

AN ORDINANCE ADOPTING CHAPTER 18.61 OF THE HEBER CITY MUNICIPAL CODE, PLANNED COMMUNITY (PC) ZONE.

BE IT ORDAINED by the City Council of Heber City, Utah that Chapter 18.61 is adopted as follows:

**Planned Community (PC) ZONE
Chapter 18.61**

SECTION 18.61.010 - Purpose and Intent.

The intent of the Planned Community (PC) Zone is to provide for continued implementation of the Heber City General Plan. This zone allows for multiple residential uses, minor commercial areas and recreation uses within a master planned area. The regulations of PC Zone contained herein are designed to: 1) Allow the City to encourage and facilitate more detailed and specific planning and analysis for appropriate parcels; 2) Promote interesting, creative, and indigenous landscaping, design, and architecture that blends in with natural surroundings and follows project specified design guidelines; 3) Stimulate the local economy and increase the tax base of the City; 4) Promote the preservation of agricultural lands, open space, scenic vistas, and natural features; and 5) Regulate and control development.

SECTION 18.61.020 - General Requirements.

1. Property identified as Planned Community in the General Plan may be either annexed into the City as Planned Community Zoned land, or rezoned through the Heber City Rezone process as Planned Community Zoned land.
2. In order to achieve the purpose of this Chapter; the establishment of a PC Zone requires the following minimum area:
 - o 50 contiguous acres for parcels zoned or designated in the Heber City Future Land Use Plan as Planned Community (this acreage can include Open Space Designation/ Zoned parcels).
3. The primary uses are encouraged to be a cohesive mixture of single-family, and multifamily residential, minor commercial areas, and recreation including, but not be limited to, trails and golf facilities.
4. Adequate Public Facilities shall be provided per Heber City Code Title 17.
5. The City shall require such an arrangement of structures and open space within the PC Zone as necessary to assure that the purpose of this zone is achieved, including but not limited to the following:
 - (A) Minimum Open Space shall be 40% of the total acreage (see Section 18.61.090).

- (B) Commercial areas should provide the density, building mass, scale, and visual feeling of a planned community.
- (C) Density shall not exceed the overall base density of two (2) dwelling units per acre and up to 100 s.f. of commercial space per allowable unit in the approved Master Plan. Area or properties for and consisting of commercial and public buildings and developments should not be counted toward any overall allowable base density, including but not limited to schools, hospitals, libraries, museums, etc.
- (D) Steep slopes (areas over 30% slope) and Wetlands (jurisdictional wetlands as defined by the Army Corps of Engineers) shall be calculated at one (1) unit per gross acre when calculating the base density. Master Plans shall be sensitive and avoid areas with steep slopes, wetlands, high water tables and important viewsheds from Highway 40. The Council may require open space protection and setbacks for steep slopes, wetlands, and important viewsheds they deem sensitive.
- (E) Street standards within the PC Zone are designed to be environmentally sensitive and reduce environmental impacts. PC Zone streets shall follow the street standards established for the PC zone herein.

SECTION 18.61.030 - Permitted Uses.

The following uses shall be permitted in the Planned Community Zone:

1. Customary household pets, including but not limited to cats, dogs, and other domestic animals, but shall not include livestock, poultry, or customary barnyard animals or the breeding of animals for sale;
2. Golf Courses containing at least 9-holes, and may have golf course facilities and maintenance facilities and areas, golf clubhouse, pro-shop, restaurants, and related activities;
3. Home Occupations;
4. One-family dwellings and the following accessory buildings and structures:
 - o Private garage for the storage of automobiles owned by persons residing on the premises.
 - o Accessory Structure (subject to provisions of Section 18.61.040)
5. Open space, parks, recreation areas, trails.
6. Multifamily Dwellings, including two-unit through Four-unit dwellings;
7. Retreat Lodge not to exceed more than 100 rooms, allowing a restaurant and other associated facilities and commercial uses;
8. Schools (public or private) on a minimum 2 acre site, with minimum setbacks of 30 feet on front, 100 feet on rear and two 60 foot side setbacks (from building) and all parking wholly occurring within site.
9. Spas, Fitness Centers, Conference Facilities.

