

ORDINANCE NO. 2021-25

AN ORDINANCE AMENDING SECTION 12.60.090 OF THE CENTERVILLE ZONING CODE REGARDING THE DEFINITION OF FULL-TIME RESIDENCY FOR PURPOSES OF INTERNAL ACCESSORY DWELLING UNITS

WHEREAS, the City Council recently adopted Chapter 12.60 of the Centerville Zoning Code regarding Internal Accessory Dwelling Units in accordance with H.B. 82 regarding Single-Family Housing Modifications requiring municipalities to classify certain accessory dwelling units as permitted dwelling units in any area zoned primarily for residential use as more particularly set forth in Utah Code § 10-9a-530; and

WHEREAS, the City Council desires to amend the definition of “full-time residency” as set forth in Section 12.60.090 to align with the State residency requirement set forth in Utah Code § 59-2-103 for purposes of residential property assessment; and

WHEREAS, the proposed amendments to the Zoning Code 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 Code.

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

Section 1. Amendment. Section 12.60.090 of the Centerville Zoning Code regarding the definition of “full-time residency” for purposes of Internal Accessory Dwelling Units is hereby amended to read as follows:

12.60.090. Occupancy Requirements, Licenses, and Owner Affidavits

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

- (a) *Definitions and Terms.* The following definitions or terms are applicable to the creation and use of Internal ADUs;
- (1) *Owner.* An owner is defined as a person occupying the premises as their sole primary residence and having at least 50% or greater ownership interest in the property.
 - (2) *Full-Time Residency.* Full-time residency means the owner must live in a dwelling for at least 183 consecutive calendar days ~~six months~~ of each calendar year.
 - (3) *Internal ADU Occupation.* The Internal ADU is exclusively used for other family members or for long-term rental with a minimum rental period of 30 days or more.

- (4) *Owner Occupancy Affidavit*. A signed and notarized owner-occupancy acknowledgement for the property for sanctioning an Internal ADU and filed with the City Recorder’s Office and/or recorded at the Davis County Recorder’s Office.
- (5) *Temporary Owner Absence Waiver*. An approval granting a waiver of the occupancy requirement due to specific short-term or temporary absences.

* * *

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.

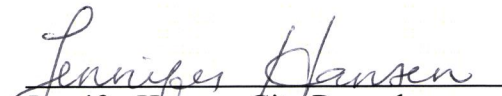
Section 3. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

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, ON THIS 16th DAY OF NOVEMBER, 2021.**

ATTEST:

CENTERVILLE CITY


Jennifer Hansen, City Recorder

By: 
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Fillmore	<u> X </u>	<u> </u>	<u> </u>
Councilmember Ince	<u> X </u>	<u> </u>	<u> </u>
Councilmember Ivie	<u> X </u>	<u> </u>	<u> </u>
Councilmember McEwan	<u> X </u>	<u> </u>	<u> </u>
Councilmember Mecham	<u> X </u>	<u> </u>	<u> </u>

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.

Jennifer Hansen
JENNIFER HANSEN, City Recorder

DATE: 11-18-2021

RECORDED this 18 day of Nov, 2021.

PUBLISHED OR POSTED this 18 of Nov, 2021.

