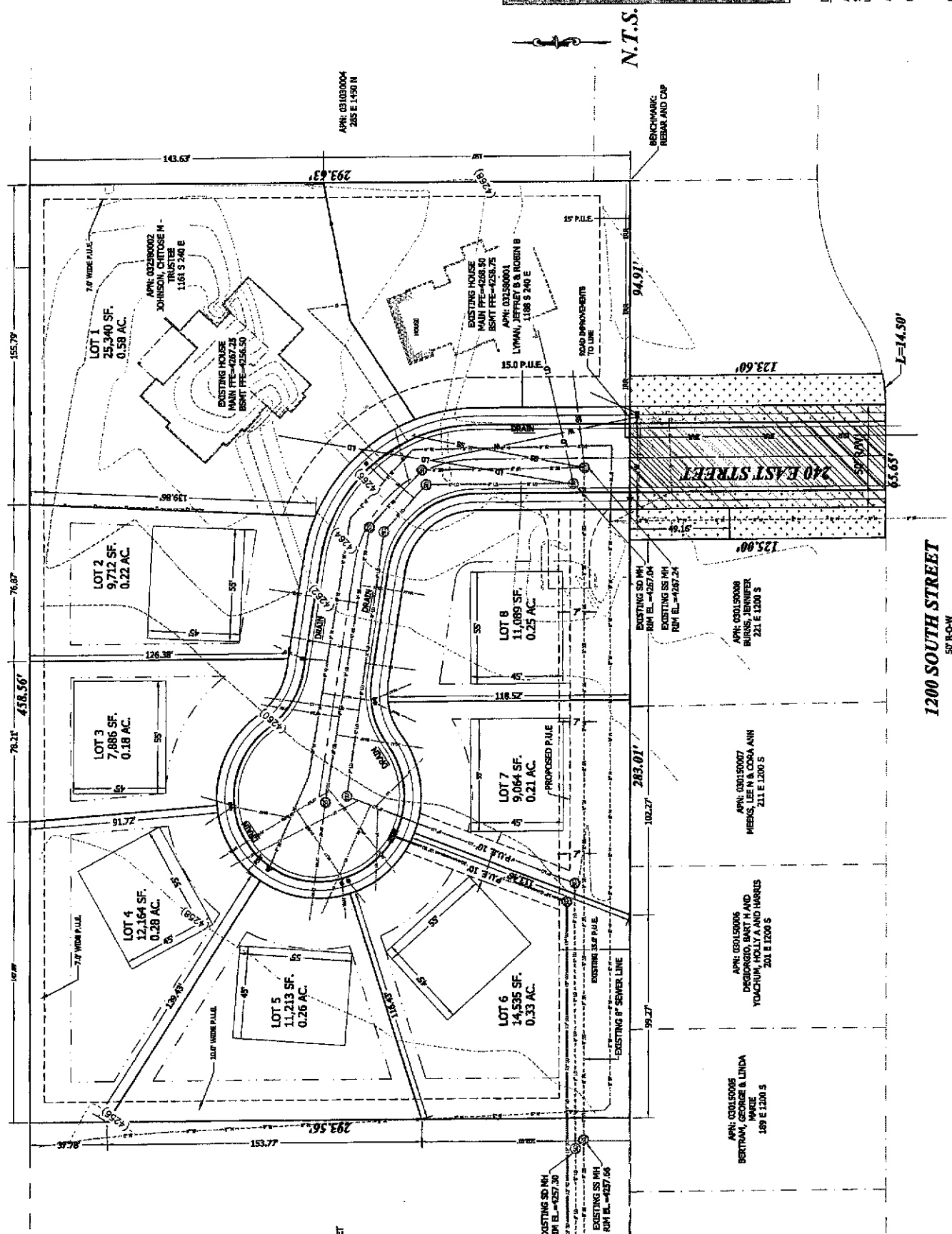


DESCRIPTION

ALL OF LOT 2 BANGERTE SUBDIVISION, A RECORDED SUBDIVISION, SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 10E, MERIDIAN 10E.

ALSO DESCRIBED AS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE EYE
 POINT IS NORTH 0°07'50" WEST 1603.80 FEET ALONG IT
 89°52'10" WEST 804.08 FEET FROM THE SOUTHEAST COR-
 NER OF TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND
 RUNNING THENCE SOUTH 89°52'10" WEST 94.91 FEET AL-
 C
 THE EVERGREEN SUBDIVISION;
 THENCE SOUTH 0°07'50" EAST 123.60 FEET;
 THENCE SOUTHWESTERLY 14.50 FEET ALONG THE ARC OF
 CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 1



**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
2/8/2017**

Item No. 3

Short Title: Public Hearing - Subdivision Ordinance Text Amendments, Municipal Code, Title 15

Initiated By: City Attorney

Scheduled Time: 7:50

SUBJECT

LEGISLATIVE DECISION

Consider the proposed amendments to Title 15 of the Centerville Municipal Code regarding Subdivisions

RECOMMENDATION

Recommend approval of the proposed amendments to Title 15 of the Centerville Municipal Code regarding Subdivisions based on the following findings:

1. The proposed Subdivision Ordinance amendments are consistent with the goals, objectives and policies of the General Plan;
2. The proposed Subdivision Ordinance amendments are in the best interest of the public health, safety and welfare by providing more accessible online codes and updating provisions of the Subdivision Ordinance consistent with State law; and
3. The City is authorized to enact and amend land use ordinances consistent with the purposes set forth in the Utah Land Use Development and Management Act as set forth in Utah Code 10-9a-101, et seq.

BACKGROUND

As part of the FY 2015-16 Budget, the City Council approved funding to transition the Municipal Code, Zoning Code and General Plan to an online version to be hosted by Municipal Code Online, Inc. The Zoning Code was the first book to be converted to this new online format and was completed in 2016. This year the City Attorney is working towards getting the rest of the Municipal Code into this online format. The entire Municipal Code will go to the City Council later this month for review and approval. However, before Title 15 (Subdivisions) can be reviewed and approved by the City Council, State law requires this Title be reviewed by the Planning Commission with a recommendation to the City Council. The Planning Commission is also required to hold a public hearing on this matter.

The proposed amendments to Title 15 are set forth in the attachment and are shown in redline and strikeout. Also for ease of use, sections with proposed changes are marked with an asterisk next to the section number. Similar to the transition of the Zoning Code, most of the proposed changes to Title 15 involve formatting, numbering, code reference, and citation format changes necessary to transition the Municipal Code to an online code. The changes proposed do not include the more substantive re-write of the Subdivision Ordinance that the City is currently working on with a hired consultant. These more substantive changes will come back later this year after staff has completed the review and re-write with the consultant. That said, some of the changes proposed in this draft involve some substantive changes. These changes are intended to bring our Subdivision Ordinance into compliance with recent State law amendments. Additional

changes are suggested to bring the Code into compliance with actual practice and procedures regarding subdivisions.

The City Attorney can review these changes with the Planning Commission and answer any questions regarding the proposed changes.

ATTACHMENTS:

Description

- ▯ Title 15 (Subdivisions)-2017

15 Subdivisions

15.01 General Provisions

15.02 Concept Plan

15.03 Preliminary Plat

15.04 Final Plat

15.05 General Requirements For All Subdivisions

15.06 Requirements For PUD And Non-Residential Subdivisions

15.07 Public Improvements

15.08 Development And Impact Fees

15.09 Subdivision Plat Amendments

15.01 General Provisions

15.01.010* Short Title

15.01.020* Purpose

15.01.030* Interpretation

15.01.040* Definitions

15.01.050 General Considerations

15.01.060 General Responsibilities

15.01.070* Compliance Required

15.01.080* Required Certificates, Permits And Reviews

15.01.090* Penalties

15.01.100* Pending Ordinance Amendments

15.01.110* Appeals

15.01.120 Staff Authority

15.01.130* Public Hearings And Meetings

15.01.140 General Decision-Making Standards

15.01.010* Short Title

This Title shall be known as the "Centerville ~~City~~ Subdivision Ordinance." This Title shall also be known as CMC 15 (Subdivisions). It may be cited and pleaded under either ~~any~~ of the above stated designations.

15.01.020* Purpose

The purpose of this Title, and any rules, regulations, standards and specifications ~~hereafter~~ adopted pursuant hereto ~~or in conjunction herewith~~ are:

- (a) To promote and protect the public health, safety and general welfare;
- (b) To regulate future growth and development within the City in accordance with the General Plan and to promote the efficient and orderly growth of the City;
- (c) To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the City including, but not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights of way, dedication of land and streets,

- granting easements or rights of way, and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon;
- (d) To provide for adequate light, air, and privacy, to secure safety from fire, flood and other dangers, and to prevent overcrowding of the land and undue congestion of population;
and
- (e) To provide for harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.

15.01.030* Interpretation

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this Title impose greater restrictions than any statute, other regulation, or ordinance or covenant, the provisions of this Title shall prevail to the extent permitted by law. Where the provisions of any statute, other regulation, or ordinance or covenant impose greater restrictions than the provisions of this Title, the provisions of such statute, other regulation, or ordinance or covenant shall prevail.

15.01.040* Definitions

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

- (a) "Affected Entity" means a county, municipality, ~~independent special district~~, local district, special service district, school district, interlocal cooperation entity, specified public utility, or the Utah Department Transportation, as more particularly defined in Utah Code § 10-9a-103.
- (b) "Alley" means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (c) "Applicant" means the owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the owner.
- (d) "Block" means the land surrounded by streets and other rights of way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the City Council.
- (e) "Bond Agreement" means an agreement to install improvements secured by a stand by letter of credit, or an escrow agreement with funds on deposit in an acceptable financial institution, or a cash bond with the City, in an amount corresponding to the City Engineer's estimate. All bonds shall be on forms approved by the City Council wherever a bond is required pursuant to this Title.
- (f) "Building" means a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.
- (g) "Capital Project" means an organized undertaking which provides, or is intended to provide, the City with a capital asset. "Capital Asset" is defined according to generally accepted accounting principles.
- (h) "City" means Centerville City.
- (i) "City Council" means the City Council of Centerville City.

- (j) "Collector Street" See, Streets.
- (k) "Community Development Department" means that department of the City authorized by the City to oversee the Planning Administrator, the Zoning Administrator and the Building Inspector.
- (l) "Community Development Director" means the person appointed by the City to perform the duties and responsibilities of Community Development Director, as defined by City ordinances ~~and resolutions~~.
- (m) "Concept Plan" means a sketch or concept drawing prior to the preliminary plat for subdivisions to enable the subdivider to reach general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations and to receive guidance as to the requirements for subdivisions within the city.
- (n) "Condominium" means property conforming to the definition set forth in Utah Code § 57-8-3. A condominium is also a "subdivision" subject to these regulations and the Utah Condominium Ownership Act of the State of Utah, as set forth in Utah Code §§ 57-8-1, et seq.
- (o) "Construction Codes" means the construction codes adopted by the City in CMC 7.05 (Fire Regulations) and CMC 10.03 (Construction Codes). These codes may also be referred to as building codes, fire codes or safety codes. ~~[Reserved]~~
- (p) "Cul de sac" See, Streets.
- (q) "Developer" means, as the case may be, either: (1) an applicant for subdivision approval; (2) an applicant for a building permit or another permit issued; or (3) the owner of any right, title, or interest in real property for which subdivision approval or site plan approval is sought.
- (r) "Easement" means authorization by a property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner's property. An easement may be for use under, on the surface, or above the owner's property.
- (s) [Reserved]
- (t) "Fee Schedule" means the schedule of fees adopted periodically by resolution of the City Council setting forth various fees charged by the City.
- (u) "Final Plat" means a map of a subdivision, required of all subdivisions, except small subdivisions, which is prepared for final approval and recordation, ~~which has been accurately surveyed; so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being, and is~~ in conformity with the ordinances of the City and the Utah Land Use and Management Act, as set forth in Utah Code §§ 10-9a-101, et seq. Title 10, Chapter 9a, of the Utah Code Annotated, 1953, as amended.
- (v) "Flag Lot" means an L-shaped lot that has been approved by the City consisting of a staff portion contiguous with the flag portion and used for the sole purpose of developing a single family detached structure. Flag lots are not permitted within the City.
- (w) "Flood, 100 Year" means a flood having a 1% chance of being equaled or exceeded in any given year.
- (x) "Flood, 10 Year" means a flood having a 10% chance of being equaled or exceeded in any given year.
- (y) "Flood Plain, 100 Year" means that area adjacent to a drainage channel which may be inundated by a 100 year flood as designated on the most recent Flood Insurance Rate

Map prepared by the Federal Emergency Management Agency.

