

ORDINANCE NO. 2022-22

AN ORDINANCE AMENDING SECTION 12.51.070 OF THE CENTERVILLE ZONING CODE REGARDING LANDSCAPING REGULATIONS TO ADD NEW PROVISIONS TO ENCOURAGE WATER WISE LANDSCAPING AND WATER CONSERVATION

WHEREAS, the Utah Legislature adopted H.B. 282 (2022) enacting provisions and requirements regarding water wise landscaping, as more particularly set forth in Utah Code § 10-9a-535, et seq.; and

WHEREAS, the proposed amendments to the Centerville Zoning Code set forth new provisions encouraging water efficient landscaping and design in accordance with applicable provisions of Utah Code § 10-9a-535, as more particularly provided herein; and

WHEREAS, the proposed amendments to the Centerville 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. Amendments. Subsection (a)(1) of Section 12.51.070 of the Centerville Zoning Code regarding General Landscaping Requirements is hereby amended to read in its entirety as follows:

12.51.070 Landscaping Requirements

(a) General Requirements.

(1) Landscaped areas shall include trees, shrubs, vegetative, organic and inorganic ground cover, and other organic and inorganic materials identified in an approved landscaping plan. Except as otherwise provided in CMC 11.02.030 regarding permitted hardscaping in the parkstrip, all required landscape areas shall be occupied by plant material or ground cover.

(A) Required landscaping areas shall include live plant material at least to the following extent:

(i) Perimeter and internal landscaping: ~~50%~~75%; ~~and~~

~~(ii)~~ Buffer landscaping between residential and non-residential development: 50%; ~~and~~

~~(ii)(iii)~~ For commercial and industrial developments, the expansive area use of water resource intensive lawn or turf shall be avoided.

(B) Excluding parkstrips, non-live landscaping materials may consist of hard surface improvements such as pools, fountains, waterfalls, streams, decorative boulders and sculptures, or materials such as wood chips, bark, stone, decorative gravel, or similar materials. Non-live landscaping materials shall not be deemed to include artificial plants or landscaping as more particularly described in Subsection (C).

(i) Decorative paving materials may include bricks, pavers, flagstones, and decoratively textured concrete.

~~(ii) Untextured concrete, gravel or lava rocks shall not be used in a required landscaped area unless specifically permitted by an approved landscaping plan.~~

(C) Artificial plants and landscaping, such as artificial or man-made shrubs, trees or other similar vegetation or landscaping material, may be utilized in a landscaping plan, subject to the restrictions set forth in this Chapter, including, but not limited to, the provisions of CZC 12.51.082; provided, no artificial plants or landscaping shall qualify or be used to meet the minimum landscaping requirements for the site required in this Chapter.

* * *

Section 2. Amendments. Subsection (d) of Section 12.51.070 of the Centerville Zoning Code regarding Non-Residential Project Landscaping is hereby amended to read in its entirety as follows:

12.51.070 Landscaping Requirements

* * *

(d) Non-Residential Project Landscaping.

(1) At least 10% of a non-residential development project located west of I-15 shall be landscaped, not including area within an abutting right of way.

(A) To the extent possible, such landscaping plan shall incorporate xeriscaping.

(B) The xeriscaping plan shall be designed by a licensed landscape architect with xeriscape experience.

~~(2) At least 15% of a non-residential development project located east of I-15 shall be landscaped, not including area within an abutting right-of-way.~~

~~(A) To the extent possible, such landscaping plan shall incorporate the use of drought tolerant plantings.~~

(2)(B) A drought tolerant landscape design shall be designed by a licensed landscape architect with drought tolerant experience. Additionally, the landscape plan should incorporate Water-Efficient Design Schemes, as listed CZC 12.51.070(h).

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Section 3. Findings. The Zoning Code amendments set forth herein are based on the following findings:

- (a) The City Council finds that the proposed text amendments are consistent with the goals, objectives, and policies of the City’s General Plan.
- (b) The City Council finds that the proposed text amendment are consistent with Zoning Code review factors of CZC 12.21.080(e).
- (c) The City Council finds that efforts towards conserving our water resources is an important need for the City and in this regional area of the State.

Section 4. 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 5. 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.

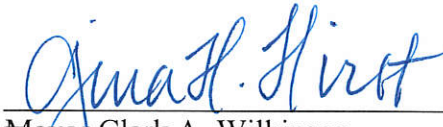
Section 6. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 1st DAY OF NOVEMBER, 2022.

ATTEST:

CENTERVILLE CITY


Jennifer Robison, City Recorder

By: 
Mayor Clark A. Wilkinson
Mayor Pro-Tem Gina Hirst

Voting by the City Council:

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

DATE: 11-9-2022

RECORDED this 9th day of NOV, 2022.

PUBLISHED OR POSTED this 9th of NOV, 2022.

