

AN ORDINANCE AMENDING SECTIONS 18.28.050, 18.36.040, 18.40.030 AND 18.44.030 OF THE HEBER CITY MUNICIPAL CODE, C-2 COMMERCIAL ZONE, SPECIAL PROVISIONS, C-3 COMMERCIAL ZONE, SPECIAL PROVISIONS, C-4 COMMERCIAL ZONE, AREA, WIDTH, AND LOCATION REQUIREMENTS, and I-1 INDUSTRIAL ZONE, AREA REQUIREMENT, RESPECTIVELY.

BE IT ORDAINED by the City Council of Heber City, Utah that Sections 18.28.050, 18.36.040, 18.40.030, and 18.44.030 of the Heber City Municipal Code are amended, as follows:

18.28.050 Special Provisions.

E. Limitation on Gross Floor Area of Buildings Used for Retail Business.

1. Findings. The Heber City Council makes the following findings:

a. One main intention of the Heber City Council in limiting the gross floor area of buildings used for retail business is to incorporate those goals and directives of the Heber City General Plan, including but not limited to those specific directives and provisions which identify the importance of and intentions surrounding the City center addressed in said General Plan.

b. The Heber City Council adopted the Heber City General Plan to guide and direct future development and land use decisions in Heber City.

c. The Heber City General Plan evidences the community's goals and objectives for the future of Heber City, and identifies the old town as the heart of the community, and makes the development and preservation of the City center critical to the General Plan's vision for Heber City's future.

d. The Heber City General Plan contemplates building on Heber's strengths from the inside out, by focusing on the City center including the existing central business district.

2. Gross Floor Limitation. C-2 Zone.

Retail Establishments shall not exceed 60,000 square feet of Gross Floor Area within the C-2 Zone. No Retail Establishment shall be permitted to place any

one Building or any Combination of Buildings that exceed 60,000 square feet within said Zone. In no event shall any Retail Establishment, corporation, business, or entity have one or more buildings within less than 1,000 feet of each other, wherein the building or buildings would exceed a total of 60,000 square feet. Attempts to circumvent or exceed this maximum, 60,000 square feet, shall be strictly prohibited.

3. Definitions. The following definitions shall apply to this Section 18.28.050:

a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

i. are engaged in the selling of similar or related goods, wares or merchandise, and operate under Common Ownership or Management, or

ii. share check stands, storage facilities, a warehouse, or a distribution facility, or

iii. otherwise operate as associated, integrated or co-operative business enterprises under Common Ownership or Management.

b. "Combination of Buildings" means two or more Buildings that are within 1,000 feet of each other as measured from the outside exterior walls of two of the Buildings.

c. "Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,

i. by the same individual(s) or entity(ies), including but not limited to corporations(s), partnership(s), limited liability company(ies) or trust(s), or

ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the

entity(ies).

- d. "Gross Floor Area" shall mean the sum of :
- i. the total horizontal area, in square feet, of all floors of a Building, as measured at outside the exterior walls and including all interior courtyards, and
 - ii. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of Buildings used for the display, storage, or sale of any goods, wares or merchandise.

For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

- e. "Retail Business" means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale.

A Retail Business does not include: (a) health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

18.36.040 Special Provisions.

F. Limitation on Gross Floor Area of Buildings Used For Retail Business.

1. Findings. The Heber City Council makes the following findings:

a. One main intention of the Heber City Council in limiting the gross floor area of buildings used for retail business is to incorporate those goals and directives of the Heber City General Plan, including but not limited to those specific directives and provisions which identify the importance of and intentions surrounding the City center addressed in said General Plan.

b. The Heber City Council adopted the Heber City General Plan

to guide and direct future development and land use decisions in Heber City.

c. The Heber City General Plan evidences the community's goals and objectives for the future of Heber City, and identifies the old town as the heart of the community, and makes the development and preservation of the City center critical to the General Plan's vision for Heber City's future.

d. The Heber City General Plan contemplates building on Heber's strengths from the inside out, by focusing on the City center including the existing central business district.

2. Gross Floor Limitation, C-3 Zone.

Retail establishments shall not exceed 60,000 square feet of gross floor area within the C-3 Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 60,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings within less than 1,000 feet of each other, wherein the building or buildings would exceed a total of 60,000 square feet. Attempts to circumvent or exceed this maximum, 60,000 square feet, shall be strictly prohibited.

3. Definitions. The following definitions shall apply to this Section 18.36.040:

a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

i. are engaged in the selling of similar or related goods, wares or merchandise, and operate under Common Ownership or Management, or

ii. share check stands, storage facilities, a warehouse, or a distribution facility, or

iii. otherwise operate as associated, integrated or co-operative business enterprises under Common Ownership or Management.

b. "Combination of Buildings" means two or more Buildings that are within 1,000 feet of each other as measured from the outside

exterior walls of two of the Buildings.

c. “Common Ownership or Management” means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,

i. by the same individual(s) or entity(ies), including but not limited to corporations(s), partnership(s), limited liability company(ies) or trust(s), or

ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).

d. “Gross Floor Area” shall mean the sum of :

i. the total horizontal area, in square feet, of all floors of a Building, as measured at outside the exterior walls and including all interior courtyards, and

ii. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of Buildings used for the display, storage, or sale of any goods, wares or merchandise.