- (z) "Freeway" See, Streets.
- (aa) "General Plan" means the comprehensive, long range General Plan for proposed future development of land in the City, as provided in Utah Code § 10-9a-401, Title 10, Chapter 9a, of the Utah Code Annotated, 1953, as amended.
- (ab) "Half Streets" See, Streets.
- (ac) "Lot" means a parcel or tract of land within a subdivision and abutting a public street, which is or may be occupied by one building and the accessory buildings or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.
- (ad) [Reserved]
- (ae) "Master Street Plan" means that portion of the General Plan which defines the future alignments of streets and their rights of way, including maps or reports or both, which have been approved by the Planning Commission and City Council as provided in Utah Code § 10-9a-407, Title 10, Chapter 9a, of the Utah Code Annotated, 1953, as amended.
- (af) [Reserved]
- (ag) "Owner" means the owner in fee simple of real property as shown in the records of the Davis County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi public corporation, other entities authorized by the State of Utah, or any combination of ~~any of~~ the foregoing.
- (ah) "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.
- (ai) "Parkstrip" means the strip of land located within the public right of way between the sidewalk and the curb and gutter.
- (aj) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- (ak) "Planned Development" means a development designed and approved pursuant to CZC 12.41 (Planned Development Overlay Zone), or any multi-family dwelling project or development that has been approved by the City in accordance with any applicable design standards.
- (al) "Planning Administrator" means the person appointed by the City to perform duties and responsibilities of Planning Administrator, as defined in CZC 12 (Zoning).
- (am) "Planning Commission" means the Centerville City Planning Commission.
- (an) "Preliminary Plat" means the initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this Title.
- (ao) "Protection Strip" means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.
- (ap) "Public Improvements" means streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the City in connection with subdivision, conditional use, or site plan approval.
- (aq) "Public Way" means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public,

or made such in any action by the subdivision of real property, and includes the entire area within the right of way.

- (ar) "Secondary Water System" means any system which is designed and intended to provide, transport and store water used for watering of crops, lawns, shrubberies, flowers and other non culinary uses.
- (as) "Sidewalk" means a passageway for pedestrians, excluding motor vehicles.
- (at) "Small Subdivision" means a subdivision of not more than 2 lots that meets the small subdivision waiver allowance criteria.
- (au) "Standards and Specifications" means the construction and engineering standards and specifications as adopted by the City. These standards may also be referred to as City standards, engineering standards, or specifications.
- (av) "Streets"

- (1) Street. A thoroughfare which has been dedicated to the City and accepted by the City Council, which the City has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been abandoned or made public by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.
- (2) Street, Freeway. A street with a fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.
- (3) Street, Half Street. The portion of a street within a subdivision comprising one half of the minimum required right of way.
- (4) Street, Major Arterial. A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated in the Master Street Plan as a controlled access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.
- (5) Street, Minor Arterial. Similar to major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.
- (6) Street, Major Collector. A street, existing or proposed, which is the main means of access to the major street system.
- (7) Street, Minor Collector. A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
- (8) Street, Local. A minor street which provides access to abutting properties and protection from through traffic.
- (9) Street, Private. A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the City and maintained by the subdivider or other private agency.
- (10) Street, Cul de sac. A minor terminal street provided with a turn around.
- (11) Alley. A public right of way less than 26 feet in width.

- (aw) "Subdivider" means any person who: (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; ~~or who~~ (2) directly or indirectly, sells, leases,

or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision; ~~or who~~ (3) engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision; ~~or who~~ (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

- (ax) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. "Subdivision" includes: (1) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and (2) except as otherwise provided herein, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes. "Subdivision" does not include bona fide division or partition of agricultural land or recorded documents between adjacent property owners adjusting their mutual boundaries as more particularly defined and subject to the definitional exclusions set forth in Utah Code § 10-9a-103(36)(c), ~~as amended~~.
- (ay) "Utilities" includes culinary waterlines, pressure and gravity irrigation lines, sanitary and storm sewer lines, subdrains, electric power, natural gas, cable television and telephone transmission lines, underground conduits and junction boxes.
- (az) "Water and Sewer Improvement Districts" means any water or sewer improvement districts existing or hereinafter organized which have jurisdiction over the land proposed for a subdivision.
- (ba) "Zoning Administrator" means the person appointed by the City to perform the duties and responsibilities of Zoning Administrator, as defined in CZC 12 (Zoning) ~~by the City Zoning Ordinance~~.
- (bb) "Zoning Ordinance" or "Zoning Code" means the Centerville City Zoning Ordinance as set forth in CZC 12 (Zoning).

15.01.050 General Considerations

- (a) The General Plan shall guide the use and future development of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Zoning Ordinance, and other applicable ordinances.
- (b) Trees, native land cover, natural watercourses, and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Zoning Ordinance. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
- (c) Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances. This Title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly

manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes, in accordance with and to the extent permitted by law.

15.01.060 General Responsibilities

- (a) The subdivider shall prepare concept plans and plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the public improvements required. The City shall process said plans and plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein.
- (b) The Planning Administrator shall review the plans and plats for design; for conformity to the General Plan and to the Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Title.
- (c) Plats and/or plans of proposed subdivisions may be referred by the Planning Administrator to any City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Planning Administrator is responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plats and plans.
- (d) The City Engineer shall review for compliance the engineering plans and specifications for the City required improvements for the subdivision and whether the proposed City required improvements are consistent with this Title and other applicable ordinances and shall be responsible for inspecting the City required improvements. Street layout and overall circulation shall be coordinated with transportation planning by the Planning Administrator.
- (e) The City Public Works Department shall review and make comments on the engineering plans and specifications for the City required improvements to the City Engineer and the Planning Administrator. The Public Works Director may assist the City Engineer in performing inspections.
- (f) The Planning Commission is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Ordinance, and other pertinent documents.
- (g) The City Attorney shall verify that the bond provided by the subdivider is acceptable, that the subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review matters of title such as easements and restrictive covenants.
- (h) The City Council has final jurisdiction in the approval of final subdivision plats, the establishment of requirements and design standards for public improvements, and the acceptance of lands and public improvements that may be proposed for dedication to the City.

15.01.070* Compliance Required

- (a) It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the City except in compliance with this Title. No plat of any subdivision shall be recorded until it has been submitted and approved as provided herein. A plat shall not be approved if such plat is in conflict with any provision or portion of the General Plan, Master Street Plan, Zoning Ordinance, this Title, or any other state law or City ordinance.
- (b) Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been installed or guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
- (c) All lots, plots or tracts of land located within a subdivision shall be subject to this Title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.
- (d) Except as otherwise provided, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected and approved by the City, and all streets in the subdivision are rough graded.
- (e) A building permit may be issued for a lot within a subdivision prior to installation of all water, sewer and required utilities and rough grading of all streets within the subdivision upon a finding of the following conditions by the Building Official:
 - (1) The lot fronts onto an already existing hard surfaced street;
 - (2) The main lines for utilities which will service the lot are located within the already existing and improved street;
 - (3) There is adequate fire flow protection and existing fire hydrants and fire protection devices for the lot as required by the ~~International~~ Fire Code, as adopted by the City, and other relevant City Ordinances;
 - (4) There is adequate access to the lot for emergency utility vehicles;
 - (5) The issuance of the building permit will not threaten public health, safety and welfare;
 - (6) Written approval is obtained from the Fire Chief, Police Chief and City Engineer regarding issuance of the permit;
 - (7) Written approval is obtained from all public utilities and agencies involved regarding issuance of the permit or final subdivision approval; and
 - (8) Issuance of the permit will not result in the waiver of any other requirements or performance guarantees for the subdivision.
- (f) It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable, which improvements shall include paved streets. It shall be

unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.

15.01.080* Required Certificates, Permits And Reviews

- (a) Applications for each of the separate stages of subdivision approval (concept plan, preliminary plat, and final plat) shall be made to the ~~City's~~ Community Development Department. Applications shall be made on the respective forms provided by the City and shall be accompanied by the proper fees and deposits and by the documents and information required by this Title.
- (b) Action on any application for a stage of subdivision approval shall be completed in a timely manner after ~~of the~~ date of submittal of a completed application and all required information and items to the Community Development Department.
- (c) All applications, documents, plans, reports, studies and information provided to the City by an applicant shall be accurate and complete. Submission of inaccurate or incomplete information in connection with any application shall be grounds for denial of a pending application or revocation of an approved application.
- (d) If within six months after an application has been filed the applicant has not taken substantial action to obtain approval thereof, the application shall expire and any vested rights accrued thereunder shall terminate.

15.01.090* Penalties

It shall be a class C misdemeanor for any person to fail to comply with the provisions of this Title. In addition to any criminal prosecution, the City may pursue any other legal remedy to ensure compliance with this Title including, but not limited to, injunctive relief or enforcement through the civil enforcement procedures set forth in CMC 1.06 (Civil Penalties).

15.01.100* Pending Ordinance Amendments

- (a) When the City has formally initiated proceedings to amend the text of this Title, a person who thereafter files an application which may be affected by the proposed amendment shall not be entitled to rely on the existing text which may be amended.
 - (1) A proposed text amendment to this Title shall be deemed formally initiated when the amendment proposal first appears on a Planning Commission or City Council agenda, as the case may be, and such agenda has been noticed as required in this Chapter.
 - (2) An application shall be deemed "filed" when all materials required for the application, as set forth in this Title, have been submitted.
- (b) An application affected by a pending amendment to the text of this Title shall be subject to the following requirements:
 - (1) The application shall not be acted upon until six months from the date when the pending amendment to the text of this Title was first noticed on a Planning Commission or City Council agenda, as the case may be, unless: the

(A) ~~The applicant voluntarily agrees to amend his application to conform to the~~

~~requirements of the proposed amendment; or~~

(B) ~~The~~ proposed amendment is sooner enacted or defeated, as the case may be,

(2) ~~(b)~~ If a pending amendment to the text of this Title is enacted within six months after being noticed on a Planning Commission or City Council agenda, as the case may be, an affected application which was filed while the amendment was pending shall conform to the enacted amendment.

(3) If a pending amendment to the text of this Title is not enacted within six months after being noticed on a Planning Commission or City Council agenda, as the case may be, the amendment shall no longer be considered pending and any affected application may be approved without regard to the previously pending amendment.

(c) The Zoning Administrator shall give an applicant affected by a pending amendment to the text of this Title written notice that:

(1) There is pending legislation;

(2) The application may require changes to conform to a text amendment which may be enacted; and

(3) Copies of the pending legislation are available at the Community Development office.

(d) All provisions herein are intended to and shall comply with the provisions of Utah Code § 10-9a-509.

15.01.110* Appeals

(a) Any person or entity, or any officer, department, or board of the City, adversely affected by a final decision of the Zoning Administrator or the Planning Commission made in the administration or interpretation of the provisions of this Title may appeal that decision to the Board of Adjustment ~~City Council~~ as the designated land use appeal authority for administrative decisions ~~subdivision matters~~ as provided herein. A complete application for appeal shall be filed with City Recorder in a form established by the City within 14 days of the decision which is being appealed. The application for appeal shall include at a minimum the following information along with applicable appeal fees as set forth in the City Fee Schedule: (1) the name, address and telephone number of the appellant and the appellant's authorized agent, if any; (2) the decision being appealed; (3) the grounds for the appeal; and (4) a description of the alleged error in any final order, decision or determination of the person or body from which the appeal is taken in the administration or interpretation of this Title. The appeal shall set forth a description and allegation of every theory of relief that the appellant could raise in district court regarding the matter appealed.

(b) After the application for appeal is deemed complete, the City Recorder shall schedule a public meeting before the Board of Adjustment ~~City Council~~ for the appeal within a reasonable time after receipt of the appeal. Public notice of the public meeting shall be provided in accordance with the provisions of CMC 15.01.130. The appellant shall be notified of the appeal meeting date at least seven days prior to the meeting. Prior to the meeting, the City Recorder shall transmit to the City Council and the appellant all papers constituting the record of the decision which is being appealed. In the event the appellant is not the property owner, applicant, or agent of the property owner or applicant

of a particular application being appealed, the City shall provide the property owner, applicant, or agent, as applicable, notice of the appeal meeting and a copy of the record in accordance with the provisions of this Section.

