

**ORDINANCE NO. 2022-18**

AN ORDINANCE AMENDING THE A-2, RA-1 AND RA-2 AGRICULTURAL ZONES AND CONSOLIDATING THEM INTO A NEW REVISED CHAPTER 18.24, AMENDING THE R-1, R-2 AND R-3 RESIDENTIAL ZONES AND CONSOLIDATING THEM INTO A REVISED CHAPTER 18.52, AND ADOPTING A NEW CHAPTER 18.14 DEFINING APPLICATION REQUIREMENTS FOR PERMITTED AND CONDITIONAL USES.

BE IT ORDAINED by the City Council of Heber City, Utah, Heber City Municipal Code, Chapter 18.24 A-2 Agricultural Zone, Chapter 18.63 RA-1 Residential-Agricultural Zone, Chapter 18.64 RA-2 Residential Agricultural Zone, Chapter 18.52 R-1 Residential Zone, Chapter 18.56 R-2 Residential Zone and Chapter 18.60 R-3 Residential Zone, are hereby **REPEALED**.

BE IT ORDAINED by the City Council of Heber City, Utah, Heber City Municipal Code, Chapter 18.14 Permitted and Conditional Use Application Requirements, is hereby **ADOPTED** to read as follows.

**18.14 Permitted and Conditional Use Application Requirements**

- 18.14.010 Purpose and Intent
- 18.14.020 Site Plan Approval Required
- 18.14.030 Land Use Authority Review
- 18.14.040 Approval Criteria
- 18.14.050 Application Submittal
- 18.14.060 Technical Review
- 18.14.070 Conformance to Application Site Plan Approval Requirements
- 18.14.080 Development Standards for Specific Zoning Districts
- 18.14.090 Notice of Decision
- 18-14.100 Related Provisions

**18.14.010 Purpose and Intent**

The purpose of this chapter is to establish an administrative review process by which permitted and conditional use applications, including required site plans are processed and approved.

**18.14.020 Site Plan Approval Required**

Site plans are required for all permitted uses and conditional uses.

**18.14.030 Land Use Authority Review**

All permitted and conditional uses that anticipate building on a property shall submit an application to the Land Use Authority as designated below.

- A. Permitted Uses: Permitted use applications are processed by the Planning Department
  - 1. Through an optional Design Review meeting with relevant entities/agencies having jurisdiction over the property. Upon receipt of a complete application the staff reviews the site plan.
  - 2. Applications for individual houses in subdivisions that have been processed by Heber City have an abbreviated list of requirements, as per the required application.
- B. Conditional Uses: Conditional uses applications are reviewed in an optional Design Review meeting with the relevant entities/agencies having jurisdiction over the property and the staff. Complete applications will be then reviewed, approved, approved with modifications or conditions, or denied if the application does not meet written City standards, by the Planning Commission. When approved, the applicant must submit building plans for review and approval. All applications are coordinated with entities, having jurisdiction or provide a service to the property(s)

#### **18.14.040 Approval Criteria**

To promote appropriate development of property within the City, no application for a permitted or conditional use review shall be approved unless it is demonstrated that the application meets the standards of Title 18. In considering any site plan, the Planning Department or the Planning Commission shall ensure that the requirements of this title have been met.

#### **18.14.050 Application Submittal**

- A. A pre-application meeting with the Planning Department is suggested prior to the complete application submittal. A permitted or conditional use site plan review may be initiated by an owner of any property or any person, firm or corporation with the written consent of the owner of the property. An application shall supply sufficient information about the development to assist the Planning Department and/or Planning Commission in making a decision on the application.
- B. An application for a Permitted or Conditional use review shall be submitted on forms provided by the Planning Department and shall expire 18 months after submittal, if not acted upon, provided however, the Planning Director may extend the application for six months for just cause. All applications (including but not limited to architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be submitted with a full-scale set of PDF of the respective plans. Information supplied shall include text, plans, and illustrations as identified on the application form, available online and at the City offices, and generally as listed below:
  - 1. The application shall be signed by the landowner, applicant or duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
  - 2. Inventory of general land use types located within the project.
  - 3. Locations and arrangements of buildings, structures, facilities and open space.
  - 4. Architectural rendering of proposed buildings including the height, bulk and

character, structures, facilities and open space within the project. Building materials and colors are also required.

