

ORDINANCE NO. 2020-38

AN ORDINANCE AMENDING SECTIONS 18.22.070 STANDARDS AND REQUIREMENTS AND 18.22.080 EXCEPTIONS TO COSZ STANDARDS FOR HIGHWAY BYPASS RIGHT OF WAY, OF THE HEBER CITY MUNICIPAL CODE.

WHEREAS, the Heber City Council finds that the change in setbacks to Section 18.22.070 and 18.22.080 are in the interest of the public to promote safety from high power utility lines and provide flexibility for projects with an internal COSZ zone boundary so as to maintain development character and compatibility.

BE IT ORDAINED by the City Council of Heber City, Utah, that Sections 18.22.070 Standards and Requirements and 18.22.080 Exceptions to COSZ Standards for Highway Bypass Right of Way, of the Heber City Municipal Code are **AMENDED** as shown in Exhibit 1.


This Ordinance shall take effect immediately upon passage.

ADOPTED and PASSED by the City Council of Heber City, Utah this 15th day of September, 2020, by the following vote:

	AYE	NAY
Council Member Heidi Franco	<u>X</u>	___
Council Member Wayne Hardman	<u>X</u>	___
Council Member Rachel Kahler	<u>X</u>	___
Council Member Ryan PC Stack	<u>X</u>	___
Council Member Mike Johnston	<u>X</u>	___



APPROVED:



Mayor Kelleen Potter

ATTEST:

Dina N. Locke

Date: 9/15/2020

RECORDER

Date of First Recording: _____

Exhibit 1

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 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.
 - 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.
 - +a. Where a development contains multiple zones, including the COSZ, and a peripheral property line of the COSZ is internal to the same development as the adjacent zone, the setback shall be 15', unless reduced by the City Council.
- 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.

18.22.080 Exceptions To COSZ Standards For Highway Bypass Right Of Way

The City Council may, upon recommendation from the Planning Commission, make the following exceptions to the requirements of the COSZ, upon finding the exceptions are necessary to accommodate the alignment and standards established for the bypass.

- A. Reduction to the required open space requirements from 50 percent minimum to 40 percent minimum;
- B. Reduction by 150 feet to the required perimeter setbacks for areas that don't front along a public street;
- C. Reduction to the required front setback of the underlying zone from 30 feet to 15 feet; however, any public street facing garage shall be setback at least 30 feet from any public street;
- D. Exception to the maximum cul-de-sac length from 850 feet to 1320 feet;
- E. Exception to the minimum area requirement for a COSZ development from 10 acre minimum to 9 acre minimum; and/or
- F. Density be calculated based upon the gross land area that includes the right of way dedication.