- (c) The Board of Adjustment City Council shall review the record of decision and after due consideration shall reverse or affirm, wholly or in part, or may remand the administrative decision to the officer or body from whom the appeal was taken. The Board of Adjustment City Council shall review the administrative decision for correctness and shall give no deference to the decision of the person or body from which the appeal is taken. The person making an appeal shall have the burden of proving an error has been made. The Board of Adjustment City Council shall notify the appellant in writing of its ruling.
- (d) The filing of a completed application for appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Board of Adjustment City Council.
- (e) Any person or entity adversely affected by a final decision of the City Council regarding any subdivision application for which the City Council has jurisdiction of final approval or any final decision of the Board of Adjustment City Council regarding an appeal of an administrative decision as provided herein, may appeal that decision to the district court in accordance with Utah Code § 10-9a-801, applicable provisions of Title 10, Chapter 9a of the Utah Code Annotated, as amended.

15.01.120 Staff Authority

For purposes of this Title, the Planning Administrator and all other officers and employees of the City act in an advisory capacity to the City Council and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity.

15.01.130* Public Hearings And Meetings

Any public hearing or meeting required under this Title, as the case may be, shall be scheduled and held subject to the requirements of this section.

- (a) Scheduling a Public Hearing or Meeting. An application requiring a public hearing or meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or meeting regarding the application shall be considered in light of:
 - (1) The complexity of the application submitted;
 - (2) The number of other applications received which require a public hearing or meeting;
 - (3) Available staff resources; and
 - (4) Applicable public notice requirements.
- (b) Notice of Public Meeting. In accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-1, et seq., the applicable land use authority designated to act upon a subdivision application shall provide public notice of its meetings.
 - (1) Annual Meeting Schedule. The applicable land use authority shall give public notice at least once each year of its annual meeting schedule specifying the date,

time and place of such meetings.

- (2) Individual Meeting. The applicable land use authority shall also provide not less than 24 hours public notice of the agenda, date, time and place of each of its meetings. Public notice of meetings shall be satisfied by:

- (A) Posting notice in at least three public locations within the City, including City Hall; and
- (B) Providing notice to at least one newspaper of general circulation within the area of the City.

- (3) Emergency Meetings. When because of unforeseen circumstances it is necessary for the applicable land use authority to hold an emergency meeting to consider matters of an emergency or urgent nature, the noticing requirements set forth herein may be disregarded and the best notice practical will be given in accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-1, et seq.

- (c) Notice of Public Hearing. When this Title or any State statute requires a public hearing for any proposed subdivision, amendment to a subdivision, or any other land use application governed by this Title, notice of the first public hearing regarding such matter shall be provided in accordance with the provisions set forth herein.

- (1) Contents. Public notice of the public hearing should include the following information:

- (A) A statement summarizing the substance of the application;
- (B) The date, time and place of the public hearing; and
- (C) The place where the application may be inspected by the public.

- (2) Notice. Public notice of the public hearing shall be provided at least three calendar days before the public hearing. Such notice shall be posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

- (3) Multi-Unit Residential, Commercial or Industrial Project Notice. Notice of the first public hearing to consider a preliminary plat describing a multi-unit residential development or a commercial or industrial development shall be mailed to each affected entity (as defined in CMC 15.01.040).

- (4) Vacation of Public Street Notice. Notice of any subdivision or plat amendment that involves a vacation, alteration or amendment of a street shall be provided in accordance with Utah Code § 10-9a-208.

- (d) Applicant Notice. For each land use application filed in accordance with the provisions of this Title, the City shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application. The City shall provide each applicant a copy of each staff report regarding the application at least three business days before the public hearing or public meeting, subject to the waiver provisions of Utah Code § 10-9a-202. The City shall also provide the applicant notice of any final action on a pending application in accordance with the provisions of Subsection (k).

- (e) Additional Notice. In addition to public notice of a public hearing as provided in this

Section, the Zoning Administrator, in his or her sole discretion, may provide additional notice of any application, including, but not limited to, direct mailings to neighboring property owners. Any direct mailing, or other notice provided under this Subsection is intended as a courtesy only. Any error or failure on the part of the City to provide such courtesy notice shall not affect the adequacy or sufficiency of posted notice of the meeting or public hearing as required by law.

- (f) **Challenge of Notice.** If notice required by this Section or any other applicable provision of this Title is not challenged in accordance with applicable appeal procedures within 30 days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.
- (g) **Examination of Application.** Upon reasonable request during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in accordance with the Utah Government Records Access and Management Act, as set forth in Utah Code §§ 63G-2-101, 63-2-101, et seq., as amended. Copies of such materials shall be made available at reasonable cost in accordance with the City Fee Schedule.
- (h) **Public Hearing and Meeting Procedures.** An application shall be considered pursuant to the provisions of this Title and any policies and procedures established by the decision-making body or official for the conduct of its meetings.
- (i) **Withdrawal of Application.** An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. Application fees shall not be refundable if prior to withdrawal:
 - (1) A staff review of the application has been undertaken; or
 - (2) Notice for a public hearing or meeting on the application has been mailed, posted or published.
- (j) **Record of Public Hearing or Meeting.**
 - (1) Written minutes and or a digital or tape recording shall be kept of all public hearings and or meetings. Such minutes and or a digital or tape recording shall include:
 - (A) The date, time, and place of the meeting;
 - (B) The names of members present and absent;
 - (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
 - (D) The names of all citizens who appeared and the substance in brief of their testimony; and
 - (E) Any other information that any member requests be entered in the minutes.
 - (2) The minutes, ~~tape~~-recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in Subsection (g).
- (k) **Notification of Final Action.** Notice of any final action or decision on a pending application by the decision-making body or official shall be provided to an applicant

within a reasonable time.

15.01.140 General Decision-Making Standards

The decision-making standards set forth in this Section are based on the fundamental distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy which is applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

(a) Legislative Proceedings.

(1) The following types of applications under this Title are hereby declared to be legislative proceedings:

- (A) Subdivision ordinance text adoption or amendment; and
- (B) Temporary regulations.

(2) Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

(A) The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.

(B) In making such determination, the decision-making authority may consider the following:

- (i) Testimony presented at a public hearing or meeting; and
- (ii) Personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the City.

(C) The decision-making body should state on the record the basis for its decision.

(b) Administrative Proceedings.

(1) The following types of applications under this Title are hereby declared to be administrative proceedings:

- (A) Concept plan;
- (B) Preliminary subdivision plat;
- (C) Final subdivision plat or plat amendment;
- (D) Special exception;
- (E) Variance;
- (F) Nonconformity;
- (G) Routine and uncontested matter;
- (H) Administrative interpretation; and

(I) Appeal of administrative decision.

(2) Decisions regarding an administrative application shall be based on the "substantial evidence" standard including at least the following:

- (A) A statement of the standards for approval applicable to the application;
- (B) A summary of evidence presented to the decision-making body or official;
- (C) A statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards set forth in this Title or other provisions of the Centerville Municipal Code; and
- (D) A statement of approval, approval with conditions, or disapproval, as the case may be.

15.02 Concept Plan

15.02.010* Concept Plan

15.02.020* Concept Plan Submittal Requirements

15.02.030* Distribution

15.02.040 Reserved

15.02.050* Review And Approval By The Planning Commission

15.02.060* Expiration Of Concept Plan Approval

15.02.070* Small Subdivision Waiver

15.02.010* Concept Plan

A concept plan shall be required of all subdividers. Concept plan review provides the subdivider with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the proposed subdivision of property. The applicant or applicant's duly authorized agent shall submit an application to the City Community Development Department for subdivision concept plan review in accordance with the provisions of this Chapter, together with the appropriate application fees and deposits as set forth in the City Fee Schedule.

15.02.020* Concept Plan Submittal Requirements

The subdivider shall submit three hard copies and one electronic copy of the proposed subdivision concept plan to the City Community Development Department. The proposed concept plan shall include the following items.

- (a) The proposed name of the subdivision.
- (b) A vicinity plan showing significant natural and manmade features on the site and within 500 feet of any portion of it; the property boundaries of the proposed subdivision and adjacent properties; the names of adjacent property owners; topographic contours at no greater interval than five feet; and north arrow.
- (c) A proposed lot and street layout.
- (d) A description of the type of culinary and irrigation water system(s) proposed; ~~also, and~~ documentation of water rights and secondary water shares.
- (e) A description of the size and location of sanitary sewer and storm water drain lines and

subsurface drainage.

- (f) A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
- (g) The total acreage of the entire tract proposed for subdivision.
- (h) Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

15.02.030* Distribution

The ~~Centerville City~~ Community Development Department, upon receipt of the complete submission, shall distribute copies of the concept plan to such government departments and other agencies or advisors as in the opinion of the Department or the Planning Commission may contribute to a decision in the best interest of the public.

15.02.040 Reserved

15.02.050* Review And Approval By The Planning Commission

- (a) The Planning Commission shall schedule and hold a public hearing on the proposed concept plan. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of CMC 15.01.030. At the time and place specified, the Planning Commission shall hold a public hearing and review the submitted concept plan for compliance with the General Plan, Zoning Ordinance, Subdivision Ordinance, and other applicable ordinances and regulations. The Planning Commission may approve ~~accept~~ or reject the proposed concept plan and may make findings and recommendations regarding the submitted concept plan, specifying any inadequacy in the information submitted, noncompliance with City ordinances or regulations, or questionable or undesirable design and/or engineering. Alternatively, the Planning Commission may refer the Concept Plan to the City Council for its review and approval ~~acceptance~~ or rejection.
- (b) The Planning Commission may require additional information, data or studies to be provided to the Planning Commission by the subdivider for the overall development before approval ~~acceptance~~, rejection or referral is made by the Planning Commission regarding the proposed concept plan.
- (c) Approval ~~Acceptance~~ of a proposed concept plan by the Planning Commission, or the City Council, as applicable, shall not constitute an approval or disapproval of the proposed subdivision, but is intended to give the subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the City.

15.02.060* Expiration Of Concept Plan Approval

Once a concept plan has been approved ~~accepted~~ by the Planning Commission, or the City Council if the concept plan was referred to the City Council by the Planning Commission for review as provided herein, the subdivider may apply for preliminary plat approval consistent with the concept plan. If preliminary plat approval for any portion of an approved ~~accepted~~ concept plan has not been obtained within 12 months of the date on which concept plan was approved ~~accepted~~, a resubmittal and reapproval ~~re-acceptance~~ of the concept plan may be required by the Planning Commission or the City Council prior to the filing of an application for preliminary plat approval.

15.02.070* Small Subdivision Waiver

- (a) Upon review and approval ~~acceptance~~ of a concept plan for a small subdivision, the Planning Commission can waive the requirements for preparation and approval of a preliminary and a final plat if it can be shown that:
- (1) The small subdivision does not require dedication of land for street or other public purpose;
 - (2) The small subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Master Street Plan; and
 - (3) The lots are not part of a small subdivision approved less than three years earlier.
- (b) Each of the lots in a small subdivision must meet the frontage, width, and area requirements of the zone district in which it is located, or must have been granted a variance from such requirements by the Board of Adjustment.
- (c) The Planning Commission may require as part of the approval ~~acceptance~~ of the concept plan for a small subdivision any improvements or utility easements that are required of other subdivisions, as set forth in this Title.

15.03 Preliminary Plat

15.03.010* Preliminary Plat - Purpose

15.03.020* Application And Fees

15.03.030* Plat Preparation And Required Information

15.03.040* Review And Approval By Planning Commission

15.03.050 Expiration Of Preliminary Plan Approval

15.03.010* Preliminary Plat - Purpose

The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat and to ensure compliance of the subdivision with City ordinances and regulations. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the provisions of this Title and any other applicable City ordinances and regulations.

15.03.020* Application And Fees

The subdivider of a subdivision, after completing the concept plan required in CMC 15.02 (Concept Plan), shall file an application for preliminary plat approval with the City-Community Development Department on a form prescribed by the City, together with three hard copies and one electronic copy of the preliminary plat. At the same time, the subdivider shall pay the application fees and deposits for preliminary plat review as provided in the City Fee Schedule.

15.03.030* Plat Preparation And Required Information

The preliminary plat shall be drawn to scale not smaller than 100 feet to the inch, and shall include the following.

- (a) A north arrow.

