

**ORDINANCE NO. 2017-30**

**AN ORDINANCE AMENDING SECTION 12.42.040 OF THE CENTERVILLE ZONING CODE REGARDING MINIMUM LOT WIDTHS FOR LOTS WITHIN THE HILLSIDE OVERLAY ZONE**

**WHEREAS**, the City has received an application to amend the Zoning Code to amend the minimum lot width requirements for lots within the Hillside Overlay Zone; and

**WHEREAS**, the proposed amendments to the Zoning Code regarding minimum lot widths 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 minimum lot widths 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.** Section 12.42.040 of the Centerville Zoning Code regarding Development Requirements in the Hillside Overlay Zone is hereby amended to revise the minimum lot widths as more particularly provided as follows:

**12.42.040 Development Requirements**

- (a) Requirements for all Lots. Every lot in the Hillside Overlay Zone shall have at least 5,000 square feet of contiguous space which has a slope of less than 30%. This space may be no less than 50 feet wide at any given point. This buildable area must be undisturbed or virgin slope. Certain limited hillside areas may be considered as either natural or man-made "anomalies" such as gravel pit operations or other artificial disturbances based upon size, location, and history of slope, and may be included within the buildable area as may be recommended by the Planning Commission. Lots shall allow dwelling structures to be located within 250 feet of a public street. All main and accessory buildings shall be built on the buildable area.
- (b) Density for Single-Family Lots. The minimum lot size and yard requirements of the underlying zone shall apply except that on lots in slope areas between 10% and 20%, the lot shall be 1.5 times the minimum requirement and 2.0 times the minimum area requirement for lots between 20% and 30%. All lots ~~in~~ located within slope areas ~~greater more than 10% and less than 15% must shall require be~~

~~platted~~ a minimum lot width of 80 feet at the setback line. All lots within slope areas of 15% or greater shall require a minimum lot width of 100 feet wide at the setback line, except for the Notwithstanding the foregoing, all lots in agricultural zones shall require a minimum lot where the width must be no less than of 125 feet at the setback line.

- (c) Lot Density for Planned Unit Developments and Dwelling Groups. The density limitations for the underlying zone shall apply except where, under a conditional use permit, the Planning Commission determines that additional buildable area, lot size, yard requirements or other condition is needed. All buildings shall be built on the buildable area. All dwelling units shall be built within 250 feet of a public street, or private street that has been approved by the Planning Commission. Dwellings and accessory structures may not occupy more than 40% of the lot area in any hillside area.
- (d) Maximum Impervious Material Coverage. 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.
- (e) Front Yard Setback. The minimum front yard setback in the Hillside Overlay Zone may be reduced to not less than 20 feet, provided the average slope of the lot exceeds 20% as recommended by the City Engineer.

**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 Report dated October 25, 2017.
- c. The City Council finds that the “one size fits all” 100 feet provision coupled with the cut and fill provisions, can lead to undesirable lot development on hillslopes.
- d. The City Council finds that the amendment allows for variation based on the lot’s topography rather than a one size fits all” approach that bears improved fairness in the use of the overlay ordinance.
- 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.

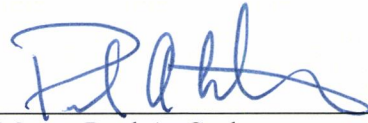
**Section 5. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 8<sup>th</sup> DAY OF NOVEMBER, 2017.**

**ATTEST:**

**CENTERVILLE CITY**

  
 Marsha L. Morrow, City Recorder

By:   
 Mayor Paul A. Cutler

Voting by the City Council:

	“AYE”	“NAY”	
Councilmember Fillmore	_____	_____	<i>Absent</i> <u>X</u>
Councilmember Ince	<u>X</u> _____	_____	
Councilmember Ivie	<u>X</u> _____	_____	
Councilmember McEwan	<u>X</u> _____	_____	
Councilmember Mecham	<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.

  
 MARSHA L. MORROW, City Recorder

DATE: Nov. 14, 2017

RECORDED this 14 day of Nov, 2017.

PUBLISHED OR POSTED this 14 of November, 2017.