

ORDINANCE NO. 2008 - 06

AN ORDINANCE **REPEALING** CHAPTER 18.85, and **ADOPTING** CHAPTER 18.83 OF THE HEBER CITY MUNICIPAL CODE, **COTTAGE OVERLAY DISTRICT** and **NEIGHBORHOOD INFILL OVERLAY DISTRICT**, RESPECTIVELY.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 18.85 of the Heber City Municipal Code is **repealed**, and Chapter 18.83 of the Heber City Municipal Code is **adopted** as follows:

**Neighborhood Infill Overlay District**

**Section 18.83.010 Introduction - Neighborhood Infill.**

Neighborhood Infill lots shall only be allowed in the Neighborhood Infill Overlay District. No permit for a Neighborhood Infill home shall be granted unless the proposed Neighborhood Infill lot meets the limitations and density of the Neighborhood Infill Overlay District and the underlying zoning district in which it is to be located. Compliance with the provisions of this chapter does not excuse the developer from the applicable requirements of the Heber City Code and Standards and Specifications.

**Section 18.83.020 Purpose.**

The purpose of the Neighborhood Infill Overlay District is to provide increased flexibility and compatibility of infill housing within existing neighborhoods; to encourage the preservation of historically significant housing; to encourage the infill of overly large lots and vacant lots with housing that is compatible in design, height, setback, scale, and placement with existing housing; to limit residential density and preserve neighborhood character; to promote redevelopment and revitalization of the core of the City; to promote neighborhoods with quality homes, and well maintained landscaping; and to minimize and discourage blight, junk, weeds, and dilapidated housing.

**Section 18.83.030 Neighborhood Infill Defined.**

Neighborhood Infill Homes shall be defined as a single family detached dwelling located on a Neighborhood Infill lot which has been approved by the City Council in the Neighborhood Infill Overlay District through the subdivision process. The lot is modified to facilitate a side yard with a driveway to required rear or side yard parking.

Neighborhood Infill Lots shall be defined as a lot approved by the City Council within the Neighborhood Infill Overlay District that is at least 49 feet wide and 5,500 square feet in area. Any lot owners that originally filed an application under the previous Chapter 18.85, but have not yet, nor did obtain a building permit prior to the adoption of this Chapter 18.83, shall be subject to the infill lot requirements of this said Chapter 18.83.

**Section 18.83.040 Area and Frontage Regulations.**

A. The minimum Neighborhood Infill lot size shall be no less than five thousand five hundred (5,500) square feet.

B. The minimum lot width for any Neighborhood Infill lot shall not be less than forty-nine (49) feet at the front yard setback line, however, a corner Neighborhood Infill lot width shall not be less than fifty-

six (56) feet at the front yard setback line.

C. Each Neighborhood Infill lot shall be at least 49 feet wide for a depth of at least 98 feet from the front street property line.

**Section 18.83.050 Yard Regulations.**

- A. Lot Coverage: All buildings, including accessory buildings, shall not cover more than Thirty percent (30 %) of the area of the lot.
- B. Neighborhood Infill homes shall be setback from property lines as follows:
  - 1. Front yard setbacks. The front setback requirements of the underlying zone shall apply to infill homes. The front setback from the street for any dwelling situated between two existing dwellings (a) on the same side of the street, (b) located within 150 feet of each other, and (c) located less than thirty feet from the front property line may be reduced to 20 feet or the same as the average for said two existing dwellings, whichever is the greater setback distance. Side yard attached garages shall be setback a minimum of ten (10) feet from the front main wall of the dwelling.
  - 2. Side yard setbacks. Neighborhood Infill lots are required to have a minimum twelve (12) foot side yard from the street property line, with a driveway to required rear parking, with the other side yard a minimum of six (6) feet, except for corner lots Side yard setbacks from the street property line for all Neighborhood Infill dwellings and attached and detached garages must be a minimum of twenty (20) feet. Side yard attached garages shall be setback no less than six (6) feet from the side property line.
  - 3. Rear yard setback. For interior lots, all Neighborhood Infill dwellings shall be set back from a rear yard detached garage by no less than 20 feet. Detached garages shall be setback three (3) feet from the rear property line. Dwellings with a side yard attached garage shall be setback from the rear property line a distance of at least twenty (20) feet. For corner lots, all Neighborhood Infill dwellings and attached garages shall be set back from the rear property line a distance of at least twenty (20) feet. A detached rear yard garage on a corner lot shall be setback at least three (3) feet from the rear property line and twenty (20) feet from the rear of the Neighborhood Infill dwelling.
  - 4. For the purposes of this Chapter, any garage located closer than twelve (12) feet to the main building shall be considered as part of the main building for determining setback requirements.
  - 5. Setbacks for Neighborhood Infill shall be measured from the foundation of the building, with the exception of interior side yard setbacks which will be measured from any cantilever or bay window, etc., which extends past the foundation of the building.