- (b) The proposed name of the subdivision.
- (c) The ~~plat shall show the~~ location of the subdivision as it forms part of a larger tract, ~~or parcel, or lot.~~
- (d) ~~The submittal shall include a~~ A sketch of the prospective future street system of the unplatted portion of the property, and the street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the surrounding area and in accordance with the City's General Plan.
- (e) A vicinity map of the proposed subdivision, drawn at a scale of 500 feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets.
- (f) The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- (g) A contour map at intervals of at least two feet, showing all unusual topographic features with verification by a qualified engineer or land surveyor.
- (h) Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor registered to practice in the State of Utah.
- (i) The boundary lines of the tract, parcel or lot to be subdivided, with all dimensions shown.
- (j) Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within 100 feet thereof.
- (k) The location, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots with the size of each lot in square footage and proper labeling of spaces to be dedicated to the public.
- (l) The location, principal dimension, and names of all existing or recorded streets, alleys, and easements, both within the proposed subdivision and within 100 feet of the boundary thereof, showing whether recorded or claimed by usage.
- (m) The location and dimensions to the nearest existing bench mark or monument, and section line.
- (n) The location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography.
- (o) The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within 200 feet thereof, and all known wells or springs (consult Utah State Engineer's Office)
- (p) ~~The and~~ location of the 100 year flood plain as determined by the Federal Emergency Management Agency (FEMA).
- (q) Proposed off site and on site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
- (r) A tentative plan by which the subdivider proposes to handle storm water drainage for an event with a 10 year return interval, as determined by the City Engineer.
- (s) Each sheet of the set shall contain the name of the project, scale (not less than 100 feet to the inch), sheet number, ~~and north arrow, and date of latest draft or revision.~~
- (t) Boundary lines of adjacent tracts of unsubdivided land within 100 feet of the tract proposed for subdivision, showing ownership and property monuments.

- (u) A tentative plan for providing street lighting in the subdivision.
- (v) Plans showing any required landscaping and/or parkstrip tree planting.
- (w) If the site requires substantial cutting, clearing, grading, or other earthmoving operations in the construction of improvements, the application shall include a soil erosion and sedimentation control plan prepared by a registered civil engineer.
- (x) Verification as to the accuracy of the plat by the owner.
- (y) The subdivider shall provide with the application the following documents:
 - (1) Copies of any agreements with adjacent property owners relevant to the proposed subdivision.
 - (2) A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavations shall be submitted in accordance with the City Standards and Specifications. ~~City's Subdivision Standards.~~
 - (3) A copy of a preliminary title report evidencing satisfactory proof of ownership, other land owners of interest, including lienholders, legal description of all property within the subdivision, and easements of record encumbering any property within the subdivision.
 - (4) Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements therefor have been reviewed by the utilities.
 - (5) An adequate traffic report prepared by a qualified traffic engineer when required by the Planning Commission.
 - (6) If the proposed project is located within 100 feet of a critical flood area as defined by Davis County (which includes Deuel, Parrish, Barnard and Ricks Creek stream channels), the subdivider shall obtain and submit a Davis County Development and Construction permit and provide any required stream channel easements or restricted build areas.
 - (7) The subdivider shall comply with all other applicable federal, state and local laws and regulations and shall provide evidence of such compliance if requested by the City.
 - (8) Approval of any proposed subsurface drains in accordance with applicable provisions of CMC 9.06 (Subsurface Water) and a copy of proposed protective covenants in all cases where subsurface drains are to be located within the subdivision, as applicable.

15.03.040* Review And Approval By Planning Commission

- (a) The Planning Commission shall schedule and hold a public hearing on the proposed preliminary subdivision plat. Notice of the public hearing and the public meeting shall be provided in accordance with CMC 15.01.030. At the time and place specified, the Planning Commission shall hold a public hearing and review the submitted preliminary plat for compliance with the standards and criteria set forth in this Title and all other ordinances of the City, including but not limited to the Zoning Ordinance, General Plan, Master Street Plan, and applicable Construction Codes. ~~building codes.~~ The Planning Commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, noncompliance with City ordinances or regulations, questionable or undesirable design and/or

engineering, and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat. The Planning Commission may review all relevant information pertaining to the proposed development including, but not limited to, the following: fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sewer service; traffic considerations; potential for flooding; ~~burden on the school district~~, etc. The subdivider shall be notified in writing of the action taken by and the findings of the Planning Commission regarding the submitted preliminary plat.

- (b) If the Planning Commission denies preliminary plat approval, no further review of the proposed subdivision shall be made by the Planning Commission and a new preliminary plat shall be required to re-initiate the subdivision process.
- (c) Granting of a preliminary plat approval by the Planning Commission shall not constitute a final approval ~~acceptance~~ of the subdivision by the Planning Commission. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards and requirements.

15.03.050 Expiration Of Preliminary Plan Approval

- (a) Once preliminary plat approval has been granted, the subdivider may apply for final plat approval. If the final plat has not been recorded within one year of the date of the preliminary plat approval by the Planning Commission, the preliminary plat must again be submitted to the Planning Commission for review and approval.
- (b) In those cases where a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if final plat for the first phase is approved and recorded within one year of the date of preliminary plat approval and subsequent phases are recorded in accordance with the approved phasing plan.

15.04 Final Plat

15.04.010* Final Plat

15.04.020* Filing Deadline

15.04.025* Application And Fees

15.04.030* Final Plat - Preparation And Required Information

15.04.040 Construction Plans - Preparation And Required Information

15.04.050* Review And Recommendation By Planning Commission

15.04.060* Review And Approval By City Council

15.04.070* Review By City Engineer

15.04.080* Review By City Attorney

15.04.090* Security For Public Improvements

15.04.095* Installation Of Improvements Prior To Recording Final Plat

15.04.100* Payment Of Fees

15.04.110* Recording Of Final Plat

15.04.120* Expiration Of Final Approval

15.04.010* Final Plat

The purpose of the final plat is to require formal approval by the Planning Commission and City Council before a subdivision plat is finalized and recorded in the office of the Davis County Recorder and to ensure compliance of the subdivision with applicable ordinances. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title. The final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.

15.04.020* Filing Deadline

Application for final plat approval shall be made within 12 months after approval or conditional approval of the preliminary plat by the Planning Commission. This time period may be extended for up to 12 months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date, however only one extension may be granted. ~~The subdivider shall file an application for final plat approval with the City Community Development Department on forms prescribed by the City, together with three (3) copies of the proposed final plat and three (3) copies of the construction drawings. At the same time, the subdivider shall pay to the City the application fee for the final subdivision as set forth in the City Fee Schedule.~~

15.04.025* Application And Fees

The subdivider shall file an application for final plat approval with the Community Development Department on forms prescribed by the City, together with three hard copies and one electronic copy of the proposed final plat and construction drawings. At the same time, the subdivider shall pay to the City the application fees and deposits for the final subdivision as set forth in the City Fee Schedule.

15.04.030* Final Plat - Preparation And Required Information

- (a) The final plat shall consist of ~~a sheet of~~ approved 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, or other format acceptable to the Davis County Recorder.
- (b) The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on the tracing linen, mylar, or comparable material, with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than 100 feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.
- (c) The final plat shall show the subdivision name and the general location of the subdivision in bold letters at the top of the sheet.
- (d) The plat shall contain a north arrow and scale of the drawing and the date.
- (e) The plat shall be signed by all required and authorized parties, property owners, and lienholders with appropriate notarial acknowledgments and the final plat shall contain all information set forth in this Section.
- (f) An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. 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.

- (g) The plat will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
- (h) The ~~final~~ plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Davis County coordinates. Lot and boundary closure shall be calculated to the nearest 100th of a foot.
- (i) All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot and parcel shall be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. 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.
- (j) The plat shall show the right of way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within 50 feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.
- (k) All lots and blocks are to be numbered consecutively under a definite system approved by the Planning Commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
- (l) All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system as set forth in CMC 11.01.160. ~~adopted by the City.~~ Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing system as set forth in CMC 11.01.170. ~~methods approved by the City.~~ In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
- (m) The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All existing and proposed easements shall be clearly labeled and identified.
- (n) The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the City Engineer. The following required monuments shall be shown on the final plat:
 - (1) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and
 - (2) All right of way monuments at angle points and intersections as approved by the

City Engineer.

- (o) The final plat shall contain the name of the surveyor, together with the date of the survey, the scale of the map and number of sheets.
- (p) The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
 - (1) Registered land surveyor's "Certificate of Survey";
 - (2) Owners dedication certificate and signature line for each property owner of record and significant lienholders;
 - (3) Notary public's acknowledgment for each signature on the plat;
 - (4) A correct metes and bounds description of all property included within the subdivision;
 - (5) Plat shall contain blocks for signature of the Planning Commission, City Engineer, City Attorney, City Council (a signature line for the Mayor and an attestation by the City Recorder);
 - (6) A block for the Davis County Recorder shall be provided in the lower right corner of the final plat;
 - (7) Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, or by the City Attorney;
 - (8) Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the City Attorney; a "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than 30 days before the proposed recordation of the final plat;
 - (9) The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the City ~~Subdivision~~ Standards and Specifications; and
 - (10) When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, 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.

15.04.040 Construction Plans - Preparation And Required Information

The subdivider shall prepare and submit construction plans in accordance with the requirements and standards set forth in CMC 15.07 (Public Improvements).

15.04.050* Review And Recommendation By Planning Commission

~~Upon receipt of the final plat signed by the City Engineer, the~~ The Planning Commission shall review the final plat to determine whether the final plat conforms with the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. As part of the Planning Commission's review, the Zoning Planning Administrator shall check the final plat for completeness and compliance with the requirements of this Title. If the submitted final plat is not acceptable, the Planning Commission shall notify the subdivider and specify the respects in which it is deficient. If the Planning Commission determines that the final plat is in

conformity with all requirements and the ordinances of the City it shall recommend approval of the final plat to the City Council.

15.04.060* Review And Approval By City Council

The City Council shall schedule and hold a public hearing on the proposed final plat. Public notice of the public hearing and public meeting shall be provided in accordance with the provisions of CMC 15.01.030. At the time and place specified, the City Council shall hold a public hearing and review the submitted final plat. The City Council shall not be bound by the recommendations of the City staff, or the Planning Commission and may set its own conditions and requirements consistent with this Title. If the City Council determines that the final plat is in conformity with the requirements of this Title, other applicable ordinances, and any reasonable conditions as recommended by the City's staff and Planning Commission or on the City Council's own initiative, that all fees and deposits have been paid as required, and that the City Council is satisfied with the final plat of the subdivision, it may approve the final plat. If the City Council determines that the final plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, it may disapprove the final plat specifying the reasons for such disapproval. No final plat shall have any force or effect unless the same has been approved by the City Council and signed by the Mayor and City Recorder.

15.04.070* Review By City Engineer

The City Engineer shall review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this ordinance and all other applicable ordinances of the City and the State of Utah. The City Engineer shall sign the final plat if the City Engineer finds that the subdivision and the construction plans fully comply with the improvement standards required by this Title, that the survey description is correct, and that all easements are correctly described and located. The City Engineer shall complete review of the plat within a reasonable time after the plat is submitted for review to the Engineer. If the final plat complies, the City Engineer shall sign the plat in the appropriate signature block ~~and forward the plat to the Planning Commission~~. If the final plat or the construction plans do not comply the City Engineer shall return the plat to the subdivider with comment.

15.04.080* Review By City Attorney

The City Attorney shall review the final plat, the signed subdivision improvements agreement, the current title report, and the security for ~~ensuring~~ insuring completion of the improvements, to verify compliance with the City's dedication and bonding requirements. The City Attorney may also review public easements, protective covenants and other documents where applicable. Upon approval of the items specified in this Section, the City Attorney shall sign the plat in the appropriate signature block ~~and forward the plat to the City~~.