10. Commercial Uses (including restaurant) accessory to and/or supporting a permitted use and located within the same building or lot or parcel, however, gas stations or convenience stores are prohibited.
11. Temporary sales and construction offices, meeting Planned Community Design Guidelines, shall be permitted during construction.
12. Worship facilities on a minimum 2 acre site, maximum 5 acre site, with minimum setbacks of 30 feet on front and rear and two 10 foot side setbacks, and all parking wholly occurring within site.
13. Senior Centers.
14. Recreation Facilities.
15. Research and Development.

SECTION 18.61.040 - Development Requirements.

Planned Community Zone Development Requirements

	One-Family Lots/Dwellings			Multifamily Dwellings		Accessory Structures
	Patio Lots	Traditional Lots	Estate Lots	Two Unit Dwelling	Three and Four Unit Dwellings	-
Minimum Area	5,500 s.f. (Maximum Patio Home Lot Size 8,000 s.f.)	8,000 s.f. (Maximum Village Lot Size 19,999 s.f.)	20,000 s.f.	6,000 s.f.		Dimensions, setbacks, etc are to be approved by Commission on a case by case basis. In no case shall an accessory structure exceed a 3:1 ratio of main structure to accessory use.
Minimum Lot Width	50 l.f. at front of building pad	65 l.f. at front of building pad	100 l.f. at front of building pad	80 l.f. at front of building pad	40% maximum footprint within buildable area	
Minimum Unit Size (per unit): Single-Story Multi-Story	850 s.f. 1,450 s.f.	950 s.f. 1,600 s.f.	1,200 s.f. 1,800 s.f.	850 s.f. 1,200 s.f.	800 s.f. 1,100 s.f.	None
Minimum Yard Setbacks						
Front Yard	20 feet from front r-o-w	30 feet from front r-o-w	30 feet from front r-o-w	20 feet from top back of curb	20 feet from building to property line, and 5 feet minimum setback within building pad to each unit.	Setbacks to be approved by the Commission, in no case shall the accessory structure be closer than 8 feet to a property line.
Side Yard	16 feet total with no less than 6 feet on one side	20 feet total with no less than 10 feet on one side	24 feet total with no less than 10 feet on one side	16 feet total with no less than 6 feet on one side	24 feet between buildings, 0 feet setbacks between units (units shall be attached).	
Rear Yard	15 feet	20 feet	30 feet	15 feet	25 feet from building to property line and 5 feet minimum setback within building pad to each unit.	
Corner Lots	20 feet total with no less than 14 feet for side yard fronting a street and 6 feet on other side.	25 feet total with no less than 15 feet for side yard fronting a street and 10 feet on other side.	30 feet total with no less than 20 feet for side yard fronting a street and 10 feet on other side.	25 feet total with no less than 15 feet for side yard fronting a street and 10 feet on other side.	N/A	
Height	Height is measured as the vertical distance from any roof or roof element to Finished Grade, measured parallel to the ground.					
Maximum	28 feet, or 33 feet to peak of pitched roof.	28 feet, or 33 feet to peak of pitched roof.	28 feet, or 33 feet to peak of pitched roof.	28 feet, or 33 feet to peak of pitched roof.	28 feet, or 35 feet to peak of pitched roof.	Shall not exceed 18 feet.
Garages and Parking	Minimum (2) car attached garage required	Minimum (2) car attached garage required and (2) parking spaces on parking pad/driveway		Minimum (2) car attached garage required per unit		N/A
	In order for parking to wholly occur within the parking pad or driveway area as required (no vehicle overhang on sidewalks or roads), minimum setbacks may have to increase. In addition, any garage door facing the street shall have a minimum 20 foot setback from that portion of the building to the front r-o-w.					
Supplemental Requirements	Subdivisions are encouraged to provide a variation in setbacks, especially front setbacks, from unit to unit next to one another. Variety in the position of the garage door (i.e. front facing, side facing, and rear facing) shall be considered.			Subdivisions are encouraged to provide a variation in setbacks, especially front setbacks, from building to building adjacent to one another.		-
Definitions	The buildable area is the portion of land located within the property boundary setbacks. The building pad is the portion of land located within the buildable area setbacks.					

SECTION 18.61.050 - Planned Community Zone Process.

