

CENTERVILLE CITY PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY PLANNING COMMISSION WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON WEDNESDAY, FEBRUARY 25, 2015, AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

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

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

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

- 7:00** **A. WELCOME AND ROLL CALL**
 B. PLEDGE OF ALLEGIANCE
 C. PRAYER OR THOUGHT – Commissioner, Debra Randall
 D. MINUTES REVIEW AND ACCEPTANCE – February 11, 2015
 E. COMMISSION BUSINESS
- 7:10** **1. PUBLIC HEARING | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 –**
 ACCESSORY DWELLING UNITS (ADUs)
 [Postponed from January 28, 2015 Meeting]
 Consider a proposed zoning code text amendment to Chapter 12-60-Accessory Dwelling Units (ADUs), by adding new regulations to this chapter. Centerville City, Applicant
- 7:30** **2. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
 a. Upcoming Meetings
- PC Meeting March 11, 2015: Various Code Text Amendments for the following: South Main Street Corridor Plan; building heights and floor heights within the Traditional Main Street District; allowance for stand-alone residential projects, Park Hills Ph 3 Final Subdivision, The Pastures Final Amended Site Plan, Colonial Building Supply Gas Propane Dispenser, Discuss planning priorities for upcoming work session
 - Work Session with City Council, March 17, 2015, 5:00 PM, Planning Priorities
- 7:35** **F. ADJOURNMENT**

Posted February 20, 2015 by Community Development

**MAKING Life
BETTER**
Centerville City

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, February 11, 2015

7:00 p.m.

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

MEMBERS PRESENT

David P. Hirschi, Chair

William Ince (arrived at 7:09 p.m.)

Logan Johnson

Scott Kjar

Kevin Merrill

Debra Randall

MEMBERS ABSENT

Gina Hirst

STAFF PRESENT

Corvin Snyder, Community Development Director

Brandon Toponce, Assistant Planner

Lisa Romney, City Attorney

Katie Rust, Recording Secretary

VISITORS

Interested citizens (see attached sign-in sheet)

OPENING COMMENT/PRAYER Commissioner Johnson

PLEDGE OF ALLEGIANCE

MINUTES REVIEW AND APPROVAL

The minutes of the January 28, 2015 Planning Commission meeting were reviewed. Commissioners Randall and Merrill requested amendments. Chair Hirschi made a **motion** to accept the January 28, 2015 minutes as amended. The motion was seconded by Commissioner Randall and passed by unanimous vote (6-0).

PUBLIC HEARINGS | ZONING CODE TEXT AMENDMENT/ZONE MAP AMENDMENT | TAYLOR SPENDLOVE, BRIGHTON CENTERVILL LLC, APPLICANT

Chair Hirschi explained that the applicant has withdrawn the application and submitted a new application, which will be reviewed by the Planning Commission on March 11, 2015.

PUBLIC HEARING | TRI-CITY POLAIRIS | 461 SOUTH 800 WEST

In November of 2013, the applicant requested a site amendment to add on to his existing building located at 461 South 800 West. At that time, it was discovered that the property south of his building was never approved as part of the original site plan in 1996. Since staff was notified of a violation, no additional alterations could take place until the violation was addressed. The applicant, Bob Mason, requested the involvement of a Utah State ombudsman, who made an opinion stating that no approval of use for storage was evident. Mr.

1 Mason has chosen to combine the subject parcel with his property to the east, which will allow
2 him to receive an amended site plan for the entire lot. Brandon Toponce, Assistant Planner,
3 explained the request to utilize the east lot of the subject property for storage and display. The
4 applicant will be required to have 15% of the overall undeveloped area in landscaping. The
5 storage area must be screened from view with an opaque fence or wall. The plans indicate the
6 section along Porter Lane will be 90% opaque. The applicant will need to submit additional
7 information on the type and style of screening as part of the final amended site plan. Mr.
8 Toponce stated that the City Engineer would like a system to collect oils and silts added to the
9 existing drainage in the area. Lisa Romney, City Attorney, requested an additional condition
10 requiring the applicant to install any public improvements or show evidence of a deferral
11 agreement.

12
13 At 7:24 p.m. Chair Hirschi opened a public hearing. Seeing that no one wished to
14 comment he closed the public hearing. Commissioner Merrill made a **motion** to accept the
15 amended conceptual site plan for the proposed amendments concerning Tri-City on property
16 located at 461 South 800 West, with the following conditions and findings. Chair Hirschi
17 seconded the motion, which passed by unanimous vote (6-0).

