

# CENTERVILLE CITY COUNCIL AGENDA

**NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON MAY 5, 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 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. Upon request, a citizen may obtain (without charge) the City Manager's memo summarizing the agenda business, or may read this memo on the City's website: <http://centerville.novusagenda.com/agendapublic>.**

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

- 5:30            Work Session - Discuss scope of work re South Main Street Corridor and use of consultants
- 7:00            **A.    ROLL CALL**  
  
                  (See City Manager's Memo for summary of meeting business)
- B.    PLEDGE OF ALLEGIANCE**
- C.    PRAYER OR THOUGHT**  
  
                  Councilman Ken Averett
- 7:05            **D.    OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.**
- E.    BUSINESS**

- 7:10 1. Minutes Review and Acceptance  
April 21, 2015 work session and regular City Council meeting
- 7:10 2. Presentation re proposal to open URMMA membership to special districts
- 7:25 3. Financial Report for period ending March 31, 2015
- 7:30 4. Amend FY 2015 Budget
  - a. Staff report
  - b. Public hearing
  - c. Consider Resolution No. 2015-06
- 7:40 5. Summary Action Calendar
  - a. Award bid for re-roofing City Hall
  - b. Award bid for the 2015 Street Overlay Project
- 7:45 6. Municipal Code Amendment - Repeal Section 2-03-110 - Campaign Finance Statement  
Consider Municipal Code Amendment to Repeal Section 2-03-110 regarding Campaign Finance Statements and Disclosure Requirements - Ordinance No. 2015-07
- 7:55 7. Public Hearing - Zoning Ordinance Text Amendment, Chapter 12-60, Accessory Dwelling Units (ADUs)  
Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses for ADUs, and enacting Chapter 12-60 regarding ADUs - Consider Ordinance No. 2015-08
- 8:25 8. FY 2016 Budget
  - a. Presentation of City Manager's Proposed Budget
  - b. Adopt Tentative Budget and set public hearing date
- 8:40 9. Discuss proposed Complete Streets Policy
- 9:00 10. Mayor's Report
  - a. Gigabit Networks in Utah
  - b. Fire District proposal
  - c. Centennial Celebration
- 9:20 11. City Council Liaison Report  
Councilman John Higginson re Mosquito Abatement District and Wasatch Integrated Waste Management District
- 9:30 12. City Manager's Report
  - a. Parrish/1250 West Intersection Betterments
- 9:45 13. Miscellaneous Business
- 9:45 14. Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended
- 9:45 15. Possible action following closed meeting, including appointments to boards and committees

## **F. ADJOURNMENT**

Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

**CENTERVILLE  
WORK SESSION  
Staff Backup Report  
5/5/2015**

Item No.

Short Title: Work Session - Discuss scope of work re South Main Street Corridor and use of consultants

Initiated By: City Council

Scheduled Time: 5:30

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

At their April 21 meeting, the City Council agreed to meet again in a work session to discuss further the scope of work for a review of the South Main Street Corridor Plan and related Zoning Ordinance. The minutes of the Council's April 21 discussion--in both the work session and regular meeting--are included in the regular meeting packet for May 5.

Staff were not instructed to prepare a proposed scope of work; therefore, Council Members may want to spend some time in advance reviewing the current SMSC General Plan section and related ordinance, which are attached, as well as the April 21 meeting minutes.

**ATTACHMENTS:**

Description

- SMSC Ordinance
- SMSC General Plan

**Sections.**

- 12-48-010. Purpose.**
- 12-48-020. Scope.**
- 12-48-030. Definitions.**
- 12-48-040. Zone Location.**
- 12-48-050. Other Approval Requirements.**
- 12-48-060. Development Agreement.**
- 12-48-070. Development Project Evaluation.**
- 12-48-080. South Main Street Corridor Overlay District Zone, Permitted and Conditional Uses by Specific District**
- 12-48-090. South Main Street Corridor Overlay District Zone Design Pattern Book**
- 12-48-100. General Development Standards.**
- 12-48-110. Regulations of General Applicability.**
- 12-48-120. Development Implementation.**
- 12-48-130. South Main Street Corridor Overlay Zone Sub-Districts.**
- 12-48-140. Corridor Regulating Plan**
- 12-48-150. Building Form and Site Envelope Standards**
- 12-48-160. Off-Street Parking Space Standards**
- 12-48-170. Landscaping and Screening Standards**

**12-48-010. Purpose.**

The purpose of the South Main Street Corridor (SMSC) Overlay District Zone is to:

- (a) Preserve the historic character of Centerville's South Main Street and/or encourage development that is sensitive to the City's heritage;
- (b) Provide a gathering space and cultural heart for the community by fostering a small town atmosphere;
- (c) Provide a walkable streetscape that gives equal consideration to pedestrian, bicycles, and transit users, so that a safe and comfortable environment is created;
- (d) Provide continuity and sensitivity between types of differing land uses; and
- (e) Promote South Main Street as an active corridor that serves as a balance between local and regional uses.

**12-48-020. Scope.**

The provisions of this Chapter shall apply to any real property located in the SMSC Overlay District Zone as shown on the Official Zoning Map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville City Code, or other laws except to the extent such provisions are altered by the requirements of this Chapter.

**12-48-030. Definitions.**

Certain words and phrases in this Chapter, including uses, are defined in Chapter 12-12 of this Title. The following will be relocated to Chapter 12-12, but are listed below for reference:

**ARCADE** - A roofed or built structure, extending over the sidewalk, that is open to the street except for the supporting columns, piers, or arches. A minimum clear height of 11 feet is required and a minimum clear width of 10 feet from inside of the column or supporting member to the building or Required Building Line (RBL). The arcade area shall be open to public access and have a minimum of 5 feet of public access easement/sidewalk within the arcade clear width.

**BUILDABLE AREA** - The area of the lot 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.

**BUILDING ENVELOPE STANDARDS** - These standards establish the parameter for building construction within the South Main Street Overlay District Zone. This includes the building placement in all 3 dimensions and certain required building elements.

**MIXED USE, DEVELOPMENT** - Mixed use refers to the combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site in one (1) of the following ways:

- A. Vertical Mixed Use. A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.

B. Horizontal Mixed Use – Attached. A single structure which provides retail/commercial or other service uses in the portion fronting the public or private street with attached residential or office uses behind.

C. Horizontal Mixed Use – Detached. Two (2) or more structures on one (1) site which provide retail/commercial or other service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.

**REGULATING PLAN** - The key map for the South Main Street Overlay District Zone and the associated Building Envelope Standards that provide specific information on location of lots and districts within the zone, their relation to one another and to the surrounding neighborhoods.

**REQUIRED BUILDING LINE (RBL)** - The building must be built-to the RBL and/or range as established for the appropriate lot characteristics in the code. This RBL or range is not a minimum setback, but the envelope in which the front of the building must be situated.

**RESTURANT, EATERY** – A small informal establishment that sells ready-to-eat food and beverages as part of a larger building and does not utilize a drive-through facility.

**SOLID TO VOID RATIO** – The mathematical ratio between openings or voids (windows, glazing, etc) and the structural elements along the wall line of a building resulting in a percentage of elements that allow light and views between the interior and exterior. Its purpose is to establish a required minimum amount of void area, usually windows, along the wall line of a building.

**STREET FRONTAGE** - This refers to the building line coincident with the street Right of Way (ROW) or the RBL.

**SUBSTANTIAL ALTERATION** – Any repair, construction, reconstruction, or other such improvement to a building, structure, lot, or parcel that results in any increase more than thirty percent (30%) of the floor area or fifty percent (50%) of the value of the building, structure, or premises; or for property located in a commercial zone, any change that requires the issuance of a new certificate of occupancy. For the purpose of this definition “substantial alteration” is considered to occur when the first alteration commences and includes any

subsequent changes in a cumulative calculation for defining the term substantial.

Moreover, with many Main Street properties being developed in the historic past, such alterations may also petition for applicable “waivers or modifications” to required landscaping and parking standards as provided in by this Title, subject to applicable review criteria as found in Sections 12-51 and 12-52.

**12-48-040. Zone Location.**

The SMSC Overlay District Zone is intended to be utilized for properties with frontage along the South Main Street Corridor between Parrish Lane and Pages Lane, including properties associated with the parcel having frontage or developments that are visually prominent as seen from the intersections at Parrish Lane/South Main Street or Page Lane/South Main Street. The SMSC Overlay District Zone is further divided into five (5) sub-districts that are specified or depicted in Section 12-48-South Main Street Corridor Regulating Plan Illustration.

**12-48-050. Other Approval Requirements.**

Except as otherwise provided in this Chapter, an application for development within the SMSC Overlay District Zone shall be submitted and processed pursuant to applicable requirements of this Title, the Centerville City Code, and any rules, regulations, or standards adopted there under, including, but not limited to, conceptual, preliminary and final subdivision plats, site plans, conditional use permits, building permits, and any other needed permit or approval.

(a) *Rezoning Approval Process.* Except as otherwise specifically provided herein, an application for rezoning of property to the SMSC Overlay District Zone shall comply with the requirements for zoning map amendments as provided in Section 12-21-080 of this Title.

(b) *Subdivision Approval Process.* Except as otherwise specifically provided herein, an application for development within the SMSC Overlay District Zone shall comply with the procedures and requirements for subdivision plat approval as provided in Title 15 of the Centerville City Code.

(c) *Site Plan Approval Process.* Except as otherwise specifically provided herein, an application for construction and improvements within the SMSC Overlay District Zone requiring site plan approval

under Section 12-21-110 of this Title shall comply with the requirements therein.

**12-48-060. Development Agreement.**

A rezoning of property to the SMSC Overlay District Zone may be conditioned upon the applicant entering into a development agreement with the City designating and describing contractual requirements for the development of the property.

**12-48-070. Development Project Evaluation.**

(a) *Development Characteristics.* Development within the SMSC Overlay District Zone shall exhibit design components and characteristics, such as those set forth below, which set the development apart from a standard subdivision and/or traditional site plan approval accomplished under this Title.

- (1) Enhancement of the overall physical framework of the Corridor including streetscape and connectivity components;
- (2) Coordination of street trees, plantings, furniture, lamps, signs, benches, and trash cans that project a harmonious setting;
- (3) Creating connectivity to surrounding residential areas both visually and physically through use of streetscape elements and physically through establishment of pedestrian pathways, bike accessibility, and access to future transit opportunities;
- (4) Utilization of complimentary styles, types, and massing of structures to establish proper building orientation and architectural designs to help unify the corridor; and
- (5) Proper transitioning or overlapping of the varying setbacks to establish a sense of continuity along the corridor.

(b) *Evaluation Criteria.* Each development proposal for development within the SMSC Overlay District Zone shall be evaluated based on its compatibility with:

- (1) The Centerville City General Plan and the South Main Street Corridor Plan;
- (2) The purpose and development standards of the SMSC Overlay Development Standards set forth in this Chapter; and
- (6) Any other City-approved study applicable to the subject property and specifically the October 19, 2007, South Main Street Master Plan.

(c) *Burden of Persuasion.* An applicant shall have the burden of showing that the proposed uses, project design, and location of utilities and facilities meet the requirements of this Chapter.

**12-48-080. South Main Street Corridor Zone, Permitted and Conditional Uses by Specified District.**

(a) *North Gateway Mixed Use District* – The following uses, as defined in this Title, shall be the permitted and conditional uses in the Gateway District of the SMSC Overlay District Zone:

- (1) *Permitted Uses:*
  - Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone
  - Dwelling, Town House, Two-Family, or Multiple (Density 1-4 units per building), as part of a mixed-use development
- (2) *Conditional Uses:*
  - Conditional Uses, as Shown in Section 12-36- Table of Uses for the respective underlying zone
  - Dwelling, Townhouse, Two-Family, or Multiple (5-8 units per building), as part of a mixed-use development;
  - Dwelling, Garden Apartments (9-12 units per building), as part of a mixed use development.

(b) *Civic/Cultural District* - The following uses, as defined in this Title, shall be the permitted and conditional uses in the City Civic/Cultural District of the SMSC Overlay District Zone:

- (1) *Permitted Uses:*

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- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone.

(2) *Conditional Uses:*

- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone

(c) Traditional Main Street & City Center Main Street Districts - The following uses, as defined in this Title, shall be the permitted and conditional uses in the South Main Street Commercial District of the SMSC Overlay District Zone:

(1) *Permitted Uses:*

- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone.
- Restaurant, Eatery
- Dwellings, Single Family
- East Side of Street - Dwelling, Town House, Two-Family, or Multiple (Density 1-3 units per building), as part of a mixed-use development
- West Side of Street - Dwelling, Town House, Two-Family, or Multiple (Density 1-4 units per building), as part of a mixed-use development

(2) *Conditional Uses:*

- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone
- East Side of Street - Dwelling, Town House, Two-Family, or Multiple (Density 4-6 units per building), as part of a mixed-use development
- West Side of Street - Dwelling, Town House, Two-Family, or Multiple (Density 5-8 units per building), as part of a mixed-use development
- Parking Garage, Public, as part of a mixed-use development
- Restaurant, General, as part of a mixed-use development

(d) Residential Boulevard District - The following uses, as defined in this Title, shall be the permitted and conditional uses in the Residential Boulevard District of the SMSC Overlay District Zone:

(1) *Permitted Uses:*

- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone.

(2) *Conditional Uses:*

- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone

(e) Pages Lane Mixed Use District - The following uses, as defined in this Title, shall be the permitted and conditional uses in the Pages Lane Mixed-Use District of the SMSC Overlay District Zone:

(1) *Permitted Uses:*

- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone.
- Dwelling, Town House, Two-Family, or Multiple (Density 1-4 units per building), as part of a mixed-use development

(2) *Conditional Uses:*

- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone
- Dwelling, Townhouse, Two-Family, or Multiple (5-8 units per building), as part of a mixed-use development;
- Dwelling, Garden Apartments (9-12 units per building), as part of a mixed use development.
- Parking Garage, Public, as part of a mixed-use development

**12-48-090. South Main Street Corridor District Zone Development Design Pattern Book.**

(a) *Development Design Pattern Book Required.* In addition to applicable requirements of this Title and other provisions of the Centerville City Code, all applications for the development of property to the SMSC Overlay District Zone shall include a development design pattern book.

(b) *Development Design Pattern Book Approval.* The development design pattern book shall be reviewed and approved by the City in conjunction with an application for conceptual site plan and/or conceptual subdivision acceptance within the SMSC Overlay District Zone.

(c) *Development Design Pattern Book Submittal Requirements.* In addition to the conceptual site plan

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or conceptual subdivision plan submittal requirements of this Title, the development design pattern book shall provide and address the following:

- (1) Written descriptions and graphic illustrations explaining how the development standards in this Chapter are to be integrated into the layout and design of the development.
- (2) Written descriptions and graphic illustrations explaining the proposed conceptual architectural design, building location, parking lot placement, landscaping elements, and other such related design schemes.
- (3) Written descriptions and graphic illustrations that clearly describe how the development will compliment or relate to the streetscape pattern within the district it is located, such relationships include, but are not limited to, street features and amenities, pedestrian pathways, and other related streetscape design elements.

(d) *Effect of Development Plan Approvals.* Upon acceptance of a conceptual site or subdivision plan and the associated development design pattern book by the City, further development applications such as subdivision plat and site plan approval for development within the SMSC Overlay District Zone shall comply substantially with conceptual plan and development design pattern book.

**12-48-100. General Development Standards.**

(a) Development within the SMSC Overlay District Zone shall be as follows:

1. Dimensional requirements for each lot type as set forth in Table 12-48-4, and other applicable requirements of this Title and the Centerville City Code.
2. Buildings shall be constructed substantially with rock, brick, and/or decorative concrete block for the first floor level as viewed from Main Street. Upper floors may be accented with other maintenance free materials compatible with the base floor design.
3. At least 25% of the primary building façade facing Main Street shall have upgraded architectural features, such as columns, pillars, archways, canopies, balconies, or other treatments.

4. At least 15% of a secondary façade facing another non-primary street frontage shall be of upgraded architectural features.
5. At least 5% of all other façade shall be of upgraded architectural features.
6. Each building on a lot with Main Street frontage shall have an entrance facing Main Street. Entrances shall be accessible to the public as a regular building entry from the public sidewalk.
7. In the Traditional Main Street and City Center Districts, entrances allowing public access from the sidewalk shall be provided at intervals of at least 50 feet to maximize street activity and pedestrian access opportunities and to minimize expanses of inactive building wall.
8. The percentage of building frontage required along the lot width may be reduced to accommodate site plan approved pedestrian plazas located between buildings. Building frontage percentage shall not be reduced to further accommodate parking beyond what is allowed according to Section 12-48-160. Access to such pedestrian plazas shall be provided from the sidewalk.
9. Pedestrian breezeways between buildings shall be a minimum of five (5) feet in width.
10. A portion of the building frontage may be setback beyond the required build-to range (RBR) up to an additional 20 feet if the space is utilized as a site plan approved courtyard or entryway that is open and accessible to the public sidewalk. This portion may be up to 40 percent of the actual building frontage and shall not be used for parking area.
11. The use of front yard areas for commercial type development shall be oriented towards the pedestrian and is to include related amenities such as entrance walks, plazas, benches, bike racks, raised flower boxes, or other such features.
12. Required Building Frontage shall be the percentage of the total width of the lot that is required to be used as a building wall. A porte cochere may be counted as a building wall even though it has no front or rear wall.
13. Each building shall have separate walls to support all loads independently of any walls located on an adjacent lot. Buildings with side-facing windows shall provide necessary light and air shafts within their own lot without relying on the side yard of an adjacent lot.

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14. Front porches, balconies, or stoops may extend up to 10' into front yards provided that walls, screened areas, or railings that are within the front yard do not exceed 42 inches in height above the floor of the porch, balcony, or stoop.
15. Parking shall be located to the rear of the building or in a side yard as allowed by the lot width and building frontage percentage requirements of the applicable lot type.
16. Side areas that exceed 15 feet in width shall not be located to another side area that exceeds 15 feet in width unless the areas are used as a unified public gathering area or courtyard.
17. The street level floor elevation shall be no more than 12 inches above the fronting sidewalk elevation.
18. Roof lines may be flat or pitched. Roofing shall not be of vivid primary colors (red, blue, yellow).
19. Windows of tinted or reflective glass may not be located between 2 feet and 9 feet above sidewalk grade on street-facing facades.

**12-48-110. Regulations of General Applicability.**

The use and development of real property in the SMSC Overlay District Zone shall conform to regulations of general applicability as set forth in the following chapters of this Title.

- (a) *Existing Conditions Inventory.* See Chapter 12-50 of this Title.
- (b) *Landscaping and Screening.* See Chapter 12-51 of this Title.
- (c) *Off-Street Parking and Loading.* See Chapter 12-52 of this Title.
- (d) *Signs.* See Chapter 12-54 of this Title.
- (f) *Supplementary Development Standards.* See Chapter 12-55 of this Title.
- (g) *Temporary Uses.* See Chapter 12-56 of this Title.

**12-48-120. Development Implementation.**

- (a) *Intent.* The SMSC Overlay District Zone designation is intended to be utilized for the development of the subject property in accordance with the terms and conditions of the respective zone

and/or the approved development plan for the property.

- (b) *Conceptual Site Plan and/or Preliminary Subdivision Plat.* Rezoning of any property to the SMSC Overlay District Zone shall be subject to and conditioned upon submission of a Conceptual Site Plan and/or Preliminary Subdivision Plat within one (1) year from the effective date of rezoning.

- (c) *Final Site Plan or Final Subdivision Plat.* Rezoning of any property to the SMSC Overlay District Zone is further subject to submission and approval of a Final Site Plan and/or submission, approval, and recording of a final subdivision plat within one (1) year from the effective date of approval of the preliminary subdivision plat(s) and/or conceptual site plan approval, as applicable.

- (d) *Substantial Construction.* Substantial construction for all properties within the SMSC Overlay District Zone shall be commenced within one (1) year from the date of final site plan approval or final plat recording.

**Section 12-48-130. South Main Street Corridor Overlay Zone Sub-Districts**

The Centerville SMSC Overlay District Zone is designed to implement the goals and objectives of the South Main Street Corridor Plan of the City's General Plan, adopted by the City in [insert date of plan amendment adoption]. The South Main Street Overlay District Zone is organized around the following sections:

- South Main Street Districts Regulating Plan
- Building Form and Site Layout Standards
- Streetscape (public space) Standards and related amenities.

**12-48-140. Corridor Regulating Plan**

The SMSC District Overlay District Zone Regulating Plan consists of the Sub-District Illustration Map 12-48-1, the Building Form and Site Layout Envelope Standards, and the Public Space Standards. The illustrative map of the SMSC Overlay District Zone designates the boundary extents of the six (6) sub-districts within the zone, where each district has associated building form and site envelope standard(s) and its related public space elements.

The regulating plan is the key to show the locations of the different building sites and how they relate to the South Main Street District in which they are

located and its relation to other lots and districts along the corridor.

The illustration map may be amended from time to time pursuant to and conjunction with any application for an amendment to the Zoning Map regarding the SMSC Overlay District Zone location. The Building Form and Site Envelope and Public Space Standards may be amended from time to time pursuant to an application for a Zoning Text Amendment.

### **12-48.150. Building Form and Site Envelope Standards**

(a) The following regulations and standards establish the parameters that guide the form of building within the South Main Street Corridor, including the site envelope for building placement. They direct and control the building envelope and site in regard to configuration, orientation, function, and features that define and shape the public realm. The technique of the standards is to use private buildings to define and shape the public space in a manner that makes it attractive. The standards are designed to use a minimum level of control to meet this goal.

(b) The Regulating Plan identifies six (6) specific districts within the overall South Main Street Overlay Zoning District. Within those districts, seven (7) unique lot types have been identified and development regulations established for each unique type. Unique lot types within the South Main Street Overlay District Zone are as follows:

1. **Corner Gateway Lot**
2. **Civic/Cultural Lot**
3. **City Center Main Street Lot**
4. **Traditional Main Street Lot**
5. **Traditional House Lot**
6. **TND/Mixed-Use Lot**
7. **Brownstone/Live-Work Lot**

(c) Unique lot types may occur in more than one of the six (6) South Main Street districts, and the building envelope standards for each lot type shall apply to all such lots within the South Main Street Overlay District as identified in Table 12-48-1 of the Regulating Plan.

The various lot types and related development standards allowed for each of the sub-districts are defined in the Lot Type Illustrations, as found in this Chapter. The development specifications for the various lot types include provisions for Height,

Siting, and other Elements. Additionally, “Character Examples” are provided to depict simply context of the style and not the actual design height, or exterior materials of buildings. The development specifications for each lot type are designed to address the following:

1. Height:
  - (A) The height of the principal building is measured in stories, with the maximum height indicated in feet.
  - (B) The maximum height is measured from the Main Street grade (i.e. top back of curb) to the top of the roof.
  - (C) Street wall or landscaping heights are relative to the adjacent sidewalk, or the ground elevation when not fronting a sidewalk.
2. Siting:
  - (A) Buildings shall only occupy the specified area of the lot, as indicated on the site plans and in relation to the required building range and setbacks.
  - (B) The street frontage for corner lots shall apply to that portion of the building facing Main Street only.
3. Elements:
  - (A) The primary or main wall portion of the building’s street façade that is required to be built to the Required Building Range (RBR) shall be composed as a simple plane, with interruptions only by windows, stoops or front porches, balconies, and storefronts. Recessed entry doorways are also acceptable and count toward the required built-to percentage.
  - (B) Off-street parking for vehicles shall not occupy any space in front of a building on the building lot. Parking areas located to the side of a structure where space allows shall be located at least 10 feet back from the back of the sidewalk.

### **12-48-160. Off-Street Parking Space Standards**

(a) Within the SMSC Overlay District, the building form, scale, mass, and uses need to be interrelated with the streetscape and mass transit opportunities to encourage interaction with one another. Therefore, the expected parking lot

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configuration and space calculations need to be revised and even reduced to provide the impetus such for interaction.

(b) Parking lots and their placement shall meet the following requirements:

1. Parking lots are permitted only in side and rear yards as follows:
  - (A) All parking areas shall be setback a minimum of 10 feet from the front lot (property) line of the building lot.
  - (B) When parking is located in a side yard and has frontage along a public right-of-way, no more than 25% of the total site frontage or 60 feet, whichever is less, shall be occupied by the parking lot (see Figure 1 of this Section).
  - (C) For a corner lot, the building shall be located at the corner of the lot adjacent to the intersection. The cumulative total of both frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less.
  - (D) For a corner lot that has frontages on three streets, the building shall be located at the corner adjacent to the intersection. The cumulative total of the primary and secondary streets frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less.
  - (E) A side yard parking lot may not be located adjacent to another side yard parking lot on an adjoining lot. Rear lots may be located adjacent to another parking area and shall be designed to allow through traffic between parking areas.
2. Where an off-street parking lot is visible from the street in a side-yard, it shall be screened by either a 2-foot tall screen wall or 18-inch seat wall located between the parking lot and the sidewalk. Where a parking lot is adjacent to a single-family residential district, a 3-foot screen wall and landscaping, sufficient to screen up to the headlight level of vehicles, shall be located

between the residential use and the parking lot.

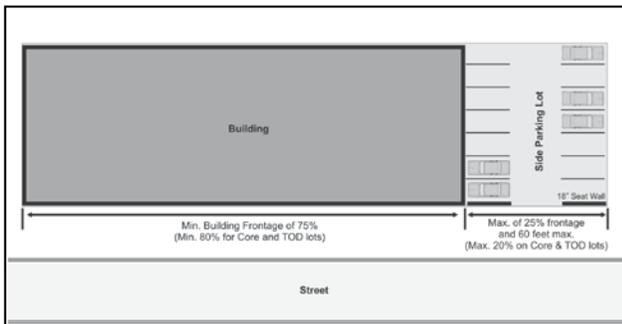
3. Where a parking structure is provided or parking is located on the ground level and/or below the upper stories of the building, usable building floor space to a depth of a minimum of 20 feet shall be provided in front of the parking area, along the street frontage, for the entire length of the building.
4. Official government approved on-street parking located along a lot's frontage may be credited toward meeting the parking requirements for that use.
5. Driveway access to off-street parking lots shall be located to provide safe separation from street intersections. Driveways shall be aligned with driveways on the opposite side of the street or offset to avoid turning movement conflicts. Two-way driveways shall be a minimum width of 24 feet. If feasible, driveways shall not be located within 40 feet of a corner.
6. New driveway accesses shall not be established onto Main Street. Exceptions shall be recognized and allowed as follows:
  - (A) For an existing legally created lot where the side and rear of the lot are not adjacent to a Street and there are no other opportunities to provide needed access to the property.
  - (B) An existing legally created access is being moved to another location to meet the parking placements of this Chapter.
  - (C) An existing legally created access or accesses are being combined together to establish an access that meets the parking placements of this Chapter.
7. Driveways and driveway lanes may be combined for adjacent developments and shall be subject to recordation of shared access easements for between the adjacent lots.
8. Parking may be allowed off-site according to joint use agreements or use of shared parking districts, subject to Section 12-52-110, Parking Modifications, as found in this Title.

(c) Table 12-48-2, Off-Street Parking  
Modifications shall be used to modify the minimum amount of parking spaces required by Section 12-52-1, Off-Street Parking Schedule found in this Title.

**12-48-170. Landscaping and Buffer Standards**

(a) Within the SMSC Overlay District, the standard Landscaping and Screening requirements of Section 12-51 are also being modified to accommodate the building form and site envelope standards for the various lot types within the sub-districts.

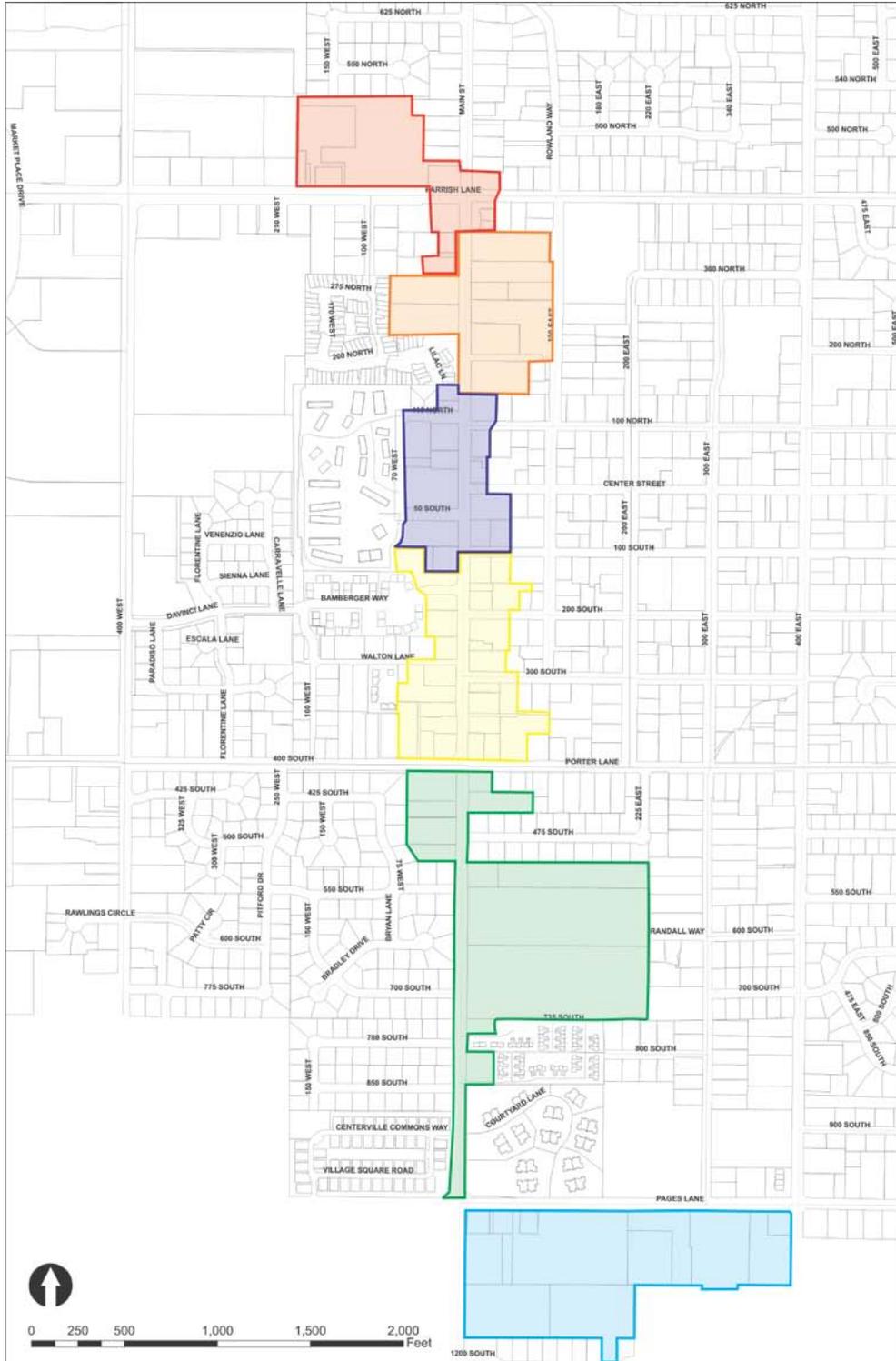
(b) Table 12-48-3, Landscaping Modifications shall be used, which modify the landscaping and buffer standards required by Section 12-51, Landscaping and Screening, as found in this Title.



**Figure 1 – Example Parking Lot & Stall Arrangement**

# SMSC OVERLAY DISTRICT

## Sub-District Illustration Map 12-48-1



Main Street Overlay District  
 Regulating Plan

- North Gateway/ Mixed-Use District
- Residential Boulevard District
- Civic/Cultural District
- Paces Lane/Mixed-Use District
- Traditional Main Street District
- City Center Main Street District

# Traditional Main Street Lot

**Building Envelope Specifications:**

- East Side: 1.5/ 2 stories 25' maximum
- West Side 1.5/ 3 stories 35' maximum w/ CUP
- Height: 10' clear height (minimum 50% of floor)
- Upper Floor: 8' clear height
- Front of Lot: Required Build-To Range (RBR) 5' to 10'
- Sides of Lot: No setback to building
- Rear of Lot: 15' setback to building
- Lot Width: 25' to 260'
- Building Frontage: Minimum 75% of lot width
- Street Facade: Minimum 75% in the RBR



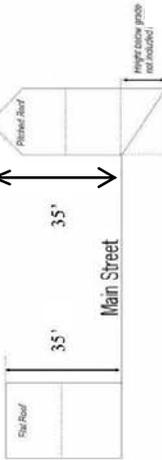
Character Examples

**Building Use & Element Specifications:**

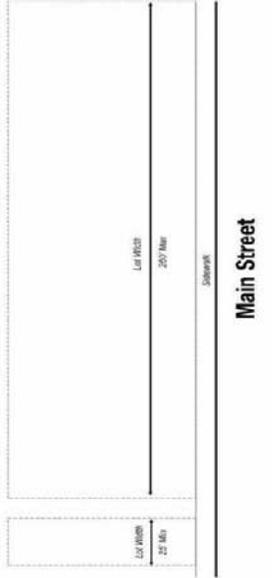
- Solid to Void Ratio:** 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have 30 to 60% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
- Uses:** Ground floor uses shall be non-residential, such as office or retail, on the street-side portion of the building. Residential uses may occupy the rear portion (up to 50% of the ground floor. Upper floor uses may be residential, office, retail,

**Building Height**

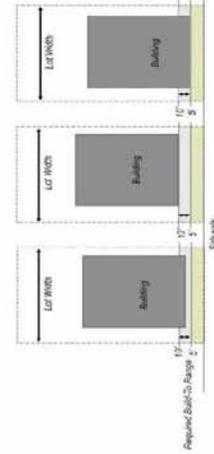
( 35' from Grade of Main Street )



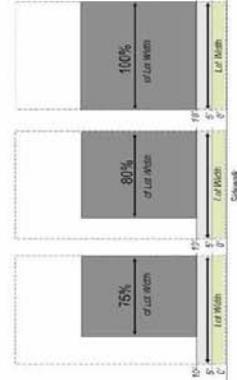
**Lot Width**  
 (25' Min to 260' Max)



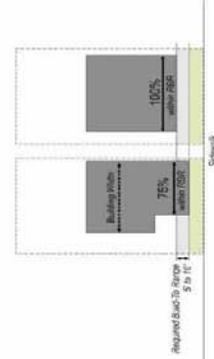
**Required Build-To Range**  
 (5' to 10' From Back of Sidewalk)



**Building Frontage %**  
 (75 to 100% of Lot Width)



**% of Building within RBR**  
 (75 to 100%)



Main Street

## TND/ Mixed Use Lot

### Building Envelope Specifications:

- Height:** 2 to 3 stories, 35' maximum
- First Floor:** 12' clear height (minimum 50% of floor)
- Upper Floors:** 8' clear height
- Front of Lot:** Required Build-To Range (RBR) 5' to 10'
- Sides of Lot:** 0' to 10' max
- Rear of Lot:** 15' setback to building
- Lot Width:** 25' min, no max
- Building Frontage:** Minimum 80% of lot width
- Street Facade:** Minimum 75% in the RBR

### Building Use & Element Specifications:

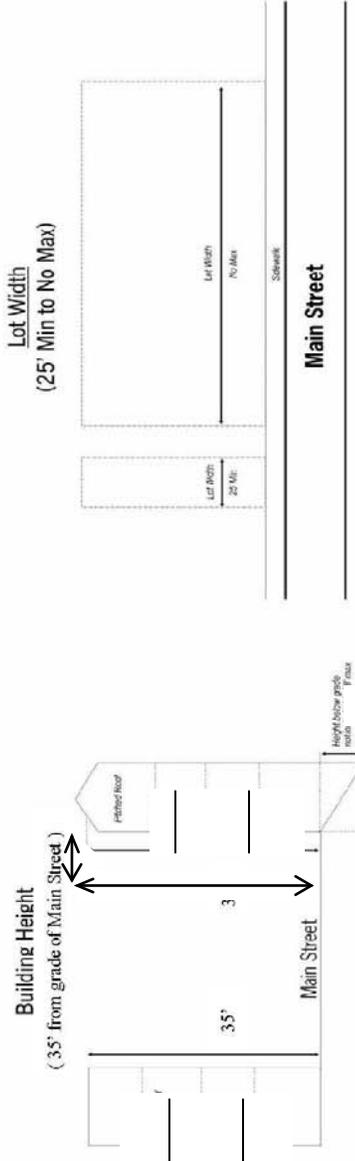
**Solid to Void Ratio:** 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have a minimum of 30% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.

