

ORDINANCE NO. 98- 02

AN ORDINANCE ADOPTING A HILLSIDE OVERLAY ZONE TO PROTECT SENSITIVE AREAS AND TO REDUCE THE RISK OF MOVEMENT IN THE HILLSIDES SURROUNDING HEBER CITY

NOW, THEREFORE, be it ordained by the Heber City Council as follows:

There is hereby added to the Heber City Municipal Code Chapter 18.67, which is to read as follows:

18.67.010 PURPOSE.

A. The purpose of this Hillside Overlay Zone is to ensure the protection of sensitive areas above the city and to guide development that may occur in such a manner that intrusion into these areas will not create or add to the potential for flooding, erosion and other environmental hazards and to preserve the natural scenic beauty of the foothills and to ensure the efficient expenditure of public funds.

B. The objectives to be achieved by the use of this Hillside Overlay Zone include but are not limited to the following:

to protect the public from natural hazards of storm water runoff and erosion by requiring drainage facilities and by limiting the removal of natural vegetation such as trees and other related items which stabilize the steep hillsides, retain moisture, prevent erosion and enhance the beauty of the natural landscape;

to minimize the threat of fire in the foothills by establishing fire protection measures and standards that will provide for the health and safety of those who will live in the hillsides;

to preserve ridge lines, natural features, wildlife habitat, open space, mountains, streams and other recreational sites and promote the establishment of other recreational venues;

to provide design and construction standards in such a way as to minimize scars from cuts and fills and to avoid permanent scarring of hillsides, and to provide access for fire protection, snow removal, school buses, road maintenance, and other emergency vehicles;

to provide regulations for the placement of buildings in such a manner to permit ample room so that such buildings will meet existing set back requirements and provide guidelines for landscaping, surface drainage, parking between and around buildings and utility services;

to provide standards for grading, cuts and fills that will eliminate unnecessary scarring and earth disturbance and will reduce environmental intrusion;

to establish requirements pertaining to streets, rights of way, grades, lot layouts and structure designs which will aid in promoting health and safety, provide functional beauty, and reduce destruction to hillsides and wildlife;

to provide measures for the establishment of traffic control and circulation facilities that insure proper ingress and egress of vehicles during the four seasons of the year;

to encourage a variety of development designs and concepts which will preserve open space and the natural landscape; and

to establish parameters so that developers and others will have an enlightened regard for the view of the hillsides as well as a view from the hillsides.

#### 18.67.020 PROCEDURE.

Proposals for developments within a Hillside Overlay Zone shall be reviewed by the Heber City Planning Commission, Zoning Administrator/Building Official, Planning Director, Engineer, Director of Public Works, and Chief of Police to ensure compliance with existing subdivision and building ordinances. Technical information may be requested by these departments to ensure compliance with this ordinance and to ensure that health, safety and environmental concerns are met.

#### 18.67.030 DEVELOPMENT STANDARDS

##### A. Drainage.

1. Lots of any development that fall within a Hillside Overlay Zone shall be arranged so as to meet the set back requirements of the subdivision ordinance and applicable zoning ordinance. In addition, the following will apply with respect to set backs from drainage channels, canals and storm channels: Set backs for and from drainage channels, canals, and storm channels shall be no less than 15 feet from the edge of the bank of any such channel, provided further that the City engineer may require greater set backs to ensure compliance with this ordinance and to ensure that other health, safety, and environmental concerns are met.

2. Facilities for the collection of storm water runoff shall be required. Such facilities shall be constructed on the development site where storm water can be retained and such shall be designed so as to divert surface water away from cut

surfaces or slopes.

3. Physical site development shall not take place between October 30th and April 1st of the following year.

B. Removal and Re-vegetation.

1. Vegetation removed in course of construction of various improvements shall be replanted which, when established, shall be equal to or exceed the original vegetation.

2. New plantings on cuts and fills shall be protected by covers that will preclude wash outs from run offs both natural and man made.

3. Destruction of vegetation shall occur only when absolutely necessary for the construction of buildings, roads, driveways and filled areas.

4. Replanted vegetation shall stabilize soils, and promote fire protection. Said vegetation shall be perennial in nature and of low combustibility.

C. Fire Protection.

1. No trees such as pine, fir, etc, shall be planted within 10 feet of any building. No natural vegetation such as scrub oak and like growth shall be closer than 10 feet to any building.

2. Water service within a Hillside Overlay Zone, in each lot, shall not be smaller than 1 inch in size.

3. In every fireplace constructed within a Hillside Overlay Zone, a spark arrester shall be installed.

4. All exterior roof surfaces shall be of either a class A or class B fire resistive material.

D. Grading, Cuts and Fills.

1. Exposed surfaces of any excavation or fill shall not be steeper than one vertical to two horizontal.

2. Fill shall be located so that settlements, sliding or erosions shall not damage or cover streets, curbs, gutters, sidewalks, or buildings.

3. Compaction on fills shall be a minimum of 95% or such lesser compaction as deemed adequate by the City Engineer.

4. The maximum grade of all cuts and fills shall be a three foot vertical to a one foot horizontal for cuts and a four foot vertical to a one foot horizontal for fills.

5. All structures except retaining walls or soil stabilization improvements shall have a setback from the crest of the cut or base of the fill for a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope.

E. Streets and Roadways and Design Requirements.

1. Road and street standards and specifications as required in the Heber City Subdivision Ordinance and Zoning Ordinance shall apply to all developments in a Hillside Overlay Zone, provided that additional standards and specifications may be required by the Heber City Planning Commission where necessary to ensure that health, safety, and environmental concerns are met.

2. No street or roadway shall be constructed in a Hillside Overlay Zone that exceeds 10 per cent grade in any given area of the road or street.

3. Except as explicitly waived by the Planning Commission, sight triangles as set forth in Section 18.68.150 of the Heber City Municipal Code shall be observed at all intersections within a Hillside Overlay Zone.

4. Streets, roadways and private access ways shall follow as nearly as possible the natural terrain.

5. Points of access shall be provided to all developed and undeveloped areas for emergency and fire fighting equipment.

6. Variations of the street design standards developed to solve special hillside visual and functional problems may be presented to the Planning Commission for consideration.

F. Architectural Design.

1. The design of buildings and building sites in a Hillside Overlay Zone is encouraged to be visually compatible with the natural beauty of the foothills, and the view of and from the hillsides.

2. The use of materials for buildings and fences shall blend harmoniously with the natural setting. The use of materials for buildings that are out of character, unusual, loud or obnoxious in color, design, structure or character are prohibited.

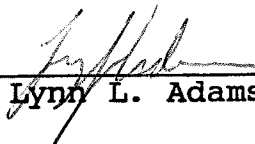
3. Developers of projects are encouraged to use restrictive covenants and other ways to protect the aesthetics, beauty and natural look of the hillsides.

This ordinance shall take effect and be in force from and after its adoption and publication.

ADOPTED AND PASSED by the City Council of Heber City, Utah,  
this 5<sup>TH</sup> day of MARCH, 1998, by the following  
vote:

	AYE	NAY	
Councilman Terry Wm. Lange	<u>X</u>	_____	
Councilman Bob Morris	<u>X</u>	_____	
Councilman H. John Rogers	_____	_____	ABSENT
Councilman Robert J. Lucking	<u>X</u>	_____	
Councilman Jerry W. Smith	<u>X</u>	_____	

APPROVED:

  
\_\_\_\_\_  
Mayor Lynn L. Adams

ATTEST:

  
\_\_\_\_\_  
RECORDER  
(Seal)

Date of First Publishing: MARCH 11, 1998