18
19 Conditions:

- 20
21 1. An amended final site plan shall be submitted, meeting the standards found in
22 Section 12-21-110(e) of the Zoning Ordinance.
23 2. The applicant shall combine the east and west lot at the Davis County Recorder's
24 Office to create one parcel. This information shall then be submitted to City staff as
25 part of the final amended site plan application.
26 3. Information concerning Best Management Practices (BMP) in relation to drainage
27 and the containing of oils and silts shall be submitted to City staff for review on the
28 final amended site plan.
29 4. Landscaping detail, including total square footage and a total percentage shall be
30 submitted with the final plans. This landscaping detail shall also ensure that all
31 applicable criteria found in Chapter 12-51 of the Zoning Ordinance has been met.
32 5. A depiction of the opaque screening around the storage area shall be submitted as
33 part of the final amended site plan.
34 6. A decision on the total storage area, total display area and any parking, shall be
35 submitted by the applicant with the final amended site plan.
36 7. The applicant shall install any public improvements or show evidence of a deferral
37 agreement delaying such installation.

38
39 Reasons for Action (findings):

- 40
41 a. An amended conceptual site plan requires the applicant to go through the same
42 procedural requirements as the original approval [Section 12-21-110(i)(2)].
43 b. The applicant has clearly shown how the property may be developed [Section 12-21-
44 110(d)(2)].
45 c. Outdoor storage is allowed with an approved site plan [12-34-080(d)(2)].
46 d. Outdoor storage must be screened from view by an opaque fence or wall [12-51-
47 110(b)].
48

PUBLIC HEARING | THE PASTURE BUSINESS PARK | 1275 NORTH 1300 WEST

Construction of the first building in the Pasture Business Park within the Shorelands Commerce Park (SCP) District has been completed. Mr. Toponce explained the amended conceptual site plan application for the Pasture Business Park, which includes combining the remaining two building sites into one. The plan also shows a small outbuilding (barn) on the far south end of the property adjacent to Barnard Creek and one on the east property line behind the second building. The application meets or exceeds landscaping and parking requirements. Staff recommend acceptance of the conceptual site plan, with an additional condition that the applicant shall receive approval from the County regarding the barn adjacent to Barnard Creek.

Troy Salmon, representing the applicant, stated that the desire to alter the site plan is driven by tenants wanting more space. At 7:39 p.m. Chair Hirschi opened a public hearing, and closed the public hearing seeing that no one wished to comment.

Commissioner Randall made a **motion** to accept the amended conceptual site plan for the proposed amendments concerning the Pasture Business/Industrial Park development located at approximately 1275 North 1300 West with the following conditions and findings. The motion was seconded by Commissioner Johnson and passed by unanimous vote (6-0).

Conditions:

1. An amended final site plan application shall be submitted, meeting the standards found in Section 12-21-100(e) of the Zoning Ordinance.
2. New elevation drawings depicting the architectural detail of the main structure shall be submitted. This design shall match in color, material and architectural details the already existing building; with the enhanced features being located on the west and south facing walls.
3. Elevations for the newly proposed outbuildings shall be submitted with the final site plan application. These buildings shall be designed to enhance the property and to blend in with the already existing building and the proposed second main building. All design features shall follow the guidelines found in Section 12-68-070 of the Zoning Ordinance.
4. Proposed "uses" of accessory buildings shall be submitted with the final site plan application.
5. A new landscaping plan shall be submitted depicting all trees, plants and other vegetation to be planted on the new Phase II.
6. The applicant shall receive approval from the County regarding the proposed outbuilding (barn) adjacent to Barnard Creek.

Reasons for the Action (findings):

- a. An amended conceptual site plan requires the applicant to go through the same procedural requirements as the original approval [Section 12-21-110(i)(2)].
- b. The applicant has shown clearly how the property may be developed [Section 12-21-110(d)(2)].
- c. With the above conditions addressed, the proposal will likely meet the requirements found in the Zoning Ordinance, in regard to development and design standards of the Shorelands Commerce Park (SCP) Zone [Chapters 12-47 & 12-68].