15.04.090* Security For Public Improvements

- (a) Prior to recording of an approved final plat, the developer shall enter into an Improvements Agreement acceptable to the City providing security to ensure completion of all public improvements required to be installed in connection with the subdivision. The Improvements Agreement shall be in a form approved by the City Council and may

contain specific provisions approved by the City Attorney. The Improvements Agreement shall include, but is not limited to, the following provisions:

- (1) The public improvements shall be completed within a period of time not to exceed 18 months from the date the Improvements Agreement is fully executed by both parties. The term of the bond and security shall be of sufficient length to cover the construction period and required warranty period.
- (2) The public improvements shall be completed to the satisfaction of the City and in accordance with the City Standards and Specifications, ~~as established by the City Engineer and adopted by the City Council,~~ and the approved plans and specifications for the project.
- (3) The security provided for the Improvements Agreement ("Bond") shall be equal to 120% of the City Engineer's estimated cost of the improvements to be installed, including landscaping when required to be installed in connection with the development in accordance with CMC 15.5.070, CZC 12.51 (Landscaping), ~~the City Landscaping Ordinance as set forth in CZC 12.51,~~ or other applicable Ordinance.
- (4) The City shall have immediate access to the Bond proceeds in the event of default.
- (5) The Bond proceeds may be reduced at intervals determined by the City upon the request of the developer as improvements are installed and completed. The amount of the reduction shall be determined by the City. Such requests may be made only once every 30 days and no reduction shall be authorized until such time as the City has inspected the improvements and found them to be in compliance with the City Standards and Specifications and the approved plans. All reductions shall be by written authorization of the City with the approval of the City Engineer. No Bond shall be reduced below 10% of the estimated cost of the improvements plus the estimated cost of slurry seal until final acceptance of the improvements by the City Council following the warranty period set forth in CMC 15.05.100.
- (6) If the Bond proceeds are inadequate to pay the cost of the completion of the improvements according to the City's Standards and Specifications and approved plans, for whatever reason, including previous reductions, the developer shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with City Council approval, a new, satisfactory Bond has been executed and delivered to the City, or other satisfactory arrangements have been made to ensure ~~insure~~ completion of the remaining improvements.
- (7) In the event of default by the developer, the City's costs of administration, cost of obtaining the Bond proceeds, and costs of completing the improvements, including, but not limited to, administrative, engineering, legal, labor and materials costs, shall be deducted from any Bond proceeds. A minimum amount equal to 15% of the actual costs of the improvements shall be retained by the City as payment for its administrative costs expended in drawing on the Bond ~~Credit~~. The developer shall be required to reimburse the City for any deficiencies in the Bond funds to pay for such costs incurred by the City.
- (8) The developer shall hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City certifies the improvements are complete and accepts the improvements, subject to the developer's warranty obligations set forth in CMC 15.05.100.

(b) The Improvements Agreement shall be one of the following types as prescribed by the City.

- (1) A cash bond agreement accompanied by a cashier's check payable only to the City.
- (2) An escrow agreement and account with a federally insured bank or credit union. If the bank is located outside of the State of Utah and/or requires presentment of the sight draft outside of the State of Utah, additional language shall be provided in the Bond allowing for presentment by fax or other electronic means acceptable to the City.
- (3) A letter of credit agreement and irrevocable stand-by letter of credit with a federally insured bank or credit union. If the bank is located outside of the State of Utah and/or requires presentment of the sight draft outside of the State of Utah, additional language shall be provided in the Bond allowing for presentment by fax or other electronic means acceptable to the City.

15.04.095* Installation Of Improvements Prior To Recording Final Plat

Pursuant to Utah Code § 10-9a-604.5, after approval of the final plat and final construction drawings by the City, the developer may engage in certain limited development activities to install required public improvements associated with the subdivision prior to recording of the final plat, subject to the developer entering into an Infrastructure Development Agreement (Prior to Recording Final Subdivision Plat) with the City as approved by the City Council.

15.04.100* Payment Of Fees

All required and unpaid fees, deposits and bonds shall be paid by the subdivider to the City ~~by cashiers check~~ prior to recording approval of the final plat ~~by the City Council~~.

15.04.110* Recording Of Final Plat

After City Council approval, filing of the Bond Agreement and Bond described in CMC 15.04.090, payment of all required fees and deposits, compliance with all conditions of approval and applicable ordinances, and signing of the plat by all required parties, property owners and lienholders, ~~the Mayor and City Recorder,~~ the final plat may ~~shall~~ be presented by the City Recorder to the Davis County Recorder for recordation. The City Recorder shall be responsible for recording all final subdivision plats and related documents. The developer is not authorized to record a final subdivision plat.

15.04.120* Expiration Of Final Approval

If the final plat is not recorded within six months from the date of City Council approval, such approval shall be null and void. This time period may be extended by the City Council for up to an additional six month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original six months. No extension will be granted if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases or provide additional bond funds as a condition of granting an extension.

15.05 General Requirements For All Subdivisions

15.05.010* Subdivision Layout

15.05.020* Lots

15.05.030* Streets And Related Improvements

15.05.040* Protection Strips

15.05.050* Drainage

15.05.060* Utilities

15.05.070* Landscaping

15.05.080 Orderly Development Required

15.05.090 Building Permits

15.05.100* Warranty Period

15.05.010* Subdivision Layout

- (a) ~~The subdivision layout shall conform to the City's General Plan.~~
- (b) Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, as determined by the Planning Commission, are located within a proposed subdivision, reasonable steps should be taken to preserve these features.
- (c) Where a railroad right of way abuts a subdivision, the plat shall make provisions for future grade separations whenever the City shall find such a requirement to be necessary.
- (d) The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Title, unless the general layout of the vicinity, line of ownership, topographical conditions, or locations of arterial streets or freeways justify or make necessary a variation from this requirement. The minimum width of a block shall not be less than 250 feet measured from center line of street to center line of street.
- (e) The maximum length of blocks shall be 1200 feet. In blocks over 800 feet in length, a dedicated public walkway through the block, at approximately the center of the block, may be required. Such walkways shall not be less than 10 feet in width unless otherwise approved by the City.

15.05.020* Lots

- (a) All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades, or other physical conditions.
- (b) All lots or parcels created by the subdivision shall have frontage on a dedicated street, improved to standards hereinafter required, equal to at least 50% of its minimum required width. Land designated as public right of way shall be separate and distinct from lots adjoining such right of way and shall not be included in the area of such lots.
- (c) The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Ordinance for the district in which the subdivision is located.
- (d) The side lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul de sac on which the lots face. The Planning Commission may recommend to the City Council exceptions to this

requirement. Upon a showing of good cause, the City Council may allow exceptions to this requirement.

- (e) Corner lots for residential use should be platted 10 feet wider than interior lots in order to facilitate conformance with the required street setback requirements of the Zoning Ordinance.
- (f) A lot shall not be divided by a City limit line. Each such boundary line should be made a lot line.
- (g) Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or suitable for common open space, private utility, public purpose, or other purpose approved by the City Council.
- (h) Double frontage lots are not permitted unless approved by the City Council after receiving a recommendation from the Planning Commission. Double frontage lots may only be approved when backing on the following streets:
 - (1) Main Street, both sides;
 - (2) Frontage Road (800 West).
 - (3) Parrish Lane west of Main Street, both sides;
 - (4) Pages Lane west of 400 East, both sides;
 - (5) Porter Lane from Main Street to 400 West, south side only; and
 - (6) 400 West from Parrish Lane to 1375 North ~~Street~~, both sides.

The street frontage adjacent to the rear of approved double frontage lots shall be improved by the subdivider in accordance with the standards set forth in the City's Subdivision Standards and Specifications.

15.05.030* Streets And Related Improvements

- (a) Subdividers shall locate streets within the subdivision so that the streets connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided.
- (b) Dedication of half streets is prohibited unless: a full right of way is to be obtained; curb, gutter, and sidewalk is constructed on the subdivider's side; and a minimum of 28 feet of asphalt is laid. The balance of street improvements will be provided by the applicable property owner.
- (c) All streets should conform to the width designated by the ~~City's~~ Master Street Plan wherever a subdivision is in an area for which a Master Street Plan has been adopted. For territory where the Master Street Plan does not designate a street, streets shall be provided as required by the Planning Commission and City Council.
- (d) Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the subdivider in all subdivisions. The City Council may, for good cause, after receiving a recommendation from the Planning Commission, modify or waive the requirement for sidewalks on streets.
- (e) Local streets shall approach an arterial or collector street at an angle of at least 85 degrees. Grades for streets shall be a minimum of 0.5% and a maximum of 12% for all streets except major and minor arterials which shall be 10% maximum.
- (f) Cul de sacs shall serve no more than 20 lots or units; shall be no longer than 400 feet, measured from the center point of the turn around to the center line of the intersecting

street; and must be terminated with a turn around of not less than 100 feet in diameter. Downhill cul de sacs are not permitted unless adequate drainage and 100 year over flow is provided and ~~in addition~~ such downhill cul de sacs must be ~~are~~ approved by the City Council after receiving a recommendation from the Planning Commission and City Engineer.

- (g) Where a street is designed to remain only temporarily as a dead end street, a satisfactory temporary turn-around area and recordable easement shall be provided at the end thereof to remain and be available for public use so long as the dead end exists. The City may require improvements to be installed in temporary turn-around areas.
- (h) To assure conformity, the City shall furnish and install all required street signs and the cost thereof shall be charged to and paid by the subdivider in accordance with the adopted City Fee Schedule.
- (i) Permanent monuments shall be furnished, accurately established, and set by the subdivider's surveyor at such points as are necessary to definitely establish all lines of the plat except those defining individual lots.
- (j) City approved street lights shall be installed at all street intersections, school or pedestrian crossings, or at bends or curves in the street by the subdivider.

15.05.040* Protection Strips

- (a) Purpose. It is the intent and purpose of this Section that protection strips be authorized and approved by the City only in limited circumstances. It shall be the obligation of every developer desiring the approval of a protection strip to demonstrate to the City's satisfaction that approval of a protection strip is necessary to equitably allocate the burdens associated with development, and that the developer has exercised all other available options in pursuit of an equitable cost-sharing arrangement with contiguous property owners.
- (b) Protection Strips Allowed. Where subdivision streets parallel contiguous property of other owners, upon recommendation by the Planning Commission, and with approval of the City Council, and upon satisfaction of the requirements contained within this Section, developer may be authorized to retain developer's ownership a protection strip of not less than one foot in width or greater than 10 feet in width, unless otherwise justified, between the street and adjacent property. All protection strips shall be located outside of but adjacent to the proposed right-of-way to be dedicated or other property designated for future public use and shall be maintained by the developer.
- (c) Agreement. Approval of a request for a protection strip shall be conditioned upon the execution of an agreement between the City and the developer setting forth the terms and conditions of the granting of the protection strip including the duration of the agreement, the conditions of repayment and conveyance of the protection strip property, and the specific location of the protection strip. The agreement shall be approved by ~~the City Attorney and~~ the City Council and shall be recorded in the office of the Davis County Recorder. In addition, a protection strip shall be clearly shown on the subdivision plat map and shall be specifically indicated as undedicated property and a protection strip.
- (d) Limited Duration. In the event any protection strip has not been conveyed or dedicated to the adjacent property owner within 20 years from the date of the protection strip agreement, the developer or its representatives, successors and/or assigns shall convey title to the protection strip property to the City by special warranty deed, acceptable in

form to the City. To secure developer's performance of this obligation, the City ~~shall~~ may require that a deed be placed in escrow as a part of the protection strip agreement. The protection strip agreement and all obligations of the City regarding the protection strip shall terminate at the time the special warranty deed conveying the protection strip to the City is recorded.

- (e) Administration Fees. The City Council hereby finds that protection strips create an administrative burden on the City, which burden should properly be borne by the developer requesting approval of a protection strip. Before a protection strip agreement is approved or amended by the City, the developer desiring approval of or amendment to a protection strip agreement shall pay the City the administrative fees and deposits required for protection strips as set forth in the City Fee Schedule.
- (f) Cost Allocation. The protection strip agreement shall require that upon development of property adjacent to the protection strip, the developer convey the property contained within the protection strip to the adjacent property owner for consideration to be set forth within the agreement. Such consideration shall be calculated by the City Engineer and shall be the sum of the following criteria: (1) the fair cost of the land held in the protection strip at the time of the agreement; (2) the cost of the street and utility improvements properly chargeable to the adjacent property; (3) a proportionate share of the value of the land in the street at the time of the agreement, as determined by the City Engineer; and (4) any additional amounts which the City Engineer deems reasonably necessary with respect to the protection strip or the agreement.