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

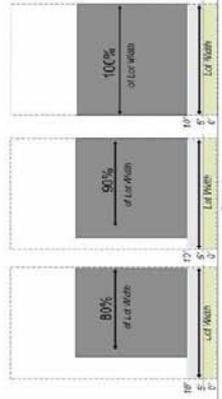
**Arcade:** An arcade or Galleria may project into the sidewalk easement if constructed as part of a contiguous street frontage of at least 200 feet in length.



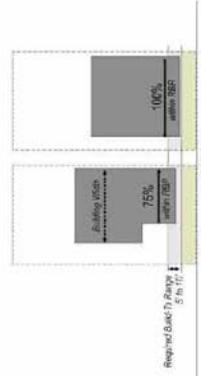
Character Examples



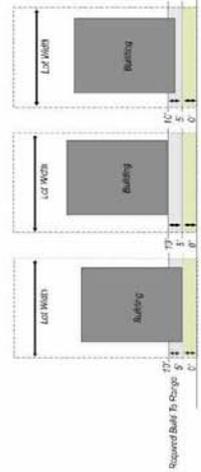
### Building Frontage % (80 to 100% of Lot Width)



### % of Building within RBR (75 to 100%)



### Required Build-To Range (5' to 10' From Back of Sidewalk)



## City Center Main Street Lot

### Building Envelope Specifications:

- East Side: 1.5/2 stories 25' maximum
- West Side 1.5/3 stories 35' maximum w/ CUP
- Height: 12' clear height (minimum 50% of floor)
- Upper Floor: 8' clear height
- Front of Lot: Required Build-To Range (RBR) 2' to 5'
- Sides of Lot: 0' to 10' max
- Rear of Lot: 15' setback to building
- Lot Width: 18' to 120'

**Building Frontage:** Minimum 80% of lot width  
**Street Facade:** Minimum 75% in the RBR

### Building Use & Element Specifications:

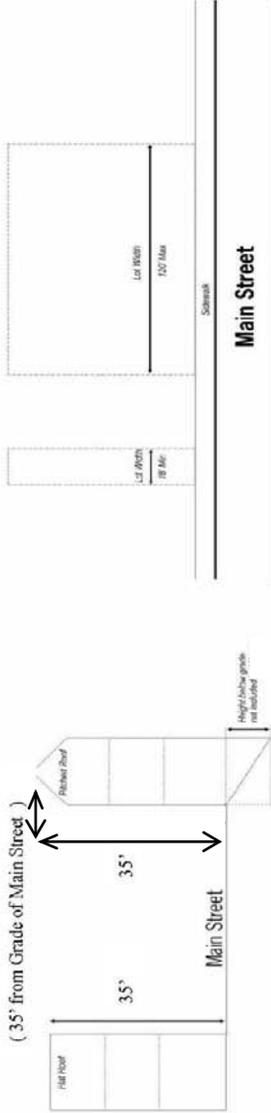
**Solid to Void Ratio:** 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have 30 to 70% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.  
**Uses:** Ground floor uses shall be non-residential, such as office or retail, on the street-side portion of the building. Residential uses may occupy the rear portion (up to 50%) of the ground floor. Upper floor uses may be residential, office, retail,  
**Arcade:** An arcade or gallery may project into the sidewalk easement if constructed as part of a contiguous street frontage of at least 200 feet in length.



Character Examples

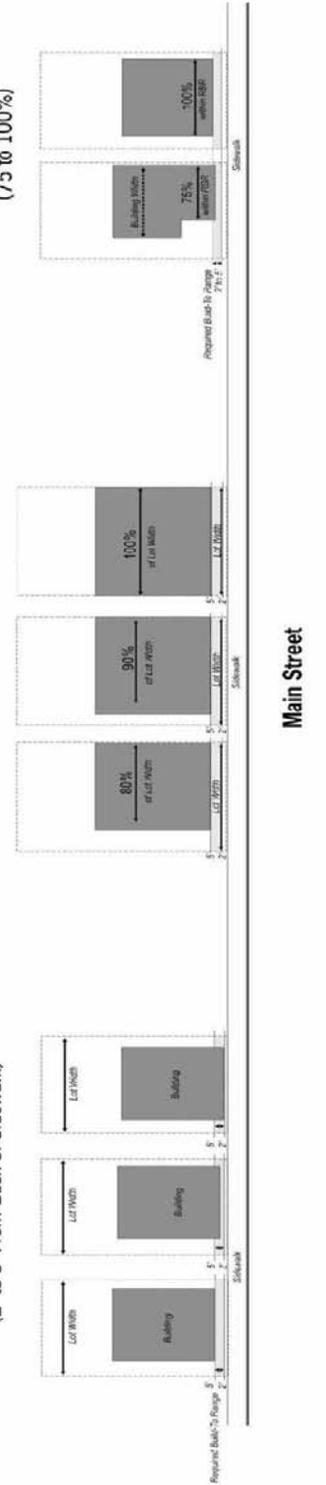
**Lot Width**  
 (18' Min to 120' Max)

**Building Height**  
 (35' from Grade of Main Street)



**Building Frontage %**  
 (80 to 100% of Lot Width)

**% of Building within RBR**  
 (75 to 100%)



## Corner Gateway Lot

### Building Envelope Specifications:

- Height:** 1.5 or 2 stories, 28' maximum
- First Floor:** 10' clear height (minimum 50% of floor)
- Upper Floor:** 8' clear height
- Front of Lot:** Required Build-To Range (RBR) 5' to 10'
- Sides of Lot:** No setback required
- Rear of Lot:** 15' setback to building
- Lot Width:** 25' to 190'

- Building Frontage:** Minimum 75% of lot width
- Street Facade:** Minimum 75% in the RBR

### Building Use & Element Specifications:

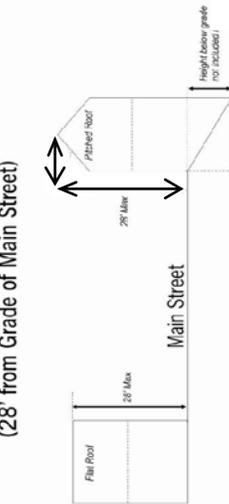
**Solid to Void Ratio:** 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have a minimum of 30% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.

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

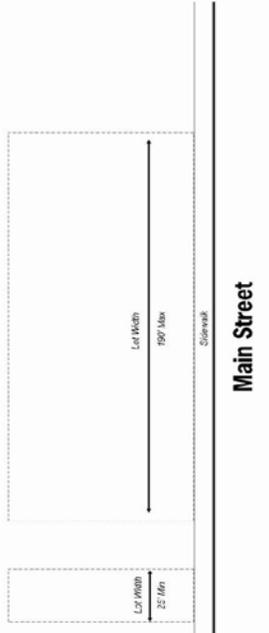


### Character Examples

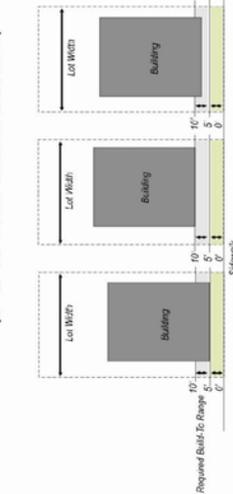
### Building Height (28' from Grade of Main Street)



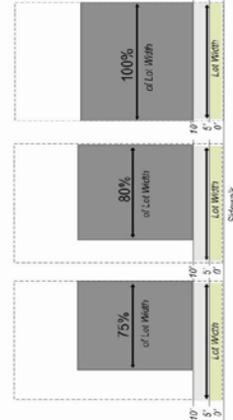
### Lot Width (25' Min to 190' Max)



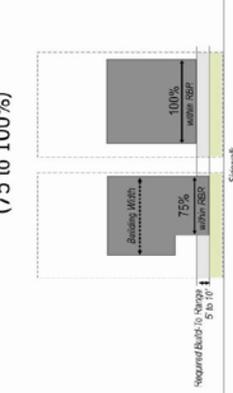
### Required Build-To Range (5' to 10' From Back of Sidewalk)



### Building Frontage % (75 to 100% of Lot Width)



### % of Building within RBR (75 to 100%)



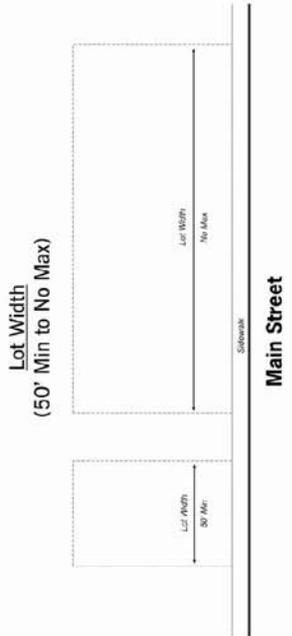
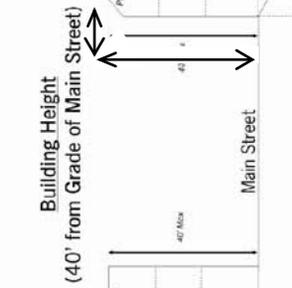
## Civic/Cultural Lot

### Building Envelope Specifications:

- Height:** 2 or 3 stories, 40' maximum
- First Floor:** 12' clear height (minimum 50% of floor)
- Upper Floor:** 9' clear height
- Front of Lot:** Required Build-To Range (RBR) 15' to 25'
- Sides of Lot:** 5' min
- Rear of Lot:** 15' setback to building
- Lot Width:** 50' to no max
- Building Frontage:** Minimum 60% of lot width
- Street Facade:** Minimum 75% in the RBR



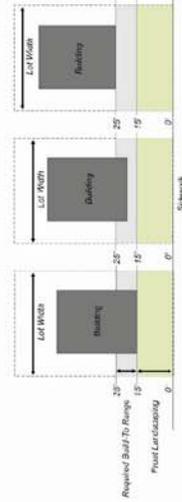
### Character Examples



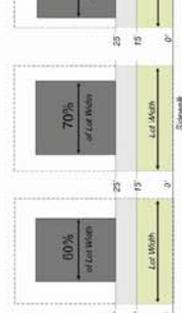
### Building Use & Element Specifications:

- Solid to Void Ratio:** 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have a minimum of 30% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
- Uses:** Civic uses shall occupy a minimum of 50% of the ground floor space. Office or community service-related uses may occupy the remainder of the ground floor and upper floors.

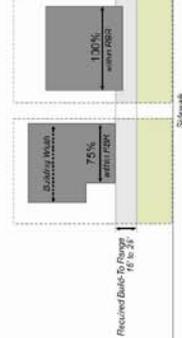
### Required Build-To Range (15' to 25' From Back of Sidewalk)



### Building Frontage % (60 to 80% of Lot Width)



### % of Building within RBR (75 to 100%)



## Traditional House Lot

**Building Envelope Specifications:**

- Height:** 1 or 2 stories, 28' maximum
- First Floor:** 9' clear height (minimum 75% of floor)
- Upper Floor(s):** 8' clear height
- Front of Lot:** Required Build-To Range (RBR) 15' to 25'
- Sides of Lot:** 5' min
- Rear of Lot:** 15' setback to building
- Lot Width:** 25' to 120'
- Building Frontage:** 40 to 70% of lot width
- Street Facade:** Minimum 75% in the RBR



**Character Examples**

**Building Height**  
 (28' from Grade of Main Street)



**Lot Width**  
 (25' Min to 120' Max)

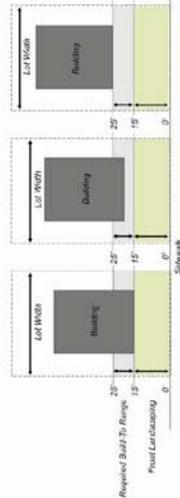


**Main Street**

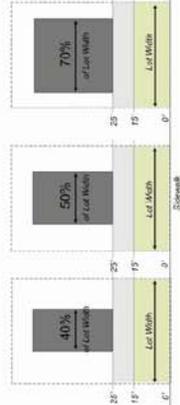
**Building Use & Element Specifications:**

- Solid to Void Ratio:** 30 to 60% openings (voids) are required on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
- Uses:** The ground level may be used for a small office or business as associated with a home business.
- Access:** A rear drive or alley is allowed for access to garages and/or accessory dwelling units at the rear of the lot.
- Fencing:** Fencing, not to exceed 36 inches in height, is allowed on either street facing facade.

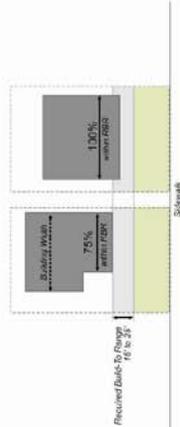
**Required Build-To Range**  
 (15' to 25' From Back of Sidewalk)



**Building Frontage %**  
 (40 to 70% of Lot Width)



**% of Building within RBR**  
 (75 to 100%)



**Main Street**

## Brownstone/Live-Work Lot

### Building Envelope Specifications:

- Height:** 2 or 3 stories, 35' maximum
- First Floor:** 10' clear height (minimum 75% of floor)
- Upper Floor(s):** 8' clear height
- Front of Lot:** Required Build-To Range (RBR) 5' to 10'
- Sides of Lot:** 0' min
- Rear of Lot:** 15' setback to building
- Lot Width:** 32' to 50'
- Building Frontage:** Minimum 75% of lot width
- Street Facade:** Minimum 66% in the RBR

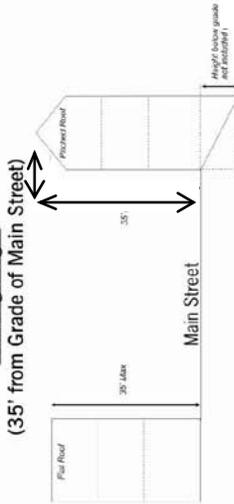
### Building Use & Element Specifications:

- Solid to Void Ratio:** 30 to 60% openings (voids) are required on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
- Uses:** The ground level may be used for a small office or business as associated with a live-work unit.
- Units:** A minimum of two units shall be constructed adjacent to one another. This may take place on the same lot or on adjoining lots.
- Fencing:** Fencing, not to exceed 36 inches in height, is allowed on either street facing facade.



### Character Examples

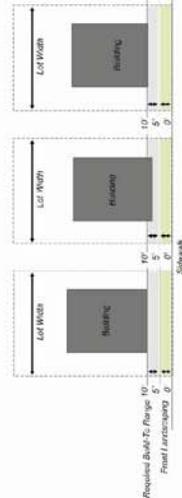
#### Building Height (35' from Grade of Main Street)



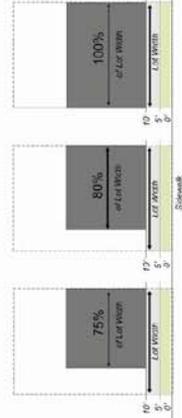
#### Lot Width (32' Min to 50' Max)



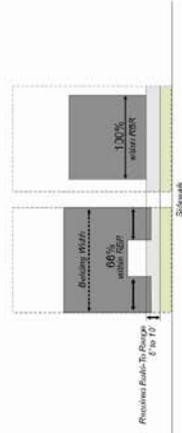
#### Required Build-To Range (5' to 10' From Back of Sidewalk)



#### Building Frontage % (75 to 100% of Lot Width)



#### % of Building within RBR (66 to 100%)



<b>TABLE 12-48-1 Lot Types Allowed by Sub-District</b>						
<b>TABLE 12-48-1</b>	<b>South Main Street Corridor Districts</b>					
<b>Lot Type</b>	<b>North Gateway/ Mixed-Use</b>	<b>Civic/Cultural</b>	<b>Traditional Main Street</b>	<b>City Center Main Street</b>	<b>Residential Boulevard</b>	<b>Pages Lane/ Mixed Use</b>
Traditional Main Street	X	X	X	---	---	X
City Center Main Street	X	---	---	X	---	X
Corner Gateway	X <sup>1</sup>	---	---	---	---	X
Civic/Cultural	---	X	X	---	X	---
Traditional House	X	X	X	---	X	---
TND/Mixed Use	X	---	---	---	---	X
Brownstone/Live Work	X	---	X	---	---	X
<b>Note 1: Corner Gateway Lot Type must be used for any corner lot development at the Parrish Lane and Main Street Intersection; The TOD lot is not allowed on lots fronting Main Street</b>						

<b>TABLE 12-48-2, Off-Street Parking Modifications</b>		
<b>Land Use Type</b>	<b>SMSC Districts</b>	
	<b>City Center</b>	<b>All others</b>
Residential Uses	60% of Requirement	75% of Requirement
Public/Civic Uses	50% of Requirement	60% of Requirement
Commercial Uses	40% of Requirement	60% of Requirement

**TABLE 12-48-3 – Landscaping Modifications**

<b>Land Use Type</b>	<b>SMSC Districts</b>	
	<b>City Center</b>	<b>All others</b>
Non-Single Family Projects	15% On-Site Requirement	20% On-Site Requirement
Non-Residential Projects	7% On-Site Requirement	9% On-Site Requirement
Mixed Use Projects	7% On-Site Requirement	9% On-Site Requirement
Public Street Landscaping	10 Feet to Parking Areas	15 Feet to Parking Areas
Buffer Landscaping For Mixed Use Projects Only (all others per 12-51)	8 Feet for “M” Zones 15 Feet for “H”	8 feet for “M” Zones 15 Feet for “H”

Title 12 – Zoning  
Article 4 – Special Purpose and Overlay District Zones  
Chapter 12-48 – South Main Street Corridor Zone

**TABLE 12-48-4 - Lot Size and Dimension Requirements**

<u>Lot Types</u>	<u>Height</u>				<u>Setbacks</u>			<u>Siting</u>		
	<i>Total</i>	<i>Stories (min/max)</i>	<i>First Floor (min)</i>	<i>Upper Floors (min)</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Lot Width (min/max)</i>	<i>% of building at RBL</i>	<i>Building % of lot frontage</i>
1. Corner Gateway Lot	28	1.5/2	10	8	5 to 10	0	15	25/185	75	75
2. TND/Mixed-Use Lot	35	2/3	12	8	5 to 10	0/10 max	15	25/no max	75	80 to 100
3. City Center Main Street Lot										
a. East Side	25'	1.5/2	12	8	2 to 5	0/10 max	15	18/120	75	80 to 100
b. West Side	35'	1.5/3 <sup>a</sup>	12	8	2 to 5	0/10 max	15	18/120	75	80 to 100
4. Traditional Main Street Lot										
a. East Side	25'	1.5/2	10	8	5 to 10	0	15	25/240	75	75
b. West Side	35'	1.5/3 <sup>a</sup>	10	8	5 to 10	0	15	25/240	75	75
5. Civic/Cultural Lot	40	2/3	12	9	15 to 25	5	15	50/no max	75	60
6. Traditional House Lot	28	1/2	9	8	15 to 25	5	10	25/120	75	40 to 70
7. Vehicle Storage Lot					15	5	5	56/150		
8. Brownstone/Live-Work Lot	35'	2/3 <sup>b</sup>	10	8	5 to 10	0	15	32/50	66	75

- a. Note: For Traditional Main Street & City Center Main Street Lot Types a third story height shall be subject to Condition Use Permit approval and limited to West Side Only.
- b. Note: If lot type is used in the Traditional Main Street District building heights shall comply with the east/west allowances of Table 12-48-4(4).

## A. Background <sup>1</sup>

A Main Street Master Plan Study was performed and completed in October of 2007. The study was initiated to review current land uses and development patterns along Main Street, from Parrish Lane south to Pages Lane. An “oversight committee” was formed to provide ongoing direction and input throughout the process. On October 23, 2007 the final Main Street Master Plan Study was presented to the City Council.

Based on the assessment and recommendations of the Main Street Master Plan Study, the City Council, on December 18, 2007, adopted a “temporary zoning restriction ordinance” in order to move forward with amendments to the City's General Plan and other relevant ordinances regarding development and uses along Main Street. The City then secured the services of Cooper Roberts and Simonsen Associates (CRSA) to assist City staff and officials with preparing recommended amendments to the City's General Plan and Zoning Ordinance to implement elements of the Master Plan Study.

The overall vision of the South Main Street Corridor Plan is to return Main Street to “center stage” as the civic, cultural, and community heart of Centerville City. The Main Street Corridor from Parrish Lane to Pages Lane is considered the “town center” of Centerville City. The vision of the Corridor Plan is more particularly discussed on Section 4.C.

### 1. Summary of Existing Assets and Potential Opportunities

Every community has assets that make them unique, such as distinctive buildings,

local businesses, public or civic spaces, and historic resources. These assets ought to serve as the foundation for building goals and policies within a general plan document. Establishing such a foundation will assist with preserving and maintaining a community's sense of place. Listed below are several assets and opportunities that should serve as the foundation of the South Main Street Corridor District Plan;

- a. City Hall and the Post Office serving as a central civic destination within the Main Street Corridor with Founders Park and the Whitaker Museum as supportive civic land uses.
- b. The existence of several historically significant commercial buildings that could provide unique architectural resources to assist with defining the built environment of Main Street.
- c. The existence of historic and charming residential buildings that remain as a reminder of the once residential nature of Main Street.
- d. The presence of several small businesses, specialty shops, and dining establishments providing locally-owned and operated alternatives and variety to residents.
- e. The recent placement and construction of new office buildings providing diversity in the architectural style along Main Street.

### 2. Summary of Existing Challenges and Potential Possibilities

Like the assets previously cited, each community has challenges or problem areas that ought to be addressed. Identifying these challenges and linking potential possibilities are the first steps in a successful effort to revitalize the South Main Street Corridor.

- a. Lack of or little potential for providing on-street parking within the corridor.
- b. High-speed vehicle environment creating safety and noise issues along Main Street.

<sup>1</sup> Amended by Ord. No. 2010-16, November 16, 2010

- c. Lack of or insufficient park strips buffering various sidewalk and roadway activities.
- d. Lack of or insufficient alternative transportation modes and associated amenities in the design of Main Street.
- e. Lack of or insufficient pedestrian friendly walkways and street crossings.
- f. Narrowness of the streetscape design with uncomfortable transitions to private property (e.g. narrow side walk widths, short tree crowns, and tall fencing adjacent to the public realm).
- g. Lack of or inconsistent application of setbacks, landscape buffers, and hardscaping designs along lot frontages of Main Street.
- h. Presence of grade changes creating challenging physical and visual design solutions.

### 3. Formation of a South Main Street Corridor Context

Growth and revitalization efforts or strategies ought to encourage infill and re-development in balance with the community's desire to highlight Centerville's Main Street. The South Main Street Corridor can and will thrive if included in the design framework of this area is a scheme that provides various alternatives to purely an automobile oriented street. Pedestrian-friendly amenities, alternative forms of transportation, proper architectural and building design, and other similar concepts need to be considered in designing the South Main Street South Corridor District. Redevelopment and enhancements need to focus on such concepts to create a stronger, more vibrant, Main Street environment.

### 4. Summary of Other Existing Applicable General Plan Policies

Section 12-430-2.2 – Describes the area between Porter Lane and Parrish Lane as the traditional commercial area of Centerville City. The policy recognizes

that the area never fully developed as a strong focal point and that revitalization efforts need to be encouraged.

Section 12-450-1 – As part of the City's Master Plan, Main Street is defined as a "minor arterial" roadway.

Section 12-450-2 – Identifies Main Street as a "major entrance" to Centerville City. Such an entrance is important to the overall appearance and atmosphere of the City.

Section 12-480-2.2.a – Identifies the existing commercial development at Pages Lane as an important neighborhood shopping center having its own distinctive development characteristics and issues.

Section 12-480-2.2.b & 3.2.a – Again emphasizes the traditional commercial area of Main Street defining it as the area between Porter and Parrish and not extending it more than ½ block east or west of Main Street.

Section 12-480-2.3.a – Establishes a City Hall and Founders Park Master Plan to function as a civic place and cultural center along Main Street.

### B. Summarized Neighborhood Planning Process and Comment

October 19, 2007 - Final Presentation of the Main Street Master Plan Study that included a 3-day charette and public meeting presentations to both the Planning Commission and City Council.

February 05, 2008 - An Ad-Hoc Committee Meeting consisting of 2 Elected Officials, 2 Appointed Officials (Commissioners), and several residents and business owners meet. The Committee reviewed the 1st draft of the General Plan

February 12, 2008 - The Ad-Hoc Committee continued their review the 1st draft of the General Plan

March 11, 2008 - The Ad-Hoc Committee reviewed the 1st draft of the Zoning Ordinance Regulations and the 2nd Draft of the General Plan

March 25, 2008 - The Ad-Hoc Committee Meeting reviewed the 2nd draft of the Zoning Regulations

April 16, 2008 - An Open House was held to review the proposed drafts of the General Plan and Zoning Ordinance. Meeting participants were provided and opportunity ask questions and to comment on the proposed changes to the General Plan and Zoning Ordinance.

### **C. South Main Street Corridor Plan Vision**

The South Main Street Corridor District vision establishes a comprehensive guide to future physical land use patterns and desired attributes that have been expressed by the public and City's appointed and elected officials ("Vision"). Additional planning principles and concepts have also been included to help establish the policies of the overall Vision.

In the case of the South Main Street Corridor District Plan, the **Vision is expressed using four (4) different topics.**

**These topics are:**

- **Land Use**
- **Mobility**
- **Setting**
- **Built Environment**

In addition to the topics, the South Main Street Corridor District area is divided into six (6) different districts ("Districts"). Each district plays a different and sometimes distinct role in how land uses patterns are to develop in that particular area of the neighborhood. These districts are identified as follows:

- North Gateway Mixed Use District
- Civic & Cultural District
- Traditional Main Street District
- City Center Main Street District
- Residential Boulevard District
- Pages Lane Mixed-Use District

**The goals and objectives associated with the South Main Street Corridor Plan are to be considered as statements of policy and are to be used in the decision-making process for land use ordinance amendments, applicable land use application reviews, and/or related capital improvement programs.** Additionally, each goal may be accompanied by descriptive text that is intended to assist with understanding the purpose, intent, and interpretation of the goal.

**The South Main Street Corridor Plan identifies four (4) Corridor-Wide Goals and twenty-three (23) Corridor-Wide Objectives. Additionally, goals and objectives are included for each unique district. All together, the South Main Street Corridor Plan includes nine (9) Goals and seventy-four (74) Objectives.**

These goals, objectives, and graphical maps for the South Main Street Corridor Plan are described on the remaining pages of this document.

## ***SOUTH MAIN STREET CORRIDOR-WIDE VISION***

### *GOALS:*

- 1. Promote the South Main Street Corridor as the cultural, civic, and community heart of Centerville by providing a careful balance of *land uses*, which serve residents, businesses, and visitors.**

Generally, the South Main Street Corridor includes the lands along Main Street between Parrish Lane and Pages Lane. Specifically, the South Main Street Corridor addresses parcels abutting Main Street, but may also include parcels located just off of Main Street along the several East-West side streets.

The goal is intended to enhance Main Street's role in the Centerville community. This will require preservation of the existing mix of land uses throughout the South Main Street Corridor, and further development of this mix in specific areas. At the same time, care must be given to minimize potential land use conflicts and protect the interests of existing residents and businesses.

### *OBJECTIVES:*

1.A. Preserve the existing mix of land uses along the South Main Street Corridor, recognizing that each District has a different character and different land use needs.

1.B. Minimize, to the extent possible, potential conflicts between adjacent land uses.

1.C. Encourage additional single-family and multi-family residential land uses, by way of mixed-use development, throughout the South Main Street Corridor.

1.D. Encourage greater intensity in land uses in appropriate areas along the South Main Street Corridor. Examples include mixed-use developments, such as a retail use with a housing component above, and greater floor-area-ratios (FAR), such as a two-story building rather than a one-story building of the same footprint.

1.E. Incorporate Main Street into the neighborhood planning process for both the east and west side neighborhood plans to allow for consistency and coordination.

## ***SOUTH MAIN STREET CORRIDOR-WIDE VISION***

### ***GOALS:***

#### **2. Preserve and enhance *mobility throughout the South Main Street Corridor.***

Generally, the South Main Street Corridor includes the lands along Main Street between Parrish Lane and Pages Lane. Specifically, the South Main Street Corridor addresses parcels abutting Main Street, but may also include parcels located just off of Main Street along the several East-West side streets.

The goal is primarily to improve safety and comfort of people traveling through and within the South Main Street Corridor. This includes accommodations for motorists, pedestrians, bicyclists, and people of all ages and ability levels.

### ***OBJECTIVES:***

2.A. Create the opportunity for on-street parking throughout the South Main Street Corridor, specifically in the North Gateway/Mixed Use, Civic/Cultural, and Traditional Main Street Districts.

2.B. Protect and increase the safety of motorists and pedestrians by advocating for a lower speed limit within the South Main Street Corridor. This recommendation is of high priority for implementation and should be pursued immediately upon adoption of the general plan update.

2.C. Work with the Utah Department of Transportation to provide additional crosswalks, and pedestrian safety features, across Main Street.

2.D. Advocate for wider sidewalks throughout the corridor when road cross-section improvements are being considered. Emphasis should be placed on identifying Safe Routes to School and within the Traditional Main Street Commercial District.

## GOALS:

**2. Preserve and enhance  
*mobility* throughout the  
South Main Street  
Corridor... cont.**

## OBJECTIVES

2.E. Consider and evaluate the effects of road cross-section improvements on traffic flow, aesthetics, and the safety of motorists and pedestrians. Improvements may include: striped bike lanes, planted medians, raised intersections, bulb-outs and chokes, pavement treatments, and sidewalk improvements (*see Roadway Design Matrix of Corridor Plan*).

2.F. Ensure that pavement treatments do not hinder access for those who have limited physical mobility or are wheelchair bound.

2.G. Allow for bike routes that are a part of the roadway, to provide opportunities for bike lanes along Main Street and on surrounding neighborhood streets that connect to Main Street. Bike lanes/routes create a designated space for bikers and reduce the conflict between pedestrians and bicyclists on the sidewalk.

## ***SOUTH MAIN STREET CORRIDOR-WIDE VISION***

### *GOALS:*

### **3. Enhance and promote the South Main Street Corridor as the *setting* for attractive, convenient, active, safe, and enjoyable destination and place of residence.**

Generally, the South Main Street Corridor includes the lands along Main Street between Parrish Lane and Pages Lane. Specifically, the South Main Street Corridor addresses parcels abutting Main Street, but may also include parcels located just off of Main Street along the several East-West side streets.

The goal is primarily to enhance the physical appearance and atmosphere of the South Main Street Corridor. The South Main Street Corridor should be a beautiful focal point for the community, and a reflection of the community's values and demand for quality.

### *OBJECTIVES:*

3.A. Develop and implement a coordinated standard for streetscape improvements along the entire South Main Street Corridor. Improvements should include street lighting, landscaping, street furnishings, signage and other such amenities. These improvements could take place through a City initiated assessment areas and be coordinated with the Utah Department of Transportation (UDOT).

3.B. Develop and implement Corridor-wide standards for fencing to protect the pedestrian environment while still accommodating the needs of private residences. Fencing regulations should be consistent with front-yard fencing, allowing only for low, open fencing under 3' in height or low stone walls (2' height). New privacy fencing ought not to be allowed adjacent to the sidewalk and existing privacy fencing could possibly be phased out using a City incentive program

3.C. Prohibit the location of parking lots or areas of asphalt in the front setback area between a building and Main Street. Strategic public parking lots should be coordinated to provide shared parking opportunities along the Corridor. Individual parking lots should be located to the side or preferably the rear of the building.

## GOALS:

3. **Enhance and promote the South Main Street Corridor as the *setting* for attractive, convenient, active, safe, and enjoyable destination and place of residence (*continued*).**

## OBJECTIVES:

- 3.D. Highlight a central intersection along the Main Street Corridor to designate and establish as the core or heart of Main Street.
- 3.E. Connect Main Street visually to adjacent neighborhoods and regional commercial areas through streetscape design elements (landscaping, furnishings, lighting, etc.).
- 3.F. Connect Main Street physically to adjacent neighborhoods and regional commercial areas through the use of new trails, bike routes, and established pedestrian routes (sidewalks or pathways).

***SOUTH MAIN STREET  
CORRIDOR-WIDE VISION******GOALS:*****4. Coordinate elements of the *built environment* to create a sense of arrival and define the enclosure of public space within the South Main Street Corridor.**

Generally, the South Main Street Corridor includes the lands along Main Street between Parrish Lane and Pages Lane. Specifically, the South Main Street Corridor addresses parcels abutting Main Street, but may also include parcels located just off of Main Street along the several East-West side streets.

The goal is primarily to use building orientation, architecture, scale and massing, and location to define the physical character of Main Street.

***OBJECTIVES:***

- 4.A. Consider preserving key historic buildings within the South Main Street Corridor whenever possible.
- 4.B. Require a range of consistent setbacks within each District, and generally throughout the entire South Main Street Corridor.
- 4.C. Require primary buildings to orient to Main Street and provide entrances to each building from Main Street. Corner buildings will orient to both streets and have an entrance on both street-facing sides or at the corner.
- 4.D. Encourage a variety of complementary architectural styles, types, and massing of structures to establish connectivity along Main Street.
- 4.E. Develop a set of commercial design guidelines for commercial and mixed-use structures within the South Main Street Corridor.
- 4.F. Require appropriate building heights within each District.

***NORTH GATEWAY MIXED  
USE DISTRICT******GOALS:*****5. Create a distinctive anchor appearance that signifies arrival into Centerville.**

Generally, the North Gateway/Mixed Use District includes the lands at and adjacent to or visually prominent from the intersection of Parrish Lane and Main Street within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to provide a distinctive entryway into Centerville from the I-15 interchange. The appearance and land use should signify arrival and guide people on to Main Street.

***OBJECTIVES:***

5.A. Establish a mixed-use zone for the North Gateway/Mixed Use District that will allow for residential, retail and office uses. Use mixtures may be in one building or a combination of buildings, such as in a planned development. A single use may also occupy a single building (i.e. a residential structure).

5.B. Establish a front setback range of 0' minimum to 15' maximum for the North Gateway District. This range should be used for both street-facing sides of a corner lot building.

5.C. Establish a side setback range of 0' minimum to 45' maximum to allow for a proximity of buildings to one another with shared parking behind.

5.D. Establish a maximum height of 28' to allow for buildings of up to two stories to be located on the corners to physically define the gateway.

5.E. Create a traffic feature such as a raised intersection that will effectively streamline traffic through the intersection and allow for a smooth connection on to Main Street.

5F. Use signage to establish the gateway and direct motorists to the South Main Street Corridor.

***NORTH GATEWAY MIXED  
USE DISTRICT****GOALS:*

- 5. Create a distinctive anchor appearance that signifies arrival into Centerville** (*continued*).

*OBJECTIVES:*

5.G. Establish landscaping requirements to create a distinctive gateway, which can also be in the form of hardscaping.

5.H. Require the use of building materials and architectural elements in the District that are compatible and complementary. Avoid making requirements that will lead to a “themed” look.

5.I. Create parking requirements that do not allow for lots in front of buildings. Parking lots should be located to the rear of buildings.

5.J. Allow on-street parking where possible.

5K. Require street-level entrances from the sidewalk.