**PUBLIC HEARING | ZONING CODE TEXT AMENDMENT | HOUSEHOLD PETS
AND KENNELS**

Ms. Romney stated that the proposed Zoning Code Text Amendment is intended to implement legislative changes adopted by the State Legislature that if any city or county has a dog limit, a service animal must be allowed in addition to that limit. Centerville currently adopts the County limit by reference. The County ordinance allows up to three dogs or cats in any combination, and requires cats to be licensed. She recommended the Planning Commission hold a public hearing, and then table the issue to allow time for further discussions with the County. The City does not have a separate licensing program independent of the County. Mr. Snyder explained the County's feral cat program. Ms. Romney stated she would ask the County for clarification regarding whether the City would need to administer its own licensing service if the City pet limit were to differ from the County. Centerville contracts with Davis County to provide animal control services. Mr. Snyder recommended the City turn over as much as possible related to household pets to the County. The Interlocal Agreement with the County for animal control services specifies that the City will adopt the County ordinance, but reserves the right to implement changes.

Chair Hirschi asked who a citizen contacts if a neighbor has too many animals. Mr. Snyder responded that they would most likely contact Animal Control. Animal Control would contact the Police Department, and the Police Department would contact Community Development. He added that the County is pretty good at managing dogs and cats and coordinating with DWR on wildlife issues. The City receives calls regarding local chickens and bees.

The Planning Commission and staff discussed the differences between household pet and kennel situations, and whether or not the City should have its own limits or default to the County ordinance. The proposed Zoning Code Text Amendment suggests that in a residential situation animal keeping is for pleasure, not for profit. Four or more dogs falls under the definition of a kennel. Commissioner Ince pointed out that many dogs have more than five in a litter. Ms. Romney responded that the ordinance includes an exception that a person may keep a litter of puppies that exceeds the limit for up to five months. Mr. Snyder stated that commercial breeding establishments are well regulated, but residential cases of breeding can be problematic. Commissioner Kjar said he likes the idea of complying with the County. Responding to a question from Commissioner Ince, Mr. Snyder stated that free-feeding is illegal under County ordinance.

At 8:01 p.m. Chair Hirschi opened a public hearing, and closed the public hearing seeing that no one wished to comment. Commissioner Kjar made a **motion** to table the issue as requested by staff. Chair Hirschi seconded the motion, which passed by unanimous vote (6-0).

NOVUSAGENDA TRAINING

City Attorney Romney gave training to the Commission on an update of the NovusAGENDA program used by the City.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

The Planning Commission will meet next on Wednesday, February 25, 2015.

ADJOURNMENT

At 8:34 p.m. Commissioner Kjar made a **motion** to adjourn the meeting. Commissioner Ince seconded the motion, which passed by unanimous vote (6-0).

David P. Hirschi, Chair

Date Approved

Katie Rust, Recording Secretary

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

**STAFF REPORT
AGENDA: ITEM 1**

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

APPLICATION: **ZONING CODE TEXT AMENDMENTS**

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

RECOMMENDATION: **CONSIDER RECOMMENDING APPROVAL OF THE
ZONING CODE TEXT AMENDMENTS & IF NEEDED,
TABLE FOR CORRECTIONS, MODIFICATIONS OR
CHANGES DESIRED BY THE COMMISSION**

BACKGROUND

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

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

DRAFT ADU ORDINANCE SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

ZONE TEXT AMENDMENT REVIEW PROCESS

Factors to be Considered

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

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

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

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

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

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

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

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

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

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

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

ADDITIONAL CONSIDERATIONS – IMPACT FEES

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

PLANNING STAFF RECOMMENDATION

Staff Suggested Action #1 - I hereby make a motion for the Planning Commission to **RE-OPEN** the Public Hearing for the matter to receive letters from Ms. Lynda Harrison for inclusion in the public record and consideration by the Commission.

Staff Suggested Action #2 - I hereby make a motion for the Planning Commission to **TABLE** this matter for further discussion and direct staff to accomplish or report further, as follows:

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

OR

Staff Suggested Alternative Action #2 - I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of the proposed text amendments for allowance of Accessory Dwelling Units (ADUs), as follows:

1. *Amend Title 12-Zoning by adding Chapter 12-60-Accessory Dwelling Units, as submitted, or modified by the Planning Commission.*
2. *Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.*
3. *Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L Zones, as submitted to the Commission.*

Suggested Reasons for Action (findings):

