

(for publication)

ORDINANCE NO. 96- 04B

AN ORDINANCE AMENDING EXISTING SECTIONS AND ADDING NEW MATERIAL TO THE HEBER CITY MUNICIPAL CODE WITH RESPECT TO SECTIONS 17.04.030 (ADDITION), 17.16.010 (AMENDMENT), 17.38.010 THROUGH 17.38.100 (ADDITION) OF THE SUBDIVISION ORDINANCE, 18.04.050 (ADDITION), 18.40.030 (AMENDMENT), 18.44.030 (AMENDMENT), 18.60.020 (AMENDMENT), 18.64.020 (AMENDMENT), 18.92.010, 18.92.030, 18.92.040, AND 18.92.060 (AMENDMENTS), 18.92.065 (ADDITION), 18.92.070, 18.92.080, 18.92.090, 18.92.110, 18.92.120 AND 18.92.130 (AMENDMENTS), 18.112.010 THROUGH 18.112.140 (AMENDMENTS AND ADDITIONS) OF THE ZONING ORDINANCE AND ADOPTING THE HEBER CITY MUNICIPAL CODE/1996 - A CODIFICATION OF THE GENERAL ORDINANCES OF THE CITY OF HEBER CITY UTAH - AS CODIFIED, INDEXED AND PUBLISHED BY HEBER CITY.

BE IT ORDAINED by the City Council of The City of Heber City, Utah, that Sections 17.04.030, 17.16.010, 17.38.010 through 17.38.100, 18.04.050, 18.40.030, 18.44.030, 18.60.020, 18.64.020, 18.92.010 18.92.030, 18.92.040, 18.92.060, 18.92.065, 18.92.070, 18.92.080, 18.92.090, 18.92.110, 18.92.120, 18.92.130, 18.112.010 through 18.112.140 of the Heber City Subdivision Ordinance (Title 17) and the Heber City Zoning Ordinance (Title 18) read as set forth in documents 17-A, 17-B, 17-C, 18-A, 18-B, 18-C, 18-D, 18-E, and 18-F on file in the office of the City Recorder.

FURTHER BE IT ORDAINED by the City Council of The City of Heber City, Utah:

Adoption of the Heber City Municipal Code/1996 by Reference. The Heber City Municipal Code/1996 - as compiled, prepared and published in code book form by Heber City (hereinafter "code") and as amended and supplemented by this Ordinance is hereby approved and adopted as the "general ordinances" of this municipality, except as hereinafter specified, and is made a part of this Ordinance as though herein fully printed.

Validity. If any part of this Ordinance is or shall be declared by a court of competent jurisdiction to be invalid such invalidity shall not invalidate the remainder of this ordinance.

Filing. Three copies of the Heber City Municipal Code/1996 - a codification of the "general ordinances" of the City of Heber City, Utah - hereby adopted by reference shall be filed for use and examination by the public in the office of the recorder.

Repeal of Conflicting Ordinances. All ordinance or parts of ordinances in conflict herewith are hereby repealed effective as of the date the provision or provisions in conflict become effective.

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 20<sup>TH</sup> day of JUNE, 1996, by the following  
vote:

	AYE	NAY	
Councilman Terry Wm. Lange	<u>X</u>	_____	
Councilman Robert Giles	<u>X</u>	_____	
Councilman Bob Morris	<u>X</u>	_____	
Councilman Harris Parcell	_____	_____	ABSENT
Councilman H. John Rogers	<u>X</u>	_____	

APPROVED:

Scott W. Wright  
Mayor Scott W. Wright

ATTEST:

Mark X. Anderson  
RECORDER  
(Seal)

Date of First Publishing: JUNE 26, 1996

The Planning Commission recommends the following addition of 17.04.030 to Chapter 17.04 General Provisions.

**Chapter 17.04. General Provisions**

- 17.04.010. Title of Provisions.**
- 17.04.020. Purpose and Intent.**

**17.04.010. Title of Provisions.**

This title shall be entitled the "The Heber City Subdivision Ordinance" and may be so cited and pleaded. (Ord. 94-13, 1994; Ord. 201 §10.03.0100, 1974)

**17.04.020. Purpose and Intent.**

- A. The purposes of this title shall be to:
  - 1. Promote the health, safety, convenience, and general welfare of the present and future inhabitants of the city;
  - 2. Facilitate the transfer of land having accurate legal descriptions;
  - 3. Bring about the development of a more attractive and wholesome environment within and about the city;
  - 4. Establish the rights, duties, and responsibilities of subdividers with respect to land subdivision;
  - 5. Facilitate the implementation of the general plan.
- B. It is declared to be the public policy that these subdivision regulations shall be promulgated for the purpose of facilitating the platting of land and the construction and sale of dwellings rather than for the purpose of facilitating the sale of building lots only. (Ord. 94-13, 1994; Ord. 201 §03.0101, 1974)

**17.04.030. Amendments to Subdivision Ordinance.**  
 Amendments to this Subdivision Ordinance shall occur in accordance with §10-9-803 of the Utah Code, as amended. Under these provisions, the Planning Commission shall prepare and recommend amendments to the Subdivision Ordinance following a public hearing reasonably noticed for at least 14 days. Their recommendation will be forwarded to the City Council who will hold an additional public hearing reasonably noticed for at least 14 days. Following the public hearing, the City Council may approve, amend and approve, or deny the recommendation of the Planning Commission.

[1704.030]

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**February 13, 1996 Planning Commission Recommendation for Review of Commercial Developments. Recommended Amendment to Subdivision Ordinance.**

**Chapter 17.38. COMMERCIAL DEVELOPMENTS**

**17.38.010. Submission and Approval Process.**

**17.38.020. Compliance with Zoning Provisions.**

**17.38.030. Improvements.**

**17.38.040. Landscape Requirements.**

**17.38.050. Design Requirements.**

**17.38.060. Additional and Special Requirements and Incentives.**

**17.38.070. Platting Requirements.**

**17.38.080. Supplementary Requirements.**

**17.38.090. Guarantees of Performance.**

**17.38.100. Costs and Charges.**

**17.38.010. Submission and Approval Process.**

All applications for commercial development approval are required to follow the submission, review, and approval processes found in Chapter 17.16 and Chapter 17.20 herein, even in the circumstance where no subdivision is created by the development proposal, except that commercial projects are not required to submit a Preliminary Plan. Each commercial project will be required to submit a Concept Plan and a Final Plat. This requirement is intended to provide adequate project review in a manner consistent with other Heber City review processes.

The Concept Plan for a commercial development should include sufficient information about the project to allow the Planning Commission to complete a thorough

review of the proposed project. Because the nature of each commercial project is different, consultation with planning staff will help each applicant to prepare the Concept Plan. If properly completed, the Concept Plan may be used as the Final Plat for a commercial project.

Exceptions to this Subdivision Ordinance for commercial development are limited to the following:

1. More than one structure may be placed on a commercial parcel if the setback and all other requirements are satisfied.

2. The owner of commercial property does not need to provide a name for the commercial development.

3. Other requirements, which can be clearly demonstrated by the applicant, which are not applicable to commercial development.

In addition to the requirements listed above, all commercial developments within Heber City are subject to Chapter 17.14 Adequate Public Facilities, herein.

Each commercial development shall satisfy all applicable requirements of this Subdivision Ordinance, also known as Title 17 of the Heber City Code, and the Heber City Zoning Ordinance, also known as Title 18 of the Heber City Code.

As with all Ordinances of Heber City, if this Chapter is found to be in conflict with any other Heber City Ordinance or Resolution, the stricter of the two shall apply. Likewise, if any portion of this Chapter is found to be unlawful or invalid by a court of law, that section alone shall be removed and the remaining sections of this Chapter shall remain in effect.

**17.38.020. Compliance with Zoning Provisions.**

All applications for commercial development are required to satisfy the applicable requirements found in the Heber City Zoning Ordinance, also known as Title 18 of the Heber City Code. Of particular note for commercial developments are Chapter 18.72

Off Street Parking, Chapter 18.76 Landscaping, and Chapter 18.104 signs.

### 17.38.030. Improvements.

Improvements required for commercial developments shall be consistent with Chapter 17.40 herein. In addition to these requirements, all applications for commercial development will be required to submit all necessary information to determine the effect that approval of the project will have upon the transportation system of Heber City and what actions the city will need to impose, if any, in order to create, or maintain, a safe and efficient transportation system.