***CIVIC/CULTURAL DISTRICT  
OBJECTIVES:***

*GOALS:*

**6. Create a distinctive civic/cultural district that is characterized by a collection of civic buildings and public open space.**

Generally, the Civic/Cultural District includes the lands from 100 North to the south end of the North Gateway/Mixed Use District at the Parrish Lane intersection within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to create a civic district that has an enhanced concentration of public buildings and gathering spaces. The Civic/Cultural District will set the tone for architectural, setting, and signage recommendations for all civic buildings throughout Centerville.

6.A. Incorporate useable green open space around each civic building.

6.B. Establish a setback range that will allow for green space in front of buildings – a 15’ minimum and 25’ maximum front setback – but not set buildings back too far from the street.

6.C. Establish sidewalk, pathway, and crosswalk requirements to create pedestrian connections within the Civic/Cultural District and to and from the rest of the Main Street corridor.

6.D. Require distinctive elements and architectural styles for civic buildings to set them apart from commercial buildings along Main Street.

6.E. Provide at-grade entryways to all civic buildings from Main Street.

6.F. Require all parking lots to be located to the rear of buildings in the Civic/Cultural District.

6.G. Utilize side setback areas for continuing open/green space rather than paved parking lots.

6. H. Align intersections between the east and west sides of Main Street. Create shorter blocks that are similar to the 330’ block of the historic grid by introducing new streets rather than just driveways to parking lots.

6.I. Civic buildings should be more than one-story to allow for a smaller building footprint, which will allow for more public green space around the building.

***TRADITIONAL AND CITY  
CENTER MAIN STREET  
DISTRICTS***

*GOALS:*

**7. Create a commercial district with a central core intersection that is designed to serve as the heart of the City and support and encourage local businesses.**

Generally, the Traditional and City Center Main Street Districts consist of lands located between 150 North to Porter Lane within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to create a central commercial district along Main Street that will be a counter-balance to the automobile-centric commercial developments along the interstate.

*OBJECTIVES:*

7.A. Establish a core intersection that has existing assets or potential future assets, such as the historic building at Center Street.

7.B. Concentrate development around the core intersection using small front and side setbacks.

7.C. Establish a front setback range of 0' minimum to 15' maximum for the District. Encourage a smaller range of 0' minimum to 10' maximum for the core intersection. Use the setbacks for active supporting uses such as sidewalk displays and/or dining.

7.D. Consider establishing a side setback range of 0' minimum to 15' maximum for the core intersection and 30' maximum for the rest of the District.

7.E. Consider establishing maximum building footprints to prevent encroachment by larger chain stores.

7.F. Consider providing at least one at-grade entry door from Main Street to each retail space that faces the street.

7.G. Allow on street parking along Main Street within the District.

7.H. Establish sidewalk requirements of a minimum of 8' to provide a wider width within the District for an enhanced pedestrian experience.

***TRADITIONAL AND CITY  
CENTER MAIN STREET  
DISTRICTS***

*GOALS:*

- 7. Create a commercial district with a central core intersection that is designed to serve as the heart of the City and support and encourage local businesses (*continued*).**

*OBJECTIVES:*

7.I. Require street trees to be planted at an appropriate spacing so as not to obscure buildings with a wall of trees.

7.J. Require the use of building materials and elements that complement the historic context on Main Street.

7.K. Require parking lots to be placed in the rear of all buildings within the District. On-street parking will take the place of parking lots in front of buildings.

7.L. Consolidate curb cuts and driveways so that the block face can serve as an enhanced pedestrian area. Align driveways with intersections and driveways across the street.

**RESIDENTIAL BOULEVARD  
DISTRICT***GOALS:***8. Strengthen the residential areas along Main Street to continue the historic ambiance of residential near the Traditional Main Street District.**

Generally, the Residential Boulevard District consists of lands located between Porter Lane and Pages Lane within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to enhance the residential component of Main Street that serves as a transition and connection from surrounding residential neighborhoods to the Traditional Main Street District.

*OBJECTIVES:*

8.A. Continue some elements of the South Main Street Corridor streetscape design into the Residential Boulevard District, including street trees and street lamps.

8.B. Continue sidewalks on both sides of Main Street into the Residential Boulevard District to provide safe walking routes to and from the core area and school. Sidewalk width in the residential section does not need to be as wide as the core commercial areas, but should have a minimum width of 6 feet.

8.C. Orient residential buildings to Main Street on parcels that front on to Main Street to continue the character of the Corridor.

8.D. Establish fencing regulations along Main Street that are consistent with front-yard fencing, allowing only for low, open fencing under 3' in height or low stone walls (2' height). New privacy fencing ought not to be allowed and existing privacy fencing might be phased out using a City incentive program.

8.E. Designate primary crosswalk areas to provide safe walking routes. Make improvements to existing crosswalks. Identify the best location for an additional crosswalk to access the school.

*GOALS:*

**8. Strengthen the residential areas along Main Street to continue the historic ambiance of residential near the Traditional Main Street District. (cont.)**

***RESIDENTIAL BOULEVARD DISTRICT****OBJECTIVES:*

8.F. Increase the width of the sidewalk (6' minimum) and parking strip (5' minimum, 8' ideal) to provide a safer pedestrian environment.

8.G. Allow and encourage sidewalks from existing residential structures to the sidewalk on Main Street. New residential structures that orient to Main Street shall have a sidewalk connection to the street.

8.H. Minimize curb cuts along the residential district. Garages are to be located back from the street and the front façade of the house. Alley access for garages is recommended.

8.I. When opportunities arise, coordinate and align intersections from the east and west sides of Main Street for streets and pathways. Follow a block length of 330' that is compatible with the historic grid of Centerville.

8.J. Allow on-street parking to provide a buffer between traffic and the sidewalk.

*GOALS:***9. Create opportunities for Traditional Neighborhood development patterns.**

Generally, the Mixed-Use Districts consists of lands located either on the southeast corner of the Pages Lane and Main Street or on the northwest corner of Parrish Lane and Main Street intersections within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to create mixed-use nodes using a combination of commercial, office, and residential uses that will serve as transition area between existing commercial and residential neighborhoods and enhance pedestrian connections.

***NORTH GATEWAY & PAGES LANE MIXED USE DISTRICTS****OBJECTIVES:*

9.A. Continue sidewalks from the Main Street corridor to the mixed-use node areas (southeast corner of the Main Street and Pages Lane intersection; north side of the Parrish Lane and Main Street intersection).

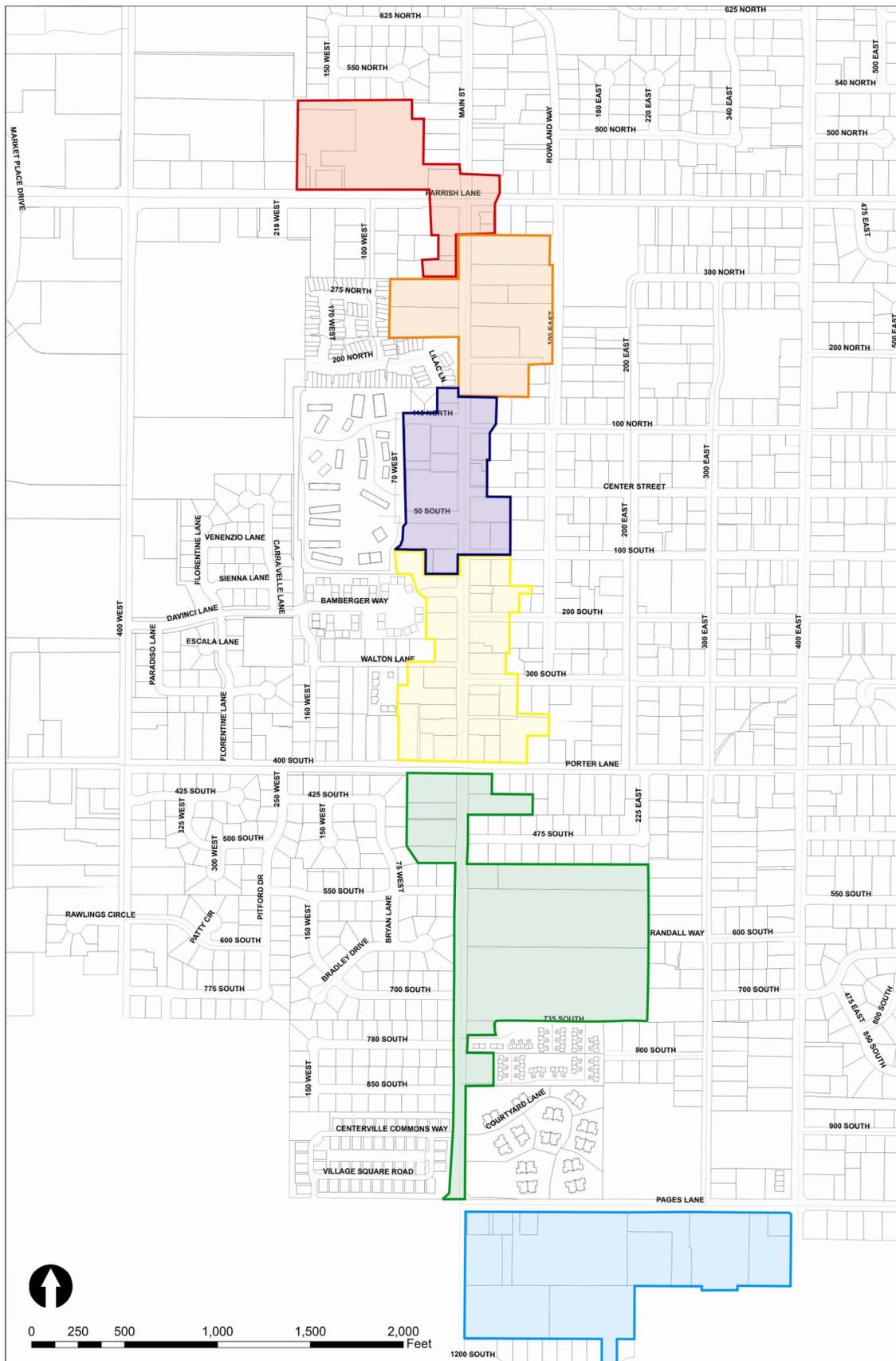
9.B. Establish a front setback range of 0' minimum to 15' maximum to have buildings address the street.

9.C. Establish a maximum height of 35' to allow for buildings of up to three stories to be located within the Mixed-use District.

9.D. Create and enhance pedestrian connections to the other areas along the Main Street Corridor through the use of sidewalks and streetscape enhancements.

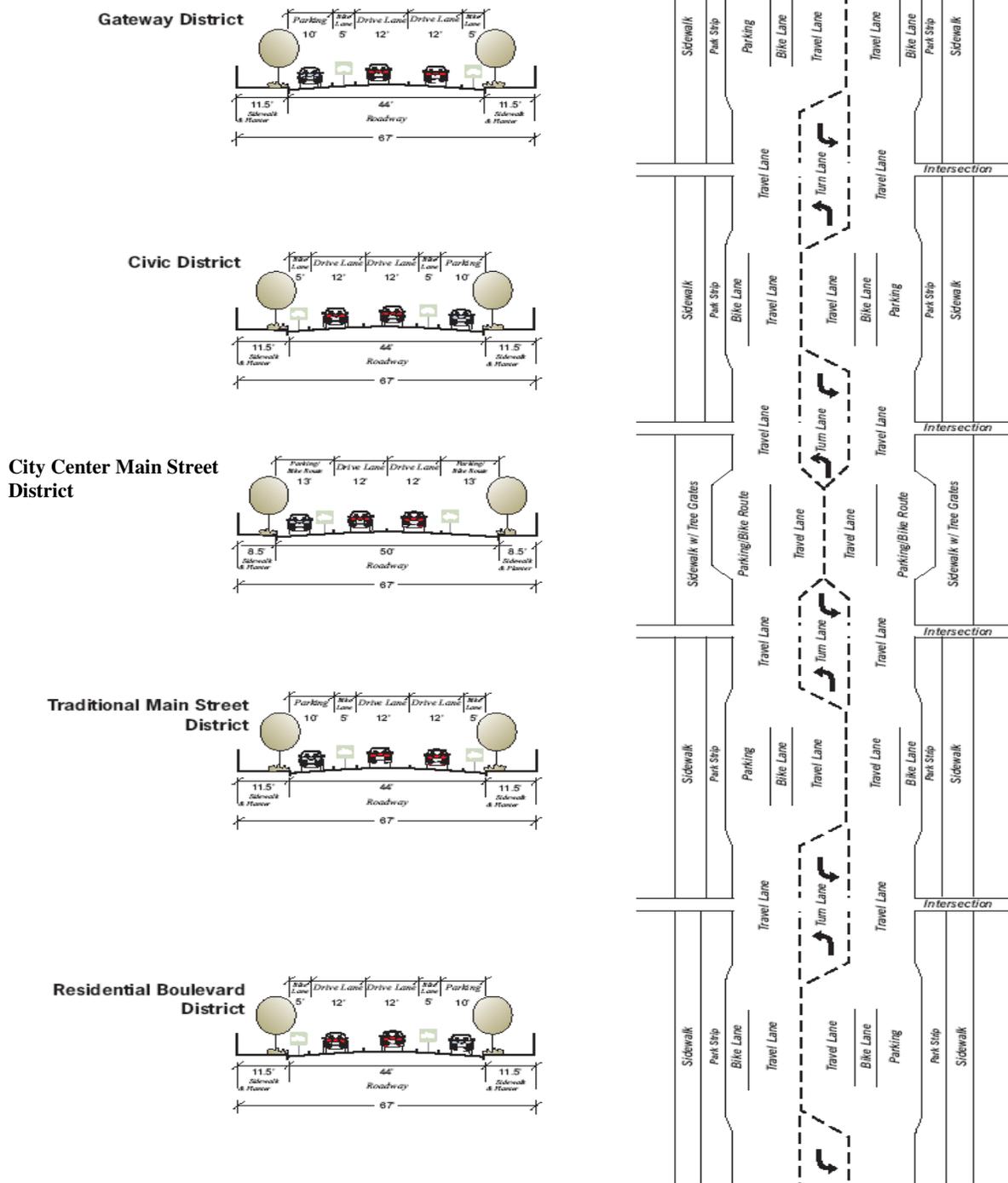
9.E. Orient buildings to the street, with functional entry doors from the street.

9.F. Utilize an urban streetscape pattern, with plazas, gallerias, and wide sidewalks to enhance the pedestrian experience within the mixed-use area.



Main Street Overlay Districts

- North Gateway/Mixed-Use District
- Civic/Cultural District
- Traditional Main Street District
- Residential Boulevard District
- Pages Lane/Mixed-Use District
- City Center Main Street District



# Street X-Sections

# South Main Street Corridor

**SOUTH MAIN STREET CORRIDOR ROADWAY DESIGN (BY DISTRICTS)**

Centerville Main Street Right of Way (ROW) = 67 feet (approx. one foot from back of current sidewalk)

**Option 1: ROW with turn lanes at intersections; bike lanes; Width of travel lanes can function as a shared transit lane; width of parking adjusted for transit**

District	Sidewalk Zone		Roadway Zone							Sidewalk Zone		Total
	West Sidewalk	Park Strip	West Parking	Bike Lane	Travel Lane	Center Lane	Travel Lane	Bike Lane	East Parking	Park Strip	East Sidewalk	
Gateway <i>alternate side of on-street parking by block</i>	7	4.5	10	5	12		12	5		4.5	7	67
Civic <i>alternate side of on-street parking by block</i>	7	4.5		5	12		12	5	10	4.5	7	67
City Center	8.5		13		12		12		13		8.5	67
Traditional Main Street <i>alternate side of on-street parking by block</i>	7	4.5	10	5	12		12	5		4.5	7	67
Residential Boulevard <i>alternate side of on-street parking by block</i>	6	5.5		5	12		12	5	10	5.5	6	67
TOD	8.5		13		12		12		13		8.5	67

**Option 1: Intersections Only: Turn lane; bike lane & parking removed; bulb outs part of park strip #; Width of travel lanes can function as a shared transit lane**

District	Sidewalk Zone		Roadway Zone							Sidewalk Zone		Total
	West Sidewalk	Park Strip & Bulb Out	West Parking	Bike Lane	Travel Lane	Center Turn Lane	Travel Lane	Bike Lane	East Parking	Park Strip & Bulb Out	East Sidewalk	
Gateway	7	6			15	11	15			6	7	67
Civic	7	6			15	11	15			6	7	67
City Center	8.5	4.5			15	11	15			4.5	8.5	67
Traditional Main Street	7	6			15	11	15			6	7	67
Residential Boulevard	6	7			15	11	15			7	6	67
TOD	8.5	4.5			15	11	15			4.5	8.5	67

**Option 2: ROW with a Center Lane; Width of center lane can function as a shared transit lane**

District	Sidewalk Zone		Roadway Zone							Sidewalk Zone		Total
	West Sidewalk	Park Strip	West Parking	Bike Lane	Travel Lane	Center Lane	Travel Lane	Bike Lane	East Parking	Park Strip	East Sidewalk	
Gateway	7.5	5			15	12	15			5	7.5	67
Civic	7.5	5			15	12	15			5	7.5	67
City Center	8.5		8		11	12	11		8		8.5	67
Traditional Main Street <i>alternate side of on-street parking by block</i>	7	4.5	8		12	12	12			4.5	7	67
Residential Boulevard	6	6.5			15	12	15			6.5	6	67
TOD	8.5		8		11	12	11		8		8.5	67

**Option 2: Intersections Only: ROW with a Center Lane; Width of center lane can function as a shared transit lane**

District	Sidewalk Zone		Roadway Zone							Sidewalk Zone		Total
	West Sidewalk	Park Strip & Bulb Out	West Parking	Bike Lane	Travel Lane	Center Lane	Travel Lane	Bike Lane	East Parking	Park Strip & Bulb Out	East Sidewalk	
Gateway	7.5	5			15	12	15			5	7.5	67
Civic	7.5	5			15	12	15			5	7.5	67
City Center	8	4.5			15	12	15			4.5	8	67
Traditional Main Street <i>alternate side of on-street parking by block</i>	7	5.5			15	12	15			5.5	7	67
Residential Boulevard	6	6.5			15	12	15			6.5	6	67
TOD	8.5	4			15	12	15			4	8.5	67

**CENTERVILLE**

**Staff Backup Report  
5/5/2015**

Item No.

Short Title: (See City Manager's Memo for summary of meeting business)

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- ☐ City Manager Summary of May 5, 2015 Council meeting



# CENTERVILLE CITY

250 North Main • Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915

Mayor

Paul A. Cutler

City Council

Ken S. Averett

Tamilyn Fillmore

John T. Higginson

Stephanie Ivie

Lawrence Wright

City Manager

Steve H. Thacker

## interoffice MEMORANDUM

**to:** Mayor Cutler  
City Council

**cc:** Department Heads  
Planning Commission

**from:** Steve H. Thacker, City Manager *S. Thacker*

**subject:** City Manager's Summary of May 5, 2015 Council Meeting

**date:** April 30, 2015

**5:30** Work Session re South Main Street Corridor – At their April 21 meeting, the City Council agreed to meet in a future work session to discuss the scope of work relating to a review of the South Main Street Corridor Plan/Ordinances, and the potential use of consultants in this review process. To prepare for this work session, Council members may want to review the current Plan and related ordinances, which are attached to NovusAgenda online. The work session begins at 5:30 p.m. Dinner will be available beginning at 5:15. The Community Development Director, City Attorney, City Manager and Assistant City Manager will participate in this work session.

**7:00** Regular City Council Meeting

**E.1.** Minutes Review and Acceptance – The minutes to be approved are enclosed.

**E.2.** URMMA Proposal – Paul Johnson, Executive Director of the Utah Risk Management Mutual Association (URMMA), will explain a proposal to open up URMMA membership to special districts. URMMA received a request from a special district to join, but membership is currently limited to municipalities. The URMMA Executive Committee is seeking feedback from all of the member cities about this possibility.

**E.3.** Financial Report – This report covers the nine-month period ending March 31, 2015. It was scheduled on the April 21 agenda, but was tabled to this meeting.

**E.4.** Amend FY 2015 Budget – Typically budget amendments are needed each year in June before the close of the fiscal year. In addition, some amendments are needed at this time to accommodate the award of bids for re-roofing City Hall and the 2015 Street Overlay Project, some expenditures funded by grants, and a few other adjustments. This matter was tabled from the April 21 meeting. A public hearing must first occur before the City Council can approve the amendments.

**E.5.** Summary Action Calendar

- a.** Bid award to re-roof City Hall – This project was originally bid in the fall of 2014, but bids were much higher than the available budget. This re-bid has resulted in a more acceptable bid of \$61,500—from VIP Roofing. However, a budget amendment in item #4 on the agenda is still needed before this bid can be awarded.

- b. Bid award for street overlay project** – This is the second bid award for street projects to be done in 2015. The first bid award was in March for crack sealing/slurry sealing. This overlay project will repave Marketplace Drive from the north side of McDonalds to the curve near Big 5 Sporting Goods, as well as the Frontage Road along Iggy’s. This bid award will also require Council’s approval of a budget amendment—item #4 on the agenda.
- E.6. Code Amendment re Campaign Finance** – In their April 21 meeting, the City Council directed the City Attorney to prepare an ordinance repealing the City’s campaign finance requirements. This action will effectively substitute the recently amended State laws on this subject for Centerville’s own regulations. The State Legislature, in their 2015 Session, clarified and expanded campaign finance law in a number of ways. With this in mind, most of the City Council agreed it would be better to rely wholly upon State law.
- E.7. Public Hearing – Accessory Dwelling Units** – Last year the City Council asked the Planning Commission to study the possibility of allowing accessory dwelling units (ADUs) in single-family residential areas. After considerable public outreach and several meetings, the Planning Commission has recommended an ordinance that would allow ADUs as a conditional use in Agricultural-Low and Residential-Low zones. Under the proposal, the property owner would have to occupy the main residence and the portion of floor space that could be used for the ADU would be limited to 25%. Other regulations would also apply. Since this represents a major change in City policy, I recommend the Council Members spend some time reviewing the staff report and supporting documents.
- E.8. FY 2016 Budget** – State law requires that I present my Proposed Budget for FY 2016 to the City Council by the first regular meeting in May. I will be writing a Budget Message—summarizing the Proposed Budget—over the weekend and will hopefully make that available online prior to the Council meeting. The detailed version of the Proposed Budget will be given to the City Council at the meeting. Once the Council has adopted a Tentative Budget, it will be made available via the City’s website. I recommend a public hearing on the Budget during the June 2 Council meeting.
- E.9. Complete Streets Policy** – This matter was tabled from the April 21 Council meeting. In November and December 2014, a working group of City staff and two Council Members—with assistance from WFRC and consultants—drafted a Complete Streets Policy for consideration by the City Council. The Council was briefed on the “Complete Streets” concept in an earlier meeting. The intent of this policy is to encourage the consideration of all types of mobility when constructing, improving or maintaining the public roadways—subject to financial constraints and other limiting factors.
- E.10. Mayor’s Report** – Mayor Cutler will report on several topics, including those shown on the agenda.
- E.11. City Council Liaison Report** – Councilman John Higginson will report on the issues and activities of the Mosquito Abatement District and the solid waste district. He represents Centerville City on the boards of these two special districts.
- E.12. City Manager’s Report** – UDOT is proceeding with the installation of traffic signals at the 1250 West/Parrish Lane intersection. If the Council wants to fund any “betterments” in connection with UDOT’s project, those decisions need to be made very soon. The staff report contains an email dialogue between me and a UDOT manager about the possibility of betterments at this intersection.

- E.13. **Miscellaneous Business** – No topics are showing at this time under this heading.
- E.14. **Closed Meeting, if necessary** – At this time I do not know of a need for a closed meeting, but the agenda allows for that possibility.
- E.15. **Appointments to City Boards/Committees** – Mayor Cutler will likely recommend at least one appointment.

***Potential Agenda Items for May 19, 2015 City Council meetings (subject to change):***

- Budget Work Session
- Closed meeting re litigation
- Recognition of outgoing Youth City Council members
- Summerfest Invitation from Bountiful Davis Arts Council
- Public Hearing - Amendments to Sign Ordinance
- Financial Report for period ending April 30
- RDA meeting

mlm

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No.

Short Title: Councilman Ken Averett

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:10

**SUBJECT**

April 21, 2015 work session and regular City Council meeting

**RECOMMENDATION**

**BACKGROUND**

**ATTACHMENTS:**

Description

- 📎 April 21, 2015 work session minutes
- 📎 April 21, 2015 regular Council meeting minutes

1 Minutes of the Centerville City Council **work session** held Tuesday, April 21, 2015 at 5:15 p.m.  
2 at the City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

3  
4 **MEMBERS PRESENT**

5  
6 Mayor Paul A. Cutler

7  
8 Council Members Ken S. Averett  
9 Tamilyn Fillmore  
10 John T. Higginson  
11 Stephanie Ivie  
12 Lawrence Wright

13  
14 **STAFF PRESENT**

Cory Snyder, Community Development Director  
Lisa Romney, City Attorney  
Katie Rust, Recording Secretary

15  
16  
17  
18 **STAFF ABSENT**

Steve Thacker, City Manager  
Blaine Lutz, Finance Director/Assistant City Manager

19  
20  
21 **VISITORS**

Bret Milburn, Davis County Commissioner  
Jim Smith, Davis County Commissioner

22  
23  
24 **DISCUSSION WITH COUNTY COMMISSIONERS**

25  
26 Mayor Cutler formally invited Commissioners Milburn and Smith to attend the Centerville  
27 Centennial Celebration on May 17<sup>th</sup> at the Bountiful Regional Center, as well as other  
28 Centennial events. The Commissioners talked about the Tour of Utah bike race that will be held  
29 in August.

30  
31 County Tourism Funding – The commitment of tourism dollars from the County for the  
32 Davis Center for the Performing Arts ends at the end of 2015. Mayor Cutler expressed the hope  
33 that the County will continue to help support the Theatre to keep the facility in top condition.  
34 Commissioner Milburn commented that the Commission is in the process of reevaluating  
35 allocation of County tourism dollars and establishing criteria for applications. He said they are  
36 trying to focus on capital expenditures rather than ongoing maintenance of existing facilities.  
37 The Tourism Tax Advisory Board (TTAB) provides guidance and input regarding allocation of  
38 tourism dollars.

39  
40 1250 West Extension – Mayor Cutler stated that extending 1250 West to connect to  
41 Farmington will be important to the long-term economic development of the west side. The  
42 Commissioners indicated their support. The Mayor emphasized that Centerville wants to be  
43 engaged in the planning process for the area (i.e., trails and new high school) to help ensure  
44 that the area is well-planned and vibrant.

45  
46 Paramedic Funding – Mayor Cutler mentioned the need for improvement in paramedic  
47 funding in the County. The amount allocated by the County is not covering the full cost of  
48 paramedic services, forcing the cities to subsidize. Commissioner Milburn responded he does  
49 not think the allocation from the County was ever intended to fully keep up with demand.  
50 Commissioner Milburn added that a mill levy for paramedic services was already approved by the  
51 voters, but has not been implemented. He said he is not excited about the idea of a County-  
52 wide tax increase, and he agreed there is a need to determine the best way to fairly distribute  
53 existing funding.

1            Transportation Funding – Commissioner Milburn stated that discussions need to take  
2 place regarding the “when”, “how”, and “if” of the local option sales tax. He said there seems to  
3 be interest in placing the item on the ballot this year, and explained that the Commission sees  
4 some advantage in coordinating with neighboring counties. Commissioner Milburn said he feels  
5 the cities have the most to gain, since 40% would go to the cities, 40% would go toward transit  
6 development, and 20% would go to the County for regionally significant projects. Councilman  
7 Wright said he would like to see a partnership between the County and the City to put power  
8 lines underground on Main Street to improve first-responder access. Commissioner Milburn  
9 pointed out that putting power lines underground could be included as part of the redevelopment  
10 of Main Street.

11  
12            Mayor Cutler thanked the Commissioners for their time and participation.

13  
14            **SOUTH MAIN STREET CORRIDOR PLAN**

15  
16            At the April 7, 2015 Council meeting the Council voted to deny a Zoning Code Text  
17 Amendment requested by Brighton Homes regarding property on Main Street between 300  
18 South and Porter Lane, and directed staff to research initiating a Temporary Zoning Regulation  
19 Ordinance (TZRO) to take a closer look at the South Main Street Corridor Plan. Lisa Romney,  
20 City Attorney, explained that Brighton Homes subsequently submitted an application for  
21 conceptual site plan approval, in accordance with current zoning ordinances, and has paid the  
22 application fees. If a TZRO is initiated, it would not apply to existing completed applications  
23 which are deemed vested. Councilman Wright emphasized that he feels the City needs to put  
24 something in place to direct future applications, and expressed his desire to implement a TZRO.  
25 Councilman Higginson stated he recommended against a TZRO at the previous meeting  
26 because of what it may prompt Brighton Homes to do. Mayor Cutler stated that the Council has  
27 a responsibility to both respond to citizens, and protect the rights of property owners.  
28 Councilwoman Fillmore said she does not view this as a citizens versus property owner issue.  
29 The Main Street issue has been thoroughly examined twice, and the process was successful in  
30 balancing and listening to citizen concerns and property owner concerns to benefit the City as a  
31 whole. Councilwoman Fillmore said she questions whether the outcome would be very different  
32 if the City goes through the process again, and whether it would be worth setting aside other  
33 goals identified by the Council to go through the process again.

34  
35            Responding to Mayor Cutler’s comment, Councilwoman Ivie stated she realizes the  
36 Council has both responsibilities, but she feels the existing application is no longer part of the  
37 discussion. She feels the Council now needs to listen to the citizens. The compromise of the  
38 South Main Street Plan had not been tested until the Brighton Homes application, and the  
39 citizens are not happy with what is possible. Councilwoman Ivie continued that Main Street is  
40 no longer a viable commercial area. Councilwoman Fillmore said she is aware of plans for  
41 vibrant commercial redevelopment on Main Street, adding that commercial does not have to be  
42 retail. Councilman Higginson added that online shopping does not replace the need for medical  
43 offices, and other office uses. Rather than spending six months with a TZRO, Councilwoman  
44 Fillmore said she would prefer having a few more work sessions to identify what could be  
45 changed. Councilman Wright said he does not think looking at the Plan will require the same  
46 intensity that was previously needed, but a six-month moratorium would allow time to tune the  
47 ordinance. Councilman Averett commented that the proposed historic district was not included  
48 in the previous discussions, and he feels it is important to include consideration of the proposed  
49 historic district. Councilman Averett asked if staff feels there is a risk of other applications being  
50 submitted soon. Ms. Romney stated that the drafted ordinance was written for the entire South  
51 Main Street Corridor, but the Council could remove some districts if desired. Mr. Snyder  
52 responded that it would be difficult to guess, but if the existing application is successful it could

1 generate interest in redevelopment. Mr. Snyder added that he feels the old Dick's Market  
2 location is the most ripe for redevelopment. Councilwoman Fillmore pointed out that the Pages  
3 Lane area is already on the Council's goal list for this year.  
4

5 Mr. Snyder stated that a TZRO gives an advantage in the case of imminent future  
6 development, but does not gain an advantage for data. He said a TZRO would send a message  
7 that the South Main Street Corridor Plan is the highest priority, with a six-month deadline.  
8 Councilman Wright repeated that he feels a TZRO makes sense. Councilwoman Fillmore  
9 asked if there is a disadvantage to the City implementing too many TZROs. Ms. Romney  
10 responded that each TZRO needs to be able to stand on its own with sufficient findings of  
11 compelling countervailing public interest. Mr. Snyder stated that the Council would need to be  
12 able to defend with strong reasons the need for a TZRO to reverse something approved fairly  
13 recently by a previous Council. Councilman Higginson said he feels the appropriate time for a  
14 TZRO has passed, and the Council can make changes without a TZRO.  
15

16 Mr. Snyder, Mayor Cutler, and Council members Fillmore and Higginson indicated they  
17 believe a TZRO would close the door to negotiations with developers, specifically with Brighton  
18 Homes. Councilman Wright said he looks at a TZRO as opening the door to negotiations. Mr.  
19 Snyder stated there may be a small window for possibly negotiating with Brighton Homes to  
20 make the proposed project closer to what is desired. Councilman Higginson agreed, saying he  
21 would prefer to take action to address the existing application.  
22

23 Referring to concerns voiced during the public hearing on April 7<sup>th</sup>, Councilwoman Ivie  
24 asked about the dental office parking. Mayor Cutler responded that staff researched and found  
25 no legal agreement concerning dental office off-site parking requirement.  
26

27 **ADJOURNMENT**

28  
29 At 6:54 p.m. Mayor Cutler adjourned the work session.  
30  
31  
32  
33

34  
35 \_\_\_\_\_  
36 Marsha L. Morrow, City Recorder  
37

34  
35 \_\_\_\_\_  
36 Date Approved  
37

38  
39  
40  
41 \_\_\_\_\_  
Katie Rust, Recording Secretary

# PRELIMINARY DRAFT

1 Minutes of the Centerville **City Council** meeting held Tuesday, April 21, 2015 at 7:05 p.m. in the  
2 Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

## MEMBERS PRESENT

3  
4  
5  
6 Mayor Paul A. Cutler

7  
8 Council Members Ken S. Averett  
9 Tamilyn Fillmore  
10 John T. Higginson  
11 Stephanie Ivie  
12 Lawrence Wright

## STAFF PRESENT

13  
14 Cory Snyder, Community Development Director  
15 Lisa Romney, City Attorney  
16 Randy Randall, Public Works Director  
17 Katie Rust, Recording Secretary

## STAFF ABSENT

18  
19 Steve Thacker, City Manager  
20 Blaine Lutz, Finance Director/Assistant City Manager

## VISITORS

21  
22 Nathan Peterson, UDOT Project Manager  
23 Interested citizens (see attached sign-in sheet)

## PLEDGE OF ALLEGIANCE

24  
25  
26  
27 PRAYER OR THOUGHT Mayor Paul Cutler

## OPEN SESSION

28  
29  
30  
31 No one wished to comment.

## MINUTES REVIEW AND ACCEPTANCE

32  
33  
34  
35 The minutes of the April 7, 2015 Council meeting were reviewed. Lisa Romney, City  
36 Attorney, requested an amendment. Councilman Averett made a **motion** to approve the  
37 minutes as amended. Councilman Higginson seconded the motion, which passed by  
38 unanimous vote (5-0).

## PRESENTATION REGARDING SOUTH DAVIS I-15 PROJECT

39  
40  
41  
42 Nathan Peterson, UDOT Project Manager for the South Davis I-15 Project, updated the  
43 Council on the Project, and showed a simulation video to demonstrate movements through the  
44 interchanges that have been redesigned. Construction of the pedestrian bridge at Parrish Lane  
45 is expected to be completed this summer; however, construction of the sidewalk on the east  
46 side of the bridge is not included in the current contract. Mr. Peterson said he anticipates the  
47 sidewalk will be completed by the end of the year. Mr. Peterson and Councilwoman Fillmore  
48 reported on the earth-tone color scheme selected for the pedestrian bridge. Mr. Peterson  
49 updated the Council on the status of drainage culvert projects at Lund Lane and Chase Lane.  
50

1                    **QUESTAR FRANCHISE RENEWAL**

2  
3                    Ms. Romney reported that Questar has paid the application fee and signed the renewal  
4 Franchise Agreement. Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2015-  
5 06 granting to Questar Gas Company a Franchise for the construction, operation, and  
6 maintenance of a Gas Distribution System in Centerville City. Councilwoman Ivie seconded the  
7 motion, which passed by unanimous vote (5-0).