**Section 18.83.060 Height Regulations.**

The height of Neighborhood Infill Homes shall be determined by the design criteria, and consideration given to the existing homes adjacent to the Neighborhood Infill Home. In no case shall a Neighborhood Infill home exceed a height of thirty (30) feet, unless specified in the design criteria.

**Section 18.83.070 Density Analysis.**

A. The density allowed in the zone in which the Neighborhood Infill permit has been granted shall apply. No Neighborhood Infill subdivision shall be approved if such approval would cause more than

six (6) lots to front or be located along one side of a 400 foot block.

B. No Neighborhood Infill subdivision shall be approved if an existing home on the property would be removed or torn down as a result of the subdivision, unless the Heber City Building Inspector determines the home is unsafe or a nuisance.

C. Exactly two (2) Neighborhood Infill lots shall be permitted within any subdivision. Neighborhood Infill lots shall not be part of a subdivision containing more than two building lots.

### **Section 18.83.075 Square Feet Requirements.**

The ground or first floor living area of all single story Neighborhood Infill homes shall be at least 900 square feet exclusive of garages, carports and basements. All second stories on Neighbor Infill Homes shall not be greater than sixty percent (60%) of the first story square footage, unless specified by design criteria. Basements do not qualify as ground floor living area.

### **Section 18.83.080 Design Requirements.**

Each block of Heber City contains homes that have design elements that are unique to that Neighborhood. The purpose of these design requirements are to provide a set of guidelines that will incorporate design elements into the new home, so that the home fits the character of the existing neighborhood. Five main architectural styles have been identified in Neighborhood Infill Overlay. The design criteria have been developed so that new homes built in the overlay will incorporate design elements that are found in these existing styles.

A. Exterior finishes such as wood siding, stone and brick are recommended.  
B. Neighborhood Infill Homes should be designed under one of the follow Heber Home styles.

#### **1. Heber Craftsman**

##### **a. Required Features**

- i. Maximum roof pitch of 6:12
- ii. Large front porch with pillars that covers at least 50% of front (at least five (5) foot depth)
- iii. 1<sup>st</sup> story brick or stone facing the street
- iv. Front door faces street
- v. At least 1 large window facing the street
- vi. Detached garage
- vii. Height max is 30'
- viii. Brackets under the eaves

##### **b. Optional Features**

- i. Two story
- ii. 2<sup>nd</sup> story wood siding
- iii. Triangular element in roof
- iv. 2<sup>nd</sup> story window facing the street
- v. Basement (encouraged)

#### **2. Heber Plains**

##### **a. Required Features**

- i. 10:12 to 12:12 roof pitch
- ii. L shaped floor plan
- iii. Front door faces the street
- iv. Covered porch at the front door (at least five (5) foot depth)
- v. Large front window on forward part of the home
- vi. Detached garage