### 17.38.040. Landscape Requirements.

Each application for commercial development approval shall satisfy the requirements found in Chapter 18.76 of the Zoning Ordinance, also known as Title 18 of the Heber City Code, and the following requirements.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at no less than twenty (20) feet on center, on average, and shall have no less than a two (2) inch caliper, except that no trees shall be planted within forty-five (45) feet of an intersection clear view area. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be irrigated sufficiently. Shrubs, flower beds, decorative rocks, and other appropriate landscaping is highly encouraged.

All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.

Each applicant for commercial development shall submit a complete and

detailed landscaping plan for review by the Planning Commission concurrently with submission of other documents for review by the Planning Commission.

All landscaped areas shall be maintained on a regular basis and be kept neat and clean. If the Zoning Administrator determines the maintenance requirement has not been satisfied, the Zoning Administrator shall notify the ~~Planning Commission.~~ ~~The Planning Commission shall notify the owner of the subject property, as listed in the office of the Wasatch County Recorder, of a meeting to be held between the owner and the Planning Commission.~~ The Planning Commission will detail the lack of maintenance and inform the owner that a continued lack of maintenance will warrant issuance of a class C misdemeanor charge against the property owner under the authority of the Utah Code § 10-9-1003 and Chapter 17.68 herein.

### 17.38.050. Design Requirements.

In addition to the requirements of the Heber City Subdivision and Zoning Ordinances, the following design requirements shall apply to each commercial development approved under this Chapter:

1. TRASH STORAGE. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area.
2. TRASH COLLECTION AREAS. All trash collection areas shall be designed to be compatible with the proposed project.
3. LIMITED ACCESS. Generally speaking, commercial zones in Heber City are located in areas with a higher potential for traffic congestion. Therefore, access to commercial developments shall be limited to the extent possible in order to maintain traffic flow. Access should be addressed in an appropriate manner in accordance with section 17.38.030 herein.
4. COMPATIBILITY. The Planning Commission may make recommendations to

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the applicant in order to improve compatibility with surrounding development. This requirement is intended to ensure future compatibility with the subject proposal as well, and should be viewed in that manner by each applicant. If changes to the anticipated structure are made, these changes should be submitted to the Zoning Administrator at the earliest possible date. The Zoning Administrator will determine whether the changes need to be reviewed by the Planning Commission.

### **17.38.060. Additional and Special Requirements and Incentives.**

The following requirements are supplemental to the other requirements of this Chapter and are intended to address more specific commercial development concerns.

1. **INGRESS and EGRESS.** Each commercial development is required to incorporate two points of ingress and egress to the proposed development. The ingress and egress shall be consistent to Chapter 17.24.130 herein. In addition to Chapter 17.24.130, no point of ingress and/or egress shall be located closer than one hundred (100) feet from another point of ingress and/or egress along the same public street. This requirement may be waived by the Planning Commission if necessary and appropriate.

2. **STORAGE and WAREHOUSE DEVELOPMENTS.** All storage doors, entrances into storage and warehousing areas, and parking in storage and warehouse developments shall be internally located and not located on a public street. Internal streets should be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed by the Heber City Fire Marshall and must meet this requirement, as evidenced by a letter from the Fire Marshall. It is the responsibility of the applicant to demonstrate

that adequate traffic flow can be accomplished.

Heber City acknowledges the need for adequate security in these types of development. However, provisions should be made which allow authorized access for public safety employees into these developments for public and personal safety. This includes access to entrance codes, electronic opening devices, lock combinations, and the like.

All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. These fences should be kept in good repair. Fencing other than chain link which is similar in design to other structures within the development is highly desirable. The rear sides of buildings which provide adequate security may satisfy this requirement.

2A. **DENSITY INCENTIVES.** Storage and warehouse developments which provide design features that enhance the aesthetic appearance of the project are entitled to consideration of an increase in the density of the project. Density incentives shall be as follows:

a. Developments which provide fencing that is not chain link and use materials compatible with the materials and colors used in the construction of the structures within the development, or are constructed from wood or other attractive material, as determined by the Planning Commission, are entitled to a ten (10) percent increase in total project density. The rear sides of buildings which provide adequate security may be used for this purpose.

b. Developments which provide multi-pitched roof lines through the use of dormers and gables, or the like, whether real or false facade shall be entitled to a ten (10) percent increase in total project density. In order to qualify for a density bonus under this paragraph, the structure must contain a break in pitch, which is roughly perpendicular to the roof line, at intervals of not more than forty

(40) lineal feet of vertical roof line.

c. Developments which use natural materials and colors such as brick (not intended to be defined as cinder block), wood siding, stucco, or other attractive materials as found acceptable to the Planning Commission in the construction of all structure(s) in the commercial development which face onto public streets shall be entitled to a ten (10) percent increase in total project density.

These incentives are provided in order to encourage a higher standard of development. If the Planning Commission determines that a project is not enhanced positively through the efforts of a developer to obtain a density incentive, the Planning Commission may reduce the percentage, or deny the increase in total project density.

Each of the incentives are exclusive of the other. Therefore, an applicant may receive a total of thirty (30) percent increased project density.

#### **17.38.070. Platting Requirements.**

All commercial developments must prepare a final plat in accordance with Chapter 17.44 herein. In addition to the requirements of Chapter 17.44, commercial developments shall include with the plat the approved landscaping plan, and traffic information in accordance with Chapter 17.38.030 herein shall be submitted in a form capable of being recorded in the office of the Wasatch County Recorder.

In the case of storage and warehouse developments, if a density incentive was approved, information pertaining to the incentive and all conditions relating thereto shall also be submitted in a form capable of being recorded in the office of the Wasatch County Recorder.

#### **17.38.080. Supplementary Requirements.**

Each of the following requirements are supplementary to this part. They constitute requirements for chapter 17.38 only and are

adopted under chapter 17.06 of this Title. Each of these supplementary requirements must be satisfied prior to approval of an application for commercial development.

1. **LAYOUT OF BUILDINGS.** Unlike other developments approved under this Title, commercial developments may have more than one main structure per parcel. In such cases, the applicant shall provide a project master plan to the planning commission indicating the location and size of each proposed structure. Additionally, the project master plan shall indicate accessory buildings, if any. Each structure in the commercial development is required to satisfy the building permit requirements of Title 18.12.

2. **SETBACKS.** Setback requirements in commercial zones may be flexible, but must be approved by the planning commission. The planning commission shall consider impacts on adjacent parcels, traffic, pedestrian access, landscaping and other relevant issues when recommending setback requirements.

3. **SURFACE WATER DRAINAGE.** Surface water from roof tops, parking lots or irrigation ditches shall not be allowed to drain onto adjacent lots or streets except after written agreement between the parties involved.

4. **FUTURE DEVELOPMENT.** Whenever a front or side yard is required for a building which abuts on a proposed street which has not been constructed but which has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

5. **CONCESSIONS.** Concessions, including but not limited to amusement devices, recreational buildings or refreshment stands, shall be required to obtain approval from the planning commission and purchase a business license prior to operating such a business on any commercial site. Such operations may be denied by the planning

commission if deemed inappropriate due to location, hazard, appearance, etc.

6. **SOLID WASTE AND SEWAGE.** Each commercial development shall be reviewed by the Solid Waste Department for recommended solid waste disposal. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the Health Department before a building permit is issued.

7. **GASOLINE PUMP ISLAND LOCATION.** Gasoline pump islands shall be set back not less than fifteen (15) feet from any street line to which the pump island is parallel and not less than twelve (12) feet from any residential zone boundary line. If the pump island is set in an angle to the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps set closer than twelve (12) feet from any street lines, not closer than ten (10) feet from any side or rear property line. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy-five (75) by one hundred (100) feet in size. Canopies over pump islands may extend to within five (5) feet of the property lines.

8. **MOTOR VEHICLE ACCESS.** Access to all buildings in a commercial project shall be controlled as follows:

A. Developments requiring more than thirty (30) parking spaces shall provide two (2) points of ingress and egress. These access points shall be no closer than fifty (50) feet.

B. Each driveway shall be not more than thirty (30) feet in width in any commercial or industrial zone measured at right angle to centerline of the driveway. On corner lots, no driveway shall be closer than fifty (50) feet to the point of intersection of the front property line which abuts upon a street.