8  
9                    **WHITAKER MUSEUM SIGN**

10  
11                   Spencer Packer, Whitaker Museum Board Chair, provided drawings of the proposed  
12 sign for the Whitaker Museum. The Board previously allocated \$6,000 for the sign in the  
13 Museum Budget. The Rotary Club has donated an additional \$2,000. The Whitaker Board has  
14 received preliminary bids and learned that approximately \$4,000 more will be needed to  
15 complete the project. Chair Packer said the Board is asking the Council for the full amount at  
16 this time, which could potentially be offset by City department labor or in-kind donations. Staff  
17 suggested the amount come from General Fund balance if the Council wants to provide this  
18 additional funding.

19  
20                   Councilman Wright made a **motion** to approve allocation of up to \$4,000 from General  
21 Fund balance for the Whitaker Museum sign. Councilwoman Ivie seconded the motion, which  
22 passed by unanimous vote (5-0).

23  
24                   **TEMPORARY ZONING REGULATIONS FOR SOUTH MAIN STREET CORRIDOR**  
25 **ZONE – CONSIDER ORDINANCE NO. 2015-05**

26  
27                   At the April 7, 2015 City Council meeting the Council directed staff to research initiating  
28 a Temporary Zoning Regulation Ordinance (TZRO) to take a closer look at the South Main  
29 Street Corridor Plan. Staff provided a sample ordinance as well as a memorandum addressing  
30 legal issues regarding the TZRO. Mr. Snyder explained that since the last Council meeting,  
31 Brighton Homes has submitted an application for conceptual site plan approval, in accordance  
32 with current zoning ordinances, that includes 50 units on the property between 300 South and  
33 Porter Lane on Main Street. A TZRO would prevent future applications for up to six months.  
34 Mr. Snyder explained that site plan applications – whether permitted or conditional use – are  
35 handled by the Planning Commission for review and approval. He said he suspects the existing  
36 application may eventually include subdivision of land, which would be presented to the Council  
37 on recommendation from the Planning Commission. Mr. Snyder stated that from his  
38 perspective a TZRO would close the door to negotiations regarding the existing application.

39  
40                   Councilman Wright stated he believes there is nothing the Council can do about the  
41 existing application. He is concerned about the rest of the corridor, and he said he thinks it  
42 would be good to have a TZRO to engage the residents and property owners regarding what  
43 needs to be in place. Councilman Wright added that the process does not need to take six  
44 months. Councilwoman Fillmore stated that although there is possibly a need and willingness to  
45 talk more about the Main Street Plan and make changes as needed, the vocalization of concern  
46 was spurred by the specific project. She said she feels a TZRO would likely hinder the ability to  
47 help the existing project happen in a better way with a better end result. The existing  
48 application is quite different from what was first proposed, which Councilwoman Fillmore said  
49 she feels is a result of a lack of negotiation. She suggested the City negotiate for the best  
50 possible outcome of the current project under the existing legal constraints, and continue  
51 discussing changes needed for the Main Street Plan, with the possibility of placing a TZRO in  
52 the future if needed.

1 Councilwoman Ivie expressed frustration that the City got this far without realizing that  
2 the South Main Street Corridor Plan allows the proposed density. Councilwoman Ivie listed  
3 potential problems with the options available, and stated she does not see a clear answer to the  
4 problem. Mr. Snyder briefly described the existing application. Mayor Cutler stated he feels  
5 there is a better chance of influencing density and design of the project by not imposing a TZRO  
6 at this time. Councilman Wright asked if the City could negotiate with the current project and  
7 implement a TZRO to look at the rest of Main Street simultaneously. Councilwoman Ivie agreed  
8 with Councilman Wright that the TZRO would not need to be a long drawn-out process and  
9 repeated his question. Ms. Romney responded that the submitted application for site plan  
10 approval will be considered by the Planning Commission and will not come before the Council.  
11 Negotiations could occur with a TZRO in place, but the TZRO would have to be repealed in  
12 order to consider a text amendment or rezone. Councilwoman Fillmore stated she thinks doing  
13 both would send mixed messages. She repeated her suggestion that the City continue  
14 negotiations to hopefully improve the existing project, and save the TZRO for a later time if  
15 needed. Councilman Higginson said he feels a TZRO would send a message that the City is  
16 not interested in working something out that is beneficial to the developer and the citizens.  
17 Council members Ivie and Averett expressed disappointment that Brighton Homes submitted  
18 the current application. Councilman Averett agreed with a comment made by Councilman  
19 Higginson during the work session that the time for a TZRO has passed, and said he does not  
20 think there is an imminent threat of another application in the near future.

21  
22 Councilman Higginson stated he hopes the developer will see the decision to not  
23 implement a TZRO as an opportunity to work out something good for the community.  
24 Councilman Wright stressed the need to make necessary changes to the South Main Street  
25 Corridor Plan quickly. Councilwoman Fillmore pointed out that it is easy to state what is not  
26 wanted, and asked the public to be thoughtful about what development would be desirable.

27  
28 Councilman Averett asked Mr. Snyder if he thinks additional applications are imminent,  
29 how quickly an evaluation of the Plan could take place, and if hiring additional consultants would  
30 be helpful. Mr. Snyder responded there are properties with potential for redevelopment, but he  
31 does not expect anything in the next six months. The existing project may generate interest if it  
32 is successful. The length of time needed for an evaluation will depend on the priority assigned  
33 by the Council. Hiring a consultant specializing in the economics and market conditions of  
34 redevelopment would be helpful. Referring to comments made in the April 7<sup>th</sup> meeting that  
35 commercial is no longer viable on Main Street, Mr. Snyder stated that removing commercial  
36 would have economic impacts on the City as well as the property owners. He said he is not  
37 sure that commercial is not viable. Responding to the concern regarding density, Mr. Snyder  
38 said that a development of single-family homes on Main Street may not work economically.  
39 Councilwoman Fillmore pointed out that single-family development is already an available use,  
40 and would have already happened if it were viable. Councilman Averett said he feels it would  
41 be worth the time and money to direct staff to engage an outside consultant to provide market  
42 research in conjunction with looking at other aspects of the Main Street Plan, including  
43 preservation of the proposed historic district.

44  
45 Councilwoman Fillmore made a **motion** to direct the City Manager to schedule a work  
46 session to determine the scope of work for the City and an independent consultant regarding  
47 the South Main Street Corridor Plan. Councilman Wright seconded the motion, which passed  
48 by unanimous vote (5-0). Mr. Snyder said he will work with the developer to improve the  
49 existing project as much as possible.

50  
51 At 8:43 p.m. the Council took a break, returning at 8:56 p.m.  
52

1                    **SIGN ORDINANCE**  
2

3                    City Attorney Romney briefed the Council on Federal and State regulations regarding  
4 sign ordinances, and advised that the most defensible ordinances deal with time, place, and  
5 manner restrictions, avoiding regulation of content. The Council discussed setbacks and size  
6 allowances, focusing on campaign signs. Councilman Wright asked if the City could have  
7 separate allowances for campaign signs during elections. Ms. Romney responded that singling  
8 out campaign signs would be regulating content and is not advisable. She reported on sign  
9 regulations in neighboring cities. The Council discussed existing enforcement regulations with  
10 staff. Councilwoman Fillmore suggested reducing setbacks, and allowing signs on property-line  
11 fences as long as safety is not compromised. Councilman Wright said he has a problem with  
12 limiting the number of campaign signs allowed on commercial property.  
13

14                    Councilwoman Fillmore made a **motion** to request that the Planning Commission revisit  
15 the sign ordinance with the following guidelines: change the residential and multi-tenant size  
16 allowance from 12 square-feet to 16 square-feet; remove the limit on the number of signs  
17 allowed on commercial property with an allowance of 50 square-feet; remove setbacks on  
18 residential property, and reduce setbacks to three feet on commercial property; and increase  
19 the three-foot height limit to four feet and the four-foot height limit to five feet. Councilwoman  
20 Ivie seconded the motion, which passed by unanimous vote (5-0).  
21

22                    **CAMPAIGN FINANCE ORDINANCE**  
23

24                    Councilwoman Fillmore made a **motion** to repeal the City Code regarding Campaign  
25 Finance and accept the State Code as the City Campaign Finance Ordinance. Councilman  
26 Averett seconded the motion. Ms. Romney explained Legislative changes regarding campaign  
27 contribution reporting. Councilman Wright made a **motion** to amend the motion to direct staff to  
28 prepare an ordinance that would repeal the City's current Campaign Finance Ordinance and  
29 adopt the State Code. Councilwoman Ivie stated that it matters to her who candidates are  
30 funded by, and said she would like the City to require disclosure prior to the primary election.  
31 Councilman Averett seconded Councilman Wright's motion to amend the motion. The amended  
32 motion passed by majority vote (4-1), with Councilwoman Ivie dissenting. Staff agreed to  
33 prepare an ordinance repealing Section 2-03-110 of the City Ordinances to bring back to the  
34 Council for consideration at their next meeting.  
35

36                    **PROPOSED COMPLETE STREETS POLICY/FINANCIAL REPORT/AMEND FY 2015**  
37 **BUDGET**  
38

39                    Councilman Wright made a **motion** to table discussion of the proposed Complete  
40 Streets Policy, the Financial Report, and the FY 2015 Budget Amendments to the next Council  
41 meeting. Mayor Cutler explained that the bid for re-roofing City Hall and the bid for the 2015  
42 Street Overlay Project cannot be awarded until the FY 2015 Budget is amended. Councilman  
43 Averett seconded the motion, which passed by unanimous vote (5-0).  
44

45                    **SUMMARY ACTION CALENDAR**  
46

- 47                    a. Award bid for re-roofing City Hall
- 48                    b. Award bid for the 2015 Street Overlay Project
- 49                    c. Award bids for labor and materials for construction of the Legacy Trail Subdivision  
50                    waterlines
- 51                    d. Accept Public Utility Easement for Paul Holmes Single Parcel Development at 150  
52                    East 200 South

1 e. Terminate warranty period for Chapel Ridge Cove Subdivision  
2

3 Items (a) and (b) on the Summary Action Calendar cannot be approved until the FY  
4 2015 Budget is amended. Councilman Wright made a **motion** to approve items (c), (d), and (e)  
5 on the Summary Action Calendar. Councilman Higginson seconded the motion, which passed  
6 by unanimous vote (5-0).  
7

8 **MAYOR'S REPORT**  
9

- 10 • Mayor Cutler provided UTOPIA financial reports, and reported on discussions  
11 regarding creation of an independent taxing district for the South Davis Metro Fire  
12 Agency. Councilman Wright stated he is opposed to an independent taxing district,  
13 and he is aware of a group in Bountiful that will call for a referendum if action is taken  
14 to increase taxes. Councilman Wright said he believes there are other ways to get  
15 an improved fire station for the City. Councilman Higginson said he feels there is a  
16 loss of oversight with taxing districts. Council members Higginson and Ivie indicated  
17 they would be more inclined to approve creation of an independent taxing district if  
18 approval of each individual city council were required to increase taxes.
- 19 • The Mayor reported on the recent tree planting activity and the upcoming day of  
20 service in conjunction with the Centennial Celebration. He reported on fundraising  
21 efforts, and mentioned that Centennial t-shirts are available on the City website.  
22

23 **MISCELLANEOUS BUSINESS**  
24

25 Councilman Wright informed the Mayor that he is aware of a citizen interested in  
26 appointment to the Whitaker Museum Board.  
27

28 **ADJOURNMENT**  
29

30 At 9:59 p.m. Councilwoman Fillmore made a **motion** to adjourn the meeting.  
31 Councilman Wright seconded the motion, which passed by unanimous vote (5-0).  
32  
33  
34  
35  
36

37 \_\_\_\_\_  
38 Marsha L. Morrow, City Recorder  
39

\_\_\_\_\_ Date Approved

40  
41  
42 \_\_\_\_\_  
43 Katie Rust, Recording Secretary

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No. 2.

Short Title: Presentation re proposal to open URMMA membership to special districts

Initiated By: Paul Johnson, Executive Director, Utah Risk Management Mutual Association (URMMA)

Scheduled Time: 7:10

**SUBJECT**

**RECOMMENDATION**

Allow Paul Johnson, Executive Director of the Utah Risk Management Mutual Association, to explain a proposal to open up URMMA membership to special districts. Provide feedback on this proposal.

**BACKGROUND**

Recently a special service district requested to join URMMA. URMMA's Interlocal Agreement limits membership to Utah cities and would need to be amended to allow non-municipal entities such as special service districts to join. Every member city must approve any amendments to the Agreement. The Executive Committee of URMMA's Board of Directors is interested in allowing this type of entity to join but before proceeding has asked CEO Paul Johnson to visit each city council to gauge the city's willingness to sign an amendment to the Interlocal Agreement. If every city manifests a willingness, URMMA will prepare an actual amendment to bring back to the cities for approval.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No. 3.

Short Title: Financial Report for period ending March 31, 2015

Initiated By: Finance Director, Blaine Lutz

Scheduled Time: 7:25

**SUBJECT**

**RECOMMENDATION**

Allow Blaine Lutz, Finance Director, to note highlights/concerns and answer questions about the 9-month financial report.

**BACKGROUND**

The financial report for the nine-month period ending March 31, 2015 is attached. This matter was postponed from the April 21 meeting.

**ATTACHMENTS:**

Description

- ☐ Interim report



<b>Enterprise Funds</b> <b>Unaudited Summary</b> <b>March 2015</b>
--

	This Month	Year to Date	FY 15 Budget	75% % Budget
<b>Water</b>				
Revenues:				
Impact/construction Fees	\$310,492	\$288,448	\$230,000	125.41%
Water Sales	\$150,586	\$1,421,999	\$1,861,500	76.39%
Bond Revenue	\$0	\$0	\$468,000	0.00%
Other	\$27	\$47,218	\$66,500	71.00%
<b>Total Revenues</b>	<b>\$461,105</b>	<b>\$1,757,665</b>	<b>\$2,626,000</b>	<b>66.93%</b>
Expenditures				
Operating/Dep/Debt	\$94,826	\$961,357	\$1,935,345	49.67%
Capital Improvement	\$246	\$458,084	\$740,130	61.89%
<b>Total Expenditures</b>	<b>\$95,072</b>	<b>\$1,419,441</b>	<b>\$2,675,475</b>	<b>53.05%</b>
Unrestricted Cash Beginning of Year		\$1,520,844		
Fund Balance estimate 3/31/2015		\$1,859,068		

**Sanitation**

Revenues:				
Collection Fees	\$57,543	\$519,322	\$697,400	74.47%
Recycling fees	\$14,467	\$130,262	\$167,885	77.59%
Green Waste fees	\$7,146	\$64,486	\$80,000	80.61%
Other	\$210	\$910	\$7,470	12.18%
<b>Total Revenues</b>	<b>\$79,366</b>	<b>\$714,980</b>	<b>\$952,755</b>	<b>75.04%</b>
Expenditures:				
Disposal	\$27,952	\$224,461	\$311,000	72.17%
Collection	\$22,543	\$189,292	\$268,000	70.63%
Recycling	\$14,461	\$115,759	\$164,000	70.58%
Green Waste Disposal	\$2,996	\$24,045	\$33,000	72.86%
Other	\$7,642	\$84,025	\$185,325	45.34%
<b>Total Expenditures</b>	<b>\$75,594</b>	<b>\$637,582</b>	<b>\$961,325</b>	<b>66.32%</b>
Unrestricted Cash Beginning of Year		\$20,170		
Fund Balance estimate 3/31/2015		\$97,568		

**Drainage**

Revenues	\$48,991	\$438,048	\$594,100	73.73%
Operating Expenditures	\$62,277	\$317,935	\$648,054	49.06%
Capital Expenditures	\$2,055	\$172,839	\$7,600	2274.20%
<b>Total Expenditures</b>	<b>\$64,332</b>	<b>\$490,774</b>	<b>\$655,654</b>	<b>74.85%</b>
Unrestricted Cash Beginning of Year		\$387,083		
Fund Balance estimate 3/31/2015		\$334,357		

**Telecommunications**

Revenues:				
Connection Fees	\$17,370	\$188,596	\$275,000	68.58%
Transfers - GF	\$0	\$20,840	\$20,840	100.00%
<b>Total Revenues</b>	<b>\$17,370</b>	<b>\$209,436</b>	<b>\$295,840</b>	<b>70.79%</b>
Expenditures:				
Utility Service charges	\$17,296	\$127,653	\$261,250	48.86%
UIA operating assessment	\$0	\$62,513	\$62,513	100.00%
Operating service charge	\$1,214	\$5,628	\$13,750	40.93%
<b>Total Expenditures</b>	<b>\$18,510</b>	<b>\$195,794</b>	<b>\$337,513</b>	<b>58.01%</b>
Unrestricted Cash Beginning of Year		\$2,588		
Fund Balance estimate 3/31/2015		\$16,230		

<b>Capital Projects</b> <b>Unaudited Summary</b> <b>March 2015</b>
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This Month	Year to Date	FY 15 Budget	<u>75%</u> % Budget
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**Capital Improvement**

**Storm Drain**

Revenues:

Fund Balance			\$51,283	
Impact Fees	\$50,733	\$52,523	\$25,000	210.09%
Grants	\$0	\$0	\$0	0.00%
Other	\$75	\$663	\$75	884.00%
<b>Total Revenues</b>	<b>\$50,808</b>	<b>\$53,186</b>	<b>\$76,358</b>	<b>69.65%</b>

Expenditures	\$691	\$10,044	\$226,358	4.44%
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Fund Balance at Beginning of Year \$57,649

Fund Balance estimate 3/31/2015 \$100,791

**Park**

Revenues:

Fund Balance			\$263,461	
Impact Fees	\$0	\$12,342	\$75,000	16.46%
Transfer	\$0	\$0	\$0	0.00%
Grants	\$0	\$0	\$0	0.00%
Other	\$0	\$0	\$400	0.00%
<b>Total Revenues</b>	<b>\$0</b>	<b>\$12,342</b>	<b>\$338,861</b>	<b>16.37%</b>

Expenditures	\$85	\$382,060	\$338,861	112.75%
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Fund Balance at Beginning of Year (est.) \$336,463

Fund Balance estimate 3/31/2015 -\$33,255

**Capital Projects Fund**

Revenues:

Fund Balance				
Transfers - General	\$37,081	\$274,876	\$274,876	100.00%
RDA additional increment	\$0	\$0	\$160,000	0.00%
Other	\$0	\$0	\$100	0.00%
<b>Total Revenues</b>	<b>\$37,081</b>	<b>\$274,876</b>	<b>\$434,976</b>	<b>63.19%</b>

Expenditures

UTOPIA Pledge	\$37,081	\$274,876	\$444,976	61.77%
Projects			\$0	0.00%
<b>Total Expenditures</b>	<b>\$37,081</b>	<b>\$274,876</b>	<b>\$444,976</b>	<b>61.77%</b>

Balance at Beginning of Year \$42,496

Fund Balance estimate 3/31/2015 \$42,496



**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No. 4.

Short Title: Amend FY 2015 Budget

Initiated By: City Manager and Finance Director

Scheduled Time: 7:30

**SUBJECT**

- a. Staff report
- b. Public hearing
- c. Consider Resolution No. 2015-06

**RECOMMENDATION**

This was tabled from the April 21, 2015 Council meeting. Allow Blaine Lutz, Finance Director, to explain the proposed amendments to the FY 2015 Budget. The Council should then conduct a public hearing on this matter before considering Resolution No. 2015-06.

**BACKGROUND**

As typical in each fiscal year, a number of revisions are needed to the Adopted Budget before the fiscal year ends. Normally there are amendments in June, or the last month of each fiscal year. Sometimes amendments are also needed earlier in the fiscal year. Item #5 on the agenda includes the award of two contracts--one for re-roofing City Hall and the other for the annual street paving project--which should not be awarded until the Council amends the Budget in item #4 to provide additional budget authority for these projects.

The proposed amendments are shown in the second attachment below. Under the "Revenues" section of the "Proposed Amended Budget", staff are not trying to project/estimate all changes in revenues at this time, but will wait until June's budget amendments. The amendments in the Revenues section, however, will provide most of the funding needed for the amendments in the "Expenditures" section. These include the CLG grant funds awarded after the adoption of the FY 2015 Budget, a donation from Rotary Club for the Museum sign, and a higher estimate of "Charges for Services" to offset some of the increased expenditures on the "Engineering" line. General Fund Balance is also tapped for additional street projects funding and for the Museum sign (approved by the City Council in their April 21 meeting). The remaining funds needed to cover the additional expenditures are provided by budget reductions on two of the Expenditure lines.

Note 4 under the Revenues section relates to Note 3 under Expenditures. Staff advised the City Council earlier they would need to re-appropriate some of the General Fund Balance to cover this year's two street projects contracts and related engineering. Some of the current budget for street projects was used to pay for portions of the 2014 contracts that carried over into the current fiscal year. The current budget of \$750,000 for Street Projects would be increased by \$176,946 to adequately cover the carry-over projects from last year (now completed), the two contracts for this year (one awarded in March and the second one to be awarded under item #5 on the May 5 agenda), some contract contingency and some for ESI's services relating to these projects (planning, in-field assessment of need and quantity, bid spec prep, bid admin, and inspection while the work is done).

Under the Expenditure section, staff are postponing some amendment decisions until June because there is a possibility that budget savings in some detail line items will offset--within the same department--some detail line item budget overruns, a determination that can be better made in June.

Note 4 under Expenditures shows the Engineering budget increasing significantly. It is typical for this to be increased mid-year depending on the amount of development review and inspection required of ESI. This section of the budget is not used for ESI charges that relate to specific public works projects; those charges are assigned to project accounts in the Water Fund, Drainage Utility Fund, Street Projects budget, etc. Most of ESI's expenses in the Engineering

section of the Budget relate to new development and most of those charges are recouped through reimbursements from the developers. But there are also--especially in the current fiscal year--significant ESI charges in the Engineering section for special projects that do not have related construction accounts. For example, the special projects this year include: preparing a plan for a berm at the gap in the sound wall (later abandoned as a project); preparing grant applications for both the Frontage Road sidewalk project and the Parrish Lane Safety Lighting Project; engineering drainage improvements under the library parking lot (which the County will undertake at their cost); Johnson retaining wall investigation; bike lane analysis on Frontage Road and Pages Lane; 1250 West road extension to the north; etc.

The \$88,500 increase to Engineering (Expenditures Note 4) would be funded from several sources (see those respective notes)--i.e. additional reimbursements from developers, savings in building inspection budget, and savings in Public Works salt/sand budget for snowplowing.

Very little is being transferred at this time (\$5800--see Expenditures Note 1) from the Council's Contingency Budget even though a number of potential uses have been identified throughout the year as the Council considered requests from various sources. Staff would like to wait until June's budget amendments to recommend which ones actually need to tap Contingency and how much--because departmental operating budgets will likely have savings to cover at least some of these unanticipated expenses. The City Council, however, has already potentially committed all of the \$28,290 budgeted in the Contingency account. Here is what the Council has agreed to year-to-date: \$2000 for bus stop improvements at Founders Park; \$800 to include part-time employees in the Employee Service Award program; \$500 to join the Transportation Coalition; a second \$10,000, if needed, for the Centennial Book Project (the first \$10,000 is already in the current budget, re-appropriated from last year); \$2466 for net current cost of converting Freedom Hill Park lights to LEDs; and \$6500 net for the Main Street brackets and flag banners. These total \$22,266. Adding the \$5800 that is included in this current Budget Amendment (CLG grant match of \$4200 for Museum and \$1600 for Landmarks Commission), the total becomes \$28,066 or all but a few dollars of the Contingency.

**ATTACHMENTS:**

Description

- ☐ Resolution No. 2015-06
- ☐ Proposed amendments

**RESOLUTION NO. 2015-06**

**A RESOLUTION AMENDING THE FISCAL YEAR 2015 BUDGET OF FUNDS AND ACCOUNTS FOR CENTERVILLE CITY AND GIVING AN EFFECTIVE DATE.**

WHEREAS, in order to conform with the Utah State Code and Accounting Procedures as outlined in the Uniform Accounting Manual, it is necessary to amend the City budget which states revenues and expenditures for the Fiscal Year ending June 30, 2015.

**NOW THEREFORE**, be it resolved by the City Council of Centerville City, Utah, as follows:

**Section 1. Amendment.** That the Fiscal Year 2015 Budget be amended, including all funds and accounts, as shown in the Budget format attached and dated May 5, 2015.

**Section 2. Effective Date.** This Resolution shall become effective May 5, 2015.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH**, on this 5th day of May, 2015.

**CENTERVILLE CITY**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

I hereby certify that the above-mentioned Resolution, entitled "A Resolution Amending the Fiscal Year 2015 Budget of Funds and Accounts for Centerville City and Giving an Effective Date," is a true and accurate copy, including all attachments of the Resolution passed on Wednesday, the 5<sup>th</sup> of May, 2015.

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

**CERTIFICATE OF PASSAGE AND EFFECTIVE DATE**

According to the provisions of the U.C.A. 910-3-719, as amended, resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine; provided, resolutions may not become effective more than three months from the date of passage. I, the municipal recorder of Centerville City, hereby certify that foregoing resolution was duly passed by the City Council and became effective upon passage or a later date as the governing body directed as more particularly set forth below

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

\_\_\_\_\_  
Date

Effective Date: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

<b>FY 2015 General Fund Revenues &amp; Expenditures Second Proposed Amended Budget May 5 ,2015</b>
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	2014/15 Original Approved	2014/15 Proposed	Adjustment	note
<b>Revenues</b>				
Property Tax/Fee in Lieu	\$1,099,835	\$1,099,835	\$0	
Sales Tax	\$3,662,000	\$3,662,000	\$0	
Franchise Taxes	\$1,330,000	\$1,330,000	\$0	
Licenses & Permits	\$356,350	\$356,350	\$0	
Intergovernmental	\$517,825	\$556,655	\$38,830	1
Charges for Services	\$916,175	\$941,175	\$25,000	2
Fines	\$492,000	\$492,000	\$0	
Miscellaneous	\$50,750	\$50,750	\$0	
Contributions & Transfers	\$154,500	\$156,200	\$1,700	3
<b>Total General Fund Revenues</b>	<b>\$8,579,435</b>	<b>\$8,644,965</b>	<b>\$65,530</b>	
<b>Use of Designated Fund Balance</b>				
Use of Undesignated Fund Balance/Other Proceeds	\$88,000	\$268,946	\$180,946	4
<b>Total Sources of Revenues</b>	<b><u>\$8,667,435</u></b>	<b><u>\$8,913,911</u></b>	<b><u>\$246,476</u></b>	
<b>Expenditures</b>				
City Council	\$109,617	\$103,817	-\$5,800	1
Justice Court	\$216,568	\$216,568	\$0	
Executive	\$387,113	\$387,113	\$0	
Attorney	\$151,565	\$151,565	\$0	
Finance	\$510,478	\$510,478	\$0	
Legal	\$33,000	\$33,000	\$0	
Emergency Management	\$10,000	\$10,000	\$0	
Elections	\$0	\$0	\$0	
Youth Council	\$7,000	\$7,000	\$0	
Police	\$2,318,757	\$2,318,757	\$0	
Liquor Law	\$19,650	\$19,650	\$0	
School Crossing	\$54,650	\$54,650	\$0	
DARE	\$103,830	\$103,830	\$0	
K-9	\$7,250	\$7,250	\$0	
Animal Control	\$22,000	\$22,000	\$0	
Fire	\$822,340	\$822,340	\$0	
Public Works Administration	\$288,584	\$288,584	\$0	
Streets	\$686,709	\$669,709	-\$17,000	2
Street Projects	\$750,000	\$926,946	\$176,946	3
Other Improvement Projects	\$0	\$0	\$0	
GIS	\$96,988	\$96,988	\$0	
Engineering	\$86,500	\$175,000	\$88,500	4
Parks	\$813,541	\$815,241	\$1,700	5
Community Events	\$43,650	\$43,650	\$0	
City Hall	\$184,110	\$203,410	\$19,300	6
Parks & Recreation Facility	\$10,526	\$10,526	\$0	
Public Works Facility	\$36,500	\$36,500	\$0	
Public Works Storage	\$6,160	\$6,160	\$0	
Community Development	\$293,873	\$297,073	\$3,200	7
Building Inspection	\$120,400	\$82,980	-\$37,420	8
Transfers/Other	\$476,076	\$493,126	\$17,050	9
<b>Total General Fund Expenditures</b>	<b><u>\$8,667,435</u></b>	<b><u>\$8,913,911</u></b>	<b><u>\$246,476</u></b>	
Use of Fund Balance				
Sources Over (Under) Expenditures	\$0	\$0	<u>\$0</u>	

<p><b>General Fund</b>  <b>Second Proposed Amended Budget Notes</b>  <b>FY 2015</b></p>
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**Revenues**

Note#	1	Grants		
		CLG	\$10,000	
		Police	\$28,830	
Note#	2	Charges for development	\$25,000	
Note#	3	Contribution from Rotary	\$1,700	
Note#	4	Use of fund balance	\$180,946	\$176,946 for street projects - \$4,000 for Whitaker sign

**Total Sources of Funds**

**\$246,476**

**Expenditures**

Note#	1	Council Contingency	-\$5,800	CLG grant matches
Note#	2	Streets	-\$17,000	Salt/sand savings
Note#	3	Street Projects	\$176,946	Additional for 2015 street bids
Note#	4	Engineering	\$88,500	Additional development & special projects
Note#	5	Parks	\$1,700	Disc golf - Rotary donation
Note#	6	City Hall roof	\$19,300	Additional bid cost and project bidding and inspection
Note#	7	Landmarks	\$3,200	CLC grant
Note#	8	Inspection	-\$37,420	Inspection savings
Note#	9	Transfer to Whitaker	\$17,050	\$13,050 CLG grant and match/energy savings \$4,000 for sign as approved by Council

**Total Expenditure Adjustment**

**\$246,476**

*Revenue over/under expenditures*

*\$0*

<b>FY 2015 Other Funds  Revenues &amp; Expenditures  Second Proposed Amended Budget  5/5/2015</b>
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	2014/15	2014/15		
	Approved	Amended	Adjustment	Note

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**Whitaker**

Revenues/Sources	\$52,214	\$69,264	\$17,050
<hr/>			
Expenditures	\$52,214	\$69,264	\$17,050
<hr/>			
Revenue Over/Under Expenditures	\$0	\$0	\$0

Notes:  
CLG grant  
Energy savings grant  
Whitaker sign

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No. 5.

Short Title: Summary Action Calendar

Initiated By: City staff

Scheduled Time: 7:40

**SUBJECT**

- a. Award bid for re-roofing City Hall
- b. Award bid for the 2015 Street Overlay Project

**RECOMMENDATION**

- a. Award bid to VIP Roofing in the amount of \$61,500 for re-roofing City Hall building.
- b. Award bid to Granite Construction in the amount of \$244,887 for the 2015 Street Overlay Project.

**BACKGROUND**

- a. Bids for re-roofing City Hall were solicited by ESI Engineering. See attached bid tabulation. The project was initially bid in late summer 2014. The low bidder withdrew his bid (about \$59,000) and the other bid amounts were \$80,000+, or way over the project budget of \$50,000. All bids were subsequently rejected with the intent of bidding again in the spring of 2015. Based on last year's bid results, staff expected the bids would again be in the vicinity of \$80,000. Therefore, they were pleased to see the low bid of \$61,500. The City Engineer has confirmed with the low bidder that he is willing to stick with his bid, and has checked references sufficiently to recommend awarding the bid to VIP Roofing.
- b. Bids for the 2015 Street Overlay Projects were solicited by ESI Engineering. See attached bid tabulation. The City Engineer was pleased that all three bids were below his estimate of \$292,897.

**ATTACHMENTS:**

Description

-  City Hall Roofing Bid Award Recommendation
-  Bid Award Recommendation for Annual Street Paving Contract
-  Bid Tabulations for Annual Street Paving Contract

## Marsha Morrow

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**From:** kevin campbell <kevin.campbell@esieng.com>  
**Sent:** Thursday, April 16, 2015 1:45 PM  
**To:** Steve Thacker  
**Cc:** Marsha Morrow; ryan.mcleod@esieng.com; Bruce Cox; Randy Randall  
**Subject:** City Hall Roof  
**Attachments:** Bid Tab\_4-15-2015.pdf; 00 51 00 Notice of Award.DOC

Steve -

Bids were received on March 31, 2015 for the above referenced project. The following contractors submitted bids:

- |                       |             |
|-----------------------|-------------|
| 1. VIP Roofing        | \$61,500.00 |
| 2. Reg Miles Roofing  | \$78,865.00 |
| 3. North Face Roofing | \$86,720.00 |
| Engineer Estimate     | \$88,000.00 |

We have checked several references for VIP Roofing and two of the three references gave them a fair rating, while one gave them a good rating. All three said that they plan to use VIP on future projects. VIP received no negative comments regarding their quality of work, but did on scheduling and project management.

It is recommended that the project be awarded to VIP Roofing in the amount of \$61,500.00

Let me know if additional information is needed.

Kevin

**Kevin Campbell, P.E.**  
Centerville City Engineer

**Kevin Campbell, P.E.**  
ESI Engineering, Inc  
3500 S. Main St.  
SLC, Ut 84115  
801.263.1752

## Marsha Morrow

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**From:** kevin campbell <kevin.campbell@esieng.com>  
**Sent:** Friday, April 17, 2015 2:53 PM  
**To:** Steve Thacker  
**Cc:** Marsha Morrow; Randy Randall; Ken Williams; ryan.mcleod@esieng.com  
**Subject:** Street Overlay Project 2015  
**Attachments:** #14-161 NOA.pdf; #14-161 Bid Tab.pdf

Steve -

The following bids were received this morning for the Street Overlay Project - Frontage Road & Marketplace Drive - 600 North to 100 South:

1. Granite Construction Co.	\$244,887.00
2. Morgan Asphalt	\$263,134.00
3. Staker Parson Co.	\$268,000.00
Engineer Estimate	\$292,897.50

We were very pleased to have received three competitive bids from such reputable companies. Granite Construction has a very good reputation in the industry. Some of the Cities they have worked with recently include Kaysville City, Layton City and Ogden City. They have also completed a substantial amount of work for UDOT over the past years. They are a highly qualified and capable contractor.

It is recommended that this project be awarded to Granite Construction in the amount of \$244,887.00

Let me know if additional information is needed.

