

ORDINANCE NO. 2018-10

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). 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 and appropriately sized outflow orifice plates for the additional impervious area

(over 5,000 square feet) in accordance with City Engineer recommended detention volume calculations for a 25-year storm event. The applicant shall be required to provide engineered drawings and specifications for the proposed detention 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. 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% 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 Report dated April 25, 2018.
- c. The City Council finds that the amendments to the Zoning Code will serve to treat the residential and agricultural zones fairly as regulated within the Hillside Overlay Zone and remain consistent within the regulations and parameters of the code.
- d. 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 1st DAY OF MAY, 2018.**

ATTEST:

CENTERVILLE CITY

Mackenzie Wood
Mackenzie Wood, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Fillmore	_____	_____	X
Councilmember Ince	X	_____	_____
Councilmember Ivie	_____	_____	X
Councilmember McEwan	X	_____	_____
Councilmember Mecham	X	_____	_____

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.

Mackenzie Wood
MACKENZIE WOOD, City Recorder

DATE: 5/9/2018

RECORDED this 9 day of May, 2018.

PUBLISHED OR POSTED this 9 of May, 2018.