C. Each commercial development shall install curb and gutter to facilitate surface drainage.

9. **POLLUTION PREVENTION.** Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited.

10. Each commercial development shall present a plan for public utilities and services. These plans may be reviewed by utility providers for recommendations.

11. Each commercial development shall satisfy the parking requirements found in Title 18.72 for the appropriate zone.

12. Each commercial development shall satisfy all applicable requirements of both the Subdivision (Title 17) and Zoning (Title 18) Ordinance of Heber City.

#### **17.38.090. Guarantees of Performance.**

All commercial projects are subject to the guarantees of performance requirements listed in Chapter 17.52 herein.

#### **17.38.100. Costs and Charges.**

All commercial projects are subject to the fee schedule listed in Chapter 17.56 herein. However, review fees under section 17.56.015 for commercial projects shall be as follows:

Concept Plat \$75; Final Plat \$75 + \$25 per acre. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the standard performance bond to insure the payment of the cost of inspection.

All other costs, fees, and charges shall be consistent with Chapter 17.52 herein.

*See minutes 6-20-96*

*A*

*B*

The Planning Commission recommends the addition of 18.04.050, 18.04.060, and 18.04.070 to Chapter 18.04 General Provisions:

**Chapter 18.04. General Provisions**

- 18.04.010. Title, Intent and Purpose.**
- 18.04.020. Applicability of Provisions.**
- 18.04.030. Basis for Establishment of Zones.**
- 18.04.040. Interpretation of Provisions.**

**18.04.010. Title, Intent and Purpose.**

This title shall be known as, and shall be entitled "The Zoning Ordinance of Heber City, Utah," and may be so cited and pleaded. It is the intent and purpose of the city council to promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city by guiding development within said city in accordance with a comprehensive plan which plan has been designed:

- A. To encourage and facilitate orderly growth and development in the area;
  - B. To promote safety from fires, floods, traffic hazards, and other dangers;
  - C. To promote sanitation and health of the inhabitants;
  - D. To discourage undue scattering of population and unnecessary expenditures of the moneys for excessive streets, water and sewer lines, and other public requirements;
  - E. To stabilize and improve property values;
  - F. To protect the residents from objectionable noise, odor, dust, fumes, and other deleterious substances or conditions;
  - G. To promote a more attractive and wholesome environment.
- (Ord. 199 §02.0100, 1973)

**18.04.020. Applicability of Provisions.**

The regulations and restrictions as set forth in this title shall be so interpreted and applied as to further the purposes of this title. (Ord. 199 §02.0200, 1973)

**18.04.030. Basis for Establishment of Zones.**

In establishing the zones, the boundaries thereof, and regulations and restrictions applying with each of the zones, due and careful consideration was given, among other things, to the suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. 199 §02.0300, 1973)

**18.04.040. Interpretation of Provisions.**

In interpreting and applying this title, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience,

and general welfare. Except as specifically provided in this title, it is not intended by the adoption of this title to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this title to interfere with or abrogate or annul any easement, covenant, or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this title shall control. (Ord. 202 §1, 1974; Ord. 199 §02.0400, 1973)

18.04.050. Amendments to Zoning Ordinance.

The legislative body may amend the number, shape, boundaries or area of any zoning district, or any regulation of or within a zoning district, or any other provision of the Zoning Ordinance.

Amendments to this Zoning Ordinance shall occur in accordance with §10-9-403 of the Utah Code, as amended. Under these provisions, the Planning Commission shall prepare and recommend amendments to the Zoning Ordinance. Following a public hearing reasonably noticed for at least 14 days on the proposed amendments, the recommendation(s) of the Planning Commission will be forwarded to the City Council who will hold a public hearing reasonably noticed for at least 14 days. Following the public hearing, the City Council may approve, amend and approve, or deny the recommendation(s) of the Planning Commission.

18.04.060. Relationship to Subdivision Ordinance-Title 17.

This Zoning Ordinance is not intended to provide approvals for a development project, but rather to provide a list detailing the use, density and intensity allowed in each zoning district. Each development project approved in Heber City and under this Title shall be approved using the provisions set forth in the Heber City Subdivision Ordinance, also known as Title 17 of the Heber City Code.

This Zoning Ordinance is intended to be compatible with the Subdivision Ordinance. If there arises a conflict between this Ordinance and the Subdivision Ordinance or any other Ordinance or Resolution recognized by Heber City, the stricter of the two shall apply.

18.04.070. Severability.

If any part of this Ordinance is found to be unlawful or invalid by a court of law, that part alone shall be held as such and the remainder of this Ordinance shall remain in full effect.

[1804.chg]

The Planning Commission recommends the following change to 18.40.030 and the addition of 18.40.040

**Chapter 18.40. C-4 General Commercial Zone**

**18.40.010. Objectives--Characteristics.**

**18.40.020. Permitted Uses.**

**18.40.030. Supplementary Regulations.**

**18.40.010. Objectives--Characteristics.**

A. The C-4 general commercial zone has been established as a district in which the primary use of the land is for business and light industrial purposes. While the area covered by this zone is now used as sites for dwellings, contractors yards, pasturing of animals and for retail and highway services uses, it is intended that the future use of the land will be restricted to retail, wholesale, light industrial and highway services uses.

B. The C-4 zone is characterized by wide, clean, well-lighted and landscaped streets, ample pedestrian ways and large vehicular parking lots for the convenience and safety of the public. Long street frontages and low-density commercial and industrial buildings are also characteristic of the zone.

C. In order to accomplish the objectives and purposes of this title and to promote the characteristics of this zone, the regulations set out in this chapter shall apply in the C-4 general commercial zone. (Ord. 199 §02.0916.01, 1973)

**18.40.020. Permitted Uses.**

The following uses shall be permitted in the C-4 general commercial zone:

- A. Any use permitted in the C-3 zone;
- B. Accessory buildings;
- C. Auction houses;
- D. Caretaker dwelling;
- E. Fences and walls;
- F. Hay, grain and livestock feed sales establishments;
- G. Manufacturing, compounding and processing;
- H. Motels, cafes and filling stations;
- I. Pasturing of animals;
- J. Plumbing shops, carpenter shops, hardware and retail lumber yards;
- K. Recreation vehicle courts subject to requirements in Chapter 18.92 of this title;
- L. Signs, accessory and non-accessory;
- M. Used car sales lots and farm equipment sales establishment;
- N. Warehouses, trucking and storage buildings;
- O. Welding and sheet metal shops;
- P. Other uses similar to those set out in this section which are interpreted by the board of adjustment to be in harmony with the intent of the C-4 zone. (Ord. 199 §02.0916.02, 1973)

**18.40.030. ~~Supplementary Regulations~~Area, Width, and Location Requirements.**

~~See also supplementary requirements and procedures applicable within the C-4 zone.~~The total square footage of all structures located on an individual parcel within the C-4 general commercial zone shall not exceed 15,000 square feet per acre. Exceptions to this requirement include a density incentive in accordance with Chapter 17.38.060 of the Heber City Subdivision Ordinance, also known as Title 17 of the Heber City Code.

Each project approved under this section must be fully located within the C-4 general commercial zone.

**18.40.040. Supplementary Regulations.**

See also supplementary requirements and procedures applicable within the C-4 zone. (Ord. 199 §02.0916.03, 1973)

[1840.030]

The Planning Commission recommends the following changes to Chapter 18.44 I-1 Industrial Zone:

**Chapter 18.44. I-1 Industrial Zone**

- 18.44.010. Objectives--Characteristics.**
- 18.44.020. Permitted Uses.**
- 18.44.030. Area Requirements.**
- 18.44.040. Location Requirements.**
- 18.44.050. Height and Size Requirements.**
- 18.44.060. Special Provisions.**
- 18.44.070. Supplementary Requirements.**

**18.44.010. Objectives--Characteristics.**

A. The I-1 industrial zone has been established for the primary purpose of providing a location where manufacturing, processing, warehousing and fabrication of goods and material can be carried on most appropriately and with minimum conflict or deleterious effects upon surrounding properties. Other objectives in establishing the zone are to promote the economic well-being of the people and to broaden the tax base.

B. This zone is characterized by a mixture of industrial, manufacturing and processing establishments with intermittent open land that is served by streets, power, water and other utilities and facilities or where such facilities can be readily provided.

C. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the regulations set out in this chapter shall apply in the I-1 industrial zone. (Ord. 199 §02.0933.01, 1973)

**18.44.020. Permitted Uses.**

The following buildings, structures and uses of land shall be permitted in the I-1 industrial zone upon compliance with requirements as set forth in this section:

- A. Accessory buildings and parking lots incidental and accessory to other permitted uses;
- B. Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock raising;
- C. Asphalt and concrete mixing plants, coal yards, earthmoving and equipment storage, gas and oil storage facilities, public buildings and public utility buildings, craft shops, tire recapping establishments, accessory signs;
- D. Caretakers' dwellings when incidental to the use located on the same lot or parcel of land as a principal use permitted in the zone;
- E. Fences, walls and hedges;
- F. Manufacturing, compounding, processing, packaging, fabrication and warehousing of goods and materials, except the processing of animal byproducts and livestock feedyards, and except steel manufacturing plants, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke,

noise, odor, etc.;

G. Retail commercial uses and cafes; however, no retail commercial transaction nor business may be conducted within a storage shed.

H. Scenic railroads and railroad maintenance yards;

I. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health;

J. Commercial storage sheds; however, no commercial transaction nor business may be conducted within any storage shed.

K. Nursery schools, family day care, mini-day care, and day care centers if they meet the conditions set forth in Chapter 18.86.

L. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the I-1 industrial zone. (Ord. 93-04, 1993; Ord. 92-12, 1992; Ord. 89-10, 1989; Ord. 208, 1974; Ord. 205 §2, 1974; Ord. 202 §6, 1974; Ord. 199 §02.0933.02, 1973)

#### **18.44.030. Area Requirements.**

~~In the I-1 zone, there shall be no area requirements, except that an area sufficient to accommodate location requirements, off street parking, loading and unloading and vehicular access shall be provided and maintained.~~ The total square footage of all structures located on an individual parcel within the I-1 Industrial Zone shall not exceed 15,000 square feet per acre. Exceptions to this requirement include a density incentive in accordance with Chapter 17.38.060 of the Heber City Subdivision Ordinance, also known as Title 17 of the Heber City Code.

Each project approved under this section must be fully located within the I-1 industrial Zone. (Ord. 199 §02.0933.03, 1973)

#### **18.44.040. Location Requirements.**

In the I-1 zone, all buildings shall be set back at least fifty-five feet from the center of any road or thirty feet from the right-of-way line, whichever is the greater distance. (Ord. 199 §02.0933.05, 1973)

#### **18.44.050. Height and Size Requirements.**

There are no height or size requirements in the I-1 zone. (Ord. 199 §02.0933.06, 1973)

#### **18.44.060. Special Provisions.**

In the I-1 zone, a landscaped strip of land at least ten feet in width adjacent to the front property line shall be landscaped except across driveways. The front yard of any caretaker dwelling shall also be landscaped. (Ord. 90-03, 1990; Ord. 199 §02.0933.07, 1973)

**18.44.070. Supplementary Requirements.**

See also supplementary requirements and procedures applicable within the I-1 zone. (Ord. 199 §02.0933.08, 1973)

[1844.chg]

The Planning Commission recommends the following changes to 18.60.020 and 18.64.020

**18.60.020. Permitted Uses.**

The following uses shall be permitted in the R-3 residential zone:

- A. Any use permitted in the R-2 residential use;
- B. Boardinghouses and roominghouses;
- C. Clinics;
- D. Clubs and lodges (nonprofit), not including those carried on primarily as a business;
- E. Multiple dwellings when approved by the planning commission as set forth in Chapter 18.84 of this title.
- F. ~~Manufactured home parks in accordance with section 18.92 herein.~~ (Ord. 83-010 §2, 1983; Ord. 236 (part), 1981; Ord. 220 §1(part), 1978; Ord. 199 §02.0956.02, 1973)

**18.64.020. Permitted Uses.**

The following buildings, structures and uses of land shall be permitted in the RA-2 residential-agricultural zone upon compliance with requirements as set forth in this title:

- A. Accessory signs not exceeding fifteen square feet in area pertaining to the sale of property or produce raised on the premises; also, nameplates not exceeding two hundred sixty-six square inches in area;
- B. Agriculture;
- C. Barns, corrals, pens, coops, shed and feed storage buildings for the keeping of animals and fowl and the storage of farm products, provided uses for the care and keeping of livestock and fowl are located at least one hundred feet distant from any existing dwelling and one hundred feet from the front property lines; also, small animal hospitals without outside runs;
- D. Cemeteries, public and private, subject to the laws of the state when approved by the board of adjustment;
- E. Rest homes.
- F. Farm machinery and farm products, storage sheds;
- G. Fences, walls and hedges and railroad tracks;
- H. Golf courses containing at least ten acres. Golf clubhouses may be permitted when part of a permitted golf course contains at least forty-five acres of land;
- I. Home occupations, subject to conditions set forth in Chapter 18.108 of this title, and nursery schools, family day care, mini-day care, and day care centers if they meet the conditions set forth in Chapter 18.86;
- J. ~~Mobile home parks and planned unit developments which are connected to a public sewer, subject to the requirements set forth in Chapter 18.88 of this title;~~
- JK. One-family dwellings and buildings accessory thereto;
- KL. The raising, care and keeping of animals and fowl for family use and consumption;
- LM. Schools, churches, public parks and playgrounds, arboretums and public buildings;
- MN. Temporary buildings and yards for the storage of

construction materials and equipment incidental and necessary to construction of uses otherwise permitted in the zone;

NO. Two-family dwellings when approved by the planning commission as set forth in Chapter 18.84 of this title;

OP. Water reservoirs, ponds, dams, water pumping plants and pipelines, flood control structures, public utility buildings (except power plants), water wells, utility transmission lines and substations, sewage treatment plants subject to review and approval by the State Division of Health;

OQ. Other uses rules by the board of adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the RA-2 residential-agricultural zone. (Ord 94-12, 1994; Ord 92-12, 1992; Ord 89-10, 1989; Ord. 220 §1 (part), 1978; Ord. 199 §02.0960.02, 1973)

[r3ra2.chg]

Mfg Home Park

Chapter 18.92. ~~Mobile~~ Home Parks

- 18.92.010. Development--General Requirements.
- 18.92.020. Preliminary Plans--Preparation and Submittal.
- 18.92.030. Preliminary Plans--Required Information.
- 18.92.040. Preliminary Plans--Accompanying Documents.
- 18.92.050. Preliminary Plans--Fee.
- 18.92.060. Development Standards and Requirements.
- 18.92.070. Preliminary Plans--Review and Approval.
- 18.92.080. Final Site Plan--Requirements.
- 18.92.090. Final Site Plan--Fee.
- 18.92.100. Staged Construction Permitted.
- 18.92.110. Performance Guarantees.
- 18.92.120. Failure to Maintain Park--Abatement as Nuisance.
- 18.92.130. Open Space Easements.

18.92.010. Development--General Requirements.

Any person wishing to construct a mobilemanufactured home park shall obtain from the planning and zoning administrator information pertaining to the city's plan of land use, streets, public facilities and other requirements affecting the land within the development. Before a permit can be issued for any construction connected with a mobilemanufactured home park, the preliminary plans, required documents pertaining to the development and the final plan shall have been approved as set forth in this chapter. (Ord. 199 §02.1002.01, 1973)

18.92.020. Preliminary Plans--Preparation and Submittal.

The preliminary plan and documents shall be prepared and submitted as set forth in this chapter. (Ord. 199 §02.1002.02 (part), 1973)

18.92.030. Preliminary Plans--Required Information.

ThreeTen copies of a preliminary plan must be submitted to the planning and zoning administrator at least twothree weeks prior to the meeting of the Planning Commission at which time the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one inch equals one hundred feet or as recommended by the planning and zoning administrator and shall show the following information:

- A. The topography represented by contours shown at no greater intervals than two feet ~~when required by the planning commission;~~
- B. The proposed street and mobilemanufactured home space layout;
- C. Proposed reservations for parks, playgrounds and open spaces;
- D. Size and character of the recreation buildings and other structures associated with land and facilities to be used by the mobile-manufactured home park occupants;
- E. Layout of typical mobilemanufactured home spaces;
- F. Tabulations showing:

1. Area of land within the mobilemanufactured home park,
  2. Number of mobilemanufactured homes permitted,
  3. Number of mobilemanufactured homes provided for in the mobilemanufactured home park,
  4. Percent of area to be devoted to parks and playgrounds,
  5. Number of off-street parking spaces;
  - G. Proposed location of off-street parking spaces;
  - H. ~~Areas to be landscaped~~Complete landscaping plan in accordance with chapter 18.76 herein;
  - I. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants, storm drains and facilities, curbs, garbage pickup stations and other improvements;
  - J. Draft of proposed documents, including:
    1. Management policies, covenants and restrictions,
    2. Maintenance agreement,
  - K. Typical street cross-sections,
  - L. Any other data that the Planning Commission may require.
- (Ord. 199 §02.1002.02(A), 1973)

**18.92.040. Preliminary Plans--Accompanying Documents.**

Documents shall also be submitted with the preliminary plan, consisting of:

- A. A declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the renters or occupants within the mobilemanufactured home park;
- B. An agreement between the developers and the city, stating among other things:
  1. That the developer will construct the project in accordance with approved plans;
  2. That in the event of failure or neglect on the part of the owners, successors or assigns to maintain the common areas, landscaping and other improvements in good condition, the city may perform the necessary work and for the purpose may enter in upon the land and do said work and charge the cost thereof, including reasonable attorney's fees, against the owners or their successors or assigns;
  3. That the contract shall be binding upon the heirs, assigns, receivers, successors of the project for the life of the buildings or the project;
  4. ~~Any other conditions that the~~Conditions, based on the criteria and standards found herein and throughout this chapter that the Planning Commission deems to be reasonably necessary to ensure the maintenance of a neat, tidy and attractive mobilemanufactured home park, and to carry out the intent of this chapter. (Ord. 199 §02.1002.02(C), 1973)

**18.92.050. Preliminary Plans--Fee.**

A fee of twenty-five dollars, plus one dollar per unit contained in the preliminary plan, shall be submitted to the city clerk. (Ord. 199 §02.1002.04, 1973)

### 18.92.060. Development Standards and Requirements.

MobileManufactured home parks shall conform to the following standards and requirements:

A. The area shall be in one ownership and shall remain in one ownership and the same shall not thereafter be subdivided;

B. The final plan ~~must~~shall be prepared by an engineer, architect or landscape architect licensed to practice in the state;

C. The minimum initial site size for a mobilemanufactured home park shall be four acres;

D. The mobilemanufactured homes may be clustered and individual mobilemanufactured home site sizes may be reduced below that required for single-family dwellings within the zone in which the development is located, provided that the gross density of mobilemanufactured home units within the development does not exceed eight (8) units per acre and individual sites or spaces shall have an area of not less than three thousand (3,000) square feet for single wide, four thousand (4,000) square feet for multiple wide. ~~that~~All lots or spaces ~~are~~shall be served by an approved central culinary water system and a central sewage disposal system which complies with the requirements of the ~~Board of Health~~Heber City. Each manufactured home must be placed upon an approved site or space and each site or space may be occupied by only one manufactured home;

E. The land area which is not contained in individual lots, roads or automobile parking areas shall be shown on the final plat as common area ~~set aside~~ and developed as parks, playgrounds and service areas for the common use and enjoyment of the occupants of the mobilemanufactured home park. Landscaping of the common area shall be consistent with subsection "H" herein. Any substantial alteration to the use of common area shall constitute a plat amendment and appropriate city approval will be required;

F. No less than ten (10) percent of the gross area of the mobilemanufactured home park shall be so set aside and platted to be developed for common use of the mobilemanufactured home park occupants, which land shall be arranged in accordance with the recommendation of the Planning Commission~~located in the central part of the park~~. The thirty (30) foot rear setback requirement may be included in the ten (10) percent open space requirement calculations. The land covered by vehicular roadways, sidewalks, of ~~f~~ street parking and landscaped areas surrounding individual mobilemanufactured home spaces which are pertinent to each mobilemanufactured home and the area devoted to ~~clubhouses~~, storage yards and other service facilities shall not be construed as being part of the area required for parks and playgrounds. Providing the required common area will satisfy the parks and open space. Park impact fee of Heber City may be waived. However, all other relevant impact fees remain applicable;

G. No mobilemanufactured home or add-on shall be located closer than fifteen (15) feet from the nearest portion of any other mobilemanufactured home or add-on. Setback requirements for manufactured home park units shall be as follows: Front yard minimum setbacks shall be fifteen (15) feet; Side yard minimum setbacks shall be seven and one half (7.5) feet except along the

15' rear yard if sight obscuring fence

borders of the development where the minimum setback shall be 30 feet; and Rear yard minimum setbacks shall be fifteen (15) feet, except along the borders of the development where the minimum setback shall be thirty (30) feet. Each site or space in the manufactured home park must have minimum dimensions equal to thirty (30) feet in width at a line parallel to the front setback for single wide homes and forty (40) feet in width at a line parallel to the front setback for multiple width homes and eighty (80) feet in depth. Each manufactured home must front upon a paved street constructed to the standards required by Heber City under this Chapter;

H. All area not covered by mobilemanufactured homes, buildings, parking space or driveways shall be planted in lawn, trees and shrubs or otherwise acceptably landscaped within twoone years from the date of final approval of the park except that the area set aside for common use of the mobile home park occupants shall be landscaped before any of the mobilemanufactured home spaces are occupied by mobilemanufactured homes. Each manufactured home park must submit a complete landscaping plan in accordance with section 18.92.030 and chapter 18.76 herein. The landscaping plan shall contain a performance guarantee acceptable to the Planning Commission. In addition to chapter 18.76, specific landscaping requirements for manufactured home parks include the following:

1. The landscaping plan will include a minimum of 10 trees per acre of landscaped common area with a minimum of two (2) inch caliper;

2. Each manufactured home space shall be shown to have grass or another acceptable ground cover in all areas not covered by the dwelling or other permitted hard surfaced areas;

3. The landscaping plan shall be approved by the Planning Commission. The Planning Commission may make recommendations to the applicant concerning landscaping on a case by case basis to enhance the development. These recommendations may include, but are not limited to the following: Connection to trails in the vicinity, recreational amenities, city/applicant joint use and development, suitability, and location of trees;

I. All off-street parking space and driveways shall be hard-surfaced within two years from date of approval of the park or within one year from the date of occupancy of any of the mobilemanufactured home sites, whichever is the shorter period of time. Each dwelling shall have a minimum of two off-street parking spaces located on the manufactured home site. In addition to these parking requirements, one quarter of one parking space per dwelling (2.5 parking spaces per dwelling) will be required for guest parking. Guest Parking may be located throughout the development in a manner which best serves the needs of the development and in accordance with the recommendation of the Planning Commission. All guest parking shall be hard surfaced and painted with parking stalls;

J. All manufactured homes shall be located at least thirty (30) feet back from any public street and the resulting setback space must be landscaped except over permitted road ways. The area between the curb and gutter along the public street and the

sidewalk or street right-of-way line must also be landscaped. All landscaping shall be included on the landscaping plan and completed in accordance with subsection "H" above and chapter 18.76; A strip of land at least fifteen feet wide surrounding the mobile home park, except along public streets, shall be left unoccupied by mobile homes and shall be planted and maintained in lawn, shrubs and trees designed to afford privacy to the development; provided, however, that a sight obscuring fence six feet to eight feet in height may be substituted for up to eight feet of the required landscaped strip;

K. All solid waste receptacles outside of the confines of the manufactured home are to be consistent with those required by the Solid Waste Department and approved for use by the department. Roads within the development must allow adequate accessibility to solid waste trucks. All common or jointly used solid waste receptacles shall be located in a manner that will allow for convenient pickup of the contents. All mobile homes shall be located at least thirty feet back from any public street and the resulting setback space must be landscaped except over permitted roadways. The area between the curb and gutter along the public street and the sidewalk or street right of way line must also be landscaped;

L. All solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure compatible in design and construction to the mobile homes and to any service buildings within the mobile home park. All common or jointly used solid waste receptacles shall be located in a manner that will allow for convenient pickup of the contents. All patios, carports and other additions must also be compatible in design and construction with the mobile home and with the service buildings as approved by the planning and zoning administrator;

ML. Occupancy shall be by written lease which lease shall be made available to the officials of the municipality upon demand;

NM. Roadways shall be of adequate width to accommodate anticipated traffic as follows:

1. For minor roads, a minimum of thirty-six feet in width;
2. For entrance streets, a minimum of forty-two feet in width. All streets shall be bordered by rolled curb or equivalent and shall be hard-surfaced.