1. Property can be annexed into the City as the PC Zone or rezoned to the PC Zone.
2. The application for Planned Community Zone Master Plan (**Section 18.61.060.001 B-G**) may be submitted in conjunction with the Annexation Application Package or the Rezone Package, or after an Annexation or Rezone is approved.
3. Planned Community Master Plans shall encompass annexed or rezoned areas within the designated PC Zone. In the case of multiple master plans for one annexation or rezone area, each parcel shall submit a master plan per Section 18.61.060.
4. The applicant may be required to provide other information required by the Planning Director or Planning Commission as necessary to evaluate the proposed application.
5. Please see Appendix A for process chart.

SECTION 18.61.060 - Planned Community Submittal Application Track.

18.61.060.001 - Submittal Requirements. The following information shall be submitted to the Planning Director, along with the appropriate fees, two (2) weeks prior to the noticed Planning Commission public meeting.

- A. Annexation Application (See the Heber City Annexation Policy Plan) or the Rezone Application and General Plan Amendment (See the Heber City Code Title 18).
- B. Master Plan Package - including the following:
 - 1) Vicinity Map
 - 2) Master Plan - showing entire project concept, densities, land uses, trails, open space, circulation and roads, and other site improvements and development concepts.
 - 3) Phasing Plan - master plan indicating phasing of entire project, with estimated timeframes for development and a chart showing number of units and amenities per phase.
 - 4) Landscape Concept Plan - plan view of features such as: main entry, pocket parks, golf course, neighborhood entry and/or others.
 - 5) Environmental Features Map - showing approximate location of potential wetlands (Army Corps approved delineation preferred); ponds, lakes, streams, canals or other bodies of water; slopes over 30%; potential geological hazards; fault lines; wildlife habitat; and stands of significant vegetation.
 - 6) Proposed Utility Plan - showing utilities available (if any) and proposed easement for new utility services or relocated utility services, and other proposed features such as systems of drainage, sewage and water supply.
 - 7) Proposed Streets - street widths and cross-sections.
 - 8) Architectural Design Guidelines
- C. As applicable, a brief written statement from each of the following affected entities indicating the availability of current services, as well as the conditions and the impact of the development on such services:
 - School District(s),
 - Water Service District(s),
 - Sewer Service District(s),

Waste Removal and Disposal Service Provider(s),
Water Canal Companies
Fire Department,
Sheriff,
EMT Response/Protection Service Provider(s) and,
Storm Water Management and Control Agency.

- D. A Title Report for the property under the Master Plan provided by a Title Company and dated within 30 days of the date of Annexation Plan Submittal;
- E. Planned Community Development Agreement – shall, at the minimum, include the following:
 - 1) A legal description of the land;
 - 2) A description of proposed density and uses for the project;
 - 3) A copy of the Master Plan package;
 - 4) A description of all Developer exactions or agreed upon public and private dedications and commitments;
 - 5) The Developer's Agreement to pay specified service provider fees;
 - 6) The form of ownership anticipated for the project Property Owners Association and how the property will be maintained and used;
 - 7) Other specific requirements, rights, and peculiarities pertinent to the project;
- F. Affordable Housing Plan.

18.61.060.002 – Approval of Master Plan. The following is the submittal procedure for the Planned Community Master Plan.

- A. After receiving the applicant's submittal, the Planning Director will review the submittal and determine if the required information provided is complete. The Planning Director will make a recommendation on the proposed plan to the Planning Commission and schedule the submittal for review on the Planning Commission's next available agenda.
 - If the Planning Director feels the applicant's submittal is incomplete, the applicant has 45 days to submit the additional information requested to the Planning Director to continue the approval process.
- B. The Planning Commission will review the submittal and will make recommendations.
- C. Following recommendations by the Commission on such submittal, the City Council will review the submittal and will approve, approve with conditions or deny the Master Plan.

For Annexations:

- 1) Approval shall grant the property, when filed concurrently with a Master Plan, an equivalent unit density, use, and general configuration and annexation into the City as PC zoned property. Alternatively, approval grants the property, when a Master Plan is filed separately, an equivalent unit density, use, and general configuration.
- 2) Approval With Conditions grants the property, when filed concurrently with a Master Plan, an equivalent unit density, use, and general configuration and annexation into the City as PC zoned property and requires the applicant to meet the conditions of the Council. Alternatively, approval with conditions grants the property, when a Master Plan is filed separately, an equivalent unit density, use, and general configuration and requires the applicant to meet the conditions of the Council.