For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

e. “Retail Business” means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale.

A Retail Business does not include: (a) health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

18.40.030 Area, Width, and Location Requirements.

- A. 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.

- B. Limitations of Buildings Used For Retail Business.

1. Findings. The Heber City Council makes the following findings:

a. One main intention of the Heber City Council in limiting the gross floor area of buildings used for retail business is to incorporate those goals and directives of the Heber City General Plan, including but not limited to those specific directives and provisions which identify the importance of and intentions surrounding the City center addressed in said General Plan.

b. The Heber City Council adopted the Heber City General Plan to guide and direct future development and land use decisions in Heber City.

c. The Heber City General Plan evidences the community's goals and objectives for the future of Heber City, and identifies the old town as the heart of the community, and makes the development and preservation of the City center critical to the General Plan's vision for Heber City's future.

d. The Heber City General Plan contemplates building on Heber's strengths from the inside out, by focusing on the City center including the existing central business district.

2. Gross Floor Limitation, C-4 Zone.

Retail establishments shall not exceed 60,000 square feet of gross floor area within the C-4 Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 60,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings within less than 1,000 feet of each other, wherein the building or buildings would exceed a

total of 60,000 square feet. Attempts to circumvent or exceed this maximum, 60,000 square feet, shall be strictly prohibited.

3. Definitions. The following definitions shall apply to this Section 18.40.030:

a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

i. are engaged in the selling of similar or related goods, wares or merchandise, and operate under Common Ownership or Management, or

ii. share check stands, storage facilities, a warehouse, or a distribution facility, or

iii. otherwise operate as associated, integrated or co-operative business enterprises under Common Ownership or Management.

b. "Combination of Buildings" means two or more Buildings that are within 1,000 feet of each other as measured from the outside exterior walls of two of the Buildings.

c. "Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,

i. by the same individual(s) or entity(ies), including but not limited to corporations(s), partnership(s), limited liability company(ies) or trust(s), or

ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).

d. "Gross Floor Area" shall mean the sum of :

- i. the total horizontal area, in square feet, of all floors of a Building, as measured at outside the exterior walls and including all interior courtyards, and
- ii. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of Buildings used for the display, storage, or sale of any goods, wares or merchandise.

For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

- e. “Retail Business” means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale.

A Retail Business does not include: (a) health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

18.44.030 Area Requirements.

- A. 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.

- B. Limitations of Buildings Used For Retail Business.

1. Findings. The Heber City Council makes the following findings:

- a. One main intention of the Heber City Council in limiting the gross floor area of buildings used for retail business is to incorporate those goals and directives of the Heber City General Plan, including but not limited to those specific directives and provisions which identify the importance of and intentions surrounding the City center addressed in said General Plan.

b. The Heber City Council adopted the Heber City General Plan to guide and direct future development and land use decisions in Heber City.

c. The Heber City General Plan evidences the community's goals and objectives for the future of Heber City, and identifies the old town as the heart of the community, and makes the development and preservation of the City center critical to the General Plan's vision for Heber City's future.

d. The Heber City General Plan contemplates building on Heber's strengths from the inside out, by focusing on the City center including the existing central business district.

2. Gross Floor Limitation, I-1 Zone.

Retail establishments shall not exceed 60,000 square feet of gross floor area within the I-1 Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 60,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings within less than 1,000 feet of each other, wherein the building or buildings would exceed a total of 60,000 square feet. Attempts to circumvent or exceed this maximum, 60,000 square feet, shall be strictly prohibited.

3. Definitions. The following definitions shall apply to this Section 18.44.030:

a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

i. are engaged in the selling of similar or related goods, wares or merchandise, and operate under Common Ownership or Management, or

ii. share check stands, storage facilities, a warehouse, or a distribution facility, or

iii. otherwise operate as associated, integrated or co-operative business enterprises under Common Ownership or Management.

b. "Combination of Buildings" means two or more Buildings that are within 1,000 feet of each other as measured from the outside exterior walls of two of the Buildings.

c. "Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,

i. by the same individual(s) or entity(ies), including but not limited to corporations(s), partnership(s), limited liability company(ies) or trust(s), or

ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).

d. "Gross Floor Area" shall mean the sum of :

i. the total horizontal area, in square feet, of all floors of a Building, as measured at outside the exterior walls and including all interior courtyards, and

ii. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of Buildings used for the display, storage, or sale of any goods, wares or merchandise.

For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

e. "Retail Business" means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale.

A Retail Business does not include: (a) health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

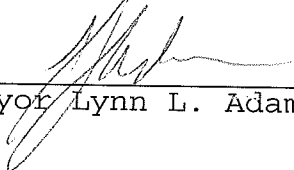
This Ordinance shall take effect and be in force from and after June 16th, 2005.

ADOPTED AND PASSED by the City Council of Heber City, Utah
this 16 day of June, 2005, by the following

vote:

	AYE	NAY
Councilman Terry Wm. Lange	<u>X</u>	_____
Councilman Vaun Shelton	<u>X</u>	_____
Councilman David R. Phillips	<u>X</u>	_____
Councilman John Burns	<u>X</u>	_____
Councilwoman Shari K. Lazenby	<u>X</u>	_____

APPROVED:



Mayor Lynn L. Adams

ATTEST:



RECORDER

(Seal)

Date of First Publishing:

6-29-05.