

**ORDINANCE NO. 2023-08**

**AN ORDINANCE AMENDING SECTION 12.42.040 OF THE CENTERVILLE ZONING CODE REGARDING MAXIMUM IMPERVIOUS SURFACE COVERAGE FOR LOTS WITHIN THE HILLSIDE OVERLAY ZONE**

**WHEREAS**, the City has received an application to amend the Zoning Code to amend the maximum impervious surface coverage requirements for lots within the Hillside Overlay Zone; and

**WHEREAS**, the proposed amendments to the Zoning Code regarding maximum impervious surface coverage requirements for lots within the Hillside Overlay Zone were reviewed by the Planning Commission and forwarded to the City Council with a positive recommendation; and

**WHEREAS**, City Council has determined that the proposed amendments to the Zoning Code regarding maximum impervious surface coverage requirements for lots within the Hillside Overlay Zone are in the best interest of the City and the public and will provide reasonable regulation and protection for development within the hillside; 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.** Subsection 12.42.040(d) of the Centerville Zoning Code regarding Development Requirements in the Hillside Overlay Zone is hereby amended to revise the maximum impervious surface coverage requirements for lots within the Hillside Overlay Zone as more particularly provided as follows:

**12.42.040 Development Requirements**

\* \* \*

- (d) Maximum Impervious Material Coverage. Except as otherwise provided herein, the maximum allowable coverage of a lot in the Hillside Overlay Zone by impervious material shall be 40% of the total lot area, or 5,000 square feet, whichever is less. The maximum allowable impervious material coverage of a lot may be allowed to exceed 5,000 square feet as an exception upon recommendation of the City Engineer and approval of the applicable land use authority for the subject application (i.e. subdivision, site plan, or building permit), as follows:-

- (1) Lots less than 10% slope may increase to 60%
- (2) Lots 10% to 14% slope may increase to 55%
- (3) Lots 15% to 19% slope may increase to 50%
- (4) Lots 20% to 24% slopes may increase to 45%
- (5) Lots 25% to 29% slopes are limited to 40%

Any applicant seeking an exception to exceed 5,000 square feet of impervious material coverage per lot shall be required to provide on-site detention/retention as required by local or state statutes and appropriately sized outflow orifice plates for the additional impervious area (over 5,000 square feet) in accordance with City Engineer recommended detention/retention volume calculations for a 25-year storm event. The applicant shall be required to provide engineered drawings and specifications for the proposed detention/retention and drainage to qualify for the exception. ~~In no event shall the impervious material coverage of any lot in the Hillside Overlay Zone exceed 40% of the total lot area.~~ Upon acceptance and approval of the engineering documents, the applicant shall enter into a maintenance agreement, as deemed acceptable by the City. Such maintenance agreement shall be recorded against the subject property as a condition of granting an increase impervious material allowance.

For purposes of calculating the permissible lot coverage percentage, lot areas that exceed 30% slope shall be excluded and shall not be used in calculating the ~~permitted 40%~~ allowable impervious coverage area.

\* \* \*

**Section 2. Findings.** The amendments to the Zoning Code adopted herein are based on the following findings:

- a. The City Council finds that the decision to amend the Zoning Code is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a)(1)(C).
- b. The City Council finds that the amendments to the Zoning Code are consistent with the goals, objectives and policies of the City's General Plan as set forth in the Staff Reports dated March 8, 2023 and April 4, 2023.
- c. The City Council finds that the amendments to the Zoning Code will serve to treat the residential and agricultural zones with improved fairness as regulated within the Hillside Overlay Zone and remain consistent within the regulations and parameters of the Zoning Code.
- d. The City Council finds that the City's Development Review Committee suggested amendments have been endorsed by the City Engineer.
- e. The City Council finds the amendments are consistent with the desire to allow hillside development to be contextually developed in relation to topography and slope stability.

**Section 3. 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 4. 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 5. 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 4<sup>th</sup> DAY OF APRIL, 2023.**

**ATTEST:**

**CENTERVILLE CITY**

Jennifer Robison  
Jennifer Robison, City Recorder

By: Clark A. Wilkinson  
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Hirst	<u>X</u>	_____
Councilmember Ince	<u>X</u>	_____
Councilmember McEwan	<u>X</u>	_____
Councilmember Mecham	<u>X</u>	_____
Councilmember Summerhays	<u>X</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 Robison  
JENNIFER ROBISON, City Recorder

DATE: 4-11-2023

RECORDED this 11<sup>th</sup> day of April, 2023.

PUBLISHED OR POSTED this 11<sup>th</sup> of April, 2023.