Kevin

**Kevin Campbell, P.E.**  
Centerville City Engineer

**Kevin Campbell, P.E.**  
ESI Engineering, Inc  
3500 S. Main St.  
SLC, Ut 84115  
801.263.1752



**BID TABULATION FOR CENTERVILLE CITY**

Street Overlay Project 2015 #14-161				Granite Construction		Morgan Asphalt		Staker Parson Co.		Engineers Estimate	
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
<b>Frontage Road &amp; Marketplace Drive - 600 North to 100 South - 2" Overlay</b>											
1	1.5" Asphalt roto-mill at drive entrances and transitions only including lowering of manholes and valves as necessary	11,000	SF	\$1.00	\$11,000.00	\$0.35	\$3,850.00	\$0.55	\$6,050.00	\$0.15	\$1,650.00
2	Sweep Street	168,000	SF	\$0.02	\$3,360.00	\$0.01	\$1,680.00	\$0.01	\$1,680.00	\$0.015	\$2,520.00
3	Pavedry 381 or Mirafi Mirapave 400 geo-textile fabric including tack coat (not including overlap)	168,000	SF	\$0.13	\$21,840.00	\$0.13	\$21,840.00	\$0.08	\$13,440.00	\$0.20	\$33,600.00
4	2" thick asphalt overlay (HMA-PG 64-34-1/2) including tack coat	2,200	TN	\$64.00	\$140,800.00	\$74.27	\$163,394.00	\$74.20	\$163,240.00	\$75.00	\$165,000.00
5	Remove and replace existing asphalt (6" thick) including saw-cut	875	SF	\$5.00	\$4,375.00	\$5.80	\$5,075.00	\$11.60	\$10,150.00	\$7.50	\$6,562.50
6	Remove curb & gutter and replace with reinforced curb & gutter (see sheet 7) as per Engineer including saw-cut as needed	186	LF	\$32.00	\$5,952.00	\$31.50	\$5,859.00	\$26.00	\$4,836.00	\$65.00	\$12,090.00
7	Remove and replace concrete waterway as per Engineer including saw-cut as needed	60	SF	\$12.00	\$720.00	\$18.10	\$1,086.00	\$12.00	\$720.00	\$10.00	\$600.00
8	Remove and replace concrete wheelchair ramp as per Engineer including saw-cut as needed	100	SF	\$25.00	\$2,500.00	\$9.11	\$911.00	\$8.50	\$850.00	\$6.50	\$650.00
9	Remove and replace sidewalk as per Engineer including saw-cut as needed	320	SF	\$7.00	\$2,240.00	\$9.10	\$2,912.00	\$6.50	\$2,080.00	\$5.00	\$1,600.00
10	Adjust water valve box and monuments to final grade with concrete collar	13	EA	\$350.00	\$4,550.00	\$280.00	\$3,640.00	\$315.00	\$4,095.00	\$325.00	\$4,225.00
11	Adjust manhole to final grade with concrete collar	16	EA	\$450.00	\$7,200.00	\$505.00	\$8,080.00	\$415.00	\$6,640.00	\$400.00	\$6,400.00
12	18" RCP storm drain	92	LF	\$75.00	\$6,900.00	\$97.00	\$8,924.00	\$86.00	\$7,912.00	\$50.00	\$4,600.00
13	Remove and replace inlet box	2	EA	\$2,200.00	\$4,400.00	\$1,276.00	\$2,552.00	\$2,365.00	\$4,730.00	\$3,500.00	\$7,000.00
14	Core-Drill existing manhole	2	EA	\$1,600.00	\$3,200.00	\$400.00	\$800.00	\$675.00	\$1,350.00	\$400.00	\$800.00
15	Sewer rock	30	TN	\$30.00	\$900.00	\$14.50	\$435.00	\$17.00	\$510.00	\$20.00	\$600.00
16	Untreated base course	50	TN	\$21.00	\$1,050.00	\$11.00	\$550.00	\$14.00	\$700.00	\$20.00	\$1,000.00
17	Re-stripe traffic lanes, crosswalks and markings as per plan	1	Lump Sum	\$4,300.00	\$4,300.00	\$4,800.00	\$4,800.00	\$3,950.00	\$3,950.00	\$5,000.00	\$5,000.00
18	Restore landscaping and sprinklers as needed	1	Lump Sum	\$2,000.00	\$2,000.00	\$5,058.00	\$5,058.00	\$1,050.00	\$1,050.00	\$1,000.00	\$1,000.00
19	400 West 100 North - Remove and replace existing asphalt (6" thick) including saw-cut (AC 20 DM 1/2)	600	SF	\$5.00	\$3,000.00	\$4.48	\$2,688.00	\$8.35	\$5,010.00	\$5.00	\$3,000.00
20	Traffic Control	1	LS	\$10,000.00	\$10,000.00	\$13,000.00	\$13,000.00	\$11,750.00	\$11,750.00	\$15,000.00	\$15,000.00
21	Mobilization	1	LS	\$4,600.00	\$4,600.00	\$6,000.00	\$6,000.00	\$17,257.00	\$17,257.00	\$20,000.00	\$20,000.00
<b>Total (Items 1-21)</b>					<b>\$244,887.00</b>		<b>\$263,134.00</b>		<b>\$268,000.00</b>		<b>\$292,897.50</b>

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No. 6.

Short Title: Municipal Code Amendment - Repeal Section 2-03-110 - Campaign Finance Statement

Initiated By: City Attorney

Scheduled Time: 7:45

**SUBJECT**

Consider Municipal Code Amendment to Repeal Section 2-03-110 regarding Campaign Finance Statements and Disclosure Requirements - Ordinance No. 2015-07

**RECOMMENDATION**

Approve Ordinance No. 2015-07 repealing Section 2-03-110 of the Centerville Municipal Code regarding municipal campaign finance statements and disclosure requirements.

**BACKGROUND**

The City Council discussed recent State law amendments to municipal campaign finance statements and disclosure requirements. In light of the extensive amendments to State law and more comprehensive campaign finance regulations at the State level, the City Council determined to rely on State law provisions for municipal campaign finance requirements and directed Staff to prepare an Ordinance repealing Section 2-03-110 of the Centerville Municipal Code. As directed, Staff has prepared Ordinance No. 2015-07 repealing Section 2-03-110 of the Centerville Municipal Code.

The following background information is excerpted from the previous Staff Report presented to the Council at the April 21, 2015 City Council meeting:

The State Legislature adopted two bills during the 2015 Legislative Session amending Section 10-3-208 of the Utah Code regarding campaign finance disclosure requirements for municipal elections. The first bill, HB 32 adopts significant amendments to Section 10-3-208 as recommended by the Lieutenant Governor's Office. The amendments in HB 32 add a number of new defined terms and amends existing terms, clarifies certain campaign finance filing deadlines, and adds new provisions prohibiting municipal candidates from making a personal use expenditure from campaign funds. The second bill, HB 91 addresses anonymous contributions and requires any municipal candidate who receives an anonymous donation over \$50 to disburse the amount of the contribution to the treasurer of the state or a political subdivision or an organization that is exempt from federal income taxation under Section 501(c)(3) of the IRC. The final enrolled copies of HB 32 and HB 91 are attached.

Given the extensive amendments to the State statute regarding campaign finance disclosures for municipal elections, Staff recommends repealing Section 2-03-110 of the Centerville Municipal Code regarding campaign finance disclosures. By repealing our municipal ordinance, we can rely on statutory and case law interpretation of State law. In addition, the Lieutenant Governor's Office can provide more oversight and advice since any violation of campaign finance requirements would be based on State law rather than municipal ordinance. With the recent amendments, many of the loop holes and questions regarding municipal campaign finance disclosures have been fixed or addressed. Of significant note are the many new definitions that are provided in Section 10-3-208, including new definitions for candidate, agent of candidate, contribution, expenditure, in-kind contribution, political consultant, political purposes, and reporting entity. For these reasons, it is recommended the City repeal Section 2-03-110 of the Centerville Municipal Code regarding campaign finance statements and follow State law as amended and currently provided in Utah Code Ann. 10-3-208.

**ATTACHMENTS:**

Description

- ▣ Ordinance No. 2015-07-Campaign Finance
- ▣ HB 32 (2015)-Municipal Campaign Finance
- ▣ HB 91 (2015)-Municipal Campaign Finance

**ORDINANCE NO. 2015-07**

**AN ORDINANCE REPEALING SECTION 2-03-110 OF THE CENTERVILLE MUNICIPAL CODE REGARDING CAMPAIGN FINANCE DISCLOSURE STATEMENTS**

**WHEREAS**, the Utah Legislature adopted HB 32 and HB 91 during the 2015 Legislative Session amending *Utah Code Ann.* § 10-3-208 regarding campaign finance disclosure requirements for municipal elections; and

**WHEREAS**, HB 32 and HB 91 add a number of new defined terms, amend existing terms, clarify certain campaign finance filing deadlines, add new provisions prohibiting municipal candidates from making a personal use expenditure from campaign funds, and add new provisions regarding anonymous donations; and

**WHEREAS**, given the extensive amendments to Section 10-3-208 of the Utah Code and the more comprehensive statutory provisions regarding municipal campaign finance disclosure statements and filing requirements under State law, the City Council desires to repeal Section 2-03-110 of the Centerville Municipal Code regarding campaign finance statements; and

**WHEREAS**, the City Council has determined that the proposed repeal of Section 2-03-110 of the Centerville Municipal Code and the reliance on *Utah Code Ann.* § 10-3-208 for campaign finance disclosure requirements is in the best interest of the City, candidates for public office, and the public which it serves, by providing consistent statutory interpretation of campaign finance requirements, reasonable and simplified campaign finance disclosure requirements for candidates, and reasonable and sufficient disclosure of campaign finance contributions and expenditures for the voters.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Repeal.** Section 2-03-110 of the Centerville Municipal Code regarding campaign finance disclosure statements is hereby repealed.

**Section 2. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 3. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,  
STATE OF UTAH, THIS \_\_\_\_\_ DAY OF MAY, 2015.**

**CENTERVILLE CITY**

By: \_\_\_\_\_  
Mayor Paul A. Cutler

**ATTEST:**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PUBLISHED OR POSTED this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

1                   **LOCAL GOVERNMENT DISCLOSURE AND CAMPAIGN**

2                                   **FINANCE AMENDMENTS**

3   2015 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Jack R. Draxler**

6                                   Senate Sponsor: Margaret Dayton

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends provisions related to municipal candidate campaign finance  
11 disclosures and personal use expenditures.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ defines terms;
- 15           ▶ authorizes a municipality to adopt more stringent campaign finance disclosure  
16 requirements and definitions;
- 17           ▶ clarifies campaign finance filing deadlines;
- 18           ▶ authorizes a municipality to adopt more stringent personal use expenditure  
19 requirements and definitions;
- 20           ▶ prohibits a municipal candidate from making a personal use expenditure;
- 21           ▶ provides that a municipality may adopt an ordinance to identify personal use  
22 expenditure violations and enforce prohibitions; and
- 23           ▶ makes technical and conforming amendments.

24   **Money Appropriated in this Bill:**

25           None

26   **Other Special Clauses:**

27           None

28   **Utah Code Sections Affected:**

29   AMENDS:

30 **10-3-208**, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230

31 ENACTS:

32 **10-3-209**, Utah Code Annotated 1953

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34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **10-3-208** is amended to read:

36 **10-3-208. Campaign finance disclosure in municipal election.**

37 (1) ~~[As used in]~~ Unless a municipality adopts by ordinance more stringent definitions,  
38 the following are defined terms for purposes of this section:

39 ~~[(a) "Reporting date" means:]~~

40 ~~[(i) 10 days before a municipal general election, for a campaign finance statement~~  
41 ~~required to be filed no later than seven days before a municipal general election; and]~~

42 ~~[(ii) the day of filing, for a campaign finance statement required to be filed no later~~  
43 ~~than 30 days after a municipal primary or general election.]~~

44 (a) "Agent of a candidate" means:

45 (i) a person acting on behalf of a candidate at the direction of the reporting entity;

46 (ii) a person employed by a candidate in the candidate's capacity as a candidate;

47 (iii) the personal campaign committee of a candidate;

48 (iv) a member of the personal campaign committee of a candidate in the member's  
49 capacity as a member of the personal campaign committee of the candidate; or

50 (v) a political consultant of a candidate.

51 (b) (i) "Candidate" means a person who:

52 (A) files a declaration of candidacy for municipal office; or

53 (B) receives contributions, makes expenditures, or gives consent for any other person  
54 to receive contributions or make expenditures to bring about the person's nomination or  
55 election to a municipal office.

56 (ii) "Candidate" does not mean a person who files for the office of judge.

57 (c) (i) "Contribution" means any of the following when done for political purposes:

58           (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
59 value given to a candidate;

60           (B) an express, legally enforceable contract, promise, or agreement to make a gift,  
61 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
62 anything of value to the candidate;

63           (C) any transfer of funds from another reporting entity to the candidate;

64           (D) compensation paid by any person or reporting entity other than the candidate for  
65 personal services provided without charge to the candidate;

66           (E) a loan made by a candidate deposited to the candidate's own campaign; and

67           (F) an in-kind contribution.

68           (ii) "Contribution" does not include:

69           (A) services provided by an individual volunteering a portion or all of the individual's  
70 time on behalf of the candidate if the services are provided without compensation by the  
71 candidate or any other person;

72           (B) money lent to the candidate by a financial institution in the ordinary course of  
73 business; or

74           (C) goods or services provided for the benefit of a candidate at less than fair market  
75 value that are not authorized by or coordinated with the candidate.

76           (d) "Coordinated with" means that goods or services provided for the benefit of a  
77 candidate are provided:

78           (i) with the candidate's prior knowledge, if the candidate does not object;

79           (ii) by agreement with the candidate;

80           (iii) in coordination with the candidate; or

81           (iv) using official logos, slogans, and similar elements belonging to a candidate.

82           (e) (i) "Expenditure" means any of the following made by a candidate or an agent of  
83 the candidate on behalf of the candidate:

84           (A) any disbursement from contributions, receipts, or from an account described in  
85 Subsection (3)(a)(i);

86 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
87 or anything of value made for political purposes;

88 (C) an express, legally enforceable contract, promise, or agreement to make any  
89 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
90 value for a political purpose;

91 (D) compensation paid by a candidate for personal services rendered by a person  
92 without charge to a reporting entity;

93 (E) a transfer of funds between the candidate and a candidate's personal campaign  
94 committee as defined in Section [20A-11-101](#); or

95 (F) goods or services provided by a reporting entity to or for the benefit of the  
96 candidate for political purposes at less than fair market value.

97 (ii) "Expenditure" does not include:

98 (A) services provided without compensation by an individual volunteering a portion or  
99 all of the individual's time on behalf of a candidate; or

100 (B) money lent to a candidate by a financial institution in the ordinary course of  
101 business.

102 (f) "In-kind contribution" means anything of value other than money, that is accepted  
103 by or coordinated with a candidate.

104 (g) (i) "Political consultant" means a person who is paid by a candidate, or paid by  
105 another person on behalf of and with the knowledge of the candidate, to provide political  
106 advice to the candidate.

107 (ii) "Political consultant" includes a circumstance described in Subsection (1)(g)(i),  
108 where the person:

109 (A) has already been paid, with money or other consideration;

110 (B) expects to be paid in the future, with money or other consideration; or

111 (C) understands that the person may, in the discretion of the candidate or another  
112 person on behalf of and with the knowledge of the candidate, be paid in the future, with money  
113 or other consideration.

114 (h) "Political purposes" means an act done with the intent or in a way to influence or  
115 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
116 against any candidate or a person seeking a municipal office at any caucus, political  
117 convention, or election.

118 (i) "Reporting entity" means:

119 (i) a candidate;

120 (ii) a committee appointed by a candidate to act for the candidate;

121 (iii) a person who holds an elected municipal office;

122 (iv) a party committee as defined in Section 20A-11-101;

123 (v) a political action committee as defined in Section 20A-11-101;

124 (vi) a political issues committee as defined in Section 20A-11-101;

125 (vii) a corporation as defined in Section 20A-11-101; or

126 (viii) a labor organization as defined in Section 20A-11-1501.

127 ~~(b)~~ (j) "Reporting limit" means for each calendar year:

128 (i) \$50; or

129 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

130 (2) (a) A municipality may adopt an ordinance establishing campaign finance  
131 disclosure requirements for a candidate that are more stringent than the requirements provided  
132 in Subsections (3) and (4).

133 (b) The municipality may adopt definitions that are more stringent than those provided  
134 in Subsection (1).

135 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described  
136 in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained  
137 in Subsections (3) and (4).

138 ~~(2)~~ (3) (a) (i) Each candidate ~~[for municipal office]:~~

139 ~~(A)~~ (i) shall deposit a ~~[campaign]~~ contribution in a separate campaign account in a  
140 financial institution; and

141 ~~(B)~~ (ii) may not deposit or mingle any campaign contributions received into a

142 personal or business account.

143       ~~[(ii)]~~ (b) Each candidate ~~[for municipal office]~~ who is not eliminated at a municipal  
144 primary election shall file with the municipal clerk or recorder a campaign finance statement:

145       ~~[(A)]~~ (i) no later than seven days before the ~~[date of]~~ day on which the municipal  
146 general election is held; and

147       ~~[(B)]~~ (ii) no later than 30 days after the ~~[date of]~~ day on which the municipal general  
148 election is held.

149       ~~[(iii)]~~ (c) Each candidate for municipal office who is eliminated at a municipal primary  
150 election shall file with the municipal clerk or recorder a campaign finance statement ~~[no later~~  
151 ~~than]~~ 30 days after the ~~[date of]~~ day on which the municipal primary election is held.

152       ~~[(b)]~~ (4) Each campaign finance statement under Subsection ~~[(2)(a)]~~ (3)(b) or (c) shall:

153       ~~[(i)]~~ (a) except as provided in Subsection ~~[(2)(b)(ii)]~~ (4)(b):

154       ~~[(A)]~~ (i) report all of the candidate's itemized and total:

155       ~~[(F) campaign]~~ (A) contributions, including in-kind and other nonmonetary  
156 contributions, received ~~[before the close of the reporting date]~~ up to and including five days  
157 before the campaign finance statement is due, excluding a contribution previously reported;  
158 and

159       ~~[(H) campaign]~~ (B) expenditures made ~~[through the close of the reporting date]~~ up to  
160 and including five days before the campaign finance statement is due, excluding an expenditure  
161 previously reported; and

162       ~~[(B)]~~ (ii) identify:

163       ~~[(F)]~~ (A) for each contribution that exceeds the reporting limit, the amount of the  
164 contribution and the name of the donor;

165       ~~[(H)]~~ (B) the aggregate total of all contributions that individually do not exceed the  
166 reporting limit; and

167       ~~[(H)]~~ (C) for each ~~[campaign]~~ expenditure, the amount of the expenditure and the  
168 name of the recipient of the expenditure; or

169       ~~[(ii)]~~ (b) report the total amount of all ~~[campaign]~~ contributions and expenditures if the

170 candidate receives \$500 or less in [~~campaign~~] contributions and spends \$500 or less on the  
171 candidate's campaign.

172 ~~[(3) (a) As used in this Subsection (3), "account" means an account in a financial  
173 institution:]~~

174 ~~[(i) that is not described in Subsection (2)(a)(i)(A); and]~~

175 ~~[(ii) into which or from which a person who, as a candidate for an office, other than a  
176 municipal office for which the person files a declaration of candidacy or federal office, or as a  
177 holder of an office, other than a municipal office for which the person files a declaration of  
178 candidacy or federal office, deposits a contribution or makes an expenditure:]~~

179 ~~[(b) A municipal office candidate shall include on any campaign finance statement  
180 filed in accordance with this section:]~~

181 ~~[(i) a contribution deposited in an account:]~~

182 ~~[(A) since the last campaign finance statement was filed; or]~~

183 ~~[(B) that has not been reported under a statute or ordinance that governs the account;  
184 or]~~

185 ~~[(ii) an expenditure made from an account:]~~

186 ~~[(A) since the last campaign finance statement was filed; or]~~

187 ~~[(B) that has not been reported under a statute or ordinance that governs the account.]~~

188 ~~[(4)]~~ (5) (a) A municipality may, by ordinance:

189 (i) provide a reporting limit lower than \$50;

190 (ii) require greater disclosure of [~~campaign~~] contributions [~~and~~] or expenditures than is  
191 required in this section; and

192 (iii) impose additional penalties on candidates who fail to comply with the applicable  
193 requirements beyond those imposed by this section.

194 (b) A candidate [~~for municipal office~~] is subject to the provisions of this section and  
195 not the provisions of an ordinance adopted by the municipality under Subsection ~~[(4)]~~ (5)(a) if:

196 (i) the municipal ordinance establishes requirements or penalties that differ from those  
197 established in this section; and

198 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the  
199 ordinance as required in Subsection ~~[(5)]~~ (6).

200 ~~[(5)]~~ (6) Each municipal clerk or recorder shall, at the time the candidate for municipal  
201 office files a declaration of candidacy, and again 14 days before each municipal general  
202 election, notify the candidate in writing of:

203 (a) the provisions of statute or municipal ordinance governing the disclosure of  
204 ~~[campaign]~~ contributions and expenditures;

205 (b) the dates when the candidate's campaign finance statement is required to be filed;  
206 and

207 (c) the penalties that apply for failure to file a timely campaign finance statement,  
208 including the statutory provision that requires removal of the candidate's name from the ballot  
209 for failure to file the required campaign finance statement when required.

210 ~~[(6)]~~ (7) Notwithstanding any provision of Title 63G, Chapter 2, Government Records  
211 Access and Management Act, the municipal clerk or recorder shall:

212 (a) make each campaign finance statement filed by a candidate available for public  
213 inspection and copying no later than one business day after the statement is filed; and

214 (b) make the campaign finance statement filed by a candidate available for public  
215 inspection by:

216 (i) (A) posting an electronic copy or the contents of the statement on the municipality's  
217 website no later than seven business days after the statement is filed; and

218 (B) verifying that the address of the municipality's website has been provided to the  
219 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

220 (ii) submitting a copy of the statement to the lieutenant governor for posting on the  
221 website established by the lieutenant governor under Section 20A-11-103 no later than two  
222 business days after the statement is filed.

223 ~~[(7)]~~ (8) (a) If a candidate fails to file a campaign finance statement before the  
224 municipal general election by the deadline specified in Subsection ~~[(2)(a)(ii)(A)]~~ (3)(b)(i), the  
225 municipal clerk or recorder shall inform the appropriate election official who:

226 (i) shall:

227 (A) if practicable, remove the candidate's name from the ballot by blacking out the  
228 candidate's name before the ballots are delivered to voters; or

229 (B) if removing the candidate's name from the ballot is not practicable, inform the  
230 voters by any practicable method that the candidate has been disqualified and that votes cast for  
231 the candidate will not be counted; and

232 (ii) may not count any votes for that candidate.

233 (b) Notwithstanding Subsection [~~(7)~~] (8)(a), a candidate who files a campaign finance  
234 statement seven days before a municipal general election is not disqualified if:

235 (i) the statement details accurately and completely the information required under  
236 Subsection [~~(2)(b)~~] (4), except for inadvertent omissions or insignificant errors or inaccuracies;  
237 and

238 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the  
239 next scheduled report.

240 [~~(8)~~] (9) A campaign finance statement required under this section is considered filed if  
241 it is received in the municipal clerk or recorder's office by 5 p.m. on the date that [~~is it~~] it is  
242 due.

243 [~~(9)~~] (10) (a) A private party in interest may bring a civil action in district court to  
244 enforce the provisions of this section or an ordinance adopted under this section.

245 (b) In a civil action under Subsection [~~(9)~~] (10)(a), the court may award costs and  
246 attorney fees to the prevailing party.

247 Section 2. Section **10-3-209** is enacted to read:

248 **10-3-209. Personal use expenditure -- Authorized and prohibited uses of**  
249 **campaign funds -- Enforcement -- Penalties.**

250 (1) Unless a municipality adopts by ordinance more stringent definitions, the following  
251 are defined terms for the purposes of this section:

252 (a) "Candidate" means a person who:

253 (i) files a declaration of candidacy for municipal office; or

254 (ii) receives contributions, makes expenditures, or gives consent for any other person to  
255 receive contributions or make expenditures to bring about the person's nomination or election  
256 to a public office.

257 (b) "Officeholder" means a person who is elected to and currently holds a municipal  
258 office.

259 (c) (i) "Personal use expenditure" means an expenditure that:

260 (A) is not excluded from the definition of personal use expenditure by Subsection (2)  
261 and primarily furthers a personal interest of a candidate or officeholder or a candidate's or  
262 officeholder's family, which interest is not connected with the performance of an activity as a  
263 candidate or an activity or duty of an officeholder; or

264 (B) would cause the candidate or officeholder to recognize the expenditure as taxable  
265 income under federal law.

266 (ii) "Personal use expenditure" includes:

267 (A) a mortgage, rent, utility, or vehicle payment;

268 (B) a household food item or supply;

269 (C) clothing, except for clothing bearing the candidate's name or campaign slogan or  
270 logo and that is used in the candidate's campaign;

271 (D) an admission to a sporting, artistic, or recreational event or other form of  
272 entertainment;

273 (E) dues, fees, or gratuities at a country club, health club, or recreational facility;

274 (F) a salary payment made to a candidate, officeholder, or a person who has not  
275 provided a bona fide service to a candidate or officeholder;

276 (G) a vacation;

277 (H) a vehicle expense;

278 (I) a meal expense;

279 (J) a travel expense;

280 (K) a payment of an administrative, civil, or criminal penalty;

281 (L) a satisfaction of a personal debt;

282 (M) a personal service, including the service of an attorney, accountant, physician, or  
283 other professional person;

284 (N) a membership fee for a professional or service organization; and

285 (O) a payment in excess of the fair market value of the item or service purchased.

286 (2) As used in this section, "personal use expenditure" does not mean an expenditure  
287 made:

288 (a) for a political purpose;

289 (b) for candidacy for public office;

290 (c) to fulfill a duty or activity of an officeholder;

291 (d) for a donation to a registered political party;

292 (e) for a contribution to another candidate's campaign account, including sponsorship  
293 of or attendance at an event, the primary purpose of which is to solicit a contribution for  
294 another candidate's campaign account;

295 (f) to return all or a portion of a contribution to a donor;

296 (g) for the following items, if made in connection with the candidacy for public office  
297 or an activity or duty of an officeholder:

298 (i) (A) a mileage allowance at the rate established by the Division of Finance under  
299 Section [63A-3-107](#); or

300 (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);

301 (ii) a meal expense;

302 (iii) a travel expense, including an expense incurred for airfare or a rental vehicle;

303 (iv) a payment for a service provided by an attorney or accountant;

304 (v) a tuition payment or registration fee for participation in a meeting or conference;

305 (vi) a gift;

306 (vii) a payment for the following items in connection with an office space:

307 (A) rent;

308 (B) utilities;

309 (C) a supply; or

- 310           (D) furnishing;
- 311           (viii) a booth at a meeting or event; or
- 312           (ix) educational material;
- 313           (h) to purchase or mail informational material, a survey, or a greeting card;
- 314           (i) for a donation to a charitable organization, as defined by Section 13-22-2, including
- 315 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
- 316 as defined in Section 13-22-2;
- 317           (j) to repay a loan a candidate makes from the candidate's personal account to the
- 318 candidate's campaign account;
- 319           (k) to pay membership dues to a national organization whose primary purpose is to
- 320 address general public policy;
- 321           (l) for admission to or sponsorship of an event, the primary purpose of which is to
- 322 promote the social, educational, or economic well-being of the state or the candidate's or
- 323 officeholder's community; or
- 324           (m) for one or more guests of an officeholder or candidate to attend an event, meeting,
- 325 or conference described in this Subsection (2).
- 326           (3) (a) A municipality may adopt an ordinance prohibiting a personal use expenditure
- 327 by a candidate with requirements that are more stringent than the requirements provided in
- 328 Subsection (4).
- 329           (b) The municipality may adopt definitions that are more stringent than those provided
- 330 in Subsection (1) or (2).
- 331           (c) If a municipality fails to adopt a personal use expenditure ordinance described in
- 332 Subsection (3)(a), a candidate shall comply with the requirements contained in Subsection (4).
- 333           (4) A candidate or an officeholder may not use money deposited into a campaign
- 334 account for:
- 335           (a) a personal use expenditure; or
- 336           (b) an expenditure prohibited by law.
- 337           (5) A municipality may enforce this section by adopting an ordinance:

338           (a) to provide for the evaluation of a campaign finance statement to identify a personal  
339 use expenditure; and

340           (b) to commence informal adjudicative proceedings if, after an evaluation described in  
341 Subsection (5)(a), there is probable cause to believe that a candidate or officeholder has made a  
342 personal use expenditure.

343           (6) If, in accordance with the proceedings described in Subsection (5)(b) established in  
344 municipal ordinance, a municipality determines that a candidate or officeholder has made a  
345 personal use expenditure, the municipality:

346           (a) may require the candidate or officeholder to:

347           (i) remit an administrative penalty of an amount equal to 50% of the personal use  
348 expenditure to the municipality; and

349           (ii) deposit the amount of the personal use expenditure into the campaign account from  
350 which the personal use expenditure was disbursed; and

351           (b) shall deposit the money received under Subsection (6)(a)(i) into the municipal  
352 general fund.

1                                   **CAMPAIGN CONTRIBUTIONS AMENDMENTS**

2   2015 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Kraig Powell**

5                                   Senate Sponsor: Todd Weiler

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7 **LONG TITLE**

8 **General Description:**

9           This bill amends campaign finance provisions.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ amends definitions;
- 13           ▶ requires a candidate to disburse an anonymous contribution or public service  
14 assistance that is cash or a negotiable instrument and over \$50 to:

- 15                   • the state or a political subdivision for deposit into its general fund; or
- 16                   • an organization that is exempt from federal income taxation under Section  
17 501(c)(3), Internal Revenue Code;

- 18           ▶ prohibits a filing entity, other than a candidate, from using an anonymous  
19 contribution that is cash or a negotiable instrument in excess of \$50 for a political  
20 purpose or as a political issues expenditure;

- 21           ▶ modifies the fine imposed against certain reporting entities that fail to report a  
22 contribution; and

- 23           ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25           None

26 **Other Special Clauses:**

27           None

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **10-3-208**, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230
- 31 **17-16-6.5**, as last amended by Laws of Utah 2014, Chapter 337
- 32 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
- 33 **20A-11-201**, as last amended by Laws of Utah 2014, Chapter 335
- 34 **20A-11-301**, as last amended by Laws of Utah 2014, Chapter 335
- 35 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347
- 36 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396
- 37 **20A-11-602**, as last amended by Laws of Utah 2013, Chapter 420
- 38 **20A-11-802**, as last amended by Laws of Utah 2013, Chapter 420
- 39 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337
- 40 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166
- 41 **20A-12-303**, as last amended by Laws of Utah 2014, Chapter 335

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43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **10-3-208** is amended to read:

45 **10-3-208. Campaign finance disclosure in municipal election.**

46 (1) As used in this section:

47 (a) "Reporting date" means:

- 48 (i) 10 days before a municipal general election, for a campaign finance statement
- 49 required to be filed no later than seven days before a municipal general election; and
- 50 (ii) the day of filing, for a campaign finance statement required to be filed no later than
- 51 30 days after a municipal primary or general election.

52 (b) "Reporting limit" means for each calendar year:

53 (i) \$50; or

54 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

55 (2) (a) (i) Each candidate for municipal office:

56 (A) shall deposit a campaign contribution in a separate campaign account in a financial

57 institution; and

58 (B) may not deposit or mingle any campaign contributions received into a personal or  
59 business account.

60 (ii) Each candidate for municipal office who is not eliminated at a municipal primary  
61 election shall file with the municipal clerk or recorder a campaign finance statement:

62 (A) no later than seven days before the date of the municipal general election; and

63 (B) no later than 30 days after the date of the municipal general election.

64 (iii) Each candidate for municipal office who is eliminated at a municipal primary  
65 election shall file with the municipal clerk or recorder a campaign finance statement no later  
66 than 30 days after the date of the municipal primary election.

67 (b) Each campaign finance statement under Subsection (2)(a) shall:

68 (i) except as provided in Subsection (2)(b)(ii):

69 (A) report all of the candidate's itemized and total:

70 (I) campaign contributions, including in-kind and other nonmonetary contributions,  
71 received before the close of the reporting date; and

72 (II) campaign expenditures made through the close of the reporting date; and

73 (B) identify:

74 (I) for each contribution that exceeds the reporting limit, the amount of the contribution  
75 and the name of the donor, if known;

76 (II) the aggregate total of all contributions that individually do not exceed the reporting  
77 limit; and

78 (III) for each campaign expenditure, the amount of the expenditure and the name of the  
79 recipient of the expenditure; or

80 (ii) report the total amount of all campaign contributions and expenditures if the  
81 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the  
82 candidate's campaign.

83 (c) Within 30 days after receiving a contribution that is cash or a negotiable instrument,  
84 exceeds the reporting limit, and is from a donor whose name is unknown, a candidate shall  
85 disburse the amount of the contribution to:

86            (i) the treasurer of the state or a political subdivision for deposit into the state's or  
87 political subdivision's general fund; or

88            (ii) an organization that is exempt from federal income taxation under Section  
89 501(c)(3), Internal Revenue Code.

90            (3) (a) As used in this Subsection (3), "account" means an account in a financial  
91 institution:

92            (i) that is not described in Subsection (2)(a)(i)(A); and

93            (ii) into which or from which a person who, as a candidate for an office, other than a  
94 municipal office for which the person files a declaration of candidacy or federal office, or as a  
95 holder of an office, other than a municipal office for which the person files a declaration of  
96 candidacy or federal office, deposits a contribution or makes an expenditure.

97            (b) A municipal office candidate shall include on any campaign finance statement filed  
98 in accordance with this section:

99            (i) a contribution deposited in an account:

100            (A) since the last campaign finance statement was filed; or

101            (B) that has not been reported under a statute or ordinance that governs the account; or

102            (ii) an expenditure made from an account:

103            (A) since the last campaign finance statement was filed; or

104            (B) that has not been reported under a statute or ordinance that governs the account.

105            (4) (a) A municipality may, by ordinance:

106            (i) provide a reporting limit lower than \$50;

107            (ii) require greater disclosure of campaign contributions and expenditures than is  
108 required in this section; and

109            (iii) impose additional penalties on candidates who fail to comply with the applicable  
110 requirements beyond those imposed by this section.

111            (b) A candidate for municipal office is subject to the provisions of this section and not  
112 the provisions of an ordinance adopted by the municipality under Subsection (4)(a) if:

113            (i) the municipal ordinance establishes requirements or penalties that differ from those

114 established in this section; and

115 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the  
116 ordinance as required in Subsection (5).

117 (5) Each municipal clerk or recorder shall, at the time the candidate for municipal  
118 office files a declaration of candidacy, and again 14 days before each municipal general  
119 election, notify the candidate in writing of:

120 (a) the provisions of statute or municipal ordinance governing the disclosure of  
121 campaign contributions and expenditures;

122 (b) the dates when the candidate's campaign finance statement is required to be filed;  
123 and

124 (c) the penalties that apply for failure to file a timely campaign finance statement,  
125 including the statutory provision that requires removal of the candidate's name from the ballot  
126 for failure to file the required campaign finance statement when required.

127 (6) Notwithstanding any provision of Title 63G, Chapter 2, Government Records  
128 Access and Management Act, the municipal clerk or recorder shall:

129 (a) make each campaign finance statement filed by a candidate available for public  
130 inspection and copying no later than one business day after the statement is filed; and

131 (b) make the campaign finance statement filed by a candidate available for public  
132 inspection by:

133 (i) (A) posting an electronic copy or the contents of the statement on the municipality's  
134 website no later than seven business days after the statement is filed; and

135 (B) verifying that the address of the municipality's website has been provided to the  
136 lieutenant governor in order to meet the requirements of Subsection [20A-11-103\(5\)](#); or

137 (ii) submitting a copy of the statement to the lieutenant governor for posting on the  
138 website established by the lieutenant governor under Section [20A-11-103](#) no later than two  
139 business days after the statement is filed.

140 (7) (a) If a candidate fails to file a campaign finance statement before the municipal  
141 general election by the deadline specified in Subsection (2)(a)(ii)(A), the municipal clerk or

142 recorder shall inform the appropriate election official who:

143 (i) shall:

144 (A) if practicable, remove the candidate's name from the ballot by blacking out the  
145 candidate's name before the ballots are delivered to voters; or

146 (B) if removing the candidate's name from the ballot is not practicable, inform the  
147 voters by any practicable method that the candidate has been disqualified and that votes cast for  
148 the candidate will not be counted; and

149 (ii) may not count any votes for that candidate.

150 (b) Notwithstanding Subsection (7)(a), a candidate who files a campaign finance  
151 statement seven days before a municipal general election is not disqualified if:

152 (i) the statement details accurately and completely the information required under  
153 Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

154 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the  
155 next scheduled report.

156 (8) A campaign finance statement required under this section is considered filed if it is  
157 received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

158 (9) (a) A private party in interest may bring a civil action in district court to enforce the  
159 provisions of this section or an ordinance adopted under this section.

160 (b) In a civil action under Subsection (9)(a), the court may award costs and attorney  
161 fees to the prevailing party.

162 Section 2. Section **17-16-6.5** is amended to read:

163 **17-16-6.5. Campaign financial disclosure in county elections.**

164 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure  
165 requirements for:

166 (i) candidates for county office; and

167 (ii) candidates for local school board office who reside in that county.