- a. *The Planning Commission finds that the proposed Ordinance is consistent with the City's Moderate Income Housing Element concerning the use of ADUs.*
- b. *The Planning Commission finds that the proposed Ordinance includes several compatibly elements to maintain expected neighborhood characteristics.*
- c. *The Planning Commission finds that the proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties.*

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

1

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

[Add] **12-60-010. Purpose**

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

[Add] **12-60-020. Scope**

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

[Add] **12-60-030. Definitions**

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

[Add] **12-60-040. Use Allowed**

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

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

-
- (a) *Use in Combination.* An ADU shall be established as a subordinate accessory dwelling unit in both use and size and shall only be established in combination with a primary single-family dwelling unit.
- (b) *Owner Occupancy Required.* An ADU shall only be established for single-family dwellings that are occupied by an owner in accordance with the “Owner Occupancy” requirements of subsection 12-60-080.
- (c) *Number allowed.* Only one (1) ADU is allowed for a:
- (1) Lot, parcel, or tract of land; and
 - (2) Main building or structure of a primary single-family dwelling.
- (d) *Location or Placement.* The ADU may be integrated within or a part of the primary use structure; or may be separated or detached from the primary structure provided its building or structure is located entirely within the yard area that is present behind (rear portion) the primary building of the lot or parcel.
- (e) *Separate Dwelling Units.* Any portion of a single-family dwelling that has been sectioned off, mechanically, physically, or by other means, so that any occupant in the single family dwelling does not have full and free access to the separated portion of the dwelling and such separated area contains living quarters which provide sleeping, sanitary, and fixed kitchen facilities, or any separate accessory building or structure containing the same, shall be subject to the provisions of this Chapter, regardless of the relationship of the occupants.
- (f) *Termination of ADU use.* The approval permit for an ADU shall become null and void if the occupancy requirements of this Chapter are not satisfied, or the owner declares termination through writing or through neglect or any other action violates the provisions of this Chapter. Upon such termination of ADU use, the owner shall remove one or more features that make up an ADU including but not limited to living, sleeping, or kitchen facilities-including electrical, gas, or plumbing, as deemed acceptable to the City to render the ADU removed or unusable.
- (g) *Exemptions.* The following exemptions shall apply to the use of ADU’s:
- 1) Accessory dwelling units shall not be included in the gross density calculations for single-family zoning districts (i.e. A-L and R-L Zones).
 - 2) Except as provided in this Chapter regarding establishing a separate dwelling unit, the provisions of this Chapter do not apply if a single family dwelling is wholly occupied by a family, as defined in Chapter 12-12-Definitions, or other laws.

[Add] **12-60-060. General Development Standards**

The development standards set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these development standards are to ensure that the ADU is clearly and distinctly subordinate to the approved primary's building use and size located on the property.

- (a) *Creation.* An ADU shall only be established through the following methods:
 - (1) Converting existing living area, attic, basement, other area of a main dwelling. The conversion of the primary dwelling's garage space is prohibited without providing the required parking stalls in another appropriately City approved location.
 - (2) Adding floor area to the main building.
 - (3) Integration of an ADU into the design plan for new construction of a single family dwelling.
 - (4) Constructing or converting a detached accessory building (e.g. guest house) for use as an ADU.
- (b) *Habitable Space and Size.* ADU's shall meet the following parameters for habitable space:
 - (1) Every ADU shall have a minimum habitable space of 200 square feet for each person occupying the ADU, or as amended by applicable state and local construction codes.
 - (2) The maximum area or size of the ADU dwelling shall not exceed 25% of the gross floor area of the primary dwelling unit (*for all types, conversion, additions, integrated or detached*) or 800 square feet, whichever is less.
 - (3) The primary dwelling unit shall maintain at least 900 square feet of habitable space separate from the ADU, if it is constructed or converted within the primary or main building.
- (c) *Setbacks.* ADU's shall meet the following:
 - (1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable front, side, and rear yard setbacks for "main buildings" as listed in the development standards of its respective residential zone.
 - (2) Detached ADU's shall be setback as follows:
 - i. A minimum of 60 feet from the front lot line of a lot or parcel, or six (6) feet behind the primary or main building of the lot or parcel.
 - ii. A minimum of five (6) feet from any perimeter side or rear line of the lot or parcel.