15.05.050* Drainage

- (a) The subdivider shall construct and install a storm water drainage system within the subdivision which shall be constructed of materials and according to the City ~~Subdivision Standards and Specifications~~ and the requirements of the City's ~~Master Storm Drainage Master Plan~~.
- (b) The subdivider shall dedicate a right of way of 15 feet in width or greater as required by the City for storm drainage conforming substantially with the lines of any natural watercourse or channel, stream, creek, irrigation ditch, or floodplain that enters or traverses the subdivision as determined by Davis County Flood Control and/or the City Engineer. The subdivider shall also dedicate rights of way for any pipe, conduit, channel, and retention or detention area as recommended ~~approved~~ by the City Engineer.
- (c) The storm water drainage system for subdivider's subdivision shall be connected to an approved off site storm drain or facility acceptable to the City.
- (d) Storm drain, cross gutters, dipstone inlets, and other appurtenant structures shall be provided by the subdivider (within the limits of the subdivision) as required to adequately dispose of storm waters and the 10 year frequency storm flows developed within the limits of the subdivision and the existing flows entering the proposed subdivision from adjacent properties.
- (e) All storm water drainage systems, improvements and facilities installed by the developer shall comply with applicable provisions of CMC 16 (Stormwater), and shall require videotaping prior to final inspection ~~in accordance with CMC 16.02.055, as amended.~~

15.05.060* Utilities

- (a) All utilities, including cable TV conduits, shall be provided through underground service, except where existing utilities are already in place. All underground utilities specified in this Section shall be installed prior to the installation of road base, surfacing, curbs, gutters and sidewalks. Underground utilities shall be installed only after streets have been rough graded to a line and grade approved by the City Engineer. If underground utilities are not installed prior to street surfacing sleeves shall be required.
- (b) A culinary water supply, which must be approved by the City Engineer shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the City and requirements of the City Engineer. Where an approved public water supply is available, the City shall cause to be installed, at the subdivider's expense, water mains, valves, pressure reducing valves, and service laterals to each lot within the subdivision.
- (c) Fire hydrants shall be installed by the City, at the subdivider's expense, at locations determined by the City Engineer and the Fire Department. Hydrants located within 350 feet of any building site in the subdivision shall be charged with water and must be operable before a building permit may be issued. Fire hydrant spacing shall not exceed 400 feet.
- (d) The subdivider shall connect with a public sanitary sewer and provide sewer mains and extend laterals from the sewer main to each lot in the subdivision, ~~unless waived by the City Council.~~
- (e) Secondary water for the purpose of irrigation shall be made available to each lot in all residential subdivisions. The City Council may require nonresidential subdivisions to acquire secondary water. Construction of irrigation water facilities shall be subject to the approval of the appropriate pressure irrigation district, as signified by its letter of approval. The lines shall meet City culinary waterline standards and specifications. "As built" shall be provided by the developer and submitted to the City prior to final inspection to be turned over to the City. Valves shall be located sufficient for adequate control of service areas, as approved. The subdivider will be required, at its own expense, to construct all required off site facilities to connect to existing irrigation district facilities. The size of service connections allowed will be determined by the irrigation district. Two lots may be served by a common service line, divided, where desirable. The applicable connection fee shall be paid to the irrigation district prior to their approval of the final plat.
- (f) The use of any subsurface drains within a subdivision may be permitted on a limited basis, as deemed appropriate by the City, in accordance with the procedures and requirements set forth in CMC 9.06 (Subsurface Water) regarding subsurface drains, and shall require videotaping prior to final inspection in accordance with CMC 9.06.080.
- (g) City approved street lights shall be installed at all street intersections, school or pedestrian crossings, and at bends or curves in the street at intervals specified in the City's Subdivision Standards.
- (h) Utility easements shall be provided within the subdivision as required for public utility purposes. All lots shall have at least a 10' wide front and rear yard public utility easements, and at least two other 7' wide one-side or rear yard public utility easements, ~~of at least 7 feet.~~ Additional easements, or increased width of easements, may be required as necessary to provide for adequate utility service and/or drainage within the subdivision and adjoining parcels. The City may also require separate waterline, storm drain or other utility easements for City owned facilities.

15.05.070* Landscaping

- (a) Whenever, in the opinion of the Planning Commission, and/or the City Council, the cuts and fills in a ~~hillside~~ subdivision are of sufficient size or visibility to demand special treatment, the subdivider may be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance of such landscaping. The subdivider shall submit a landscaping plan for review and approval by the City. The landscaping plan shall indicate how maintenance of the landscaping will be performed and by whom.
- (b) Subdivisions in the Hillside Overlay Zone ~~District~~ shall comply with all landscaping provisions of the ~~City's~~ Zoning Ordinance, including, but not limited to, provisions of CZC 12.42 (Hillside Overlay Zone).

15.05.080 Orderly Development Required

Whenever the subdivider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the subdivision and that all of the improvements will be made available for the full, effective, and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferee, or lessee of any of the lands subdivided within the time herein provided or in phases specified.

15.05.090 Building Permits

Except as otherwise provided in CMC 15.01.070, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected and approved by the City for the entire subdivision, and all streets in the subdivision are rough graded. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable which improvements shall include paved streets. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.

15.05.100* Warranty Period

The developer shall be required to warrant the developer's installed and accepted public improvements (and landscaping required to be bonded) comply with the City Standards and Specifications and applicable ordinances for design, materials, and workmanship, and will not fail in any material respect as a result of poor workmanship or materials ~~that the materials and workmanship of any and all public improvements installed by the developer comport with City Standards and Specifications and will not fail in any material respect~~ within the required warranty period. The warranty period shall commence upon the date that all improvements required by the City to be installed within the subdivision have been completed to the satisfaction of the City, a final inspection of the improvements has been made, and the City has accepted the improvements ("Final Acceptance"). Except as otherwise provided herein, the warranty period for public improvements shall commence on the date of Final Acceptance and

shall continue for a period of one year. As provided in Utah Code § ~~10-9a-103, 10-9a-604.5, as amended~~, the City may require a two year warranty period for improvements ~~(and landscaping required to be bonded)~~ if the City determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and the City has substantial evidence on record of: (1) prior poor performance of the applicant; ~~or~~ (2) that the area upon which the infrastructure or improvements will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspected soil. unstable soil conditions within the subdivision or development area; or (3) ~~extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.~~ If any deficiencies are found by the City during the warranty period in the design, materials, or workmanship materials or workmanship or failure of the improvements to comply ~~comport~~ with City Standards and Specifications or applicable ordinances, the developer shall promptly resolve such defects or deficiencies and request the City Engineer to reinspect the improvements. In the event the developer fails to remedy any defects or deficiencies during the warranty period, the City may use the Bond proceeds in accordance with the terms and conditions of the Improvements Agreement. At the end of the warranty period, the developer shall request the City Engineer to make a final warranty period inspection of all improvements. If the City Engineer verifies that the improvements are acceptable, the City Engineer shall notify the City Manager who shall refer the matter to the City Council. The City Council shall then review the matter and upon approval of the same shall release the balance of the security posted by the developer under the Improvements Agreement.

15.06 Requirements For PUD And Non-Residential Subdivisions

15.06.010* Planned Unit Development

15.06.020* Non-Residential Subdivision Requirements

15.06.010* Planned Unit Development

- (a) Design Standards. The design of the preliminary and final plats of the project in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of the ~~Centerville~~ General Plan ~~that has been adopted by the City Council~~, and design standards recommended by the Planning Commission and approved by the City Council. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character.
- (b) Provisions for Common Open Space. The subdivider of a cluster subdivision or PUD shall submit plans of landscaping and improvements for the common open space. The subdivider shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A project must meet the requirements of the Zoning Ordinance, must assure proper use, construction, and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the project, surrounding residents, and the general public. The Planning Commission may place ~~whatever~~ additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for

disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.

- (c) **Guarantee of Common Open Space Improvements.** As assurance of completion of common open space improvements, the subdivider at the request of the City Council, shall be required to file with the City Council an acceptable bond, or other agreement, in a form satisfactory to the City Attorney guaranteeing such completion within two years after such filing. Upon completion of the improvements for which a bond or other agreement has been filed, the subdivider shall call for inspection by the City Engineer, such inspection to be made within 14 days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds or security therefore shall be released. If the bonds or security are not released, refusal to release and reasons therefore shall be given the subdivider in writing.
- (d) **Continuation of Common Open Space.** As assurance of continuation of common open space used in accordance with the plans approved by the Planning Commission, the subdivider shall grant to the City, an "Open Space Easement" on and over the common open space prior to the recording to the final plat, which easement will not give the general public the right of access, but will provide that the common open space remains open.
- (e) **Maintenance of the Common Open Space.** In order to insure maintenance of the common open space and other improvements where so required, the subdivider, prior to the recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a homeowners or property owners association. By proper covenants running with the land and through the articles of incorporation and by laws of the association, it shall among other things, be provided:
 - (1) That the membership in the association shall be mandatory for each lot or dwelling unit purchaser, their guarantees, successors, and assigns.
 - (2) That the common open space restrictions shall be permanent and not just for a period of years.
 - (3) That the association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and other facilities.
 - (4) That all lot, unit, or homeowners shall pay their pro rata share of the cost of upkeep, maintenance, and operation.
 - (5) That any assessment levied by the association may become a lien on the real property of any lot, unit, or homeowner which may be foreclosed and the property sold.

15.06.020* Non-Residential Subdivision Requirements

- (a) The street and lot layout of a nonresidential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the ~~Centerville City~~ General Plan and the Zoning Ordinances ~~of the City~~.
- (b) In addition to the principles and standards in this Title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically

adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed commercial, industrial or manufacturing parcels shall be suitable in area and dimensions to the types of commercial, industrial or manufacturing development anticipated, and to the requirements of the Zoning Ordinance.
- (2) Street rights of way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
- (3) Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries or adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

15.07 Public Improvements

15.07.010* Standards And Specifications

15.07.020* Construction Plans

15.07.030* Submittal Requirements

15.07.040* Preconstruction Meetings

15.07.050 Inspection

15.07.060 Requests For Inspection

15.07.070 Correcting Defective Work

15.07.010* Standards And Specifications

The City Council has established and adopted City Standards and Specifications setting forth standards and specifications for the design, construction, and inspection of public improvements. Any installation, construction, alteration, repair, maintenance or other work regarding public improvements or any work within the public rights of way within the City shall comply with the City Standards and Specifications. Any additional standards and specifications or amendments thereto Standards for design, construction specifications, inspection of the street improvements, curbs, gutters, sidewalks, and standards for design, construction specifications and inspection of water distribution systems, sewage disposal facilities, storm drainage, and flood control facilities shall be prepared by the City Engineer. Any additional standards and specifications or amendments thereto Standards for fire hydrants shall meet the requirements of any federal, state and local governmental entities having jurisdiction over the same. All subdivision standards and specifications and amendments thereto which are under the control of the City shall be in writing and approved by the City Council before becoming effective. The City Council may by resolution adopt subdivision standards and specifications for the City which may be amended from time to time. All subdividers shall comply with the City Standards and Specifications any subdivision standards and specifications adopted by the City Council. All public improvements shall be installed in accordance with the City's Subdivisions Standards and Specifications, the requirements of the

City Engineer, the subdivision improvements agreement between the subdivider and the City, and all other applicable City Ordinances and regulations.

15.07.020* Construction Plans

Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance with the City Standards and Specifications. ~~design standards of the City. They~~ Construction plans and drawings shall be submitted to the Community Development Department and the City Engineer for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the City Engineer. Except as otherwise provided in Section 15.04.095, no ~~Ne~~-construction shall be started until the final plat has been recorded and the construction plans have been approved by the City. Plans for all the street utilities shall be drawn on the same plans.

15.07.030* Submittal Requirements

- (a) The submittal standards set forth in this Section ~~Standards are set~~ for the purpose of standardizing the drawings and to obtain uniformity in appearance, clarity, size and reproduction.
- (b) Three hard copies and one electronic copy of construction plans shall be submitted with one set to be retained by the City Engineer, one set to be furnished to the City, and one set returned to the subdivider for corrections and revisions. After corrections and revisions by the subdivider, three hard copies and one electronic copy of the revised construction plans ~~sets~~ shall be submitted for final review by the City Engineer.
- (c) All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. Size of drawings shall be 24" x 36" (trim line) with 2" border on top, bottom, and right sides, and 1.5" border on the left side ~~±.5"~~.
- (d) The plans shall include the following information:
 - (1) North arrow (plan)
 - (2) Elevations referenced to U.S.G.S. datum
 - (3) Stationing and elevations for profiles
 - (4) Title block located in lower right corner of sheet to include:
 - (A) Project title (subdivision, etc.)
 - (B) Specific type and location of work
 - (C) Name of engineer or firm preparing drawings with license number
 - (D) Utah Engineers stamp shall be required on all construction plans
 - (E) Date of plans
 - (5) Scale 1" = 20' or 1" = 40' horizontally; 1" = 2' or 4' vertical.
 - (6) Both plan view and profiles for curb and gutter plans shall be shown for each side of the street; street center line profile may be eliminated. Top of curb elevations with curve data must be shown for all curb returns.
 - (7) Size and location of culinary water lateral mains, meters, valves and hydrants (these plans to be finalized by the City Engineer).
 - (8) Type of pipe.
 - (9) Size and location of irrigation lateral mains, valves, fittings, ~~and~~ etc.