168 (b) The ordinance required by Subsection (1)(a) shall include:

169 (i) a requirement that each candidate for county office or local school board office

170 report the candidate's itemized and total campaign contributions and expenditures at least once  
171 within the two weeks before the election and at least once within two months after the election;

172 (ii) a definition of "contribution" and "expenditure" that requires reporting of  
173 nonmonetary contributions such as in-kind contributions and contributions of tangible things;

174 (iii) a requirement that the financial reports identify:

175 (A) for each contribution of more than \$50, the name of the donor of the contribution,  
176 if known, and the amount of the contribution; and

177 (B) for each expenditure, the name of the recipient and the amount of the expenditure;

178 (iv) a requirement that a candidate for county office or local school board office  
179 deposit a contribution in a separate campaign account in a financial institution; [~~and~~]

180 (v) a prohibition against a candidate for county office or local school board office  
181 depositing or mingling any contributions received into a personal or business account[-]; and

182 (vi) a requirement that a candidate for county office who receives a contribution that is  
183 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,  
184 shall, within 30 days after receiving the contribution, disburse the amount of the contribution  
185 to:

186 (A) the treasurer of the state or a political subdivision for deposit into the state's or  
187 political subdivision's general fund; or

188 (B) an organization that is exempt from federal income taxation under Section  
189 501(c)(3), Internal Revenue Code.

190 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial  
191 institution:

192 (A) that is not described in Subsection (1)(b)(iv); and

193 (B) into which or from which a person who, as a candidate for an office, other than a  
194 county office for which the person files a declaration of candidacy or federal office, or as a  
195 holder of an office, other than a county office for which the person files a declaration of  
196 candidacy or federal office, deposits a contribution or makes an expenditure.

197 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a

198 candidate for county office or local school board office include on a financial report filed in  
199 accordance with the ordinance a contribution deposited in or an expenditure made from an  
200 account:

- 201 (A) since the last financial report was filed; or
- 202 (B) that has not been reported under a statute or ordinance that governs the account.

203 (2) If any county fails to adopt a campaign finance disclosure ordinance described in  
204 Subsection (1), candidates for county office, other than community council office, and  
205 candidates for local school board office shall comply with the financial reporting requirements  
206 contained in Subsections (3) through [~~(7)~~] (8).

- 207 (3) A candidate for elective office in a county or local school board office:
  - 208 (a) shall deposit a contribution in a separate campaign account in a financial institution;
  - 209 and

- 210 (b) may not deposit or mingle any contributions received into a personal or business  
211 account.

212 (4) Each candidate for elective office in any county who is not required to submit a  
213 campaign financial statement to the lieutenant governor, and each candidate for local school  
214 board office, shall file a signed campaign financial statement with the county clerk:

- 215 (a) seven days before the date of the regular general election, reporting each  
216 contribution of more than \$50 and each expenditure as of 10 days before the date of the regular  
217 general election; and

- 218 (b) no later than 30 days after the date of the regular general election.

219 (5) (a) The statement filed seven days before the regular general election shall include:

- 220 (i) a list of each contribution of more than \$50 received by the candidate, and the name  
221 of the donor, if known;

- 222 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

- 223 (iii) a list of each expenditure for political purposes made during the campaign period,  
224 and the recipient of each expenditure.

- 225 (b) The statement filed 30 days after the regular general election shall include:

226 (i) a list of each contribution of more than \$50 received after the cutoff date for the  
227 statement filed seven days before the election, and the name of the donor;

228 (ii) an aggregate total of all contributions of \$50 or less received by the candidate after  
229 the cutoff date for the statement filed seven days before the election; and

230 (iii) a list of all expenditures for political purposes made by the candidate after the  
231 cutoff date for the statement filed seven days before the election, and the recipient of each  
232 expenditure.

233 (6) (a) As used in this Subsection (6), "account" means an account in a financial  
234 institution:

235 (i) that is not described in Subsection (3)(a); and

236 (ii) into which or from which a person who, as a candidate for an office, other than a  
237 county office for which the person filed a declaration of candidacy or federal office, or as a  
238 holder of an office, other than a county office for which the person filed a declaration of  
239 candidacy or federal office, deposits a contribution or makes an expenditure.

240 (b) A county office candidate and a local school board office candidate shall include on  
241 any campaign financial statement filed in accordance with Subsection (4) or (5):

242 (i) a contribution deposited in an account:

243 (A) since the last campaign finance statement was filed; or

244 (B) that has not been reported under a statute or ordinance that governs the account; or

245 (ii) an expenditure made from an account:

246 (A) since the last campaign finance statement was filed; or

247 (B) that has not been reported under a statute or ordinance that governs the account.

248 (7) Within 30 days after receiving a contribution that is cash or a negotiable  
249 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office  
250 candidate shall disburse the amount of the contribution to:

251 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
252 political subdivision's general fund; or

253 (b) an organization that is exempt from federal income taxation under Section

254 501(c)(3), Internal Revenue Code.

255           ~~[(7)]~~ (8) Candidates for elective office in any county, and candidates for local school  
256 board office, who are eliminated at a primary election shall file a signed campaign financial  
257 statement containing the information required by this section not later than 30 days after the  
258 primary election.

259           ~~[(8)]~~ (9) Any person who fails to comply with this section is guilty of an infraction.

260           ~~[(9)]~~ (10) (a) Counties may, by ordinance, enact requirements that:

261           (i) require greater disclosure of campaign contributions and expenditures; and

262           (ii) impose additional penalties.

263           (b) The requirements described in Subsection ~~[(9)]~~ (10)(a) apply to a local school  
264 board office candidate who resides in that county.

265           ~~[(10)]~~ (11) (a) If a candidate fails to file an interim report due before the election, the  
266 county clerk shall, after making a reasonable attempt to discover if the report was timely  
267 mailed, inform the appropriate election officials who:

268           (i) (A) shall, if practicable, remove the name of the candidate by blacking out the  
269 candidate's name before the ballots are delivered to voters; or

270           (B) shall, if removing the candidate's name from the ballot is not practicable, inform  
271 the voters by any practicable method that the candidate has been disqualified and that votes  
272 cast for the candidate will not be counted; and

273           (ii) may not count any votes for that candidate.

274           (b) Notwithstanding Subsection ~~[(10)]~~ (11)(a), a candidate is not disqualified if:

275           (i) the candidate files the reports required by this section;

276           (ii) those reports are completed, detailing accurately and completely the information  
277 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;  
278 and

279           (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in  
280 the next scheduled report.

281           (c) A report is considered filed if:

282 (i) it is received in the county clerk's office no later than 5 p.m. on the date that it is  
283 due;

284 (ii) it is received in the county clerk's office with a United States Postal Service  
285 postmark three days or more before the date that the report was due; or

286 (iii) the candidate has proof that the report was mailed, with appropriate postage and  
287 addressing, three days before the report was due.

288 [~~(11)~~] (12) (a) Any private party in interest may bring a civil action in district court to  
289 enforce the provisions of this section or any ordinance adopted under this section.

290 (b) In a civil action filed under Subsection [~~(11)~~] (12)(a), the court shall award costs  
291 and ~~[attorney's]~~ attorney fees to the prevailing party.

292 [~~(12)~~] (13) Notwithstanding any provision of Title 63G, Chapter 2, Government  
293 Records Access and Management Act, the county clerk shall:

294 (a) make each campaign finance statement filed by a candidate available for public  
295 inspection and copying no later than one business day after the statement is filed; and

296 (b) make the campaign finance statement filed by a candidate available for public  
297 inspection by:

298 (i) (A) posting an electronic copy or the contents of the statement on the county's  
299 website no later than seven business days after the statement is filed; and

300 (B) verifying that the address of the county's website has been provided to the  
301 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

302 (ii) submitting a copy of the statement to the lieutenant governor for posting on the  
303 website established by the lieutenant governor under Section 20A-11-103 no later than two  
304 business days after the statement is filed.

305 Section 3. Section 20A-11-101 is amended to read:

306 **20A-11-101. Definitions.**

307 As used in this chapter:

308 (1) "Address" means the number and street where an individual resides or where a  
309 reporting entity has its principal office.

- 310 (2) "Agent of a reporting entity" means:
- 311 (a) a person acting on behalf of a reporting entity at the direction of the reporting
- 312 entity;
- 313 (b) a person employed by a reporting entity in the reporting entity's capacity as a
- 314 reporting entity;
- 315 (c) the personal campaign committee of a candidate or officeholder;
- 316 (d) a member of the personal campaign committee of a candidate or officeholder in the
- 317 member's capacity as a member of the personal campaign committee of the candidate or
- 318 officeholder; or
- 319 (e) a political consultant of a reporting entity.
- 320 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
- 321 amendments, and any other ballot propositions submitted to the voters that are authorized by
- 322 the Utah Code Annotated 1953.
- 323 (4) "Candidate" means any person who:
- 324 (a) files a declaration of candidacy for a public office; or
- 325 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 326 receive contributions or make expenditures to bring about the person's nomination or election
- 327 to a public office.
- 328 (5) "Chief election officer" means:
- 329 (a) the lieutenant governor for state office candidates, legislative office candidates,
- 330 officeholders, political parties, political action committees, corporations, political issues
- 331 committees, state school board candidates, judges, and labor organizations, as defined in
- 332 Section [20A-11-1501](#); and
- 333 (b) the county clerk for local school board candidates.
- 334 (6) (a) "Contribution" means any of the following when done for political purposes:
- 335 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 336 value given to the filing entity;
- 337 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,

338 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
339 anything of value to the filing entity;

340 (iii) any transfer of funds from another reporting entity to the filing entity;

341 (iv) compensation paid by any person or reporting entity other than the filing entity for  
342 personal services provided without charge to the filing entity;

343 (v) remuneration from:

344 (A) any organization or its directly affiliated organization that has a registered lobbyist;

345 or

346 (B) any agency or subdivision of the state, including school districts;

347 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

348 (vii) in-kind contributions.

349 (b) "Contribution" does not include:

350 (i) services provided by individuals volunteering a portion or all of their time on behalf  
351 of the filing entity if the services are provided without compensation by the filing entity or any  
352 other person;

353 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
354 business; or

355 (iii) goods or services provided for the benefit of a candidate or political party at less  
356 than fair market value that are not authorized by or coordinated with the candidate or political  
357 party.

358 (7) "Coordinated with" means that goods or services provided for the benefit of a  
359 candidate or political party are provided:

360 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
361 party does not object;

362 (b) by agreement with the candidate or political party;

363 (c) in coordination with the candidate or political party; or

364 (d) using official logos, slogans, and similar elements belonging to a candidate or  
365 political party.

366 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
367 organization that is registered as a corporation or is authorized to do business in a state and  
368 makes any expenditure from corporate funds for:

- 369 (i) the purpose of expressly advocating for political purposes; or
- 370 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
371 proposition.

372 (b) "Corporation" does not mean:

- 373 (i) a business organization's political action committee or political issues committee; or
- 374 (ii) a business entity organized as a partnership or a sole proprietorship.

375 (9) "County political party" means, for each registered political party, all of the persons  
376 within a single county who, under definitions established by the political party, are members of  
377 the registered political party.

378 (10) "County political party officer" means a person whose name is required to be  
379 submitted by a county political party to the lieutenant governor in accordance with Section  
380 [20A-8-402](#).

381 (11) "Detailed listing" means:

382 (a) for each contribution or public service assistance:

- 383 (i) the name and address of the individual or source making the contribution or public  
384 service assistance, except to the extent that the name or address of the individual or source is  
385 unknown;

386 (ii) the amount or value of the contribution or public service assistance; and

387 (iii) the date the contribution or public service assistance was made; and

388 (b) for each expenditure:

389 (i) the amount of the expenditure;

390 (ii) the person or entity to whom it was disbursed;

391 (iii) the specific purpose, item, or service acquired by the expenditure; and

392 (iv) the date the expenditure was made.

393 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment

394 for membership in the corporation, to a corporation without receiving full and adequate  
395 consideration for the money.

396 (b) "Donor" does not include a person that signs a statement that the corporation may  
397 not use the money for an expenditure or political issues expenditure.

398 (13) "Election" means each:

399 (a) regular general election;

400 (b) regular primary election; and

401 (c) special election at which candidates are eliminated and selected.

402 (14) "Electioneering communication" means a communication that:

403 (a) has at least a value of \$10,000;

404 (b) clearly identifies a candidate or judge; and

405 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
406 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
407 identified candidate's or judge's election date.

408 (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
409 agent of a reporting entity on behalf of the reporting entity:

410 (i) any disbursement from contributions, receipts, or from the separate bank account  
411 required by this chapter;

412 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
413 or anything of value made for political purposes;

414 (iii) an express, legally enforceable contract, promise, or agreement to make any  
415 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
416 value for political purposes;

417 (iv) compensation paid by a filing entity for personal services rendered by a person  
418 without charge to a reporting entity;

419 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
420 committee; or

421 (vi) goods or services provided by the filing entity to or for the benefit of another

422 reporting entity for political purposes at less than fair market value.

423 (b) "Expenditure" does not include:

424 (i) services provided without compensation by individuals volunteering a portion or all  
425 of their time on behalf of a reporting entity;

426 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
427 business; or

428 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
429 candidates for office or officeholders in states other than Utah.

430 (16) "Federal office" means the office of president of the United States, United States  
431 Senator, or United States Representative.

432 (17) "Filing entity" means the reporting entity that is required to file a financial  
433 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

434 (18) "Financial statement" includes any summary report, interim report, verified  
435 financial statement, or other statement disclosing contributions, expenditures, receipts,  
436 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
437 Retention Elections.

438 (19) "Governing board" means the individual or group of individuals that determine the  
439 candidates and committees that will receive expenditures from a political action committee,  
440 political party, or corporation.

441 (20) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,  
442 Incorporation, by which a geographical area becomes legally recognized as a city or town.

443 (21) "Incorporation election" means the election authorized by Section [10-2-111](#) or  
444 [10-2-127](#).

445 (22) "Incorporation petition" means a petition authorized by Section [10-2-109](#) or  
446 [10-2-125](#).

447 (23) "Individual" means a natural person.

448 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
449 by or coordinated with a filing entity.

450 (25) "Interim report" means a report identifying the contributions received and  
451 expenditures made since the last report.

452 (26) "Legislative office" means the office of state senator, state representative, speaker  
453 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
454 whip of any party caucus in either house of the Legislature.

455 (27) "Legislative office candidate" means a person who:

456 (a) files a declaration of candidacy for the office of state senator or state representative;

457 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
458 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
459 assistant whip of any party caucus in either house of the Legislature; or

460 (c) receives contributions, makes expenditures, or gives consent for any other person to  
461 receive contributions or make expenditures to bring about the person's nomination, election, or  
462 appointment to a legislative office.

463 (28) "Major political party" means either of the two registered political parties that  
464 have the greatest number of members elected to the two houses of the Legislature.

465 (29) "Officeholder" means a person who holds a public office.

466 (30) "Party committee" means any committee organized by or authorized by the  
467 governing board of a registered political party.

468 (31) "Person" means both natural and legal persons, including individuals, business  
469 organizations, personal campaign committees, party committees, political action committees,  
470 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

471 (32) "Personal campaign committee" means the committee appointed by a candidate to  
472 act for the candidate as provided in this chapter.

473 (33) "Personal use expenditure" has the same meaning as provided under Section  
474 [20A-11-104](#).

475 (34) (a) "Political action committee" means an entity, or any group of individuals or  
476 entities within or outside this state, a major purpose of which is to:

477 (i) solicit or receive contributions from any other person, group, or entity for political

478 purposes; or

479 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
480 vote for or against any candidate or person seeking election to a municipal or county office.

481 (b) "Political action committee" includes groups affiliated with a registered political  
482 party but not authorized or organized by the governing board of the registered political party  
483 that receive contributions or makes expenditures for political purposes.

484 (c) "Political action committee" does not mean:

485 (i) a party committee;

486 (ii) any entity that provides goods or services to a candidate or committee in the regular  
487 course of its business at the same price that would be provided to the general public;

488 (iii) an individual;

489 (iv) individuals who are related and who make contributions from a joint checking  
490 account;

491 (v) a corporation, except a corporation a major purpose of which is to act as a political  
492 action committee; or

493 (vi) a personal campaign committee.

494 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
495 by another person on behalf of and with the knowledge of the reporting entity, to provide  
496 political advice to the reporting entity.

497 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),  
498 where the person:

499 (i) has already been paid, with money or other consideration;

500 (ii) expects to be paid in the future, with money or other consideration; or

501 (iii) understands that the person may, in the discretion of the reporting entity or another  
502 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
503 money or other consideration.

504 (36) "Political convention" means a county or state political convention held by a  
505 registered political party to select candidates.

506 (37) (a) "Political issues committee" means an entity, or any group of individuals or  
507 entities within or outside this state, a major purpose of which is to:

508 (i) solicit or receive donations from any other person, group, or entity to assist in  
509 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
510 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

511 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
512 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
513 proposed ballot proposition or an incorporation in an incorporation election; or

514 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
515 ballot or to assist in keeping a ballot proposition off the ballot.

516 (b) "Political issues committee" does not mean:

517 (i) a registered political party or a party committee;

518 (ii) any entity that provides goods or services to an individual or committee in the  
519 regular course of its business at the same price that would be provided to the general public;

520 (iii) an individual;

521 (iv) individuals who are related and who make contributions from a joint checking  
522 account; or

523 (v) a corporation, except a corporation a major purpose of which is to act as a political  
524 issues committee.

525 (38) (a) "Political issues contribution" means any of the following:

526 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
527 anything of value given to a political issues committee;

528 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
529 issues donation to influence the approval or defeat of any ballot proposition;

530 (iii) any transfer of funds received by a political issues committee from a reporting  
531 entity;

532 (iv) compensation paid by another reporting entity for personal services rendered  
533 without charge to a political issues committee; and

534 (v) goods or services provided to or for the benefit of a political issues committee at  
535 less than fair market value.

536 (b) "Political issues contribution" does not include:

537 (i) services provided without compensation by individuals volunteering a portion or all  
538 of their time on behalf of a political issues committee; or

539 (ii) money lent to a political issues committee by a financial institution in the ordinary  
540 course of business.

541 (39) (a) "Political issues expenditure" means any of the following when made by a  
542 political issues committee or on behalf of a political issues committee by an agent of the  
543 reporting entity:

544 (i) any payment from political issues contributions made for the purpose of influencing  
545 the approval or the defeat of:

546 (A) a ballot proposition; or

547 (B) an incorporation petition or incorporation election;

548 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
549 the express purpose of influencing the approval or the defeat of:

550 (A) a ballot proposition; or

551 (B) an incorporation petition or incorporation election;

552 (iii) an express, legally enforceable contract, promise, or agreement to make any  
553 political issues expenditure;

554 (iv) compensation paid by a reporting entity for personal services rendered by a person  
555 without charge to a political issues committee; or

556 (v) goods or services provided to or for the benefit of another reporting entity at less  
557 than fair market value.

558 (b) "Political issues expenditure" does not include:

559 (i) services provided without compensation by individuals volunteering a portion or all  
560 of their time on behalf of a political issues committee; or

561 (ii) money lent to a political issues committee by a financial institution in the ordinary

562 course of business.

563 (40) "Political purposes" means an act done with the intent or in a way to influence or  
564 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
565 against any candidate or a person seeking a municipal or county office at any caucus, political  
566 convention, or election.

567 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
568 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
569 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
570 person or by telephone, facsimile, Internet, postal mail, or email.

571 (b) "Poll" does not include:

572 (i) a ballot; or

573 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

574 (A) the focus group consists of more than three, and less than thirteen, individuals; and

575 (B) all individuals in the focus group are present during the interview.

576 (42) "Primary election" means any regular primary election held under the election  
577 laws.

578 [~~(45)~~] (43) "Publicly identified class of individuals" means a group of 50 or more  
579 individuals sharing a common occupation, interest, or association that contribute to a political  
580 action committee or political issues committee and whose names can be obtained by contacting  
581 the political action committee or political issues committee upon whose financial statement the  
582 individuals are listed.

583 [~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state  
584 auditor, state treasurer, attorney general, state school board member, state senator, state  
585 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
586 whip, and assistant whip of any party caucus in either house of the Legislature.

587 [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided  
588 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
589 communicate with the officeholder's constituents:

590 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
591 money or anything of value to an officeholder; or

592 (ii) goods or services provided at less than fair market value to or for the benefit of the  
593 officeholder.

594 (b) "Public service assistance" does not include:

595 (i) anything provided by the state;

596 (ii) services provided without compensation by individuals volunteering a portion or all  
597 of their time on behalf of an officeholder;

598 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
599 business;

600 (iv) news coverage or any publication by the news media; or

601 (v) any article, story, or other coverage as part of any regular publication of any  
602 organization unless substantially all the publication is devoted to information about the  
603 officeholder.

604 (46) "Receipts" means contributions and public service assistance.

605 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
606 Lobbyist Disclosure and Regulation Act.

607 (48) "Registered political action committee" means any political action committee that  
608 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
609 Governor.

610 (49) "Registered political issues committee" means any political issues committee that  
611 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
612 Governor.

613 (50) "Registered political party" means an organization of voters that:

614 (a) participated in the last regular general election and polled a total vote equal to 2%  
615 or more of the total votes cast for all candidates for the United States House of Representatives  
616 for any of its candidates for any office; or

617 (b) has complied with the petition and organizing procedures of Chapter 8, Political

618 Party Formation and Procedures.

619 (51) (a) "Remuneration" means a payment:

620 (i) made to a legislator for the period the Legislature is in session; and

621 (ii) that is approximately equivalent to an amount a legislator would have earned

622 during the period the Legislature is in session in the legislator's ordinary course of business.

623 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

624 (i) the legislator's primary employer in the ordinary course of business; or

625 (ii) a person or entity in the ordinary course of business:

626 (A) because of the legislator's ownership interest in the entity; or

627 (B) for services rendered by the legislator on behalf of the person or entity.

628 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
629 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
630 action committee, a political issues committee, a corporation, or a labor organization, as  
631 defined in Section [20A-11-1501](#).

632 (53) "School board office" means the office of state school board.

633 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or  
634 intangible asset that comprises the contribution.

635 (b) "Source" means, for political action committees and corporations, the political  
636 action committee and the corporation as entities, not the contributors to the political action  
637 committee or the owners or shareholders of the corporation.

638 (55) "State office" means the offices of governor, lieutenant governor, attorney general,  
639 state auditor, and state treasurer.

640 (56) "State office candidate" means a person who:

641 (a) files a declaration of candidacy for a state office; or

642 (b) receives contributions, makes expenditures, or gives consent for any other person to  
643 receive contributions or make expenditures to bring about the person's nomination, election, or  
644 appointment to a state office.

645 (57) "Summary report" means the year end report containing the summary of a

646 reporting entity's contributions and expenditures.

647 (58) "Supervisory board" means the individual or group of individuals that allocate  
648 expenditures from a political issues committee.

649 Section 4. Section **20A-11-201** is amended to read:

650 **20A-11-201. State office candidate -- Separate bank account for campaign funds**  
651 **-- No personal use -- Contribution reporting deadline -- Report other accounts --**  
652 **Anonymous contributions.**

653 (1) (a) Each state office candidate or the candidate's personal campaign committee  
654 shall deposit each contribution and public service assistance received in one or more separate  
655 campaign accounts in a financial institution.

656 (b) A state office candidate or a candidate's personal campaign committee may not use  
657 money deposited in a campaign account for:

- 658 (i) a personal use expenditure; or
- 659 (ii) an expenditure prohibited by law.

660 (2) A state office candidate or the candidate's personal campaign committee may not  
661 deposit or mingle any contributions received into a personal or business account.

662 (3) If a person who is no longer a state office candidate chooses not to expend the  
663 money remaining in a campaign account, the person shall continue to file the year-end  
664 summary report required by Section [20A-11-203](#) until the statement of dissolution and final  
665 summary report required by Section [20A-11-205](#) are filed with the lieutenant governor.

666 (4) (a) Except as provided in Subsection (4)(b) and Section [20A-11-402](#), a person who  
667 is no longer a state office candidate may not expend or transfer the money in a campaign  
668 account in a manner that would cause the former state office candidate to recognize the money  
669 as taxable income under federal tax law.

670 (b) A person who is no longer a state office candidate may transfer the money in a  
671 campaign account in a manner that would cause the former state office candidate to recognize  
672 the money as taxable income under federal tax law if the transfer is made to a campaign  
673 account for federal office.

674 (5) (a) As used in this Subsection (5) and Section 20A-11-204, "received" means:

675 (i) for a cash contribution, that the cash is given to a state office candidate or a member  
676 of the candidate's personal campaign committee;

677 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
678 instrument or check is negotiated; and

679 (iii) for any other type of contribution, that any portion of the contribution's benefit  
680 inures to the state office candidate.

681 (b) Each state office candidate shall report to the lieutenant governor each contribution  
682 and public service assistance received by the state office candidate:

683 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which  
684 the contribution or public service assistance is received; or

685 (ii) within three business days after the day on which the contribution or public service  
686 assistance is received, if:

687 (A) the state office candidate is contested in a convention and the contribution or  
688 public service assistance is received within 30 days before the day on which the convention is  
689 held;

690 (B) the state office candidate is contested in a primary election and the contribution or  
691 public service assistance is received within 30 days before the day on which the primary  
692 election is held; or

693 (C) the state office candidate is contested in a general election and the contribution or  
694 public service assistance is received within 30 days before the day on which the general  
695 election is held.

696 (c) ~~[Except as provided in Subsection (5)(d), for]~~ For each contribution or provision of  
697 public service assistance that a state office candidate fails to report within the time period  
698 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state  
699 office candidate in an amount equal to:

700 (i) ~~[the greater of \$50 or 15%]~~ (A) 10% of the amount of the contribution, if the state  
701 office candidate reports the contribution within 60 days after the day on which the time period

702 described in Subsection (5)(b) ends; or

703 (B) 20% of the amount of the contribution, if the state office candidate fails to report  
704 the contribution within 60 days after the day on which the time period described in Subsection  
705 (5)(b) ends; or

706 (ii) [~~the greater of \$50 or 15%~~] (A) 10% of the value of the public service  
707 assistance[-], if the state office candidate reports the public service assistance within 60 days  
708 after the day on which the time period described in Subsection (5)(b) ends; or

709 (B) 20% of the amount of the public service assistance, if the state office candidate  
710 fails to report the public service assistance within 60 days after the day on which the time  
711 period described in Subsection (5)(b) ends.

712 ~~[(d) A fine described in Subsection (5)(c) may not exceed the amount of the~~  
713 ~~contribution or the value of the public service assistance to which the fine relates.]~~

714 ~~[(e)]~~ (d) The lieutenant governor shall:

715 (i) deposit money received under Subsection (5)(c) into the General Fund; and

716 (ii) report on the lieutenant governor's website, in the location where reports relating to  
717 each state office candidate are available for public access:

718 (A) each fine imposed by the lieutenant governor against the state office candidate;

719 (B) the amount of the fine;

720 (C) the amount of the contribution to which the fine relates; and

721 (D) the date of the contribution.

722 (6) (a) As used in this Subsection (6), "account" means an account in a financial  
723 institution:

724 (i) that is not described in Subsection (1)(a); and

725 (ii) into which or from which a person who, as a candidate for an office, other than the  
726 state office for which the person files a declaration of candidacy or federal office, or as a holder  
727 of an office, other than a state office for which the person files a declaration of candidacy or  
728 federal office, deposits a contribution or makes an expenditure.

729 (b) A state office candidate shall include on any financial statement filed in accordance

730 with this part:

731 (i) a contribution deposited in an account:

732 (A) since the last campaign finance statement was filed; or

733 (B) that has not been reported under a statute or ordinance that governs the account; or

734 (ii) an expenditure made from an account:

735 (A) since the last campaign finance statement was filed; or

736 (B) that has not been reported under a statute or ordinance that governs the account.

737 (7) Within 30 days after receiving a contribution that is cash or a negotiable

738 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse

739 the amount of the contribution to:

740 (a) the treasurer of the state or a political subdivision for deposit into the state's or

741 political subdivision's general fund; or

742 (b) an organization that is exempt from federal income taxation under Section

743 501(c)(3), Internal Revenue Code.

744 Section 5. Section **20A-11-301** is amended to read:

745 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**

746 **Candidate as a political action committee officer -- No personal use -- Contribution**

747 **reporting deadline -- Report other accounts -- Anonymous contributions.**

748 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public  
749 service assistance received in one or more separate accounts in a financial institution that are  
750 dedicated only to that purpose.

751 (ii) A legislative office candidate may:

752 (A) receive a contribution or public service assistance from a political action

753 committee registered under Section **20A-11-601**; and

754 (B) be designated by a political action committee as an officer who has primary

755 decision-making authority as described in Section **20A-11-601**.

756 (b) A legislative office candidate or the candidate's personal campaign committee may  
757 not use money deposited in an account described in Subsection (1)(a)(i) for:

758 (i) a personal use expenditure; or

759 (ii) an expenditure prohibited by law.

760 (2) A legislative office candidate may not deposit or mingle any contributions or public  
761 service assistance received into a personal or business account.

762 (3) If a person who is no longer a legislative candidate chooses not to expend the  
763 money remaining in a campaign account, the person shall continue to file the year-end  
764 summary report required by Section 20A-11-302 until the statement of dissolution and final  
765 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

766 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who  
767 is no longer a legislative office candidate may not expend or transfer the money in a campaign  
768 account in a manner that would cause the former legislative office candidate to recognize the  
769 money as taxable income under federal tax law.

770 (b) A person who is no longer a legislative office candidate may transfer the money in  
771 a campaign account in a manner that would cause the former legislative office candidate to  
772 recognize the money as taxable income under federal tax law if the transfer is made to a  
773 campaign account for federal office.

774 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

775 (i) for a cash contribution, that the cash is given to a legislative office candidate or a  
776 member of the candidate's personal campaign committee;

777 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
778 instrument or check is negotiated; and

779 (iii) for any other type of contribution, that any portion of the contribution's benefit  
780 inures to the legislative office candidate.

781 (b) Each legislative office candidate shall report to the lieutenant governor each  
782 contribution and public service assistance received by the legislative office candidate:

783 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which  
784 the contribution or public service assistance is received; or

785 (ii) within three business days after the day on which the contribution or public service

786 assistance is received, if:

787 (A) the legislative office candidate is contested in a convention and the contribution or  
788 public service assistance is received within 30 days before the day on which the convention is  
789 held;

790 (B) the legislative office candidate is contested in a primary election and the  
791 contribution or public service assistance is received within 30 days before the day on which the  
792 primary election is held; or

793 (C) the legislative office candidate is contested in a general election and the  
794 contribution or public service assistance is received within 30 days before the day on which the  
795 general election is held.

796 (c) ~~[Except as provided in Subsection (5)(d), for]~~ For each contribution or provision of  
797 public service assistance that a legislative office candidate fails to report within the time period  
798 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the  
799 legislative office candidate in an amount equal to:

800 (i) ~~[the greater of \$50 or 15%]~~ (A) 10% of the amount of the contribution, if the  
801 legislative office candidate reports the contribution within 60 days after the day on which the  
802 time period described in Subsection (5)(b) ends; or

803 (B) 20% of the amount of the contribution, if the legislative office candidate fails to  
804 report the contribution within 60 days after the day on which the time period described in  
805 Subsection (5)(b) ends; or

806 (ii) ~~[the greater of \$50 or 15%]~~ (A) 10% of the value of the public service  
807 assistance[-], if the legislative office candidate reports the public service assistance within 60  
808 days after the day on which the time period described in Subsection (5)(b) ends; or

809 (B) 20% of the amount of the public service assistance, if the legislative office  
810 candidate fails to report the public service assistance within 60 days after the day on which the  
811 time period described in Subsection (5)(b) ends.

812 ~~[(d) A fine described in Subsection (5)(c) may not exceed the amount of the~~  
813 ~~contribution or the value of the public service assistance to which the fine relates.]~~

814           ~~[(e)]~~ (d) The lieutenant governor shall:

815           (i) deposit money received under Subsection (5)(c) into the General Fund; and

816           (ii) report on the lieutenant governor's website, in the location where reports relating to

817 each legislative office candidate are available for public access:

818           (A) each fine imposed by the lieutenant governor against the legislative office

819 candidate;

820           (B) the amount of the fine;

821           (C) the amount of the contribution to which the fine relates; and

822           (D) the date of the contribution.

823           (6) Within 30 days after receiving a contribution that is cash or a negotiable

824 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall

825 disburse the amount of the contribution to:

826           (a) the treasurer of the state or a political subdivision for deposit into the state's or

827 political subdivision's general fund; or

828           (b) an organization that is exempt from federal income taxation under Section

829 501(c)(3), Internal Revenue Code.

830           ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "account" means an account in a

831 financial institution:

832           (i) that is not described in Subsection (1)(a)(i); and

833           (ii) into which or from which a person who, as a candidate for an office, other than a

834 legislative office for which the person files a declaration of candidacy or federal office, or as a

835 holder of an office, other than a legislative office for which the person files a declaration of

836 candidacy or federal office, deposits a contribution or makes an expenditure.

837           (b) A legislative office candidate shall include on any financial statement filed in

838 accordance with this part:

839           (i) a contribution deposited in an account:

840           (A) since the last campaign finance statement was filed; or

841           (B) that has not been reported under a statute or ordinance that governs the account; or

- 842 (ii) an expenditure made from an account:
- 843 (A) since the last campaign finance statement was filed; or
- 844 (B) that has not been reported under a statute or ordinance that governs the account.

845 Section 6. Section **20A-11-401** is amended to read:

846 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**  
847 **report -- Officeholder as a political action committee officer -- Anonymous contribution**  
848 **or public service assistance.**

849 (1) (a) Each officeholder shall file a summary report by January 10 of each year.

850 (b) An officeholder that is required to file a summary report both as an officeholder and  
851 as a candidate for office under the requirements of this chapter may file a single summary  
852 report as a candidate and an officeholder, provided that the combined report meets the  
853 requirements of:

854 (i) this section; and

855 (ii) the section that provides the requirements for the summary report filed by the  
856 officeholder in the officeholder's capacity of a candidate for office.

857 (2) (a) Each summary report shall include the following information as of December 31  
858 of the previous year:

859 (i) the net balance of the last summary report, if any;

860 (ii) a single figure equal to the total amount of receipts received since the last summary  
861 report, if any;

862 (iii) a single figure equal to the total amount of expenditures made since the last  
863 summary report, if any;

864 (iv) a detailed listing of each contribution and public service assistance received since  
865 the last summary report;

866 (v) for each nonmonetary contribution:

867 (A) the fair market value of the contribution with that information provided by the  
868 contributor; and

869 (B) a specific description of the contribution;

870 (vi) a detailed listing of each expenditure made since the last summary report;  
871 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;  
872 (viii) a net balance for the year consisting of the net balance from the last summary  
873 report plus all receipts minus all expenditures; and

874 (ix) the name of a political action committee for which the officeholder is designated  
875 as an officer who has primary decision-making authority under Section 20A-11-601.

876 (b) (i) For all individual contributions or public service assistance of \$50 or less, a  
877 single aggregate figure may be reported without separate detailed listings.

878 (ii) Two or more contributions from the same source that have an aggregate total of  
879 more than \$50 may not be reported in the aggregate, but shall be reported separately.

880 (c) In preparing the report, all receipts and expenditures shall be reported as of  
881 December 31 of the previous year.

882 (3) The summary report shall contain a paragraph signed by the officeholder certifying  
883 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been  
884 reported as of December 31 of the last calendar year and that there are no bills or obligations  
885 outstanding and unpaid except as set forth in that report.

886 (4) An officeholder may:

887 (a) receive public service assistance from a political action committee registered under  
888 Section 20A-11-601; and

889 (b) be designated by a political action committee as an officer who has primary  
890 decision-making authority as described in Section 20A-11-601.

