

ORDINANCE NO. 2008-04

AN ORDINANCE **ADOPTING** SECTION 18.68.175 OF THE HEBER CITY MUNICIPAL CODE, **OPEN SPACE**.

BE IT ORDAINED by the City Council of Heber City, Utah, that Section 18.68.175 of the Heber City Municipal Code is **adopted** as follows:

Section 18.68.175 Open Space.

A. When a proposed subdivision which adjoins a collector or arterial street as identified on the Heber City Master Street Plan, or adjoins a water feature such as a canal, stream, flood channel or other critical feature as determined by the City Council, the minimum required area and street frontage widths of the lots within the subdivision may be reduced by up to 25 percent of the usual requirement to accommodate dedicated open space along said features.

B. The City Council may permit, through a special exception, a rear yard setback reduction of up to 5 feet and/or front yard setback reduction of up to 5 feet to accommodate these open space features, if in the opinion of the City Council such reduction is necessary to accommodate, protect or enhance the open space feature. Such reduction must be approved by the City Council through the subdivision process, and the reduction shall be noted upon the subdivision plat, stating which lots are affected and the approved setback distances. It is the responsibility of the developer to prove that the setback reduction is necessary to accommodate the open space.

C. No density bonuses shall be granted as a result of this Section (i.e. if 10 lots are permitted before the lot size reduction, 10 lots are permitted after the lot size reduction).

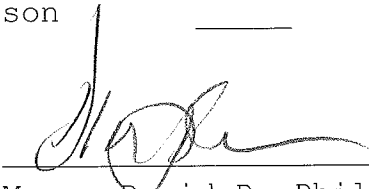
D. This Section shall not apply to cottage home lots.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder, (c) a short summary of it has been published in the Wasatch Wave, and a complete copy has been published in the Wasatch Wave or a complete copy has been posted in three public places within Heber City but not prior to the 21 day of February, 2008.

ADOPTED and PASSED by the City Council of Heber City, Utah this 21 day of February, 2008, by the following vote:

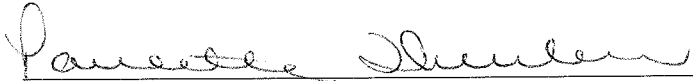
	AYE	NAY
Councilmember Jeffery M. Bradshaw	<u>X</u>	_____
Councilmember Elizabeth Hokanson	<u>X</u>	_____
Councilmember Eric Straddeck	<u>X</u>	_____
Councilmember Nile D. Horner	<u>X</u>	_____
Councilmember Robert L. Patterson	_____	_____ <i>Excused</i>

APPROVED:



Mayor David R. Phillips

ATTEST:



RECORDER

(Seal)

Date of First Publishing:

February 27, 2008