ON. There shall be no more than two entrances from the mobilemanufactured home park onto any one street, which entrances shall be no closer than twenty fiveone hundred (100) feet from each other, nor closer than one hundred twenty (120) feet to the corner of an intersection;

PO. Access shall be provided to each mobilemanufactured home standsite by means of an access way reserved for maneuvering mobile homes into position and shall be kept free from trees and other immovable obstructions. Careful consideration of landscaping and other obstructions should take place before placing any immovable objects in this access way. Paving the access way shall not be required. Use of planks, steel mats or other means during placement of a mobilemanufactured home shall be allowed so long as the same are removed immediately after placement of the mobilemanufactured home. The Planning Commission may require a

soil test to determine if concrete runners under the homes are necessary or if the traditional pads and piers method is acceptable. In all cases, tie downs will be required on all manufactured homes. The tie downs may be placed using augers sufficiently secured into the ground or by placing straps into a concrete slab or concrete runners. Such tie downs shall meet ANSI A225.1 standards or the amended equivalent.

Following final placement, the wheels and axles and any other transport materials shall be removed from the home. Any towing tongues and the like must also be removed. Those items shall be stored in an area approved by the Planning Commission or off-site;

~~Q. Off street parking shall be provided at the rate of two parking spaces per mobile home space contained within the mobile home park. In no case shall the parking space be located greater than one hundred feet away from the mobile home space it is designed to serve, except that one fourth of the required parking spaces may be located not more than three hundred feet away from the mobile home spaces it is designed to serve;~~

RP. MobileManufactured home parks containing not less than twenty-five mobile homes may include a launderette for the convenience of the occupants of the park but not for the general public;

SQ. Yard Lighting. A minimum of two-tenths footcandles of light shall be required for protective yard lighting the full length of all driveways and walkways;

TR. An area of at least one hundred (100) square feet for each mobilemanufactured home space contained within the park shall be provided for the storage of boats, trailers, and campers. Said storage space shall be enclosed with a sight-obscuring fence of not less than six (6) feet and not more than two (2) feet of security or razor wire for a total height of not ~~not~~ more than eight feet in height;

US. The perimeter of the park shall be fenced and any area bordering a public street shall require a fence of a minimum height of six (6) feet except where the fence is adjacent to an entrance, consideration will be given to site distances for traffic.

T. Other requirements specific to manufactured home parks include the following:

1. Each park shall have an on-site office. The office may be a residence;

2. Each park shall have a common center (preferably at the entrance) which contains a map indicating street locations and space numbers. The map shall be lighted at night. The center shall also direct visitors to visitor parking area and the on-site office;

3. Street signs must be visible, readable and meet all city standards;

4. All signs will be subject to the Heber City sign ordinance;

5. Each park shall contain a central mailbox which is accessible to all units in the development and the postal service. Development of more than twenty-five (25) units may have two mailboxes;

6. No space in the development shall be leased for a

period of less than sixty (60) days;

7. All manufactured housing units must meet HUD requirements established in 1976. In addition to these requirements, each home must also satisfy snow load requirements for the appropriate elevation;

8. Each development plat shall be reviewed by the electric utility provider to determine whether a central electric meter location is desirable and/or feasible;

9. Each manufactured home shall be placed, leveled, completely constructed, skirted, and have steps, if needed, and be eligible for a certificate of occupancy within ninety (90) days of delivery to the development.

U. Required setbacks may be reduced eight (8) feet to 22 feet if the required fence is sight-obscuring.

V. In addition to meeting the above requirements and conforming to the other laws of the municipality, all mobilemanufactured a home parks shall also conform to the requirements set forth in the Code of Camp-Trailer Court, Hotel, Motel and Resort Sanitation Regulations adopted by the Utah State Board of Health, and to the city's Fire Prevention Code, which codes are adopted by reference, three copies of which are filed with the office of the city clerk for use of the public and all restrictions, regulations and notations contained therein shall be made part of this chapter as if fully set forth in this chapter. In event of any conflict between said regulation or codes and this chapter, this chapter shall take precedence. (Ord. 199 §02.1002.02(B), 1973)

*See minutes of June 1976 meeting*

18.92.065. Required procedures for approval.

The following steps or procedure must be followed in order to obtain approval of a Manufactured Home Park.

A. Preliminary Plan Submission. Developer prepares preliminary plan and environmental impact statement (see Section 17.20.020) and submits ten (10) copies, makes application and pays fees to the Planning Commission at least 45 calendar days before the next regular meeting;

B. Preliminary Plan Approval. Planning Commission reviews preliminary plan as per items discussed at concept approval and for compliance with the ordinance. Planning Commission then approves, disapproves, or approves plan with modifications. If approval is given at this time, the developer shall be given list which has been revised from the one given at concept stage. This list shall pertain to items the Planning Commission expects on the final plans. Preliminary approval does not guarantee final development approval;

C. Final Plan Submission. Developer prepares and submits final plat, makes application, and pays fees at least 45 calendar days prior to the next regular meeting. Final plan shall consist of items required by the Planning Commission at preliminary stage and by this ordinance. Ten (10) prints shall be submitted to the planning staff;

D. Planning Commission Final Plat Approval. The Planning Commission reviews final plan and approves final plat if it is complete and if all requirements from preliminary plan approval are met or disapproves it. The final plan shall be in substantial compliance with the plans approved at preliminary stage. Planning Commission approval does not guarantee final subdivision approval;

E. City Council Final Plan Approval. If approved or approved conditionally by the Planning Commission, the developer submits final plat on Mylar and six (6) paper copies of final plat to the City Council for approval, along with bond or other assurances guaranteeing required improvements;

F. Recordation of Final Plat. Developer records plat in office of County Recorder within one (1) year, ~~and before selling or conveying any lots within the Manufactured Home Park.~~ Final ~~plans~~ <sup>plats</sup> not recorded within one (1) year ~~from approval by the City Council~~ shall be null and void. One, one year extension may be granted by the City Council for special cases; however, if an extension is granted, the bond or other assurance shall be reevaluated and upgraded if necessary. <sup>from</sup>

#### 18.92.070. Preliminary Plans--Review and Approval.

A. The Planning Commission shall review the plan and proposed documents to determine compliance with all portions of the city's comprehensive plan.

B. ~~The proposed name of the manufactured home park. In considering a plan for a mobile home park, the planning commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. The planning commission may require changes to be made in the plan as submitted. They may also require additional yards with greater amounts of landscaping or parking spaces. Said changes may be imposed as conditions of approval where it is determined by the planning commission that such changes are necessary to ensure that the development will meet the intent of this chapter and will mix harmoniously with adjoining or nearby uses.~~

C. Vicinity Map - the location of the subdivision. Where the plan submitted covers only a part of the developer's tract, the Planning Commission may require the developer to prepare a preliminary plan covering all of the developer's tract before giving consideration to a preliminary plan covering only part of the tract; ~~The planning commission may call a public hearing before approving an application for a mobile home park. Notice of the hearing shall be given in a newspaper of general circulation in the area at least five days prior to said hearing. If approved by the planning commission, the application, with the planning commission's recommendations, shall be submitted to the city council for its approval. An application denied by the planning commission may be appealed to the city council. The appeal must be made in writing within ten days after the denial is made by the planning commission. Approval of the preliminary plan shall be valid for a period of one year.~~

D. The names and addresses of the developer, the engineer, or surveyor of the manufactured home park, and the owner(s) of the

land immediately adjoining the land to be subdivided;

E. Information sufficient to locate accurately the property shown on the plan with reference to survey markers or monuments;

F. Contour map at intervals required by the Planning Commission at concept approval;

G. The boundary lines of the tract to be developed;

H. The location, width, and other dimensions of all existing or platted streets and other important features such as watercourses, exceptional topography and buildings within the tract and within two hundred feet of the tract to be developed.

I. Existing sanitary sewers, storm drains, culinary and secondary water supply mains, and bridges within the tract or within two hundred (200) feet thereof.