891 (5) Within 30 days after receiving a contribution or public service assistance that is  
892 cash or a negotiable instrument, exceeds \$50, and is from an unknown source, an officeholder  
893 shall disburse the amount of the contribution or public service assistance to:

894 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
895 political subdivision's general fund; or

896 (b) an organization that is exempt from federal income taxation under Section  
897 501(c)(3), Internal Revenue Code.

898 Section 7. Section **20A-11-505.7** is amended to read:

899 **20A-11-505.7. Separate account for contributions for registered political party --**  
900 **Anonymous contributions to registered political party or county political party.**

901 (1) A registered political party shall deposit a contribution received in one or more  
902 separate campaign accounts in a financial institution.

903 (2) A registered political party may not deposit or mingle a contribution received into a  
904 personal or business account.

905 (3) A registered political party or county political party may not expend a contribution  
906 for political purposes or a political issues expenditure if the contribution:

907 (a) is cash or a negotiable instrument;

908 (b) exceeds \$50; and

909 (c) is from an unknown source.

910 Section 8. Section **20A-11-602** is amended to read:

911 **20A-11-602. Political action committees -- Financial reporting.**

912 (1) (a) Each registered political action committee that has received contributions  
913 totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year  
914 shall file a verified financial statement with the lieutenant governor's office:

915 (i) on January 10, reporting contributions and expenditures as of December 31 of the  
916 previous year;

917 (ii) seven days before the state political convention of each major political party;

918 (iii) seven days before the regular primary election date;

919 (iv) on August 31; and

920 (v) seven days before:

921 (A) the municipal general election; and

922 (B) the regular general election date.

923 (b) The registered political action committee shall report:

924 (i) a detailed listing of all contributions received and expenditures made since the last  
925 statement; and

926 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all  
927 contributions and expenditures as of five days before the required filing date of the financial  
928 statement.

929 (c) The registered political action committee need not file a statement under this  
930 section if it received no contributions and made no expenditures during the reporting period.

931 (2) (a) The verified financial statement shall include:

932 (i) the name and address of any individual [~~that~~] who makes a contribution to the  
933 reporting political action committee, if known, and the amount of the contribution;

934 (ii) the identification of any publicly identified class of individuals that makes a  
935 contribution to the reporting political action committee, if known, and the amount of the  
936 contribution;

937 (iii) the name and address of any political action committee, group, or entity, if known,  
938 that makes a contribution to the reporting political action committee, and the amount of the  
939 contribution;

940 (iv) for each nonmonetary contribution, the fair market value of the contribution;

941 (v) the name and address of each reporting entity that received an expenditure from the  
942 reporting political action committee, and the amount of each expenditure;

943 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;

944 (vii) the total amount of contributions received and expenditures disbursed by the  
945 reporting political action committee;

946 (viii) a statement by the political action committee's treasurer or chief financial officer  
947 certifying that, to the best of the person's knowledge, the financial report is accurate; and

948 (ix) a summary page in the form required by the lieutenant governor that identifies:

949 (A) beginning balance;

950 (B) total contributions during the period since the last statement;

951 (C) total contributions to date;

952 (D) total expenditures during the period since the last statement; and

953 (E) total expenditures to date.

954 (b) (i) Contributions received by a political action committee that have a value of \$50  
955 or less need not be reported individually, but shall be listed on the report as an aggregate total.

956 (ii) Two or more contributions from the same source that have an aggregate total of  
957 more than \$50 may not be reported in the aggregate, but shall be reported separately.

958 (3) A group or entity may not divide or separate into units, sections, or smaller groups  
959 for the purpose of avoiding the financial reporting requirements of this chapter, and substance  
960 shall prevail over form in determining the scope or size of a political action committee.

961 (4) (a) As used in this Subsection (4), "received" means:

962 (i) for a cash contribution, that the cash is given to a political action committee;

963 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
964 instrument or check is negotiated; and

965 (iii) for any other type of contribution, that any portion of the contribution's benefit  
966 inures to the political action committee.

967 (b) A political action committee shall report each contribution to the lieutenant  
968 governor within 30 days after the contribution is received.

969 (5) A political action committee may not expend a contribution for political purposes if  
970 the contribution:

971 (a) is cash or a negotiable instrument;

972 (b) exceeds \$50; and

973 (c) is from an unknown source.

974 Section 9. Section **20A-11-802** is amended to read:

975 **20A-11-802. Political issues committees -- Financial reporting.**

976 (1) (a) Each registered political issues committee that has received political issues  
977 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least  
978 \$50, during a calendar year, shall file a verified financial statement with the lieutenant  
979 governor's office:

980 (i) on January 10, reporting contributions and expenditures as of December 31 of the  
981 previous year;

982 (ii) seven days before the state political convention of each major political party;

983 (iii) seven days before the regular primary election date;

984 (iv) seven days before the date of an incorporation election, if the political issues  
985 committee has received donations or made disbursements to affect an incorporation;

986 (v) at least three days before the first public hearing held as required by Section  
987 [20A-7-204.1](#);

988 (vi) if the political issues committee has received or expended funds in relation to an  
989 initiative or referendum, at the time the initiative or referendum sponsors submit:

990 (A) the verified and certified initiative packets as required by Section [20A-7-206](#); or

991 (B) the signed and verified referendum packets as required by Section [20A-7-306](#);

992 (vii) on August 31; and

993 (viii) seven days before:

994 (A) the municipal general election; and

995 (B) the regular general election.

996 (b) The political issues committee shall report:

997 (i) a detailed listing of all contributions received and expenditures made since the last  
998 statement; and

999 (ii) all contributions and expenditures as of five days before the required filing date of  
1000 the financial statement, except for a financial statement filed on January 10.

1001 (c) The political issues committee need not file a statement under this section if it  
1002 received no contributions and made no expenditures during the reporting period.

1003 (2) (a) That statement shall include:

1004 (i) the name and address, if known, of any individual [~~that~~] who makes a political  
1005 issues contribution to the reporting political issues committee, and the amount of the political  
1006 issues contribution;

1007 (ii) the identification of any publicly identified class of individuals that makes a  
1008 political issues contribution to the reporting political issues committee, and the amount of the  
1009 political issues contribution;

1010 (iii) the name and address, if known, of any political issues committee, group, or entity  
1011 that makes a political issues contribution to the reporting political issues committee, and the  
1012 amount of the political issues contribution;

1013 (iv) the name and address of each reporting entity that makes a political issues  
1014 contribution to the reporting political issues committee, and the amount of the political issues  
1015 contribution;

1016 (v) for each nonmonetary contribution, the fair market value of the contribution;

1017 (vi) except as provided in Subsection (2)(c), the name and address of each individual,  
1018 entity, or group of individuals or entities that received a political issues expenditure of more  
1019 than \$50 from the reporting political issues committee, and the amount of each political issues  
1020 expenditure;

1021 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1022 (viii) the total amount of political issues contributions received and political issues  
1023 expenditures disbursed by the reporting political issues committee;

1024 (ix) a statement by the political issues committee's treasurer or chief financial officer  
1025 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

1026 (x) a summary page in the form required by the lieutenant governor that identifies:

1027 (A) beginning balance;

1028 (B) total contributions during the period since the last statement;

1029 (C) total contributions to date;

1030 (D) total expenditures during the period since the last statement; and

1031 (E) total expenditures to date.

1032 (b) (i) Political issues contributions received by a political issues committee that have a  
1033 value of \$50 or less need not be reported individually, but shall be listed on the report as an  
1034 aggregate total.

1035 (ii) Two or more political issues contributions from the same source that have an  
1036 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported  
1037 separately.

1038 (c) When reporting political issue expenditures made to circulators of initiative  
1039 petitions, the political issues committee:

1040 (i) need only report the amount paid to each initiative petition circulator; and

1041 (ii) need not report the name or address of the circulator.

1042 (3) (a) As used in this Subsection (3), "received" means:

1043 (i) for a cash contribution, that the cash is given to a political issues committee;

1044 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1045 instrument or check is negotiated; and

1046 (iii) for any other type of contribution, that any portion of the contribution's benefit  
1047 inures to the political issues committee.

1048 (b) A political issues committee shall report each contribution to the lieutenant  
1049 governor within 30 days after the contribution is received.

1050 (4) A political issues committee may not expend a contribution for a political issues  
1051 expenditure if the contribution:

1052 (a) is cash or a negotiable instrument;

1053 (b) exceeds \$50; and

1054 (c) is from an unknown source.

1055 Section 10. Section **20A-11-1301** is amended to read:

1056 **20A-11-1301. School board office candidate -- Campaign finance requirements --**  
1057 **Candidate as a political action committee officer -- No personal use -- Contribution**  
1058 **reporting deadline -- Report other accounts -- Anonymous contributions.**

1059 (1) (a) (i) Each school board office candidate shall deposit each contribution and public  
1060 service assistance received in one or more separate accounts in a financial institution that are  
1061 dedicated only to that purpose.

1062 (ii) A school board office candidate may:

1063 (A) receive a contribution or public service assistance from a political action  
1064 committee registered under Section **20A-11-601**; and

1065 (B) be designated by a political action committee as an officer who has primary

1066 decision-making authority as described in Section [20A-11-601](#).

1067 (b) A school board office candidate may not use money deposited in an account  
1068 described in Subsection (1)(a)(i) for:

1069 (i) a personal use expenditure; or

1070 (ii) an expenditure prohibited by law.

1071 (2) A school board office candidate may not deposit or mingle any contributions or  
1072 public service assistance received into a personal or business account.

1073 (3) A school board office candidate may not make any political expenditures prohibited  
1074 by law.

1075 (4) If a person who is no longer a school board candidate chooses not to expend the  
1076 money remaining in a campaign account, the person shall continue to file the year-end  
1077 summary report required by Section [20A-11-1302](#) until the statement of dissolution and final  
1078 summary report required by Section [20A-11-1304](#) are filed with the lieutenant governor.

1079 (5) (a) Except as provided in Subsection (5)(b) and Section [20A-11-402](#), a person who  
1080 is no longer a school board candidate may not expend or transfer the money in a campaign  
1081 account in a manner that would cause the former school board candidate to recognize the  
1082 money as taxable income under federal tax law.

1083 (b) A person who is no longer a school board candidate may transfer the money in a  
1084 campaign account in a manner that would cause the former school board candidate to recognize  
1085 the money as taxable income under federal tax law if the transfer is made to a campaign  
1086 account for federal office.

1087 (6) (a) As used in this Subsection (6) and Section [20A-11-1303](#), "received" means:

1088 (i) for a cash contribution, that the cash is given to a school board office candidate or a  
1089 member of the candidate's personal campaign committee;

1090 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1091 instrument or check is negotiated; and

1092 (iii) for any other type of contribution, that any portion of the contribution's benefit  
1093 inures to the school board office candidate.

1094 (b) Each school board office candidate shall report to the chief election officer each  
1095 contribution and public service assistance received by the school board office candidate:

1096 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which  
1097 the contribution or public service assistance is received; or

1098 (ii) within three business days after the day on which the contribution or public service  
1099 assistance is received, if:

1100 (A) the school board office candidate is contested in a primary election and the  
1101 contribution or public service assistance is received within 30 days before the day on which the  
1102 primary election is held; or

1103 (B) the school board office candidate is contested in a general election and the  
1104 contribution or public service assistance is received within 30 days before the day on which the  
1105 general election is held.

1106 (c) [~~Except as provided in Subsection (6)(d), for~~] For each contribution or provision of  
1107 public service assistance that a school board office candidate fails to report within the time  
1108 period described in Subsection (6)(b), the chief election officer shall impose a fine against the  
1109 school board office candidate in an amount equal to:

1110 (i) [~~the greater of \$50 or 15%~~] (A) 10% of the amount of the contribution, if the school  
1111 board office candidate reports the contribution within 60 days after the day on which the time  
1112 period described in Subsection (6)(b) ends; or

1113 (B) 20% of the amount of the contribution, if the school board office candidate fails to  
1114 report the contribution within 60 days after the day on which the time period described in  
1115 Subsection (6)(b) ends; or

1116 (ii) [~~the greater of \$50 or 15%~~] (A) 10% of the value of the public service  
1117 assistance[-], if the school board office candidate reports the public service assistance within 60  
1118 days after the day on which the time period described in Subsection (6)(b) ends; or

1119 (B) 20% of the amount of the public service assistance, if the school board office  
1120 candidate fails to report the public service assistance within 60 days after the day on which the  
1121 time period described in Subsection (6)(b) ends.

1122           ~~[(d) A fine described in Subsection (6)(c) may not exceed the amount of the~~  
1123 ~~contribution or the value of the public service assistance to which the fine relates.]~~  
1124           ~~[(e)]~~ (d) The chief election officer shall:  
1125           (i) deposit money received under Subsection (6)(c) into the General Fund; and  
1126           (ii) report on the chief election officer's website, in the location where reports relating  
1127 to each school board office candidate are available for public access:  
1128           (A) each fine imposed by the chief election officer against the school board office  
1129 candidate;  
1130           (B) the amount of the fine;  
1131           (C) the amount of the contribution to which the fine relates; and  
1132           (D) the date of the contribution.  
1133           (7) Within 30 days after receiving a contribution that is cash or a negotiable  
1134 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall  
1135 disburse the contribution to:  
1136           (a) the treasurer of the state or a political subdivision for deposit into the state's or  
1137 political subdivision's general fund; or  
1138           (b) an organization that is exempt from federal income taxation under Section  
1139 501(c)(3), Internal Revenue Code.  
1140           ~~[(7)]~~ (8) (a) As used in this Subsection ~~[(7)]~~ (8), "account" means an account in a  
1141 financial institution:  
1142           (i) that is not described in Subsection (1)(a)(i); and  
1143           (ii) into which or from which a person who, as a candidate for an office, other than a  
1144 school board office for which the person files a declaration of candidacy or federal office, or as  
1145 a holder of an office, other than a school board office for which the person files a declaration of  
1146 candidacy or federal office, deposits a contribution or makes an expenditure.  
1147           (b) A school board office candidate shall include on any financial statement filed in  
1148 accordance with this part:  
1149           (i) a contribution deposited in an account:

- 1150 (A) since the last campaign finance statement was filed; or
- 1151 (B) that has not been reported under a statute or ordinance that governs the account; or
- 1152 (ii) an expenditure made from an account:
- 1153 (A) since the last campaign finance statement was filed; or
- 1154 (B) that has not been reported under a statute or ordinance that governs the account.

1155 Section 11. Section **20A-12-301** is amended to read:

1156 **20A-12-301. Definitions.**

1157 As used in this part:

1158 (1) (a) "Contribution" means any of the following when done for political purposes:

1159 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
1160 value given to the judge or the judge's personal campaign committee;

1161 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
1162 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
1163 anything of value to the judge or the judge's personal campaign committee;

1164 (iii) any transfer of funds from another reporting entity or a corporation to the judge or  
1165 the judge's personal campaign committee;

1166 (iv) compensation paid by any person or reporting entity other than the judge or the  
1167 judge's personal campaign committee for personal services provided without charge to the  
1168 judge or the judge's personal campaign committee; and

1169 (v) goods or services provided to or for the benefit of the judge or the judge's personal  
1170 campaign committee at less than fair market value.

1171 (b) "Contribution" does not include:

1172 (i) services provided without compensation by individuals volunteering a portion or all  
1173 of their time on behalf of the judge or the judge's personal campaign committee; or

1174 (ii) money lent to the judge or the judge's personal campaign committee by a financial  
1175 institution in the ordinary course of business.

1176 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
1177 organization that is registered as a corporation or is authorized to do business in a state and

1178 makes any expenditure from corporate funds for political purposes.

1179 (b) "Corporation" does not mean:

1180 (i) a business organization's political action committee as defined in Section

1181 [20A-11-101](#) or political issues committee as defined in Section [20A-11-101](#); or

1182 (ii) a business entity organized as a partnership or a sole proprietorship.

1183 (3) "Detailed listing" means:

1184 (a) for each contribution:

1185 (i) the name and address of the individual or source making the contribution, to the

1186 extent that the name or address of the individual or source is known;

1187 (ii) the amount or value of the contribution; and

1188 (iii) the date the contribution was made; and

1189 (b) for each expenditure:

1190 (i) the amount of the expenditure;

1191 (ii) the person or entity to whom it was disbursed;

1192 (iii) the specific purpose, item, or service acquired by the expenditure; and

1193 (iv) the date the expenditure was made.

1194 (4) (a) "Expenditure" means:

1195 (i) any disbursement from contributions or from the separate bank account required by

1196 this chapter;

1197 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

1198 or anything of value made for political purposes;

1199 (iii) an express, legally enforceable contract, promise, or agreement to make any

1200 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of

1201 value for political purposes;

1202 (iv) compensation paid by a corporation or reporting entity for personal services

1203 rendered by a person without charge to the judge or the judge's personal campaign committee;

1204 (v) a transfer of funds between the judge's personal campaign committee and another

1205 judge's personal campaign committee; or

1206 (vi) goods or services provided by the judge's personal campaign committee to or for  
1207 the benefit of another judge for political purposes at less than fair market value.

1208 (b) "Expenditure" does not include:

1209 (i) services provided without compensation by individuals volunteering a portion or all  
1210 of their time on behalf of the judge or judge's personal campaign committee; or

1211 (ii) money lent to a judge's personal campaign committee by a financial institution in  
1212 the ordinary course of business.

1213 (5) "Individual" means a natural person.

1214 (6) "Interim report" means a report identifying the contributions received and  
1215 expenditures made since the last report.

1216 (7) "Personal campaign committee" means the committee appointed by a judge to act  
1217 for the judge as provided in this chapter.

1218 (8) "Political purposes" means an act done with the intent or in a way to influence or  
1219 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
1220 against any judge standing for retention at any election.

1221 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,  
1222 a candidate's personal campaign committee, an officeholder, and a party committee, a political  
1223 action committee, and a political issues committee.

1224 (10) "Summary report" means the year-end report containing the summary of a  
1225 reporting entity's contributions and expenditures.

1226 Section 12. Section **20A-12-303** is amended to read:

1227 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1228 (1) The judge or the judge's personal campaign committee shall deposit each  
1229 contribution in one or more separate personal campaign accounts in a financial institution.

1230 (2) The judge or the judge's personal campaign committee may not deposit or mingle  
1231 any contributions received into a personal or business account.

1232 (3) (a) As used in this Subsection (3) and Section [20A-12-305](#), "received" means:

1233 (i) for a cash contribution, that the cash is given to a judge or the judge's personal

1234 campaign committee;

1235 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1236 instrument or check is negotiated; and

1237 (iii) for any other type of contribution, that any portion of the contribution's benefit  
1238 inures to the judge.

1239 (b) The judge or the judge's personal campaign committee shall report to the lieutenant  
1240 governor each contribution received by the judge, within 30 days after the day on which the  
1241 contribution is received.

1242 (c) [~~Except as provided in Subsection (3)(d), for~~] For each contribution that a judge  
1243 fails to report within the time period described in Subsection (3)(b), the lieutenant governor  
1244 shall impose a fine against the judge in an amount equal to [~~the greater of \$50 or 15%~~]:

1245 (i) 10% of the amount of the contribution[-] if the judge reports the contribution within  
1246 60 days after the day on which the time period described in Subsection (3)(b) ends; or

1247 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution  
1248 within 60 days after the day on which the time period described in Subsection (3)(b) ends.

1249 [~~(d) A fine described in Subsection (3)(c) may not exceed the amount of the~~  
1250 ~~contribution to which the fine relates.]~~

1251 [~~(e)~~] (d) The lieutenant governor shall:

1252 (i) deposit money received under Subsection (3)(c) into the General Fund; and

1253 (ii) report on the lieutenant governor's website, in the location where reports relating to  
1254 each judge are available for public access:

1255 (A) each fine imposed by the lieutenant governor against the judge;

1256 (B) the amount of the fine;

1257 (C) the amount of the contribution to which the fine relates; and

1258 (D) the date of the contribution.

1259 (4) Within 30 days after receiving a contribution that is cash or a negotiable  
1260 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal  
1261 campaign committee shall disburse the amount of the contribution to:

1262            (a) the treasurer of the state or a political subdivision for deposit into the state's or  
1263 political subdivision's general fund; or  
1264            (b) an organization that is exempt from federal income taxation under Section  
1265 501(c)(3), Internal Revenue Code.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No. 7.

Short Title: Public Hearing - Zoning Ordinance Text Amendment, Chapter 12-60, Accessory Dwelling Units (ADUs)

Initiated By: City Council and Planning Commission

Scheduled Time: 7:55

**SUBJECT**

Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses for ADUs, and enacting Chapter 12-60 regarding ADUs - Consider Ordinance No. 2015-08

**RECOMMENDATION**

Approve Ordinance No. 2015-08 amending Section 12-12-040 of the Centerville Zoning Ordinance regarding Definitions, amending Table 12-36 of the same regarding Table of Uses, and enacting Chapter 12-60 regarding Accessory Dwelling Units (ADUs).

**BACKGROUND**

On March 25, 2015, the Planning Commission reviewed and recommended approval of proposed amendments to the Centerville Zoning Ordinance regarding accessory dwelling units (ADUs). The Staff Transmittal Report and proposed Ordinance No. 2015-08 are attached.

**ATTACHMENTS:**

Description

- 📎 03-26-15 Staff Transmittal Report
- 📎 Ordinance No. 2015-08
- 📎 Exhibit A-Chapter 12-60-(PC Recommendation)
- 📎 03-25-15 PC Staff Report
- 📎 03-25-2015 PC minutes re recommendation on ADUs
- 📎 02-25-2015 PC Minutes re discussion on ADUs
- 📎 01-28-2015 PC minutes re discussion on ADUs

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

**STAFF TRANSMITTAL REPORT**

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**DATE: MARCH 26, 2015**

**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)**

**PC RECOMMENDATION: RECOMMEND APPROVAL OF THE ZONING  
CODE TEXT AMENDMENTS**

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**BACKGROUND**

Over the past several months of 2014 and early 2015, the Planning Commission held a few 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 roundtable discussion meetings, where dates and times were posted on the City's website and in the City newsletters and/or utility billings.

Generally, these meetings indicated that allowing such housing type might be appropriate, provided sufficient use regulations could be developed. However, there were some concerns about allowing detached ADUs, or units constructed separately from the primary dwelling. Additionally, the Commission also questioned whether some aesthetic design standards were actually needful. Due to consensus that allowing ADUs might be appropriate, the Commission asked staff to prepare a draft Ordinance to review and discuss. Consequently on March 25, 2015, the Planning Commission recommended APPROVAL of a new ordinance that allows for the possibility of ADUs in the Agricultural-Low and Residential-Low Zoning Districts.

Nonetheless, two (2) Commissioners did cast dissenting votes. However, each Commissioner dissenting explained that their vote was not centered on opposing ADUs, but rather on a desire to allow a larger percentage or size for ADUS, specifically desiring allowing a range greater than the proposed 25% and possibly up to 50% of the floor area of a home.

**PLANNING COMMISSION RECOMMENDATION**

On March 25, 2015, the Planning Commission forwarded to the City a **recommendation of APPROVAL** of the proposed text amendments for allowing 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.*

**Planning Commission Vote (4-2):**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Not Present</b>
Hirschi (Chair)	X		
Hirst	X		
Johnson			X
Kjar		X	
Merrill	X		
Randall	X		
Ince		X	

**LIST OF PREVIOUS PLANNING COMMISSION MEETINGS**

- ✓ *January 28, 2015*
- ✓ *February 25, 2015*

**ORDINANCE NO. 2015-08**

**AN ORDINANCE AMENDING SECTION 12-12-040 OF THE CENTERVILLE ZONING ORDINANCE REGARDING THE DEFINITION OF ACCESSORY DWELLING UNITS, AMENDING TABLE 12-36 OF THE SAME REGARDING TABLE OF USES TO ALLOW ACCESSORY DWELLING UNITS AS CONDITIONAL USE IN AGRICULTURAL-LOW (A-L) AND RESIDENTIAL-LOW (R-L) ZONES, AND ENACTING CHAPTER 12-60 OF THE SAME REGARDING ACCESSORY DWELLING UNITS**

**WHEREAS**, the City Council directed Staff along with the Planning Commission to research and prepare possible ordinance amendments regarding accessory dwelling units within the City in accordance with the goals and objectives of the City's moderate income housing plan adopted in the Centerville General Plan; and

**WHEREAS**, as directed by the City Council, the Planning Commission held a number of public meetings and roundtable discussions to engage the public in the discussion of allowing accessory dwelling units as part of the housing options within the City; and

**WHEREAS**, based on such meetings and discussions and direction from the Planning Commission, Staff prepared a draft ordinance regarding accessory dwelling units for review and consideration by the Planning Commission; and

**WHEREAS**, the Planning Commission, after a number of public hearings on the matter, reviewed the proposed ordinance amendments regarding accessory dwelling units and recommends approval of the Zoning Ordinance amendments as more particularly provided herein; and

**WHEREAS**, City Council has determined that the proposed revisions to the Zoning Ordinance regarding accessory dwelling units, as more particularly set forth herein, are consistent with the goals, objectives and policies of the Centerville General Plan, are harmonious with the character of existing development within the City, will not adversely affect properties within the City, are in the best interest of the City and the public health, safety and welfare, and will provide additional housing options within the City; and

**WHEREAS**, the proposed amendments to the Zoning Ordinance as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Section 12-12-040 of the Centerville Zoning Ordinance regarding Definitions is hereby amended to amend the definition of accessory dwelling units as more particularly set forth as follows:

**12-12-040. Definitions.**

As used in this Title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

\* \* \*

**Accessory Dwelling Unit (ADU) Apartment:** A habitable living area located within or as accessory to a detached single family dwelling and which has its own kitchen, living/sleeping areas, and sanitation facilities which meets the requirements of Chapter 12-60 of this Title.

\* \* \*

**Dwelling, Single-Family with Accessory Dwelling Unit:** A building having only one (1) dwelling unit and one (1) accessory dwelling unit.

\* \* \*

**Section 2. Amendment.** Table 12-36 of the Centerville Zoning Ordinance regarding the Table of Uses is hereby amended to add accessory dwelling units as conditional use in the A-L and R-L Zones, as more particularly set forth as follows:

Zones															
Residential Uses	A-L	A-M	R-L	R-M	R-H	PF-L	PF-M	PF-H	PF-VH	C-M	C-H	C-VH	I-M	I-H	I-VH
Dwelling, single-family with accessory <u>dwelling unit (ADU)</u> <del>apartment</del>	<del>CN</del>	N	<del>CN</del>	N	N	N	N	N	N	N	N	N	N	N	N

**Section 3. Enactment.** Chapter 12-60 of the Centerville Zoning Ordinance adopting provisions regarding Accessory Dwelling Units is hereby enacted to read in its entirety as more particularly set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

**Section 4. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 5. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS \_\_\_\_\_ DAY OF MAY, 2015.**

**ATTEST:**

**CENTERVILLE CITY**

\_\_\_\_\_  
Marsha L. Morrow, City Recorder

By: \_\_\_\_\_  
Mayor Paul A. Cutler

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

\_\_\_\_\_  
MARSHA L. MORROW, City Recorder

DATE: \_\_\_\_\_

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PUBLISHED OR POSTED this \_\_\_\_ of \_\_\_\_\_, 20\_\_

**Exhibit A**

**Chapter 12-60 of the Centerville Zoning Ordinance  
Accessory Dwelling Units**

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

[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
	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 (ADUs) 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 an accessory use to the approved primary building use 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.* ADUs 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 secondary 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 ADUs:
- 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**

3

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 an accessory use to the approved primary building use 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.* ADUs 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.* ADUs 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 ADUs 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 six (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 six (6) foot 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.* ADUs 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 ADUs 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 ADUs, 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%.

#### **12-60-070. Design Standards**

The design standards set forth in this section are to 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 should be compatible with, or visually appear to be harmonious with 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 may be located on the wall facade that can be viewed from the public street directly adjacent to the same lot or parcel in which the ADU is located. All other entrances must be located on wall facades facing interior to the lot.
- (1) *Ground Entrance Restrictions.* Ground entrances are prohibited on a wall facade facing a perimeter lot line, unless such wall façade is at least 6 feet from a perimeter lot line.
- (2) *Upper Story Entrance Restrictions.* Upper story entrances (*e.g. access from balconies and decks*) having no other ground entrance are prohibited on a wall façade facing a perimeter lot line unless such wall façade is located 20 feet from the perimeter lot line.
- (c) *Roof Pitch.* The roof pitch should be the compatible or visually appear to be harmonious with the roof pitch style of the primary or main building of the lot or parcel in which the ADU is located.
- (d) *Windows.* Windows should be compatible or visually appear to be harmonious in proportion (*i.e. width to height*) and orientation (*i.e. horizontal or vertical*) to windows used for the main or primary building.
- (e) *Eaves.* Building eaves for ADUs should meet one of the following designs:
- (1) The eaves are to project from the walls the same distance as the eaves on the primary or main building.
- (2) The eaves are to 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

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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 ADUs;
- (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 a 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 with 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 ADUs 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*. *[Planning Commission believes that there should be flexibility in this matter and recommends that the City consider the following:*
  - *Waiver or exemption when there would be no increase in demand or capacity previously paid in conjunction with the primary residence*
  - *Waiver or exemption when the area of the home being converted was already covered by previous paid fees*
  - *Consider applicable fees when a capacity or demand is created with any detached ADU or other similar situation]*

(d) *Addressing.* An ADU will not be given a new distinct address by the City. Such ADUs may refer mail to be delivered separately by the same address as the primary building using with a subsidiary 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 ADUs 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.

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## Related Zoning Ordinance Amendments

### 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.

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

**STAFF REPORT  
AGENDA: ITEM 3**

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**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 TO THE CITY  
COUNCIL**

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***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. Additionally, staff has performed several edits as discussed in the previous meetings held by the Commission.

**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 compatibly 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 – REOPEN* the Public Hearing to allow for comment regarding the other sections mentioned (i.e. Definitions & Table of Uses) mentioned in the draft regulations and then close the public hearing and discuss the matter.

*Staff Suggested 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.*

1. The acceptance of this conceptual site plan is not intended to permit actual development of property and such review does not create a vested right (e.g. City authorization) to develop.
2. The acceptance of this conceptual site plan is intended to represent how the property could be developed so that the applicant can receive feedback from the Planning Commission.
3. The acceptance of this conceptual site plan does NOT indicate that the proposed plan meets the current relevant City Codes and Ordinances. Furthermore, several significant steps would need to happen to make the current proposed layout even feasible, such as, but not limited to, the following:
  - Lot Frontage Width Regulations – Obtain an amendment to the Subdivision Ordinance to allow flag lots to be used in the multi-family zoning districts, or amend the “lot frontage width” requirements for the residential zones.
  - Site Plan Amendment – Obtain a site plan amendment for the commercial use and address the applicable Zoning Ordinance requirements, including but not limited to, parking, landscaping, and buffers.
  - Subdivision of Land - Secure a subdivision approval to facilitate establishment of a zone boundary opportunity between the area of the Traditional Main Street District and the area for the duplex to be zoned multi-family.
  - Rezone of Duplex Site – If the subdivision and site plan amendments are secured, obtain a rezone for the duplex site to a multi-family zoning district (e.g. R-M Zone).
4. The acceptance of this conceptual site plan does NOT indicate the City’s commitment or the future probability of making the current proposed layout even feasible.

The motion was seconded by Commissioner Randall and passed by unanimous roll-call vote (5-0).

Commissioner Hirst recused herself as she is a personal acquaintance of both the applicant and the property owner.

**PUBLIC HEARING | ZONING CODE TEXT AMENDMENTS, CHAPTER 12-60 - ACCESSORY DWELLING UNITS (ADUs) - [Continuation from February 25, 2015 Meeting] - Consider proposed zoning code text amendments for Chapter 12-60-Accessory Dwelling Units, Chapter 12-12-Definitions and Table 12-36-Tables of Uses for the new Accessory Dwelling Units (ADUs) Ordinance. Centerville City, Applicant**

Cory Snyder, Community Development Director, reviewed the proposed Accessory Dwelling Unit (ADU) ordinance draft. The Planning Commission has been working toward the proposed draft for the past year. After much research, meetings, public input, and discussion it

1 was evident such a housing type might be appropriate, provided sufficient use regulations could  
2 be developed. The proposed draft Ordinance was compiled using typical standards found  
3 throughout many Utah cities. The draft ordinance also includes modifications to reflect  
4 Centerville's Zoning Ordinance style and characteristics. Mr. Snyder reviewed each section of  
5 the proposed Ordinance and responded to questions from the Commission. The Commission  
6 reviewed the draft ordinance making non-substantive changes. The Commission discussed  
7 impact fees and agreed with the proposed language.

8  
9 Chair Hirschi opened the public hearing. Seeing there was no one wishing to comment,  
10 he closed the public hearing.

11  
12 Commissioner Ince said he does not agree with the maximum floor area of 25% (Section  
13 12-60-060[b][2]). He said if he were to rent his basement it would be closer to 35%. He said for  
14 many homes that calculation could jump as high as 50% for a basement. He believes 25% is too  
15 restrictive. Commissioner Kjar agreed that 25% may be too limiting. He said if he were to rent  
16 his basement and keep to this restriction it would require significant remodeling and cost.

17  
18 Chair Hirschi said over this past year it has been determined there is value in allowing  
19 ADUs, but cautiously. He believes the 25% is cautious and appropriate. He said this number will  
20 help ensure that Centerville does not become a city of duplexes, which is possible with a 50%  
21 allowance. Commissioner Randall said 25% is plenty if you consider a separate structure may be  
22 used as an ADU. Mr. Snyder agreed that 50% is too great and no longer considered accessory,  
23 but rather creates two (2) primary dwellings or a duplex.

24  
25 Commission Merrill made a **motion** for the Planning Commission to recommend  
26 approval of the proposed text amendments for allowance of Accessory Dwelling Units (ADUs),  
27 as follows:

- 28  
29 1. Amend Title 12-Zoning by adding Chapter 12-60-Accessory Dwelling Units, as  
30 submitted, or modified by the Planning Commission.  
31 2. Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.  
32 3. Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L  
33 Zones, as submitted to the Commission.

34  
35 ***Reasons for Action (findings):***

- 36 a. The Planning Commission finds that the proposed Ordinance is consistent with the  
37 City's Moderate Income Housing Element concerning the use of ADUs.  
38 b. The Planning Commission finds that the proposed Ordinance includes several  
39 compatibly elements to maintain expected neighborhood characteristics.

1 c. The Planning Commission finds that the proposed Ordinance also includes  
2 parameters, restrictions or limitations to prevent or mitigate impacts to adjacent  
3 properties.

4  
5 The motion was seconded by Commissioner Hirst and passed by roll-call vote (4-2).

6  
7 Commissioner Kjar and Commissioner Ince opposed. Commissioner Kjar said he agrees  
8 with the concept of ADUs and believes they should be allowed. He is uncomfortable with the  
9 25% limitation. He said 50% may be too great, but perhaps somewhere in between is  
10 appropriate. Commissioner Ince agreed. He too believes ADUs are appropriate but believes a  
11 greater percentage may be best.

12  
13 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- 14  
15 1. The next Planning Commission meeting will be Wednesday, April 8, 2015.  
16 2. Upcoming Agenda Items  
17 • Maverick Convenience Store, conceptual site plan

18  
19  
20 The meeting was adjourned at 8:28 p.m.

21  
22  
23 \_\_\_\_\_  
24 David Hirschi, Chair

\_\_\_\_\_

25  
26  
27 \_\_\_\_\_  
28 Kathleen Streadbeck, Recording Secretary

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, February 25, 2015**

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

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

7  
8 **MEMBERS PRESENT**

9 David P. Hirschi, Chair

10 Gina Hirst

11 William Ince (arrived at 7:07 p.m.)

12 Logan Johnson

13 Scott Kjar (arrived at 7:04 p.m.)

14 Kevin Merrill

15 Debra Randall

16  
17 **STAFF PRESENT**

18 Corvin Snyder, Community Development Director

19 Lisa Romney, City Attorney

20 Katie Rust, Recording Secretary

21  
22 **VISITORS**

23 Interested citizens (see attached sign-in sheet)

24  
25 **OPENING COMMENT/PRAYER** Commissioner Randall

26  
27 **PLEDGE OF ALLEGIANCE**

28  
29 **MINUTES REVIEW AND APPROVAL**

30  
31 The minutes of the February 11, 2015 Planning Commission meeting were reviewed.  
32 Chair Hirschi and Commissioners Merrill and Kjar requested amendments. Commissioner Kjar  
33 made a **motion** to approve the minutes as amended. Chair Hirschi seconded the motion, which  
34 passed by unanimous vote (7-0).