- 3) Denial of the Annexation Plan means the applicant cannot proceed with the process for signature of the Planned Community Development Agreement by the City Council and must either 1) resubmit a revised Master Plan Submittal and begin the process with the Planning Commission again, 2) appeal the decision to the appropriate Court of Law, or 3) elect to not pursue a Master Plan any further.

For Rezones:

- 1) Approval grants the property when filed concurrently with a Master Plan, an equivalent unit density, use, and general configuration and to be rezoned to the PC Zone. Alternatively, approval grants the property, when a Master Plan is filed separately, an equivalent unit density, use, and general configuration.
 - 2) Approval With Conditions grants the property, when filed concurrently with a Master Plan, an equivalent unit density, use, and general configuration and to be rezoned as PC zoned property and requires the applicant to meet the conditions of the Council. Alternatively, approval with conditions grants the property, when a Master Plan is filed separately, an equivalent unit density, use, and general configuration and requires the applicant to meet the conditions of the Council.
 - 3) Denial of the Rezone Submittal means the applicant cannot proceed with the process for signature of the Planned Community Development Agreement by the City Council and must either 1) resubmit a revised Master Plan Submittal and begin the process with the Planning Commission again, 2) appeal the decision to the appropriate Court of Law, or 3) elect to not pursue a Rezone any further.
- D. Mayor and the Applicant(s) shall sign the Planned Community Development Agreement as presented or as amended by the City Council. The Development Agreement shall be filed for recording with the City Recorder's office at the Applicants' expense.
- E. Once a Planned Community Development Agreement is signed by the City Council and the Applicant, the project has received Master Plan Approval. Only an approved Master Plan allows an Applicant to proceed with submittal of a Subdivision application. Master Plan approval is valid for two years from the date of approval. If after two years from the date of approval, a subdivision application has not been filed with the City, the Master Plan is null and void. An extension may be requested by an Applicant and reviewed and approved by the City Council. Extension approvals shall go through SECTION 18.61.060, for Master Plan approval again (annexation and rezone remain valid and do not need to be resubmitted).

SECTION 18.61.070 - Subdivision of Master Planned Land.

An approved Master Plan may be subdivided or re-subdivided at any time, subject to Title 17, Heber City Subdivision Ordinance for subdivision process and regulations. However, any such subdivision for a PC Zone shall be approved per the PC zone requirements through **SECTION 18.61.060** prior to submittal of a subdivision application.

18.61.070.001 - Required Procedures for Subdivision Application and Approval.

- A. Developer is not required to submit a Concept Plan and may opt to begin the process with the submittal of a Preliminary Plan.

18.61.070.002 - Required Plans for Subdivision Application. Plans required for subdivisions application, review and approval are the same as those described in Chapter 17.20, Section 17.20.020 Preliminary Plans and 17.20.030 Final Construction-Plans & Final Plat of Heber City Code (as revised). Additionally, the following information is required:

- A. Copy of Signed Development Agreement;
- B. Location and acreage of open space and how that meets the open space requirements of the approved Master Plan;
- C. If the applicant plans a phased development of the area contained in the subdivision, the respective areas of development shall be shown on the plan as to the area and priority of development.
- D. Ownership
 - 1) The name and address of the owner or owners, the name and address of the developer if other than the owner, the name of the land surveyors, author of the title report, and the citation of last instrument conveying title to each parcel of property involved in the proposed development.
 - 2) Citation of any existing legal rights-of-way or easements affecting the property.
 - 3) Existing covenants on the property, if any.
- E. A copy of the project's draft CC&R's.
- F. A copy of the declaration and by-laws of the development pursuant to the Utah Condominium Ownership Act (if applicable).
- G. Any special agreements, conveyances, easements, restrictions, conditions, which will govern the use, maintenance, and continued protection of the development and any of its common areas, open space and facilities.
- H. Curb, Gutter and Sidewalks. Curb, gutter and sidewalks are required as per this zone. (see Section 18.61.090).

SECTION 18.61.080 - Planned Community Zone Minimum Roadway Standards.