(10) Size and location of sewer, storm drains, and subdrains, and ~~their~~ manhole cleanouts.

(e) As needed, each set of plans shall be accompanied by a separate sheet of details for structures which are to be constructed.

(f) All structures shall be designed in accordance with minimum requirements established by the City Standards and Specifications. ~~Subdivision Standards of the City.~~

15.07.040* Preconstruction Meetings

Prior to excavating or starting of any ~~the~~ work, the subdivider shall call the City Engineer to meet together for a preconstruction meeting. The subdivider shall bring to the meeting all contractors responsible to build the improvements associated with the project. The purpose of this meeting shall be to:

- (a) Verify recordation of the plat and final approval of the plans;
- (b) Determine schedule of construction;
- (c) Determine names, addresses and phone numbers of contractors, inspectors and all persons involved;
- (d) Review plans and special conditions or requirements;
- (e) Review bond reduction request;
- (f) Coordinate inspection and testing; and
- (g) Discuss City Standards and Specifications.

15.07.050 Inspection

Construction work involving the installation of public improvements in subdivisions shall be subject to inspection by the City Engineer. All inspections shall be conducted with reasonable diligence and based on objective inspection standards.

(a) Daily inspection shall be required on the following types of work:

- (1) Laying of street surfacing.
- (2) Placing of concrete for curb and gutter, sidewalks, and other structures.
- (3) Laying of drainage pipe, water pipe, valves, hydrants and testing.

(b) Periodic inspection shall be required on the following:

- (1) Street grading and gravel base.
- (2) Excavations for curb and gutter and sidewalks.
- (3) Excavations for structures.

15.07.060 Requests For Inspection

Requests for inspections shall be made to the City Engineer by the person responsible for the construction. Requests for inspection on work shall be made one working day prior to the commencement of the work.

15.07.070 Correcting Defective Work

Inspections shall be made by the City Engineer after various phases of the construction work is completed. Any faulty or defective work shall be corrected by the subdivider or subdivider's

contractor within a period of 30 days from the date of City Engineer's inspection wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.

15.08 Development And Impact Fees

15.08.010 Definitions

15.08.020 Findings And Purpose

15.08.030 Service Areas Established

15.08.040 Impact Fees Levied

15.08.050 Time Of Collection

15.08.060 Use Of Fees

15.08.070 Adjustments

15.08.080 Accounting, Expenditure And Refund

15.08.090 Impact Fee Challenges And Appeals

15.08.100 Administrative Development Fees

15.08.010 Definitions

- (a) "Capital Facilities Plan" means the Capital Facility Plan adopted by Resolution of the City Council dated June 17, 1997, as the same shall be amended from time to time.
- (b) "City" means Centerville City, a Utah municipal corporation.
- (c) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (d) "Development approval" means any written authorization from the City that authorizes the commencement of development activity.
- (e) "Impact fee" means a payment of money imposed upon development activity as a condition of development approval.
- (f) "Service area" means the geographic area designated by the City which a defined set of public facilities provides service within the area.

15.08.020 Findings And Purpose

The City Council hereby finds and determines:

- (a) There is a need for public facilities for new developments which have not been constructed and are required to be consistent with the General Plan and to protect the public health, safety and welfare.
- (b) The rapid and continuing growth of Centerville City necessitates the imposition and collection of impact fees pursuant to law that require development to pay its fair share of the cost of providing public facilities occasioned by the demands and needs of the development project at service levels necessary to promote and preserve the public health, safety and welfare.
- (c) The City Council hereby adopts the reports from Leon J. Nielson - CPA dated May 23, May 29, and May 30, 1997, entitled "Culinary Water Impact Fees , Park Impact Fees, and Storm Drain Impact Fees which establish the costs for providing public facilities occasioned by development projects within the City and certain credits allowable against impact fees in the City.

- (d) The impact fees established by this Ordinance are based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the City.
- (e) The impact fees established by this Ordinance do not exceed the reasonable cost of providing public facilities occasioned by development projects within the City.

15.08.030 Service Areas Established

The City shall constitute a single service area and all real property located within the corporate boundaries of the City shall be included

15.08.040 Impact Fees Levied

The impact fees for the City service area are hereby established and/or levied and are contained in the development and impact fee schedule as adopted by the City.

15.08.050 Time Of Collection

Unless otherwise provided by the City Council, impact fees shall be payable prior to the issuance of a building permit by the City.

15.08.060 Use Of Fees

The fees shall be used solely to:

- (a) Pay for the described public facilities to be constructed by the City;
- (b) For reimbursing the City for the development's share of those capital improvements already constructed by the City; or
- (c) To reimburse developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impacts of the developers project(s).

15.08.070 Adjustments

The City may, upon a proper showing, adjust the standard impact fee at the time the fee is charged to:

- (a) Respond to unusual circumstances in specific cases; and
- (b) Insure that the impact fees are imposed fairly; and
- (c) Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same; and
- (d) Allow credits as approved by the City for dedication of land for, improvement to, or new construction of, public facilities providing services to the community at large, provided such facilities are identified in the capital facilities plan and are required by the City as a condition of approving the development activity. No credit shall be given for project improvements as defined in the Act.

15.08.080 Accounting, Expenditure And Refund

The City shall account for, expend and refund impact fees in accordance with the provisions of the Act.

15.08.090 Impact Fee Challenges And Appeals

- (a) Any person or entity residing in or owning property within a service area, and any organization, association, or corporation representing the interests of persons or entities owning property within a service area, may file a declaratory judgment action challenging the validity of the fee.
- (b) Any person or entity required to pay an impact fee imposed by the City who believes the fee does not meet the requirements of law may file a written request for information with the City as provided by law.
- (c) Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Act and with any other relevant information relating to the impact fee.
- (d) Within 30 days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall:
 - (1) File a written appeal with the City Council by delivering a copy of such appeal to the City Manager setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of appeal the City Council shall thereafter schedule a public hearing on the appeal at which time all interested persons will be given an opportunity to be heard. The City Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than 30 days after the challenge to the impact fee is filed. Any person or entity who has failed to comply with the administrative appeal remedies established by this Section may not file or join an action challenging the validity of any impact fee.
 - (2) Within 90 days of a decision upholding an impact fee by the City or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal that is adversely affected by the City Council's decision may petition the Second Judicial District Court in and for Davis County for review of the decision.
 - (3) In the event of a petition to the Second Judicial District Court, the City shall transmit to the reviewing Court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
 - (4) If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of Subsection (3).
 - (5) If there is a record:
 - (A) the District Court's review is limited to the record provided by the City; and
 - (B) the District Court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City and the Court determines that it was improperly excluded by the City.
 - (6) If there is an inadequate record, the District Court may call witnesses and take evidence.
 - (7) The District Court shall affirm the decision of the City if the decision is supported by substantial evidence in the record.
 - (8) The judge may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this Section.

15.08.100 Administrative Development Fees

- (a) In addition to construction and dedication of any required public improvements and the payment of Impact Fees, fees may also be established by the City for filing of various applications, inspection of improvements, and connection to water and sewer facilities. The amounts of these fees shall be listed in the City Fee Schedule and may be set or amended by resolution of the City Council.
- (b) No application or request shall be accepted or action taken thereon until the subdivider or owner has paid to the City the required fee(s) applicable to such application or request.

15.09 Subdivision Plat Amendments

15.09.010* Petition For Plat Amendment

15.09.020 Procedure

15.09.030 Public Hearing Requirements

15.09.040* Notice Requirements

15.09.050 Ground For Vacating Or Amending A Plat

15.09.060* Recording Of Amended Plat

15.09.070 Effect Of Street Vacation

15.09.080* Compliance With Ordinances

15.09.090 Subdivision Name Change

15.09.100* Exchange Of Title

15.09.110 Plat Correction

15.09.120 Appeal

15.09.010* Petition For Plat Amendment

Any fee owner of property, as shown on the last county assessment roll, in a recorded subdivision plat may file a petition with the City requesting to vacate or amend some or all of the subdivision plat. Any petition to vacate or amend a subdivision plat shall be filed in writing on forms provided by the City, and shall include, at a minimum, the following:

- (a) The name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition;
- (b) The signature of each owner identified in Subsection (a) who consents to the petition;
- (c) The appropriate fees and deposits as set forth in the City Fee Schedule;
- (d) An amended plat that complies with all the provisions and requirement for final plat as set forth in CMC 15.04.030 and the provisions of Utah Code § 10-9a-603, regarding plat requirements;
- (e) If the petition proposes to vacate some or all of a public street, right-of-way, or easement, the petition shall also include:
 - (1) The name and address of each owner of record of land that is:
 - (A) Adjacent to the public street, right-of-way, or easement; or
 - (B) Accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and
 - (2) The signature of each owner under Subsection (1) who consents to the vacation.

15.09.020 Procedure

Upon receipt of a petition to vacate or amend a subdivision plat, the Community Development Director, or his or her designee, shall review the application and prepare a staff report and recommendation to the City Council. The matter shall thereafter be referred to the City Council for review and consideration in accordance with the provisions of this Chapter. The City Council shall consider the plat amendment at a public meeting and shall hold a public hearing, if required, in accordance with the provisions of CMC 15.09.030.

15.09.030 Public Hearing Requirements

- (a) Except as otherwise provided in Subsection (c), pursuant to City policy the City Council shall hold a public hearing on all plat amendment petitions.
- (b) Pursuant to State law, the City Council is required to hold a public hearing on a plat amendment petition within 45 days after the day on which a completed petition is filed if:
 - (i) any owner within the plat notifies the City of the owner's objection in writing within 10 days of mailed notification; or
 - (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- (c) The City Council is not required to hold a public hearing on the proposed plat amendment if:
 - (i) the petition seeks to join two or more of the owner's contiguous, residential lots; and
 - (ii) notice has been given to adjacent property owners in accordance with applicable City Ordinances and State law.
- (d) If the petition proposes to vacate some or all of a public street, right-of-way, or easement, the public hearing and notice thereof shall be conducted in accordance with the provisions of Utah Code § 10-9a-208.

15.09.040* Notice Requirements

- (a) The City shall provide notice of public meetings and public hearings regarding a petition for plat amendment in accordance with the provisions of CMC 15.01.130 regarding public hearings and meetings.
- (b) In addition to the notice requirements set forth in CMC 15.01.130, notice of all plat amendments shall be provided in accordance with Utah Code § 10-9a-207. Pursuant to Section 10-9a-207, the City is required to provide notice of the date, time, and place of at least one public meeting regarding the proposed plat amendment, which notice shall be provided at least 10 calendar days before the public meeting and shall be:
 - (1) Mailed and addressed to the record owner of each parcel within 300 feet of the property proposed for subdivision plat amendment; or
 - (2) Posted on the property proposed for subdivision plat amendment in a visible location with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- (c) In addition to the notice requirements set forth in this Section, notice of all plat amendments involving a vacation or amendment to a public street, right-of-way, or easement shall be provided in accordance with Utah Code § 10-9a-208. Pursuant to Section 10-9a-208, the City is required to provide notice of the date, time, and place of the public hearing regarding a plat amendment involving the vacation or amendment to a

public street, right-of-way, or easement at least 10 days before the public hearing, which notice shall be:

- (1) Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;
- (2) Mailed to each affected entity;
- (3) Posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public;
- (4) Published in a newspaper of general circulation in the City; and
- (5) Published on the Utah Public Notice Website created pursuant to Utah Code § 63F-1-701.

(d) Pursuant to Utah Code § 10-9a-608, the City shall provide notice of all plat amendment petitions by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the City Council may approve the vacation or amendment of the plat.

15.09.050 Ground For Vacating Or Amending A Plat

(a) The City Council may approve the vacation or amendment of a subdivision plat that does not include the vacation of some or all of a public street, right-of-way, or easement, by signing an amended plat showing the vacation or amendment, if the City Council finds:

- (1) There is good cause for the vacation or amendment; and
- (2) No public street, right-of-way or easement has been vacated or amended.

(b) The City Council may approve the vacation or amendment of a subdivision plat that includes the vacation of some or all of a public street, right-of-way, or easement, by adopting an ordinance granting the petition to vacate some or all of a public street, right-of-way, or easement, and recording the ordinance and/or an amended plat reflecting the vacation, if the City Council finds:

- (1) Good cause exists for the vacation; and
- (2) Neither the public interest nor any person will be materially injured by the vacation.

