

**HEBER CITY  
ORDINANCE 2018-53**

**AN ORDINANCE AMENDING SECTION 18.22.070 F. OF THE CLUSTERED OPEN SPACE ZONE (COSZ), PERMITTING THE USE OF THE COSZ ZONE FOR PARCELS UNDER 10 ACRES IN SIZE IN LIMITED CIRCUMSTANCES.**

WHEREAS, the proposed amendment ensures responsible growth in all aspects, consistent with the purpose of planning in Heber City as identified on page 7 of the General Plan;

WHEREAS, the proposed amendment gives the city the ability to rezone properties to the COSZ that are isolated between adjoining COSZ developments, so those isolated properties may develop in a manner that is compatible with that adjoining COSZ development;

**NOW THEREFORE**, be it ordained by the Council of Heber City, in the State of Utah, as follows:

**SECTION 1:        AMENDMENT** "18.22.070 Standards And Requirements" of the Heber Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.22.070 Standards And Requirements

The following standards, requirements and conditions shall apply to all COSZ's:

- A. The project must be prepared by a design team composed of at least a civil engineer, an architect and an attorney, all of whom must be licensed to practice in the State of Utah.
- B. All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the COSZ shall be placed underground, including telephone, power and television. Except for sewer, all dwelling units shall have separate utility connections and metering.
- C. During the development stage, the real property and parcel proposed for a COSZ shall be titled with one owner to provide for full supervision and control of said development and to insure conformance with these provisions and all other conditions required by the City Council upon the preliminary and final development plans. The Planning Commission shall review all such conformance and condition requirements and shall make recommendations with regard thereto to the City Council.
- D. In the event that the land contained within a development is traversed by a proposed collector or arterial street, the development shall be designed in accordance therewith and the right-of-way across the development for said collector or arterial streets shall be dedicated to the public with improvements.

- E. All areas not covered by buildings, parking, streets or drives shall be planted with grass, trees, shrubs or other plant materials as approved by the Planning Commission in the submittal of the final landscape plan. Areas may be allowed to be left in a natural state or xeriscaped, if the Planning Commission and City Council finds this more desirable than traditional landscaping; also, a permanent sprinkler system shall be installed in all landscaped areas to provide irrigation of planted areas.
- F. ~~The minimum land area for a COSZ shall be ten (10) acres. For developments that have buildings that do not exceed 1 story, the minimum land area shall be at least 4 acres.~~ The minimum land area for a COSZ shall be ten (10) acres, with the following exemptions.
1. For developments that have buildings that do not exceed 1 story and do not meet the criteria as set forth in item 2; the minimum land area shall be at least 4 acres.
  2. A lot can be developed in the COSZ on a parcel that is less than 10 acres, provided the following standards are met:
    - a. The parcel shall be at least 1 acre in size;
    - b. The parcel shall be surrounded by other parcels that are zoned COSZ and be constrained to no other access option except through other COSZ zoned properties;
    - c. The parcel shall access a publicly dedicated street; and
    - d. The parcel shall meet all other requirements of the COSZ.
- G. With the following exceptions, dwelling and permitted structures may be located as recommended by the Planning Commission and approved by the City Council in the final development plans. Buildings should be arranged as to best comply with the intent of this Ordinance. These exceptions shall be considered, as minimum requires as they apply:
1. Set-backs along the peripheral property lines of the COSZ shall be a minimum of thirty (30) feet. For safety reasons, buildings may be required to be set back further from recreational areas, such as golf courses, ball fields, etc.
- H. Not less than fifty (50) percent of the area of the COSZ shall be retained in permanent open space, parks and playgrounds. For developments that have less than 10 acres with buildings that do not exceed 1 story, the minimum open space requirement shall be at least thirty (30) percent. Land proposed to be devoted to vehicular streets or roads, parking, and drives shall not be included in the computation of open space. Uncovered recreational facilities such as football fields, baseball diamonds, and playgrounds will be allowed in the open space requirements. Entry features such as roundabouts, median planter strips, fountains, etc. may count as open space if the design of such features is approved by the Planning Commission and City Council. To the greatest extent possible, open space areas shall be placed so as to be visible from both inside and outside the COSZ. Open space shall be either appropriately and attractively landscaped or actively used for agricultural purposes. An acceptable landscaping plan, including a noxious weed plan, must be submitted before preliminary approval of the subdivision and complied with thereafter. COSZ's shall be required to either (1) deed to each owner in the COSZ an undivided ownership interest in the open space contained within the COSZ and form a homeowners association which shall be responsible for maintaining such open space according to Covenants, Conditions and Restrictions recorded with the plat or (2) place the open space in a perpetual conservation easement granted to an established conservation organization. If the open space is placed in a conservation easement, a maintenance agreement shall be entered into with the conservation organization to guarantee proper maintenance of the open space.
- I. All parking spaces, parking areas and driveways must be hard-surfaced and properly drained with no drainage running across public or private sidewalks.

- J. The developer shall install all public improvements on-site and off-site as identified by the Planning Commission and City Council.
- K. All street construction improvements in COSZ's shall be constructed in accordance with public street construction widths and cross-section standards, and City standards. Such construction shall be subject to the approval of the City Engineer.
- L. All parking areas shall be screened from public view when reasonably and practicable to do so with berms and landscaped features.
- M. The project shall connect any trails shown on the City Trails Master Plan for the area.
- N. When it is necessary in order to implement the intent of this Section, the Planning Commission may recommend to the City Council specific development standards in excess of the minimums identified herein. The City Council may impose specific development standards in excess of the minimums identified herein. The City Council shall not be restricted to consider only those standards recommended by the Planning Commission, but shall have the authority to impose all such development standards in excess of the minimums identified herein that the Council feels are reasonable and justifiable. Gated communities shall not be permitted.
- O. No building shall exceed 42 feet in height, measured from finished top back of curb to the highest point of the building, excluding chimneys and antenna. For COSZ developments in the R-2 Zone with less than 10 acres, no building shall exceed 1 story.

**EFFECTIVE DATE** This Ordinance shall be in full force and effect from 10/1/19 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE HEBER CITY COUNCIL October 1, 2019

	AYE	NAY	ABSENT	ABSTAIN
Jeffery Bradshaw	<u>X</u>	_____	_____	_____
Jeff Smith	<u>X</u>	_____	_____	_____
Wayne Hardman	<u>X</u>	_____	_____	_____
Ron Crittenden	<u>X</u>	_____	_____	_____
Heidi Franco	<u>X</u>	_____	_____	_____

Presiding Officer

Attest

Kelleen Potter  
Kelleen Potter, Mayor, Heber City

Trina Cooke  
Trina Cooke, City Recorder Heber City