- vii. Window on 2<sup>nd</sup> story above 1<sup>st</sup> story
      - viii. 2<sup>nd</sup> Story square footage can be equal to ground floor square footage
      - ix. Max Height is 35'
    - b. Optional Features
      - i. Large front covered porch
      - ii. 2<sup>nd</sup> story different color/ material from 1<sup>st</sup> story
      - iii. Two (2) windows on 2<sup>nd</sup> story facing street
      - iv. Basement (encouraged)
3. Victorian
- a. Required Features
    - i. Steep Roof pitch 8:12 to 12:12
    - ii. Ornate woodworking on exterior (Eaves, railing, etc.)
    - iii. Front porch covers 85 % of front living area (at least five (5) foot depth)
    - iv. Wood styled siding
    - v. Front Pop out (bay window ) element
    - vi. Multiple peak elements
    - vii. Maximum height is 30'
  - b. Optional Features
    - i. Use of Arch elements (windows, woodwork, entry, etc.)
    - ii. Second story
    - iii. Curved roof element
    - iv. Round pop out
    - v. Decorative brick features
    - vi. Roof dormer
    - vii. Basement (encouraged)
4. Heber Bungalow
- a. Required Features
    - i. Large front porch that covers at least 90% of front (at least five (5) foot depth)
    - ii. Large beams supporting porch
    - iii. Low pitched Gable roof that slopes toward the front and rear of home
    - iv. Maximum roof pitch is 7:12
    - v. Wide eave overhang
    - vi. Front door faces street
    - vii. Brackets under eaves
    - viii. 2<sup>nd</sup> story large dormer that is at least 20% of length of roof (if two story)
    - ix. Maximum height is 28'
  - b. Optional features
    - i. Brick 1<sup>st</sup> story
    - ii. Hipped roof ends
    - iii. Detached garage
    - iv. Basement (encouraged)
5. Heber Cottage
- a. Required features
    - i. Front door faces road
    - ii. Porch that is at least 20% of length of home frontage (at least five (5) foot depth)

- iii. At least two roof peaks facing the road
- iv. Elevated main floor
- v. At least two (2) large windows on main floor facing street
- vi. Maximum roof pitch of 8:12
- vii. Maximum height is 25'
- b. Optional Features
  - i. Second story dormer
  - ii. Side entry recessed facing the street
  - iii. Basement
  - iv. Different color trim around doors and windows

6. Neighborhood Cottage

- a. This option will give the applicant the option of designing a home that includes design features from the defined home styles, yet not using all the design features from one particular style.
- b. Home must include features found in close proximity to the new home, and design shall be similar to homes in neighborhood.
- c. Home must preserve historic nature of downtown.

**Section 18.83.090 Garage and Parking Requirements.**

- A. Neighborhood Infill parking requires two (2) off-street parking spaces per unit, located within a garage or area containing at least 440 square feet. The two required parking spaces shall be located and setback as specified for a garage in section 18.83.050.
- B. At least 50% of the width of a structure containing a Neighborhood Infill home with an attached garage shall be living space.
- C. Neighborhood Infill homes on adjoining lots shall not have the accompanying garages built along the same or alternating side property lines (the site plan for each lot must have the garage on the same side: north-north, east-east, etc.).
- D. Garages shall be built with a foundation and hard surface floor.
- E. Neighborhood Infill lots are required to have a hard surface driveway.

**Section 18.83.100 Landscaping Requirements.**

- A. Neighborhood Infill lots shall have a minimum of two (2) feet landscaped or shrub area between the property line and the driveway to the rear.
- B. Applicant shall supply a landscaped plan or plot plan in conformance with Chapter 18.76, Landscaping.
- C. Neighborhood Infill lots shall provide at least two (2), two and one half (2 1/2) inch plus caliper trees in the front yard per unit.
- D. Front yard landscaping shall be installed within nine (9) months of obtaining the occupancy permit.
- E. Rear yard landscaping shall be installed as per city wide ordinance requirements.
- F. A landscaping strip shall be placed between the sidewalk and the street.

**Section 18.83.110 Site Plan**

Site plans for a building permit for a Neighborhood Infill home shall show required landscaping, the total square footage calculations for the dwellings, and landscape areas.

**Section 18.83.115 Required Procedures for Approval of Design.**

The following steps or procedure must be followed in order to obtain approval of building permit for a Neighborhood Infill home:

A. Applicant shall provide front, rear, and side elevations, floor plans and a landscaping plan for the proposed home to be built upon the new Neighborhood Infill lot. Staff shall determine if the application meets the design and compatibility criteria set forth in 18.83.

B. Staff shall determine if all design elements, both landscaping and building, are included in the design. If staff feels that the criteria has been met, they will grant approval. If the design criterion has not been met, the applicant shall make the needed changes to the application. Applicant may seek appeal from Heber City's Board of Appeals regarding design criteria.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder, (c) a short summary of it has been published in the Wasatch Wave, and a complete copy has been published in the Wasatch Wave or a complete copy has been posted in three public places within Heber City but not prior to the 3 day of April, 2008.

ADOPTED and PASSED by the City Council of Heber City, Utah this 3 day of April, 2008, by the following vote:

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

APPROVED: *David R. Phillips*  
Mayor David R. Phillips

ATTEST:  
*Paulette Shuler*  
RECORDER

(Seal)  
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