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

[Add - Optional]

12-60-070. Design Standards

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

- (a) *Exterior Finish Materials.* The exterior finish materials must be the same, or visually appear to match the type, size, and colors, as the finish materials utilized on the primary or main building of the lot or parcel.
- (b) *Location of Entrances.* Only one (1) entrance shall be located on the wall facade that can be viewed from the public street directly adjacent to the same lot or parcel in which the ADU is located. All other entrances must be located on wall facades facing interior to the lot.
- (1) *Ground Entrance Restrictions.* Ground entrances shall be prohibited on a wall facade facing a perimeter lot line, unless such wall facade is at least 6 feet from a perimeter lot line.
- (2) *Upper Story Entrance Restrictions.* An upper story entrance (e.g. access from balconies and decks) having no other ground entrance shall be prohibited on a wall facade facing a perimeter lot line unless such wall facade is located 20 feet from the perimeter lot line.
- (c) *Roof Pitch.* The roof pitch must be the same or visually appear to use the same as the roof pitch style of the primary or main building of the lot or parcel in which the ADU is located.
- (d) *Windows.* Windows must match or visually appear to match in proportion (i.e. width to height) and orientation (i.e. horizontal or vertical) to windows used for the main or primary building.
- (e) *Eaves.* Building eaves for ADU's must meet one of the following designs:
- (1) The eaves must project from the walls the same distance as the eaves on the primary or main building.
- (2) The eaves must project from the walls at least one (1) foot on all elevations.
- (3) If the primary or main building style has no eaves, then eaves are not required for the ADU.
- (f) *Exceptions.* If there is a conflict between these design standards and the adopted construction codes of the City, then the applicable construction code shall govern that particular design element.

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

The occupancy requirements set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these occupancy requirements are to accommodate secondary separated living quarters (i.e. dwelling unit) with reasonable

limitations on their use and to minimize the impact on neighboring properties and to the desired setting of the City's single-family neighborhoods.

- (a) *Definitions and Terms.* The following definitions or terms are applicable to the creation and use of ADU's;
- (1) *Owner.* An owner is defined as a person having at least 50% or greater interest in the property.
 - (2) *Full-time Residency.* Full-time residency means the owner must live in the dwelling for at least six (6) months of each calendar year.
 - (3) *Owner Occupancy Covenant.* A signed and notarized owner-occupancy agreement that is recorded on the property title for sanctioning an ADU.
 - (4) *Temporary Owner Absence Waiver.* An approval granting a waiver of the occupancy requirement due to specific short term or temporary absences.
- (b) *Full Time Owner Residency.* Either the primary dwelling or the ADU is to be occupied by a full time resident property owner, as shown on the Davis County Tax Assessment rolls.
- (c) *Owner Occupancy Covenant.* ADU owners must sign and record an "owner occupancy covenant" with the City and have it recorded at the Davis County Recorder prior to receiving an ADU permit. The covenant shall at minimum establish the following:
- (1) That he/she/ they are owner(s) of the property located in Centerville, Utah
 - (2) That he/she/they applied and received approval to construct or use an accessory dwelling pursuant to Centerville City ordinances.
 - (3) That the owner(s) of the property will restrict the use of the principal dwelling and ADU in compliance with Centerville City ordinances.
 - (4) That an owner with at least a 50% interest in the property will occupy either the primary dwelling or ADU for six months of each calendar year, except where a "temporary owner absence waiver" is granted by Centerville City ordinances.
 - (5) That if the owner(s) of property are unable or unwilling to fulfill the requirements for use of an ADU, then the owners agree to remove one or more features that make it an ADU, including but not limited to living areas, sleeping areas, or kitchen facilities-including electrical, gas, or plumbing and further agree to terminate, in writing, the ADU permit and approval.
 - (6) That the covenant shall run with the land and be binding upon the owners, heirs, and assigns, and upon any parties acquiring any right, title, or interest in the property.

-
- (7) That the owners and their heirs, successors, and assigns will inform all prospective purchasers of the property of the terms and conditions of the covenant.
-

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

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

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

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

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

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

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

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

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

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

Chapter 12-12-Definitions;

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

Chapter 12-36-Table of Uses;

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

August 10, 2013

Lynda Harrison
871 N. Poplar Circle
Centerville, Utah 84014

Re: Accessory Dwelling Units/ Previously Accessory Apartments

As the Planning Commission has ADU discussion scheduled for Aug. 13, I would appreciate you taking time to review the following information on Accessory Apartments. While some of it may not be currently pertinent, the same concerning issues still apply.