35  
36 **PUBLIC HEARINGS | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 -**  
37 **ACCESSORY DWELLING UNITS (ADUs)**

38  
39 During 2014 the Planning Commission held some public discussion meetings to assess  
40 the possibility of allowing accessory dwelling units as part of the housing options within the city.  
41 Generally, these meetings indicated that allowing such a housing type might be appropriate,  
42 provided sufficient use regulations could be developed. However, there were some concerns  
43 regarding allowing detached ADUs, or units constructed separately from the primary dwelling.  
44 The Commission also questioned whether some aesthetic design standards were actually  
45 needful. Staff was asked to prepare a draft Ordinance to review and discuss.

46  
47 At 7:14 p.m. Chair Hirschi made a **motion** to reopen the public hearing to receive a letter  
48 from Linda Harrison into the public record for consideration, and for further public comment.  
49 Commissioner Johnson seconded the motion, which passed by unanimous vote (7-0).

50  
51 **Dale Engberson** – Mr. Engberson owns a home and property in Centerville that he thinks  
52 would work well with the addition of an ADU. He said he thinks the draft Ordinance is well

1 written. Mr. Engberson referred to the size limit of 200 square feet per resident and the  
2 maximum limit of 800 square feet per ADU, which equals a proposed maximum ADU occupancy  
3 of four residents. The State has an occupancy limit of 200 square feet per person, but Mr.  
4 Snyder stated that he is not aware of occupancy levels being enforced in the State of Utah  
5 during his career. Mr. Engberson said he assumes inspections would be required to make sure  
6 everything is up to code. He added that he thinks it would be a good idea for the City to  
7 maintain a list of ADU occupants for emergency situations. He also suggested that the City  
8 provide an instructive packet for ADU property owners that could include ways to screen  
9 potential occupants. Mr. Engberson mentioned the limitations imposed by required setbacks.  
10 He suggested that it would be fair to charge a percentage of some of the impact fees rather than  
11 the full amount.  
12

13 At 7:24 p.m. Chair Hirschi closed the public hearing. Chair Hirschi said he knows there  
14 are some citizens who could benefit from the Ordinance, but he is not sensing a huge amount of  
15 support or need right now. Mr. Snyder reported that three or four citizens call him regularly in  
16 support, and he regularly hears from one citizen against. Mr. Snyder said he personally  
17 believes that an ADU ordinance would be low-key in Centerville to begin with, but the General  
18 Plan states that the option should be considered. Commissioner Randall said she believes  
19 there are quite a few ADUs already in operation.  
20

21 Mr. Snyder mentioned several concerns brought to him by Commissioner Merrill,  
22 including placement of ADUs, and the question of whether or not the City should address  
23 existing ADUs. Chair Hirschi referred to the issue of "free access" on page two, item (e) of the  
24 draft Ordinance. Mr. Snyder responded that access is a distinguishing factor between a duplex  
25 and an ADU. An ADU is intended to be subsequent to the main residence, with a proposed size  
26 allowance of 25% of the main residence, which would avoid a duplex situation. The  
27 Commission discussed the proposed requirement of owner occupancy of at least six months of  
28 the year. Mr. Snyder explained that a provision is included for "sabbatical leave" if the City is  
29 given notice.  
30

31 As written, the draft Ordinance restricts detached ADUs to the backyard of a residential  
32 property. Through the conditional use permit process the Commission will have an opportunity  
33 to check the location of any detached ADU and analyze potential impact on neighboring  
34 properties. Mr. Snyder responded to a question from Chair Hirschi that he is not aware of any  
35 study related to ADU impact fees. Chair Hirschi brought up a potential scenario involving  
36 homeowners who pay impact fees when they purchase a home, raise a family, and years later  
37 decide to rent out a portion of their home, with the rental situation causing less impact on the  
38 community than the family did when the home was purchased and the family was young. He  
39 asked if the homeowners would be required to pay impact fees again if they decide to rent out a  
40 portion of the home. Commissioner Randall stated that charging impact fees twice in that  
41 situation would not seem right. Chair Hirschi suggested that one solution might be to assess a  
42 different impact fee for a detached dwelling than for a converted portion of an existing home.  
43 Impact fees are determined, in part, by the number of fixtures in a dwelling. The Planning  
44 Commission indicated that some type of tiering might be preferable for ADU impact fees,  
45 depending on potential added impact. Chair Hirschi asked staff for further education regarding  
46 how flexible the City can be with impact fees. Lisa Romney, City Attorney, responded that  
47 impact fees are intended to pay a fair share for services in a community, not to increase level of  
48 service. She commented that the City does not charge impact fees based on family size or  
49 number of residents, and stated that the final decision should be defensible with analysis. Chair  
50 Hirschi agreed that the City needs to be clear and consistent. Ms. Romney added that the City

1 includes an exception in all of its impact fee ordinances that allows residents to provide proof of  
2 lesser impact and apply for a reduction.

3  
4 Chair Hirschi commented that some of the City's residential roads are narrow, and  
5 additional need for parking might exacerbate an already difficult parking situation, especially in  
6 winter months. Mr. Snyder stated that the draft Ordinance allows a maximum of 800 square  
7 feet, with four occupants and one required parking spot. City Code requires two parking spaces  
8 for a primary residence, and the Commission could recommend requiring two parking spaces  
9 for ADUs as well.

10  
11 Commissioner Ince asked how strictly the City enforces exact setbacks and design  
12 requirements. Mr. Snyder responded that enforcement of design require is disciplined  
13 approach. Enforcement of behavior is on a complaint basis. Chair Hirschi added that through  
14 the conditional use process the Commission will have the ability to look closely at individual  
15 situations. He stated that the provision regarding location of entrances was confusing. Mr.  
16 Snyder responded that character of the neighborhood and privacy are factors considered in  
17 determining location of entrances. Mr. Snyder confirmed that the draft Ordinance requires at  
18 least six feet between a main residence and a detached ADU for emergency personnel access.

19  
20 Commissioner Johnson referred to the letter sent by Linda Harrison that cites Orem as a  
21 negative example of ADU occurrence, and asked Mr. Snyder if he knows the difference in the  
22 number of single family units in Orem compared to Centerville. Mr. Snyder responded that he  
23 imagines Orem has significantly more single family homes than Centerville. Commissioner  
24 Johnson said he felt the letter centered around the topic of expectations, and asked how the  
25 Planning Commission should balance people's expectations with the needs of the City. Mr.  
26 Snyder stated that Centerville was originally organized with the idea of varying single-family lot  
27 sizes. In 2003 the City instituted completely different parameters based on gross density.  
28 Cities change through time and zoning, creating differences in expectations. Chair Hirschi  
29 added that the demographics in Centerville have changed significantly. Commissioner Merrill  
30 commented that the city has changed since he bought his first home 40 years ago, but he still  
31 loves Centerville. He feels the city still has a small-town feel, but provides what people need  
32 and want within the city. Commissioner Merrill stated he has embraced the change that has  
33 taken place, and he thinks the younger generation in the community will want to stay.  
34 Commissioner Johnson stated that he would personally tend to disregard expectations that  
35 things remain the same, and asked how much the expectations should affect decisions made by  
36 the Commission.

37  
38 Commissioner Randall commented that if all the properties on her block built detached  
39 ADUs in the backyard, there would be a big impact on the neighborhood. She said she is fine  
40 with existing structures being converted to ADUs, but the detached concept makes her nervous.  
41 She would not want the neighborhood to become a different place. Chair Hirschi added that  
42 there are parts of the city where separate structures would be possible, but many  
43 neighborhoods in the city where it would not be possible. Commissioner Randall agreed that it  
44 would increase what some citizens are able to do with their property. Commissioner Hirst  
45 stated she agrees with some of the concerns voiced in Ms. Harrison's letter, but at the same  
46 time, Centerville is not Orem City. Commissioner Hirst said she cannot imagine that many  
47 homeowners will be interested in adding ADUs, and she does not think the City will see an  
48 entire block of properties add detached structures. Commissioner Merrill seconded what  
49 Commissioner Hirst said, and added that he does not anticipate a clamor to add ADUs.

1 Commissioner Ince asked about enforcement against existing ADUs. Mr. Snyder  
2 repeated that the City enforces on a complaint basis. If a report were to come in on a pending  
3 ordinance, he would not take action until a decision is made. The proposed draft Ordinance  
4 may not make all existing ADU situations legal. Some would benefit from the draft Ordinance,  
5 some would not. Commissioner Ince said he has an issue with things seeming to be arbitrary in  
6 government, and stated that the 25% and 800 square foot limitations seem to him to be  
7 arbitrary. He suggested there should be some latitude or tolerance for different circumstances.  
8 Mr. Snyder stated that the 25% and 800 square foot limit is consistent with other communities  
9 with ADU ordinances. ADUs are a limited use opportunity. Mr. Snyder clarified that an owner  
10 could live in either the primary residence or the ADU to satisfy the occupancy requirement.  
11 Chair Hirschi suggested clarifying the definition of "the dwelling" on page 6 Section (a)(2) of the  
12 draft Ordinance.

13  
14 Commissioner Randall made a **motion** to table the issue, which was seconded by  
15 Commissioner Merrill. Mr. Snyder asked the Commission for direction regarding design  
16 standards. Chair Hirschi stated that he personally thinks design standards make a lot of sense  
17 because appearance reflects the character of a neighborhood. Commissioners Merrill, Kjar,  
18 and Randall indicated support for leaving design standards in the Ordinance. Chair Hirschi  
19 voiced support for requiring that exterior finishes must be compatible with the primary residence,  
20 and that entrances remain non-intrusive. Chair Hirschi suggested changing the word "must" to  
21 "should" with regards to matching windows on the main home. Commissioner Ince suggested  
22 requiring that exteriors be "complimentary" to the main home. Mr. Snyder agreed to continue  
23 working on the design standards portion of the Ordinance.

24  
25 The motion to table passed by unanimous vote (7-0). Commissioner Ince asked what  
26 constitutes the definition of a family in a residential situation. Mr. Snyder responded that State  
27 law states that family/guardianship situations constitute family, as well as four unrelated  
28 individuals sharing a dwelling. The City Codes include related individuals, plus two additional  
29 individuals in the definition of a family.

30  
31 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

32  
33 The Planning Commission will meet next on March 11, 2015, beginning with a work  
34 session before the regular Planning Commission meeting. The Planning Commission will also  
35 participate in a planning priorities work session with the City Council on March 17, 2015

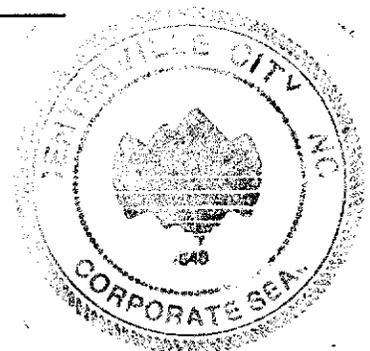
36  
37 **ADJOURNMENT**

38  
39 At 8:59 p.m. Chair Hirschi made a **motion** to adjourn. Commissioner Johnson seconded  
40 the motion, which passed by unanimous vote (7-0).

41  
42  
43   
44 \_\_\_\_\_  
45 David P. Hirschi, Chair

46  
47  
48 3-11-2015  
49 \_\_\_\_\_  
50 Date Approved

47  
48   
49 \_\_\_\_\_  
50 Katie Rust, Recording Secretary



CENTERVILLE PLANNING COMMISSION MEETING

Wednesday, February 25, 2015  
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS\*\*

Lucia Jannickson

114 Bradley Dr. Cent

Don + Robin Neville

415 South Main C'ville

Dale Engberson

696 E Cedar St

Caden Campbell

1400 N 50W Oakcrest Circle

Spencer McKee  
Cutter

1443 North Suncrest Circle

Charlie O. Cree

1381 N. Main Centerville UT.

Oliver Joseph Dickes

1366 N. Main Centerville Utah.

Wilfred Adams

Gary Harsh

345 W 1400 N

Scott Lane

383 W 1400 N

Bruce Cox

364 W - 1375 N.

Lee Skabelund

\*\* Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the Planning Commission meeting.

- 1           3. It appears all applicable development standards for development within an R-L Zone
- 2           have be satisfied [Table 12-32-1].
- 3           4. It appears all general requirements for all subdivisions have been satisfied [Chapter
- 4           15-5].
- 5           5. All applicable standards found in the Subdivision Ordinance pertaining to a
- 6           preliminary subdivision application have been satisfied [Chapter 15-3].

7  
8           The motion was seconded by Chair Hirschi and passed by unanimous vote (6-0).

9  
10           **PUBLIC HEARING | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 –**  
11           **ACCESSORY DWELLING UNITS (ADUs) - Consider a proposed zoning code text**  
12           **amendment to Chapter 12-60-Accessory Dwelling Units (ADUs), by adding new regulations**  
13           **to this chapter. Centerville City, Applicant.**

14  
15           Mr. Snyder, Community Development Director, reported the Planning Commission has  
16           held some public discussion meetings to assess the possibility of allowing accessory dwelling  
17           units (ADUs) as part of the housing options within the city. Generally, these meetings indicated  
18           that allowing such housing type might be appropriate, provided sufficient use regulations could  
19           be developed. Concerns discussed have included allowing detached ADUs (units constructed  
20           separately from the primary dwelling) and aesthetic design standards.

21  
22           Staff has prepared a draft ordinance using typical standards found throughout many Utah  
23           cities. Some provisions have been modified or altered to reflect Centerville's Zoning Ordinance  
24           style; as well as elements that attempt to reflect the characteristics of using ADUs in Centerville  
25           City. Mr. Snyder reviewed each section of the draft ordinance with the Commission including  
26           termination, design, parking, exemptions, occupancy, etc. Staff believes the proposed draft is  
27           consistent with the City's Moderate Income Housing Element concerning both the use of ADUs  
28           and of implementing design standards. The proposed draft includes compatibly elements to  
29           maintain neighborhood characteristics including ADUs as subordinate to the primary use, owner  
30           occupancy requirements, location and size limitations, and design expectations. The proposed  
31           draft also includes parameters, restrictions or limitations to prevent or mitigate impacts to  
32           adjacent properties. Such elements provide self-contained on-site needs to minimize off-site  
33           conflicts with adjoining properties. Additionally, an ADU use is deemed a conditional use  
34           (CUP). A CUP allows the approving authority (i.e. Planning Commission) to review each case to  
35           assess the potential impacts and set conditions to mitigate concerns or potential problems.

36  
37           Mr. Snyder explained as part of any development proposal, from single-family  
38           subdivisions to large commercial development, the City has adopted "impact fees." Impact fees  
39           are charged to cover the costs of expanding or sizing utility service infrastructure. Such fees

1 cover items such as water lines and meters, storm drains, fire service, and even for providing  
2 parks. Since ADUs may create added demands for some services, it may not always be the case  
3 for other such services. The concept of ADUs are to capitalize an opportunity to use existing  
4 single-family style developments and associated infrastructure to keep costs down but increase  
5 the opportunity to find housing options. Charging a full service impact fee to an ADU may be a  
6 dis-incentive and may not be a flawless balance between the actual impact and the end user of an  
7 ADU. The Commission and Council need to consider this as part of any decision to allow ADUs  
8 in the City.

9  
10 Commissioner Randall said her biggest concern is parking. This is often the reason a  
11 neighbor will report an illegal ADU. She questioned if one additional parking space was  
12 adequate for an ADU. Mr. Snyder said the Commission could increase the required parking to 2  
13 spaces, but staff believes it may not be necessary for a maximum 800 square feet dwelling.

14  
15 Chair Hirschi opened the public hearing.

16  
17 Dale Engberson said he has read the proposed ADU draft and is accepting of the  
18 document. He likes that the parking is behind the setback and believes this will help with  
19 alleviate parking concerns. He likes that the draft requires ADUs to have their own meters but  
20 that both meters must be in the property owner's name. He believes if ADUs are done right they  
21 are a benefit to the community.

22  
23 Stephanie Ivie, City Councilwoman, said she is glad to see the ADU issue come to this  
24 point. She agrees ADUs should be legal with set parameters. She is concerned the proposed draft  
25 may be a bit more restrictive than she would like. She does appreciate the owner occupancy  
26 requirement.

27  
28 Lee Skabelund said legalizing ADUs has been a long time coming. He said ADUs can  
29 work out nicely for a community and provide cohesiveness when done right. He said ADUs  
30 provide housing options for citizens who do not want to leave their large homes but need  
31 supplemental income to keep it and citizens who would like a smaller more reasonable place to  
32 live or elderly who do not want to live in a facility. He said ADUs need to have their own  
33 parking and entrance and separate heating, bathroom, kitchen and fire protection. He said ADUs  
34 increase diversity which keeps a community healthy.

35  
36 Chair Hirschi made a **motion** for the Planning Commission to **TABLE** this matter and the  
37 public hearing until the Planning Commission meeting to be held on February 25, 2015. The  
38 motion was seconded by Commissioner Hirst and passed by unanimous vote (6-0).

39

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No. 8.

Short Title: FY 2016 Budget

Initiated By:

Scheduled Time: 8:25

**SUBJECT**

- a. Presentation of City Manager's Proposed Budget
- b. Adopt Tentative Budget and set public hearing date

**RECOMMENDATION**

The City Manager will present his Proposed Budget for FY 2016 to the City Council, as required by State law by the first regular council meeting in May. Adopt the Proposed Budget as the Tentative Budget; set a date for the formal public hearing and City Council work sessions; and determine whether to provide other public engagement opportunities relating to the Tentative Budget.

**BACKGROUND**

Adoption of a Tentative Budget officially initiates a period of time for public inspection of the Budget document, culminating in a public hearing, which the City Manager recommends be held on June 2. State law requires the City Council adopt the Final Budget no later than June 22. Therefore, adoption would likely occur at the Council's regular meeting on June 16.

The City Manager recommends the Council meet in a work session on May 19--prior to their regular meeting that night --to discuss the employee compensation plan and its budget impact. Other budget issues could possibly be discussed in that work session or on another date.

When setting the calendar for preparing and adopting the FY 2016 Budget, the City Manager recommended the City Council have opportunity to meet with department heads *after* submittal of the Manager's Proposed Budget, to ask questions about Budget details directly of those staff members who participated in the budget preparation process.

Council may also want to incorporate an opportunity for the public to ask questions of staff. The City Manager will suggest some options for allowing this.

The City Manager's Budget Message will be attached to NovusAgenda online when it is available.

**CENTERVILLE  
CITY COUNCIL  
Staff Backup Report  
5/5/2015**

Item No. 9.

Short Title: Discuss proposed Complete Streets Policy

Initiated By: Working Group of Staff and Elected Officials

Scheduled Time: 8:40

**SUBJECT**

**RECOMMENDATION**

Approve the attached draft policy regarding "Complete Streets" with any revisions agreed upon by the City Council.

**BACKGROUND**

This matter was tabled from the April 21 Council Meeting due to a lack of time. In November and December 2014, a working group of City staff, Councilmembers Fillmore and Wright, a WFRC employee and consultants, met in three Complete Streets workshops. The first attachment is a one-page summary of that process. The second attachment is a draft policy developed in the final workshop. The working group agreed to educate the Planning Commission and City Council on the Complete Streets concept, which was subsequently done by Cory Snyder and Councilwoman Fillmore, respectively. In the Council's goal-setting process over the past two months, the adoption of a Complete Streets Policy scored relatively high. Therefore, the task for the Council now is to agree upon the content of such a policy and direct staff to implement it.

If any Council Member would like to review all of the presentation materials and minutes for the three workshops, the City Manager will forward, upon request, an email that will allow access to the Drop Box holding these extensive documents/photos. Councilwoman Fillmore used some of these materials when briefing the Council on the Complete Streets concept in an earlier council meeting.

**ATTACHMENTS:**

Description

- ☐ Summary of Complete Streets Policy Workshops
- ☐ Draft Complete Streets Policy



## COMPLETE STREETS POLICY WORKSHOP – CENTERVILLE, UT

Centerville City asked to take part in a series of Complete Streets policy development workshops offered by Wasatch Front Regional Council (WFRC). WFRC is the federal- and state-designated transportation planning organization for the metropolitan area. The purpose of the workshop was to assist the city in developing a Complete Streets policy draft and a road map to implementation that is uniquely suited to Centerville's goals. The three-session workshop took place on October 6, 2014, December 3, 2014, and December 10, 2014. The workshops were attended by members of the City Council, the City Manager, and senior staff from the Public Works, Engineering, Planning, Economic Development, Parks and Recreation, and Police Departments.

To ensure a successful outcome, WFRC worked closely with the City Manager and City Planner to understand the community's knowledge and perspective of Complete Streets as well as Centerville's current operations. The team met prior to each meeting to ensure the agenda items would culminate in a draft policy that would resonate with the City Council, Planning Commission, and residents of Centerville.

The focus of each day was as follows:

- Day 1 – Complete Streets 101, goals, and vision of Complete Streets in Centerville
- Day 2 – Policies, programs, and procedures and how Complete Streets would be integrated into city operations; the group also discussed street typologies and how they can be an effective strategy for implementation
- Day 3 – Draft Complete Streets policy and steps toward implementation

In addition to the attached draft policy, the group also identified a preferred pathway towards implementation, including:

1. City Manager report to the Council with support from the two Council Members in the Working Group
2. Joint City Council/Planning Commission educational work session with special invites from within the community
3. Target public investment allocations starting with allocations to improving the pedestrian environment
4. Public involvement emphasis at the I-15 pedestrian bridge opening

### **Complete Streets in Centerville**

Complete Streets policies do not mandate that accommodations be constructed for all users on every road. Rather, these policies only require methodical consideration of accommodations for all users and implementation of strategies when and where appropriate. Initially, a Complete Streets policy in Centerville would likely result in more coordinated projects and in more synergy between road investments and community goals and, ultimately, in project savings as well as a healthier, safer, economic sustainable Centerville.

### **Please see the attached documents for further information:**

- 1) Draft Centerville Complete Streets Policy
- 2) Day 1 Notes and Presentation
- 3) Day 2 Notes and Presentation
- 4) Salt Lake City Policy
- 5) Day 3 Notes
- 6) Additional Resources



42

43 **Policy Scope**

44

45 The City of Centerville recognizes that all transportation projects- new, maintenance, or reconstruction-  
46 are potential opportunities to forward the Community's Vision. The City will, to the maximum practical  
47 extent, design, construct, maintain, and operate all streets to forward the Community's Vision. Streets  
48 for the purposes of this policy include the entire width of the public rights of way and extend from tree  
49 height to underground utilities. The Policy applies to streets regardless of funding source - private or  
50 public - and directs City Staff to work with the owners of street assets such as UDOT and utility  
51 companies to forward the Community's Vision. This Policy, however, does not mandate that  
52 accommodations be constructed for all users on every road. This Policy only requires methodical  
53 consideration of accommodation of the Community Vision.

54

55 **Complete Streets Planning**

56 The facilities and infrastructure that contribute to Complete Streets are generally long term  
57 investments. As such these elements will remain in place for many years, which affects quality of life  
58 both visually and functionally. Therefore, their design, construction, maintenance, and operations need  
59 to reflect the best currently available standards and guidelines. This policy directs decision-makers to  
60 consistently plan, design, and construct streets to accommodate Centerville's Vision and to modify the  
61 City's existing procedures and governing documents and potentially adopt new procedures and  
62 governing documents as appropriate to support such Vision. These efforts are to include, but not  
63 necessarily limited to, the following:

64

65 Street Typology Cataloguing – We believe that Street Typologies would be a useful tool in  
66 administering a Complete Streets policy in Centerville. Street Typologies expand the notion of street  
67 types beyond what they can do for the automobile to what they are to all users and for the  
68 surrounding neighborhoods. Once these typologies are developed, they will be applied to all new  
69 planning documents and design standards.

70 Centerville is unique in its geographic size and extent. As a consequence the various arterial and  
71 collector streets often perform multiple functions as they transect various neighborhoods and/or  
72 land use areas. Thus, a street typology needs to be developed to better understand the needs and  
73 purposes of each particular street segment. Such typology must focus on the needs of any particular  
74 street segment as well as corridor. Any subsequent construction or reconstruction not only needs to  
75 reflect the needs of the segment, but also the appropriate transitions from one segment type to  
76 another.

77 Master or Strategic Planning – All new or updates to master planning documents that affect or  
78 influence the efforts to develop Completes Streets must include an element in the process to  
79 consider how such concepts ought to be implemented. Such plans may include the City General and  
80 Neighborhood Area Plans, the Trail & Pathway Plan, Master Street Plan, maintenance plans, or  
81 Storm Water Master Plan.

82 Capital Improvement Programing - All capital improvement investment planning must also consider  
83 how the Community Vision can be included in the phasing and construction of such elements.  
84 However, such programing needs to be prioritized and coordinated to ensure that investments for  
85 complete streets are implemented in an efficient and effective manner. Piece meal implementation  
86 without a comprehensive view can lead to waste and reduce any benefits from accomplishing a  
87 Complete Streets program.

88 Street Design Standards, Maintenance, and Operations Implementation –City street design  
89 standards and specifications will be updated to align with designated street typologies. Street  
90 maintenance activities will also be aligned so as to be supportive of the policy.

### 91 **Complete Streets Funding**

92 This policy recognizes that any implementation of the Community Vision may have significant cost  
93 implications. On one hand, the design, construction, and maintenance of street elements that would  
94 not have otherwise been built would be an added cost. On the other hand, this Policy facilitates project  
95 savings through joint development and economies of scale. The decisions of implementation need to be  
96 prioritized and funds may or may not be available. Nonetheless, a concerted effort needs to be made  
97 during various processes to determine if any opportunity exists to implement any concepts. These  
98 processes may include the following:

99 City Zoning and Development Approval Process – Any plan, text or map amendment should consider  
100 and implement where feasible the desired Community Vision. Furthermore, any development plan  
101 required to design, construct, or install such elements (e.g. street trees, street lamps, pedestrian  
102 paths, etc.) should reflect the design or typology in which it is located.

103 City General and Capital Improvement Funds – Each fiscal year, during the annual budget process,  
104 the City Council should determine what funding will be directed towards implementation of the  
105 Community Vision. The City Manager and Council should receive recommendations from City Staff  
106 identifying what opportunities or types of Complete Street projects can be accomplished.  
107 Additionally, any capital improvement plan needs to identify such opportunities. Funding then  
108 should be appropriated in amounts that are deemed available.

109 City's RDA Programs – As RDA project areas are created, the planning and budgetary documents  
110 must address the opportunities and needs for implementation of the Complete Streets concepts.  
111 Additionally, when funds are requested within existing RDA project areas the development of  
112 Complete Street elements should be considered in decision making processes.

113 Other County, State, and Federal Funds and Grants – Many funding opportunities are eligible for use  
114 on Complete Streets betterments and some are targeted specifically at Complete Streets. Existing  
115 projects can include Complete Streets betterments when planned ahead of time and supported by  
116 City Policy and supporting documents. UDOT, UTA, and Wasatch Front Regional Council are funding  
117 agencies with Complete Streets type policies and WFRC provides bonuses in scoring projects with  
118 Complete Streets elements or policies. City staff should pursue these funds.

119 **Complete Streets – Creation of a Committee and Point Person**

120 A Complete Streets Committee is to be created consisting of the existing Development Review Team and  
121 chaired by the City Manager or his designee. Other staff should be included on a case by case basis, as  
122 deemed appropriate. This Committee will be responsible for recommending, reviewing and  
123 coordinating the desires and concepts relating to Complete Streets. Additionally, a City point person will  
124 be assigned by the City Manager to be the point of contact for UDOT, UTA, and other outside agencies.

125 Bi-annually, the Complete Streets Committee will report in writing and in a regular session of the City  
126 Council on their activities. The report shall include street policies, procedures, and investments made in  
127 respect to the streets and how Complete Streets elements were incorporated and why they were not  
128 incorporated.

129 **Complete Streets Exemptions Evaluation Criteria**

130 Exemptions regarding the implementation or construction shall be reviewed by the Complete Streets  
131 Committee and their recommendation may be accepted or rejected by any approving authority. Such  
132 exemptions should be documented with supporting data that indicates the basis for the exemption.  
133 Exemptions may include, but not be limited to the following:

- 134 • Overall cost being prohibitive
- 135 • Short, low-volume, low-speed streets unless part of safe routes to School, traffic calming, or  
136 planned multi-modal network connectivity
- 137 • Existing developments where such concepts cannot be accommodated
- 138 • Streets with limited right-of-way or acquisition of is deemed prohibitive or unnecessary
- 139 • Any physical or public concern that outweighs the need to implement such concepts
- 140 • Historical context

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Item No. 10.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 9:00

**SUBJECT**

- a. Gigabit Networks in Utah
- b. Fire District proposal
- c. Centennial Celebration

**RECOMMENDATION**

**BACKGROUND**

Mayor Cutler will report on several matters, including those shown on the agenda.

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Item No. 11.

Short Title: City Council Liaison Report

Initiated By:

Scheduled Time: 9:20

**SUBJECT**

Councilman John Higginson re Mosquito Abatement District and Wasatch Integrated Waste Management District

**RECOMMENDATION**

Allow Councilman Higginson to report on the issues and activities of these two special districts which serve Centerville City.

**BACKGROUND**

Councilman Higginson represents the City on the Mosquito Abatement District Board and Wasatch Integrated Waste Management District Board.

**CENTERVILLE  
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Item No. 12.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:30

**SUBJECT**

a. Parrish/1250 West Intersection Betterments

**RECOMMENDATION**

Determine whether to consider any enhancements in connection with UDOT's installation of traffic signals at 1250 West/Parrish Lane.

**BACKGROUND**

In April City staff met with UDOT employees on-site at the 1250 West/Parrish Lane intersection to discuss the installation of traffic signals. UDOT's traffic warrant study earlier this year concluded that this installation is now warranted. Therefore, UDOT is proceeding with this project, with installation in the next few months. The City Manager requested answers to several questions about this project. Those questions and answers are contained in the attached email.

If the Council wants to fund any "betterments" as a part of this project, they need to decide very soon what that participation will be. Some of the questions and answers in the attached email pertain to potential betterments. Formal action would involve approval of a Betterments Agreement in a later Council meeting, and would also require RDA approval if RDA funding is used.

**ATTACHMENTS:**

Description

📎 Email re intersection betterments

## Steve Thacker

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**From:** Darin Frstrup <dfrstrup@utah.gov>  
**Sent:** Monday, April 27, 2015 11:14 AM  
**To:** Steve Thacker  
**Cc:** reyharris@utah.gov; kevin campbell; Randy Randall; Paul Egbert  
**Subject:** Re: 1250 West/Parrish Lane Traffic Signals

Steve,  
Please see my comments to your questions in [blue](#):

**Darin K. Frstrup, P.E.**  
UDOT Region One  
Traffic Operations Engineer

Email: [dfrstrup@utah.gov](mailto:dfrstrup@utah.gov)  
Office: 801-620-1607  
Cell: 801-940-2239

On Mon, Apr 27, 2015 at 10:07 AM, Steve Thacker <[stevet@centervilleut.com](mailto:stevet@centervilleut.com)> wrote:

Hello Rex and Darin:

Thank you for meeting with my staff on-site earlier this month about this traffic signal project while I was out of town. Upon my return, I was briefed by several of my employees who attended that meeting. This email is a follow up to obtain clarification about the schedule and the options the City may want to consider as betterments. My City Council is expecting me to brief them on the options so they can decide whether to fund any enhancements. I would appreciate you answering the following questions so I can adequately address these matters in a timely manner with my City Council:

- What is UDOT's intended schedule for installation of these signals? How would this be impacted if the City wanted to fund any of the enhancements/betterments below? [The intended schedule is to begin the design of the signal as soon as possible and construct the signal through a procurement contract, which will be in the next 2-3 months](#)
- Is powder coating the signal poles an option? How does this affect the schedule and what is the approximate cost? Would it be similar to the cost the City paid for powder-coating the poles in the Main & Parrish project last year? (about \$6400) [Powder coating the signal poles is an option, but it will add time to the schedule. I do not know the additional time it takes to powder coat, but it could add an additional 4-8 weeks. Also, I do not know the additional cost of powder coating.](#)
- I understand UDOT is strongly opposed to specially-constructed crosswalks for pedestrians at this location—due to the long-term impact on street maintenance activities (i.e. pavement treatments/overlays vs. matching the crosswalk elevation). Is our perception correct? Is there any alternative to the painted crosswalk that is acceptable/low maintenance impact based on UDOT's experience? [Yes. At signalized intersections, the crosswalks that are allowed are the two white-stripe crosswalk \(typical\) using thermoplastic or a school crosswalk \(if it is part of a school SNAP plan\). Due to maintenance issues, it is best to keep the crosswalk the same treatment as the roadway \(asphalt\). It is recommended to have Centerville use their funding to enhance](#)

the intersection on the corners of the intersection rather than on the roadway. Citizens will pay attention more to enhancements off the roadway rather than on the roadway.

- My staff reported that initially there would be pedestrian crosswalks across only the east and south legs of the intersection—is this right? I presume this is because there is no need at this time to have crosswalks across the other two legs, right? What type of pedestrian signals will be included in the crossings that are included? Yes, the ped crosswalks will be on the east leg and south leg of the intersection. The intent is to get people from the northeast corner to the southwest corner (ped bridge to trail system). Because there is no development on the northwest corner, there is no reason to send people to that corner. The three corners (NE, SE, SW) will have your standard ped heads with push buttons.

- I presume UDOT will hang a street name sign on the signal cross-arm over Parrish Lane. When is the deadline for the City to tell you what name to put on that sign? The City has received a request to add an alpha name to the numeric name of 1250 West and this is under consideration at this time. I presume both an alpha name and numeric name can be put on the sign, right? If so, when must you know what those names are? UDOT will need to know the new name of 1250 West as soon as possible so it can be placed at the same time as the signal. The sign will either have the alpha name or the numeric name, it will not have both.

I will be reporting and discussing these matters with my City Council at their next meeting on May 5. Therefore, I would appreciate answers to the questions above sometime this week. If you would rather discuss this with me via phone, please call me ([801-677-6094](tel:801-677-6094) direct number) or give me a time at which I can call you (and a phone number). If I should be contacting someone else in UDOT to get these answers, please steer me in the right direction. Thanks.

I truly appreciate UDOT's response to our needs in Centerville and look forward to continued good relations.

Steve Thacker

Centerville City Manager

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Item No. 13.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:45

**SUBJECT**

**RECOMMENDATION**

At this time no topics are shown under this heading.

**BACKGROUND**

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Item No. 14.

Short Title: Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended

Initiated By:

Scheduled Time: 9:45

**SUBJECT**

**RECOMMENDATION**

At this time, staff are not aware of a need for a Closed Meeting, but the agenda allows for that possibility.

**BACKGROUND**

**CENTERVILLE  
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Item No. 15.

Short Title: Possible action following closed meeting, including appointments to boards and committees

Initiated By:

Scheduled Time: 9:45

**SUBJECT**

**RECOMMENDATION**

Mayor Cutler may recommend appointments to City boards/committees.

**BACKGROUND**

An application has been attached as a confidential document until the Council approves the appointment of this person.

**ATTACHMENTS:**

Description

- Statement of Interest

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Item No.

Short Title: Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Initiated By:

Scheduled Time:

**SUBJECT**

**RECOMMENDATION**

**BACKGROUND**