J. The location, width, and other dimensions of proposed streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public or to the occupants or owners of lots within the development;

K. North point, scale and date;

L. Statements regarding the anticipated density and number of dwelling units to be constructed on each lot;

M. All easements of record shall be shown on the preliminary map;

N. All lot numbers and bearings, distances and curve data of all lot lines, street center lines, right-of-way lines etc.;

O. The following shall be included with the preliminary plans;

1. A title report for all lands proposed to be subdivided;

2. Environmental Impact Statement. The environmental impact statement shall describe the impact which the development will likely have on the natural features of the area within the development and the immediate vicinity. Said statement shall also include a description of the measures that should be taken to lessen the occurrence of adverse conditions with respect to:

a. Control of erosion within the development area;

b. Reseeding of cuts and fills;

c. Provision for culinary and secondary water for the occupants of the development;

d. Disposition of any geologic hazards or soil conditions which may cause injury to persons or injury or damage to improvements which may be constructed on the subdivision, such as buildings, water and sewer lines, and streets. This portion shall contain a geotechnical report, stamped by a licensed geotechnical engineer. The report shall give soil profiles bearing strengths of soils, a design for building of road bases, and any other important and pertinent items discovered during investigation;

e. Provision for the disposal of liquid wastes that will likely come from the occupants of the subdivision when it is fully developed;

f. Prevention and control of fire and control of dust;

g. Prevention of the accumulation of weeds and debris;

h. Prevention of the destruction of vegetation or

else the establishing of new vegetation;

i. Disposal of surface water for a 25-year, 24-hour storm and the disposition of all potential flood hazards as it relates to the protection of buildings for 100-year, 24-hour storms;

j. A traffic study for the development and all major streets within one-quarter mile.

3. "Will Serve" letters from all serving utilities.  
(Ord. 199 §02.1002.03, 1973)

#### 18.92.080. Final Site Plan--Requirements.

A. ~~Upon approval of the preliminary plan by the city council, the developer shall submit to the planning commission a final site plan of either the entire mobile home park or the first stage of such development that is to be constructed. Such plan shall be drawn to scale, and provide, in detail, the information required under Sections 18.92.030, 18.92.040 and 18.92.060 of this chapter, along with a landscape planting plan which has been prepared by a landscape architect registered to practice in the state.~~

B. ~~Copies of the final approved documents shall also be recorded in the office of the planning and zoning administrator. No building permit shall be issued for said mobile home park until final plans have been approved by the planning commission and the required documents have been approved by the planning commission and the required documents have been recorded in the office of the city recorder and also until the bond required under the terms of this chapter has been properly posted within the city.~~

A. The final plat shall be drawn to a scale of one inch equals one hundred feet and shall show:

1. The name of the manufactured home park;

2. Blocks for the names and stamps of the engineer and/or surveyor of the park. An owner's dedication block;

3. Signature lines for the Mayor and City Council members, City Recorder, Planning Commission Chairperson, City Fire Marshall, and Health Department Director;

4. A boundary description. Also, all existing survey monuments and survey monuments to be installed with the construction of the subdivision shall be shown and properly labeled and referenced;

5. North point, scale and date;

6. All easements of record shall be shown on the final plat;

7. Street numbers and names;

8. All lot numbers and site addresses. Also, all bearings, distances, and curve data for all lot lines, street center lines, right-of-way lines, etc.;

9. All public utility easements as required by the Planning Commission;

10. A vicinity map showing the location of the subdivision in relationship to the city;

11. Any notices to purchasers required by the Planning Commission.

B. The following shall be included with the final plans:

1. An updated title report for all lands proposed to be developed;
2. A revised Environmental Impact Statement if required by the Planning Commission at preliminary approval;
3. Tax clearance from the County Assessor;
4. Five (5) sets of engineering drawings, including typical street cross-sections, road, sewer, and other underground utility profiles and plans. Details showing the width and type of pavement. Location, size and type of off-site and on-site water and sewer facilities and other improvements, such as sidewalks, curbs, and gutters, parks, street lighting, and fire hydrants;
5. Record of survey map;
6. Checklist of all items discussed at preliminary approval. (Ord. 199 §02.1002.05, 1973)

#### **18.92.090. Final Site Plan--Fee.**

~~A final filing fee of ten dollars shall be submitted to the city clerk for each final site plan.~~

A. Preliminary plan \$200 + \$10 per lot; Final plat \$200 + \$10 per lot. In addition, the developer shall pay for all engineering review fees and upon final plat approval the estimated inspection fee shall be escrowed with the city or added to the performance bond. The deposit or bond to cover the cost of inspection services shall be calculated as follows: 5.0% for the first two hundred thousand dollars (\$200,000) plus 2.0% for additional cost up to one million dollars (\$1,000,000), and 1.0% thereafter of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees). (Ord. 199 §02.1002.06, 1973)

#### **18.92.100. Staged Construction Permitted.**

Development may be carried out in progressive stages in which event each stage shall be so planned that the requirements and intent of this chapter shall be fully complied with at the completion of each stage. No final plan for the initial stage shall cover less than four acres. (Ord. 199 §02.1002.07, 1973)

#### **18.92.110. Performance Guarantees.**

A. Type and Amount of Guarantee. In order to insure that the mobilemanufactured home park will be constructed in an acceptable manner, developers shall post a bond, mortgage, or other assurance acceptable to the City Council in an amount equal to the estimated cost, plus ten percent, of constructing all required landscaping, road improvements, pedestrian ways, curb and gutters, hard surfacing, water and sewer lines and other domestic sewage disposal facilities, and common facilities as shown on the final site plan. Estimates of costs shall be prepared by the developer's engineer and submitted prior to approval of the final site plan. Said estimates shall also be checked by the planning and zoning administrator prior to acceptance of the bond by the city.

B. Duration. The duration of the bond or other assurance

shall be for two years from the date of approval of the final site plan of the mobilemanufactured home park by the Planning Commission. An extension of time may be granted by the City Council upon application by the developer, provided such application is submitted at least sixty days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the termination date of the bond.

C. Default. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the development by the planning commission, the city council may declare the bond or other assurance forfeited and the city may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof.

D. Final Disposition and Release. The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the City Council shall cause an inspection of the improvements to be made. If the conditions of said facilities are found to be satisfactory, the City Council shall release the bond or other assurance. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, the City Council may declare the developer at fault. (Ord. 199 §02.1002.08, 1973)

**18.92.120. Failure to Maintain Park--Abatement as Nuisance.**

Any failure on the part of the developer or his assigns to maintain the mobilemanufactured home park in accordance with the approved management policies, covenants, conditions, restrictions and agreements shall be, and the same is declared to be, a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding area and that in addition to any other remedy provided by law for the abatement or removal or such public nuisance, the city may remove or abate the nuisance and charge the cost thereof, including reasonable attorney's fees to the owners as provided by Chapter 11 of Title 10, Utah Code Annotated, as amended. (Ord. 199 §02.1002.09, 1973)

**18.92.130. Open Space Easements.**

An open space easement covering all common area restricting the use of the land contained therein against future building or use, except that which is in accordance with an approved amended plan, shall be so indicated on the plat. Any use of land contrary to the use shown on the plat will require a plat amendment conveyed to the city as part of the documentation. (Ord. 199 §02.1002.10, 1973)

Chapter 18.112. Nonconforming Buildings, Lots and Uses

18.112.010. Expansion or Repair--Limitations.

18.112.020. Lots of Record.

18.112.010. Expansion or Repair Limitation Continuation Permitted.

In view of the fact that no further development or change in use can be undertaken contrary to the provisions of this title, it is the intent of this chapter that nonconforming uses shall not be increased nor expanded except where a health or safety official, acting in his official capacity requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a nonconforming building or structure or use of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations.

Repairs may also be made to a nonconforming building or to a building housing a nonconforming use, and new construction and/or additions may be undertaken with a building permit as long as the addition is in compliance with the present zoning ordinance. Except as provided in this chapter, a nonconforming use or structure may be continued. Except as provided in this chapter, a nonconforming use or structure may be continued. (Ord. 87-02 (part), 1987; Ord. 199 §02.0702, 1973)

18.112.020. Extension and Alteration. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension. For purposes of this Section, the addition of a solar energy device to a building is not a structural alteration.