Included you will find the following information:

1. Letter dated March 9, 2004, to Centerville Mayor, City Council and Planning Commission Members listing the numerous problems created in Orem City neighborhoods by non-conforming accessory apartments. Orem City code from 2003 stipulating that "No accessory apartment permits shall be issued after February 2003 and no accessory apartment may be created or maintained with a valid City permit." Accessory Apartments were initially allowed in Orem City in June 1992. Your information on ADU indicate that code may have changed in the meantime, but the numerous problems remain.

2. Letters dated October 14, and November 3, 2003 to the Centerville City Council, Mayor, and Planning Commission stating numerous problems with accessory apartment allowance.

I am still very much concerned for all the reasons stated in this information about allowing ADU or Accessory Apartment development in the Centerville City Code, most especially in the R 1 Single Family Homes Zone. In fact, I am even more concerned when I reviewed the information on ADU from the city site. If I understand correctly, even separate dwellings could be built behind or to the side of an existing house. I thought the Centerville City Code disallowed "so called Stamp Lots" a number of years ago. I simply cannot understand how that could be compatible with R1 Zone--Single Family Dwelling. I would appreciate any insight you can give to this development. Thank you for your consideration.

Sincerely,

Lynda Harrison
801-292-3457

RECEIVED AUG 12 2013

Centerville, Utah
March 9, 2004

Mayor, City Council, and Planning Commission Members

re: Accessory Apartments Under Proposed Zoning Ordinance

"In June 1992, Orem City enacted regulations that allowed an accessory apartment to be maintained in a single family dwelling upon compliance with requirements pertaining thereto and upon receipt of a City permit." Attached please see copies of Orem City Accessory Apartment code which is very specific and clear in its requirements. Approximately three hundred (300) accessory apartments meeting city requirements were granted a valid City permit.

According to the Orem City Planning and Zoning Department, because of conforming accessory apartments being allowed, as many as one thousand (1000), non-conforming accessory apartments were created citywide without meeting code requirements or obtaining a legal City permit. The non-conforming accessory apartments have created numerous problems in neighborhoods within Orem City in the following areas of enforcement:

Increased Density

Increased Crime and resultant increased Law Enforcement requirement

Increased Traffic

Increased Parking Violations

Negative Impact on Neighborhoods—the only way the City became aware of accessory apartment violations and inherent problems was when neighbors contacted the City with complaints. Because the brunt of regulating problems created by non-conforming apartments fell to neighbors, ill will and adversarial relationships ensued.

As a result of all the negative impact and problems created by the large number of accessory apartments in non-compliance of City requirements, and the enormous strain on the City's enforcement resources, the Accessory Apartments code for Orem City now reads:

"No accessory apartment permits shall be issued after February 12, 2003, and no accessory apartment may be created or maintained without a valid City permit." So, even though the critical nature of the large numbers of accessory apartments in violation of City requirements has necessitated the code change disallowing new accessory apartments altogether, Orem City is left with the huge mess and negative impact of accessory apartments created during the past eleven (11) years. **What assurance is there that if accessory apartments are allowed in Centerville City, the end results would be any different?** There are already violations of the current zoning code allowing "mother-in law" apartments in the City, and, by all indications, allowing accessory apartments would only encourage increased violations. Would not a well designed

apartment complex with adequate regulation including parking arrangements, density, traffic flow, location etc. be preferable to allowing accessory apartments in neighborhoods of single family homes that are ill equipped to handle the increased density, traffic, parking and inherent noise? **Who wants to live in or buy a house as a single family dwelling where the back yards of the houses next door are a parking lot, and the density of the surrounding houses rivals that of an apartment complex?**

In the March 4, 2004, issue of the Davis County Clipper, there were eighty (80) apartments and duplexes advertized for rent in South Davis County, mostly in Centerville and Bountiful. This number represents only advertized apartments not reflecting all available apartments, but seems to indicate a rather large number of available median income apartments in the area. Allowing accessory apartments in Centerville City seems not only ill advised but unnecessary in view of the apparent glut of available apartments.