Any roadway minimum design standards shall be determined, established and made a part of the Master Plan for Planned Communities.

18.61.080.008 -Names. New street names shall not duplicate those names already existing. A street obviously a continuation of another already in existence shall bear the same name. All streets shall be named. All street designations shall be approved by the Planning Commission. Names shall be signed and said signing shall be discernable from the street.

18.61.080.009 -Dedications. Streets located within the PC Zone shall be public unless approved by the City Council for private use.

18.61.080.010 -Bridges and Culverts. All bridges and culverts shall be constructed to support gross vehicle weight of twenty-six thousand pounds.

18.61.080.011 -Relations to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas for their proper protection (where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the Planning Commission. Where the

Planning Commission determines that it is desirable to provide for street access to adjoining property in order to provide an orderly development of a street system, proposed streets shall be extended by dedication and construction to the boundary of such property.

SECTION 18.61.090 - Open Space

1. Functional and aesthetic open space (including buffer zones) are essential parts of the PC Zone.
2. A minimum of 40% open space, including the type of open space, proposed locations, and acres shall be identified and required on the Master Plan.
3. Each Development Plan shall identify the type of open space, location, and acres. The amount of open space per Development Plan shall be equal to the amount of open space required in the Master Plan.
4. Participants in the approval processes shall identify what is to be considered as open space by using the following parameters as a guide:
 - (A) Waterways, water bodies, man-made water features, wetlands, steep slopes, and other areas to remain undeveloped may be included in the calculation for the open space requirement.
 - (B) Active, non-hard surface recreation areas, such as golf, skiing, hiking, and biking trails may be included in the calculation for the open space requirement.
 - (C) Common park areas with passive (landscaping, lawn areas, picnic, and bench areas) and active areas (soccer fields, baseball diamonds, tennis courts, fishing ponds, playgrounds, park gazebos) may be included in the calculation for the open space requirement, provided they are used for scenic, landscaping or recreation purposes and they are located on land which is accessible and available to all occupants of dwelling units for whose use the common park area is intended.
 - (D) Buffer zones along the property boundaries may be included in the calculation for the open space requirement.
 - (E) Natural, unimproved or non-landscaped areas with passive uses contiguous to other open space may be included in the calculation for the open space requirement.
 - (F) Parking lots, parking area landscaping buffers, paved roads, service roads, private yards, buildings or structures, required setbacks for buildings or structures, and all subdivided parcels less than one (1) acre shall not be included in the calculation for the open space requirement.
5. The following factors shall be considered when determining the responsibility for the preservation, maintenance and ownership of open space within the development, consistent with the rights and responsibilities delineated in the development agreement.
 - (A) Compliance with the provisions of the Condominium Ownership Act, Title 57, Chapter 8, Utah Code Annotated, as amended, which provides for the payment of common expenses for the upkeep of the common area and facilities;

- (B) The developer may retain ownership and responsibility for maintenance of the designated open space, but then shall commit to such responsibility through written agreement with all parties who subsequently acquire ownership of property within the Master Planned development;
- (C) The Property Owners Association may retain ownership and responsibility for maintenance of the designated open space, but then shall commit to such responsibility through written agreement with all parties who subsequently acquire ownership of property within the Master Planned development;
- (D) The open space may be deeded in perpetuity or preserved as a conservation easement as open space to a land trust organization.

A minimum of 30% of the total open space provided shall be "public" and deeded as open space on the recorded plat or protected in perpetuity through a conservation easement or other mechanism.

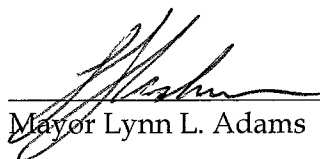
6. Changes in the project's dedication of open space may only be implemented through a Master Plan Amendment process.

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, and (c) a short summary of it has been published in the Wasatch Wave or 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 no prior to the 6 day of October, 2005.

ADOPTED AND PASSED by the City Council of Heber City, Utah this 6th day of October, 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>✓</u>	_____
Councilwoman Shari K. Lazenby	<u>X</u>	_____

APPROVED:



 Mayor Lynn L. Adams

ATTEST:

Paulette Shuler

RECORDER

(Seal)

Date of First Publishing:

October 26, 2005