18.112.030. Additions, Property Divisions, Enlargements.

A. A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area, or yard requirements shall not be added to or enlarged in any manner, or moved to another location on the lot except as provided by subsection B.2 of this Section;

B. A building or structure occupied by a nonconforming use, or a building or structure nonconforming as to height, area or yard regulations may be added to or enlarged upon receiving a permit authorized by the Board of Adjustment, provided that the Board, after a public hearing, shall find:

1. That the addition or enlargement of the building or structure will be in harmony with one or more of the purposes of this title;

2. That the proposed change does not impose any unreasonable burden upon the land located in the vicinity of the nonconforming use of structure nor does it violate the development policies adopted in the General Plan of Heber City;

3. Addition or enlargement must meet current ordinance.

C. If a nonconforming property changes to a conforming use then the nonconforming use will cease;

D. In zones where livestock raising, keeping or pasturing animals is allowed and a nonconforming use is split under the provision of Title 17, then Section C above will pertain to any new parcel that is built on for housing, commercial use, etc. Any remaining vacant pieces may continue the nonconforming use if the remaining parcel(s) is/are large enough to contain the continuation of that use as determined by the Planning Commission at the time the property is divided under the provisions of title 17.

18.112.040. Alteration where Parking is Insufficient. A building or structure lacking sufficient automobile parking space in connection therewith as required by this division may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirement of this title for such alteration or enlargement.

18.112.050. Restoration of Damaged Buildings. A nonconforming building or structure occupied by a nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake or other calamity or act of God, or the public enemy, may be restored. The occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion with the ordinances of Heber City within two (2) years.

18.112.060. Continuation of Preexisting Nonconforming Use--Vacancy or Cessation. A building utilized prior to the effective date of the ordinance codified in this title for a use which, after the effective date of the ordinance codified in this title is nonconforming, may continue to be utilized for such nonconforming use unless the building is vacated or the use ceased for a continuous period in excess of three hundred sixty five (365) calendar days. Land use prior to the effective date of the ordinance codified in this title is nonconforming and may continue to be so used provided that such nonconforming use is not ceased for a continuous period in excess of three hundred sixty-five (365) calendar days. No such nonconforming use of land may in any way be expanded or extended, either in the same or on adjoining property, except as provided under Section 18.112.030. Any land that is annexed into Heber City which use was conforming in the County but now is nonconforming in Heber City, the same will apply.

18.112.070. Effect of Vacating or Ceasing Use.

A. A vacant building may be occupied by a use for which the building or structure was used, designed or intended, if so occupied within a period of three hundred sixty-five (365) calendar days after the use became nonconforming.

B. However, a building or portion thereof occupied by a nonconforming use which is, or hereafter becomes, vacant and remains unoccupied by such nonconforming use for a continuous period in excess of three hundred sixty-five (365) calendar days, shall not be thereafter occupied except by a use which conforms to the use of the zone in which it is located.

C. Should a nonconforming use of land be ceased for a period in excess of three hundred sixty-five (365) calendar days, any future use of such land authorized nonconforming use is expressly prohibited.

18.112.080. Continuation of Preexisting Nonconforming Use-Occupancy on Effective Date. The occupancy of a building by a nonconforming use, existing on the effective date of the ordinance codified in this Title, may be continued.

18.112.090. Effect of Change of Use. The nonconforming use of a building or structure may not be changed except to a conforming use, but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

18.112.100. Expansion Permitted. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

18.112.110. Manufactured Home Units. If a nonconforming mobile home is removed from the premises, it cannot thereafter be returned.

18.112.120. School District Property. The nonconforming status of school district property is terminated when the property ceases to be used for school district purposes.

~~18.112.020~~ 18.112.130. Lots of Record.

Notwithstanding any other provision of this title, a one-family dwelling may be permitted on any lot of record in any zone in which dwellings are permitted, even though such lot fails to meet the area or width requirements for one-family dwellings within the zone, provided that where two or more contiguous lots of record having continuous frontage are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located except when granted a variance by the board of adjustment. (Ord. 199 §02.0703, 1973)

18.112.140. Burden of Proof. The burden of proof for proving the extent or the existence of any nonconforming use, structure, etc., shall be the responsibility of the property owner or the petitioner.

[18112.chg]

The Planning Commission recommends the following changes to 17.16 General Review Procedures of Title 17 - Subdivisions

**Chapter 17.16. General Subdivision Procedures**

**17.16.010. Required Procedures for Approval.**

**17.16.010. Required Procedures for Approval.**

The following steps or procedure must be followed in order to obtain approval of a subdivision:

A. **Staff Review** ~~Subdivider notifies planning staff of desire to subdivide and identifies area to be subdivided. Applicant provides planning staff with general project plan. Planning staff furnishes subdivider with platting requirements affecting the land to be subdivided.~~ land. The following items will be discussed at this time:

1. Relationship of the proposal to the General Plan;
2. Zoning of the proposed development;
3. Utility considerations;
4. Roads and general transportation;
5. Flood zones and potential flood hazards;
6. Provisions for culinary and secondary water;
7. Capital improvement plans;
8. Other items deemed necessary by the planning staff.

B. **Concept Plan Submission.** ~~Subdivider~~Applicant prepares concept plan (See Section 17.20.010), makes application, pays fees, and submits concept plans at least 21 calendar days before the next regular planning commission work session meeting. Twenty-one days prior to said meeting, the ~~subdivider~~applicant shall provide and deliver copies of the concept plan to each planning commission member (7 copies), the planning staff (3 copies), the public works director, the mayor, one copy to each serving utility, the school district superintendent, the fire marshall, city engineer, postal service, police chief, and county commission (if proposed development is on city border or requires annexation) totaling about 25 copies. Each of these individuals or entities will be invited to review the proposed subdivision and present comments either in person or in writing at the work session meeting. Commercial projects are not required to submit Preliminary Plans, but are required to submit a Concept Plan and Final Plat;

C. **Concept Plan Approval.** Planning commission approves, disapproves, or requires modification of concept plan at the work session meeting. At this time, the ~~subdivider~~applicant shall be given an informal list of what the planning commission expects on the preliminary plans, including contour intervals and any special concerns. Concept approval does not guarantee final subdivision project approval;

D. **Preliminary Plan Submission.** ~~Subdivider~~Applicant prepares preliminary plan and environmental impact statement (See Section 17.20.020) and submits ten copies, makes application and pays fees to the planning commission at least 45 calendar days before the next regular meeting. Commercial projects are not required to submit Preliminary Plans;

E. **Preliminary Plan Approval.** Planning Commission reviews preliminary plan as per items discussed at concept approval and for compliance with the ordinance. Planning Commission then approves, disapproves, or approves plan with modifications. If approval is given at this time, the subdividerapplicant shall be given a list which has been revised from the one given at the concept stage. This list shall pertain to items the Planning Commission expects on the final plans. Preliminary approval does not guarantee final subdivision approval;

F. **Final Plat Submission.** SubdividerApplicant prepares and submits final plat, makes application, and pays fees at least 45 calendar days prior to the next regular meeting. Final plat shall consist of items required by the Planning Commission at preliminary stage and by this ordinance. Ten prints shall be submitted to the planning staff. All commercial projects are required to submit a Final Plat for review and approval by the Planning Commission and City Council;

G. **Planning Commission Final Plat Approval.** The Planning Commission reviews final plan and approves final plat if it is complete and if all requirements from preliminary plan approval are met or disapproves it. The final plat shall be in substantial compliance with the plans approved at preliminary stage. Planning Commission approval does not guarantee final subdivision approval;

H. **City Council Final Plat Approval.** If approved or approved conditionally by Planning Commission, subdividerapplicant submits final plat on mylar and six paper copies of final plat to the City Council for approval, along with bond or other assurances guaranteeing required improvements;

I. **Recordation of Final Plat.** SubdividerApplicant records plat in office of county recorder within one year and before selling or conveying any lots within the subdivision. Final plats not recorded within one year from approval by the City Council shall be null and void. One, one year extension may be granted by the City Council for special cases; however, if an extension is granted, the bond or other assurance shall be reevaluated and upgraded if necessary.

J. **Curb, Gutter and Sidewalks.** Curb, gutter and sidewalks are required as per subdivision ordinance. (Ord. 94-13, 1994; Ord. 201 §10.03.0400, 1974)

[1716.chg]