We are strongly opposed to the proposed zoning change which would allow an accessory apartment in single family homes in the R-L Zone in Centerville City for the following reasons:

- **INCREASED DENSITY**
- **EROSION OF PROPERTY VALUE AND RESALE VALUE**
- **DESTRUCTION OF QUALITY OF LIFE WITH REQUIRED FOUR-PLUS BACKYARD PARKING SPACES AND INHERENT NOISE**
- **INCREASED INFRASTRUCTURE DEMAND**
- **INCREASED PROPERTY TAXES TO FUND INFRASTRUCTURE**
- **INCREASED TRAFFIC AND POLLUTION**
- **INCREASED SCHOOL DEMAND**
- **COMPROMISED SAFETY**

PLEASE DO NOT APPROVE the PROPOSED CHANGE ALLOWING ACCESSORY APARTMENTS IN THE SINGLE FAMILY, R-1 ZONES!

Gerald and Lynda Harrison

Centerville, Utah
November 3, 2003

Mayor, City Council, and Planning Commission Members

re: Accessory Apartments Under Proposed Zoning Ordinance

We are **strongly opposed** to the proposed zoning change which would allow an **accessory apartment** in a **single family home** in what has been the R-1- 85 and the R-1-10 residential districts within Centerville City.

We feel there is **no way to WHITEWASH or SUGARCOAT** the proposed zone change to **make accessory apartments in single family homes acceptable across the entire R-1 zone**. We **urge you as City Council and Planning Members to completely remove** the proposed **title 12--zoning, Article 6, Chapter 12-60— Accessory Apartments** from the proposed zone code for the City.

We feel you should carry forward the provisions of the existing code related to single-family dwellings which are sufficient to allow the necessary housing for grown children and care for the elderly and disabled. (See section 12-310-2, T. FAMILY)

We are very concerned about the city-wide impact of the proposed change on:

- **INCREASED DENSITY**
- **EROSION OF PROPERTY VALUE AND RESALE VALUE**
- **DESTRUCTION OF QUALITY OF LIFE WITH REQUIRED FOUR-PLUS BACKYARD PARKING SPACES AND INHERENT NOISE**
- **INCREASED INFRASTRUCTURE DEMAND**
- **INCREASED PROPERTY TAXES TO FUND INFRASTRUCTURE**
- **INCREASED POLLUTION**
- **INCREASED SCHOOL DEMAND**
- **COMPROMISED SAFETY**

We feel that **allowing accessory apartments in the R-L zone** would be the **beginning of urban decay in Centerville City** and **totally disregards the impact on the integrity and property values of a very large number of property owners of Centerville City**. Who wants to **live in or buy a house as a single family dwelling** where the **back yards** of the houses next door are a **parking lot**, and the **density of the surrounding houses rivals that of an apartment complex**? The proposed ordinance seems to **only address the interests of those who want such apartments**. What happened to **THE RIGHTS OF THE MAJORITY OF PROPERTY OWNERS**? The code contains no process to address the negative impacts on neighbors or the potential ill will and conflict that may arise. We do not understand **WHY OR HOW THE CITY GOVERNMENT can JUSTIFY a ZONING CODE CHANGE OF SUCH MAGNITUDE**. **PLEASE DO NOT APPROVE the PROPOSED CHANGE ALLOWING ACCESSORY APARTMENTS IN THE SINGLE FAMILY, R-1 ZONES!!**

Mayor, City Council, and Planning Commission Members
Centerville, Utah
October 14, 2003

re: Accessory Apartments Under Proposed Zoning Ordinance

We go on record as being vehemently opposed to the proposed changes in the Residential, Single Family Zoning Code from R-1-85 and R-10 to Residential Low Density (R-L), which would ALLOW ANY AND EVERY SINGLE FAMILY DWELLING IN THE (R-L) ZONE TO HAVE AN ACCESSORY APARTMENT "that could be occupied by one or two related or unrelated adults and any children related to either of them." This would have the following impact on the PROPERTY VALUES AND QUALITY OF LIFE of residents and property owners in the current R-1 Single Family Dwellings:

INCREASED DENSITY

With an accessory apartment in each of the four or five single family units currently permitted in the R-1-85, the DENSITY COULD POTENTIALLY DOUBLE TO AS MANY AS 10 UNITS PER ACRE.

INCREASED INFRASTRUCTURE DEMAND

"The size of the accessory apartment can be up to 50% of the total floor area of the building." This could at least POTENTIALLY DOUBLE the DRAIN on INFRASTRUCTURE such as WATER, POWER, SEWER, TRAFFIC and inherent ROAD WEAR AND TEAR. SCHOOL DEMAND COULD POTENTIALLY DOUBLE--many schools are already overcrowded

INCREASED PROPERTY TAXES--ALL property owners will UNDOUBTEDLY have INCREASED TAXES to provide for increased demand on infrastructure, and you can bet it won't be ONLY ON THE HOMES with the ACCESSORY APARTMENT!!

