

COTTONWOOD HEIGHTS

ORDINANCE NO. 424

AN ORDINANCE AMENDING SECTION 19.72.050(D) OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES REGARDING MAXIMUM IMPERVIOUS SURFACES

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the City; and

WHEREAS, on 14 July 2005, the legislative body (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

WHEREAS, thereafter, the City’s planning commission (the “*Planning Commission*”) formulated proposed amendments (the “*Amendments*”) to Section 19.72.050(D) of the Code concerning maximum impervious surfaces in the City; and

WHEREAS, a public hearing was held before the Planning Commission where citizens were given the opportunity to provide written or oral comment concerning the proposed Amendments; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, following the public hearing, the Planning Commission recommended the Amendments to the Council for adoption; and

WHEREAS, the Council subsequently took additional public comment concerning the Amendments; and

WHEREAS, the Council has reviewed and is familiar with the Amendments, a copy of which is annexed as an exhibit to this ordinance, including any amendments proposed by the Council to the form of the Amendments recommended for adoption by the Planning Commission, as authorized by UTAH CODE ANN. 10-9a-502(2); and

WHEREAS, on 12 November 2024 the Council met in regular meeting to consider, among other things, amending the Code to enact the Amendments, including any such revisions; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing and other public meetings, and other relevant input, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to adopt and enact the Amendments as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. Adoption of Amendments. The Council hereby adopts and enacts the Amendments in the form of the attached exhibit, wherein deletions to the current ordinance are ~~struck through~~ and additions to the current ordinance are underlined.

Section 2. Action of Officers. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this “Ordinance”), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. Severability. It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. Repealer. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. Effective Date. This Ordinance, assigned no. 424, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 12th day of November 2024.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: _____
Barbara Higgins, Recorder

By: _____
Michael T. Weichers, Mayor

VOTING:

Michael T. Weichers	Yea	___	Nay	___
Matt Holton	Yea	___	Nay	___
Suzanne Hyland	Yea	___	Nay	___
Shawn E. Newell	Yea	___	Nay	___
Ellen Birrell	Yea	___	Nay	___

DEPOSITED in the Recorder’s office this 12th day of November 2024.

POSTED this ___ day of November 2024.

EXHIBIT TO ORDINANCE NO. 424

19.72.050 Development standards and controls.

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D. *Maximum Impervious Surface*. The total maximum allowable coverage by impervious material within ~~the sensitive lands~~ portions of a project that contain a slope stability hazard shall not exceed 30% of the area ~~of those sensitive lands~~ where the slope stability hazard is present. ~~Areas of roofs and private driveways will be estimated and included in the total impervious surface area.~~ Public trails will not be included in the total impervious surface area. ~~In areas where geologic hazards can be mitigated through a reduction in surface water infiltration, the maximum allowable coverage by impervious material shall follow the recommendations of an approved geotechnical report.~~ If proposed impervious surface coverage exceeds 30% in slope stability areas, the applicant shall be responsible for providing on-site stormwater retention for such runoff. Analysis and calculation of the runoff generated, and the amount of retention required, shall be submitted in a geotechnical report and approved by the DRC.