(c) The City Council may vacate a subdivision or a portion of a subdivision by making the findings set forth in Subsection (a) or (b), as applicable, and recording in the Davis County Recorder's Office an ordinance describing the subdivision or the portion of the subdivision being vacated.

15.09.060* Recording Of Amended Plat

The City shall ensure that any approved amended plat is recorded in the Davis County Recorder's Office. An amended plat may not be submitted to the county recorder for recording unless it is signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended. A management committee may sign and dedicate an amended plat as provided in ~~Title 57, Chapter 8, the Utah Condominium Ownership Act, as set forth in Utah Code §§ 57-8-101, et seq.~~ Pursuant to Utah Code § 10-9a-609, if an amended plat is approved and

recorded in accordance with this Chapter, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

15.09.070 Effect Of Street Vacation

In accordance with Utah Code § 10-9a-609.5, any action of the City Council approving the vacating of some or all of a public street, right-of-way, or easement, that has been dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated street, right-of-way, or easement, and may not be construed to impair any right-of-way or easement of any lot owner or the franchise rights of any public utility.

15.09.080* Compliance With Ordinances

All plat amendments shall comply with and be subject to City Ordinances, including, but not limited to, applicable provisions of this Title and the City's Subdivision and Zoning Ordinances, and applicable provisions of Utah Code § 10-9a-608, regarding the vacating or amending of a subdivision plat.

15.09.090 Subdivision Name Change

- (a) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the Davis County Recorder's Office.
- (b) The name of a recorded subdivision may be changed by recording an amended plat making that change in accordance with the procedures set forth in Utah Code § 10-9a-608, and the provisions set forth in this Chapter regarding plat amendments.

15.09.100* 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 Department 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 ~~Title 57, Chapter 2a, 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.

15.09.110 Plat Correction

Minor typographical or clerical errors in a subdivision plat may be corrected in accordance with and subject to the provisions of Utah Code § 57-3-106.

15.09.120 Appeal

Any person adversely affected by a final decision of the City Council regarding plat amendments as provided in this Chapter may file a petition for review of the decision with the district court as provided in Utah Code § 10-9a-801, within 30 days after the City Council decision is final.

**CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
2/8/2017**

Item No. 4.

Short Title: Public Hearing - Text Amendment - Accessory Setbacks

Initiated By: City Council

Scheduled Time: 8:10

SUBJECT

LEGISLATIVE DECISION

[Previously Tabled from January 11, 2017 Planning Commission]

Consider amending the current zoning text to increase accessory building setbacks in R-L, R-M, and R-H Zones

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- ▢ 02-08-2017 PC Staff Report Zone Text Amendment for Accessory Building Setbacks

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

**STAFF REPORT
AGENDA: ITEM 4**

**APPLICANT: CENTERVILLE CITY COUNCIL
C/O MAYOR PAUL CUTLER
250 NORTH MAIN STREET
CENTERVILLE CITY, UT 84014**

APPLICATION: ZONING ORDINANCE TEXT AMENDMENT

**APPLICANT REQUEST: AMEND THE ZONING CODE REGARDING SETBACKS
FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

**RECOMMENDATION: CONSIDER RECOMENDING THE PROPOSED CHANGES
TO THE CITY COUNCIL**

BACKGROUND

On January 11, 2017, the Planning Commission directed staff to review additional information regarding accessory building setbacks, specifically, the use of a roof slope or building setback ratio. Staff has reviewed the idea of using a ratio system and has determined that it would be complicated or in other words, “not user friendly” given the current minimum lot frontage standards and buildable area expectations set by the Zoning Ordinance. Staff will briefly address this below in this report and will illustrate the issues at the meeting of the Commission.

Nonetheless, staff did modify its original version of the edits to assist with recognizing that there are differing building sizes versus building codes (*portable/permanent*) and that a two-story building creates a different mass size versus a single-story building. The building terms of the industry generally references “a story” as 10 feet from floor to ceiling of the structure. Therefore, staff also used the 10-foot height as a target for establishing some of the setback expectations.

PROPOSED ZONING ORDINANCE TEXT EDITS – *as re-drafted by Planning Staff*

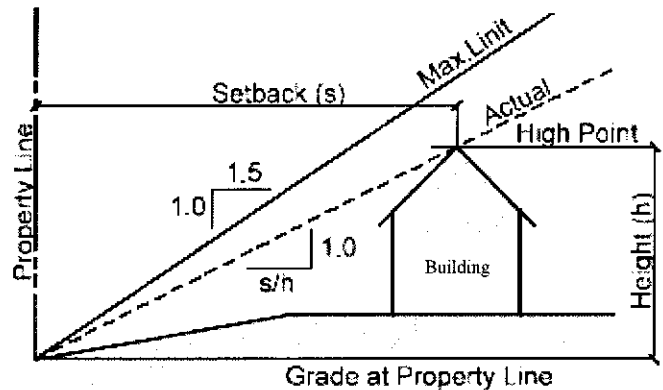
- ✓ *Amend [red text] Chapter 12.32.1-Development Standards in Residential Zones as follows:*

Setback Standards – Rear Yard	R-L	R-M	R-H
Accessory building - portable (one-story) – 200 square feet or less ⁴	3 feet	3 feet	3 feet
Accessory building (one-story) – Greater than 200 square feet ⁴	5 feet	5 feet	5 feet
Accessory building (two-story or greater than 10 feet in height) – All Sizes ⁴	8 feet	8 feet	8 feet

⁴ Setback is measured from any interior and/or rear lot line

A BRIEF ANALYSIS OF USING RATIO TO HEIGHT STANDARD

- A Setback to Height Ratio is the relationship of the horizontal distance (building to nearest side lot) AND the vertical distance (side building height from avg. grade) for a subject property (see example illustration).
- A Buildable Area is the area on a lot or parcel where buildings will sit. This area sets the limits for the building footprint, now and in the future. Additions must be within the buildable area.
- A Lot Frontage is the distance, measured along the front lot line, that a lot or parcel adjoins the street.



Staff Comment or Issues: The general purpose of using a ratio is to locate structures a way from or deeper into the buildable area of a lot with increased building massing or heights. This on the surface or face value seems to be desirable or attractive to use. This assumes that the minimums for lot sizes and buildable areas are rather generous. However, in the case of Centerville's Zoning Ordinance, the minimum lot frontages range from only 40 feet, in the R-L Zone, to only 60 feet in the R-M and R-H Zones. Additionally, the minimum buildable areas for both the R-L and R-M Zones is 2,000 square feet and for the R-H Zone it's 3,000 square feet. Furthermore, the current 40 to 60-foot lot standard minimally establishes enough buildable area for a typical width of a house, which is typically about 40-45 feet. This leaves very little excess lot area or just enough to accommodate the required setbacks for the house.

It is staff's opinion that these minimums are relatively small and not generous. Consequently, if ratios are desirable, then larger lot minimums are needed to employ ratios for accessory building setbacks. Otherwise, the larger buildings for the homes will end up closer to the property lines than the accessory buildings. To illustrate this, staff applied this ratio system to the existing side and rear yard setbacks for a main (home) building. The ratio is formulated by taking the proposed building height and dividing it by the required setback. *Typically, the ratio is set at 1.0s to 1.5/2.0h; or for every foot of setback, shown as (s), the height allowed is 1.5 to 2 feet, shown as (h).*

The current allowable height of a 35-foot home in all residential zones, for sides and rear lot boundaries, the calculated ratio would be as follows:

Setback Standards – Side Yards	Setbacks	Allowable Height	Ratio Calculations
<i>Main building - House</i>	<i>8 feet</i>	<i>35 feet</i>	<i>1.0s : 4.3h</i>
<i>Main building - House</i>	<i>10 feet</i>	<i>35 feet</i>	<i>1.0s : 3.5h</i>
Setback Standards – Rear Yard	Setbacks	Allowable Height	Ratio Calculations
<i>Main Building - House</i>	<i>20 feet</i>	<i>35 feet</i>	<i>1.0s : 1.75h</i>

Translating this ratio system to accessory structures (*using proposed edits*), the ratios would be as shown below:

Setback Standards – Rear Yard	Setbacks	Allowable Height	Ratio Calculations
<i>Accessory building (portable, one-story) – less than 200 square feet or less</i>	<i>3 feet</i>	<i>10 feet</i>	<i>1.0s : 3.3h</i>
<i>Accessory building (one-story) – 200 square feet or Greater</i>	<i>5 feet</i>	<i>10 feet</i>	<i>1.0s : 2.0h</i>
<i>Accessory building (two-story or greater than 10 feet in height) – Any Building Size</i>	<i>8 feet</i>	<i>20 feet</i>	<i>1.0s : 2.5h</i>

Other than, the rear yard ratio for a main building, all the proposed edits drafted by staff have a smaller ratio than the main building, meaning the ratio is more restrictive than the ratio use for the house structure. In finding some compromise for two-story structures, staff added a rear yard eight-foot setback distance for all two-story accessory buildings (above *10-foot average height*) regardless of size. Nonetheless, staff believes that moving to the proposed eight-foot standard is fairly aggressive and will likely receive push back from the public when applied to future building permits for accessory structures. Staff is also concerned with implementing a ratio system that pushes or locates an accessory building too deep into the rear yard. Not only does it conflict with the allowances of a taller main (*home*) building, staff believes that property owners usually desire to keep accessory buildings near the perimeters rather than in the middle areas of the lot. Additionally, using the plainness standard of a distance measurement is less complicated than a ratio that, in this case, would be applied only to the accessory structure and not the main building.

STAFF'S CONCLUSION - If the City desires to increase the development standard minimums for lot or parcels to open up and achieve the look and feel of large lot development, then a ratio standard would have a much greater capacity to establish greater spacing between adjacent buildings. For now, staff would not recommend using the ratio system, particularly being applied or limited to accessory buildings.

ZONE TEXT AMENDMENT REVIEW STANDARDS

Factors to be Considered

The Planning Commission is to consider four (4) factors when making a recommendation and a final decision for a Zoning Ordinance Text and Map amendments. These required factors are located in Section 12.21.080(e) of Centerville City's Zoning Ordinance. The proposed changes, if approved, would apply to any property located in the listed Residential Zones above. Nonetheless, Factors Two (2) through Four (4) are related specifically to map amendments rather than text or code changes. Thus, staff's review and conclusions are limited to Factor One (1) the General Plan guidance, as provided below:

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

- ✓ **Section 12.420, Residential Development** – The main or prominent theme of this Section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family, development is the preferred lifestyle for much the planned residential areas.

Staff's Conclusion – From review of the General Plan, it is staff's position that the proposed amendment limited to the "accessory uses" typically associated with single-family development. The General Plan expectation is focused on preserving the quality of single-family development. Thus, it is staff's position that allowing for accessory uses and buildings is consistent with this desire. However, the allowance of these are always subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.

SUGGESTED MOTION AND FINDINGS

(If Recommending Approval is Desired) "I hereby make a motion to recommend APPROVAL of the proposed Zoning Ordinance Text Amendments regarding "accessory buildings" as follows:

- ✓ Amend [red, underlined text] Chapter 12.32.1-Development Standards in Residential Zones as shown in the table below:

Setback Standards – Rear Yard	R-L	R-M	R-H
<i>Accessory building (portable, one-story) – 200 square feet or less⁴</i>	<i>3 feet</i>	<i>3 feet</i>	<i>3 feet</i>
<i>Accessory building (one-story) – Greater than 200 square feet⁴</i>	<i>5 feet</i>	<i>5 feet</i>	<i>5 feet</i>
<i>Accessory building (two-story or greater than 10 feet in height) – All Sizes⁴</i>	<i>8 feet</i>	<i>8 feet</i>	<i>8 feet</i>

⁴ Setback is measured from any interior and/or rear lot line

Suggested Reasons for Action (findings):

- The Planning Commission finds that in Section 12.420, Residential Development, the main or prominent theme of this section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family, development is the preferred lifestyle for much the planned residential areas.
- The Planning Commission finds that the General Plan is focused on preserving the quality of single-family development.
- The Planning Commission finds that allowing for accessory uses and buildings is consistent with this desire.
- The Planning Commission finds that the allowance of accessory buildings is subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.
- Therefore, the Planning Commission finds that the proposed amendments can be deemed acceptable and/or consistent with review factors of Section 12.21.080(e) of Centerville City's Zoning Ordinance.