PROPERTY VALUES

No SINGLE FAMILY DWELLING can maintain its PROPERTY VALUE when it is surrounded by homes with accessory apartments and the resultant INCREASED DENSITY and

REQUIRED OFF-STREET PARKING. The proposed zoning code reads as follows:

"No parking shall be permitted in the front yard, but a single-family dwelling with an ACCESSORY APARTMENT shall have at least four (4) off-street parking spaces plus additional spaces as may be needed to provide a parking space for every motor vehicle owned or operated by residents of the premises." ALL OF THE OFF-STREET PARKING WILL BE REQUIRED TO BE IN A SIDE OR BACK YARD. AS most side yards are very narrow, space would only be available in the BACK YARD. The required parking spaces would fill most back yards. If the required off-street parking of the house next to us were in the side or back yard it would be directly under our bedroom windows which would make sleep impossible because of:

NOISE--CARS coming and going at all hours of NIGHT and DAY with resultant ENGINE NOISE, HEADLIGHT GLARE, CAR DOORS BANGING, and LOUD CONVERSATIONS FROM ANY OR ALL CAR OCCUPANTS!!
DEADLY CARBON MONOXIDE FUMES ENTERING BEDROOMS THROUGH GROUND LEVEL OR HIGHER BEDROOM WINDOWS
WHEN THE BACKYARD IS FULL OF CARS, WHERE WILL THE CHILDREN LIVING IN THE HOUSE PLAY? PROBABLY IN THE STREET.

PROPERTY VALUE and RESALE VALUE--the PROPERTY VALUE and INTEGRITY of any single family home HAS BEEN COMPROMISED BECAUSE IT IS SURROUNDED BY MULTI-FAMILY DWELLINGS WITH THE BACK YARD FILLED WITH CARS AND PARKING LOTS. In contrast, any apartment complex under current zoning would be required to provide parking that didn't compromise the integrity of adjoining properties.

PROPERTY ZONING--While the current R-1 ZONE has regulated DENSITY, PARKING, NOISE, and resultant PROPERTY VALUES, the proposed R-L ZONE will turn Centerville City into APARTMENT CITY. The PROPERTY VALUE AND RESALE VALUE of single family dwellings is ALWAYS IMPACTED and LOWERED in areas that permit multi-unit dwellings with their higher density. Who wants to live in or buy a house as a single family dwelling where the back yards of the houses next door are a parking lot, and the density of the surrounding houses rivals that of an apartment complex?

This will be the BEGINNING OF URBAN DECAY in CENTERVILLE CITY. Let the residents of the city who want to live in apartments or have apartment income move where the zoning currently permits duplexes or apartments instead of TRASHING the R-1 SINGLE FAMILY dwellings, PROPERTY VALUES, and LIFESTYLE of Centerville residents by changing to current zoning to allow an ACCESSORY APARTMENT in every single family home.

We feel the proposed R-L Zone would TOTALLY DISREGARD the IMPACT on the INTEGRITY and PROPERTY VALUES OF a VERY LARGE PART OF CENTERVILLE CITY. We have lived in our home for twenty years, and bought it specifically because it was located in the middle of R-1 Zoning. This house cost significantly more initially and has had higher property taxes because it is located in a R-1 Zone, single family dwellings. Four years ago we spent a very substantial amount of money on a remodeling and addition to our home with the intention of staying here for a very long time. However, if the proposed zoning change allowing ACCESSORY APARTMENTS is approved, we will be forced to sell our home at a compromised price and move out of the Centerville City to get away from the high density and resultant noise ACCESSORY APARTMENTS would create. The ordinance, as posted on the City's web site, seems to ONLY ADDRESS THE INTERESTS OF THOSE WHO WANT SUCH APARTMENTS. The negative impacts to neighbors, and ways to deal with them, are carefully omitted from the ordinance. We are in a state of total shock that our lives are going to be turned upside down by this zoning change. We do not understand WHY OR HOW THE CITY GOVERNMENT can JUSTIFY a ZONING CODE CHANGE OF SUCH MAGNITUDE. PLEASE DON'T APPROVE the PROPOSED R-L ZONE CHANGE!!