

ORDINANCE NO. 2016-8

AN ORDINANCE AMENDING SECTION 18.68.175 OPEN SPACE OF THE HEBER CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Heber City, Utah, that Section 18.68.175 *Open Space*, of the Heber City Municipal Code is **amended** to read 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, and/or a side yard setback reduction of up to 4-feet on each side yard, 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 and (c) a short summary of it has been published in the Wasatch Wave, but not prior to the 21st day of April, 2016.

ADOPTED and PASSED by the City Council of Heber City, Utah this 21st day of April, 2016, by the following vote:

	AYE	NAY
Council Member Jeffery M. Bradshaw	<u>X</u>	_____
Council Member Heidi Franco	<u>X</u>	_____
Council Member Kelleen L. Potter	<u>X</u>	_____
Council Member Jeffrey Smith	<u>X</u>	_____
Council Member Ronald R. Crittenden	<u>X</u>	_____

APPROVED:



Mayor Alan McDonald

ATTEST:

Michelle X. Limón

RECORDER

Date: 4-25-16

Date of First Recording: May 4, 2016