5. Access and traffic circulation patterns, the provision for ingress and egress, and provision for off-street parking.
6. The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.).
7. Written explanation and visual illustration showing project density and mass/scale.
8. If signs are proposed, the application shall include a comprehensive sign plan in accordance with Chapter 18.104.
9. An application shall include conceptual landscaping, fences and walls designed to further the purpose of the regulations for commercial, manufacturing and multiple housing zones, and such features shall be provided and maintained as a condition of the establishment and the maintenance of any use to which they are related to.

#### **18.14.060 Technical Review**

- A. **Process:** The City periodically hosts a Design Review meeting. In order for a application to be scheduled for a design review meeting, a complete application must be received and accepted by the City. The Planning Department coordinates the Design Review meeting and scheduling.
- B. **Meeting With Representatives:** The applicant is provided an opportunity to meet with representatives from, the Planning Department and all applicable utilities and other interested governmental agencies to receive comments regarding the application as part of the Design Review meeting. At this meeting the applicant will receive comments from the attendees. These comments are verbal or sketched on the site plan. The intent of these comments is to detail the extent to which the plans are required to be revised in order for the City to progress the application through the review process. Extensive revisions caused by the Design Review attendees or by voluntary action of the applicant, may require additional Design Review meetings.

#### **18.14.070 Conformance to Application Site Plan Approval Requirements**

- A. The applicant/owner and any assigns or successors in interest, is required to develop only in accordance with the proposals outlined and approved in the application. Any materially different concept, use, building arrangement, etc., will not be approved for building permits until such plan is reviewed and considered for an amendment by the Planning Staff or
- B. **Planning Commission.** Minor changes to an approved application/site plan may be approved by the Planning Director or designees that are consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improved or equivalent quality of materials or design. Any proposed changes that exceed 5% of the project area or that are deemed materially significant by the Planning Director shall require a formal amendment to the site plan and in the case of conditional uses an approval by the Planning Commission.
- C. When the final application has been corrected and/or includes all requirements and

- conditions required by this process, the plans shall be stamped by a representative from Planning Department, as final and the developer may proceed to obtain building permits.
- D. Guarantees of public improvements are required per the Subdivision Ordinance of the Heber City Code.

#### **18.14.080 Development Standards for Specific Zoning Districts**

In addition to the standards contained in this chapter, other development standards are found in this Title including the individual zones, and the Heber City Standards and Specifications.

#### **18.14.090 Notice of Decision**

- A. The application approval shall be confirmed by written notations on the site plan, a revised/corrected site plan and/or a letter confirming the conditions as established by the Planning Commission.
- B. In the case of a Permitted Use or Conditional Use permit, the authorized applicant or the property shall sign the permit to assure agreement with the final approval and/or conditions as required.
- C. Failure to sign the final permit documents shall invalidate the permit.

#### **18.14.100 Related Provisions**

- General Provisions
- Administration
- Definitions
- Conditional Use Permits
- Off Street Parking and Loading
- Sign Regulations
- Lighting Chapter
- Enforcement
- Subdivisions

BE IT ORDAINED by the City Council of Heber City, Utah, Heber City Municipal Code, Chapter 18.24 A-2 Agricultural Zones is hereby **ADOPTED** to read as follows.

### **18.24 Agricultural Zones**

- 18.24.010 Purpose and Objectives
- 18.24.020 Application Requirements
- 18.24.030 Permitted and Conditional Uses
- 18.24.040 Area, Width, Height and Setback Requirements
- 18.24.050 Related Provisions

### **18.24.010 Purpose and Objectives**

- A. The A-2 agricultural zone has been established for the primary purpose of providing a location where the cultivation of crops and the raising and keeping of livestock and related uses can be carried on and where such uses can be protected and encouraged. While dwellings and certain other uses not related to agriculture are permitted, such development is not encouraged in the A-2 agricultural zone because of the conflict which occurs between farm and non-farm uses. For this reason, owners or developers of land should bear in mind that primacy is given in this zone to agriculture and livestock raising and any development should be undertaken in recognition thereof.
- B. The RA-1 zone is established to: provide a zoning district where residential dwellings may be constructed in keeping with agricultural uses and to encourage a zoning district where residents can have farm animals in reasonable numbers and conduct agricultural activities.
- C. The RA-2 Residential-agricultural Zone has been established for the primary purpose of providing a location where residential development associated with limited numbers of livestock can be maintained. This Zone is characterized by large lots or tracts of land interspersed with single family detached dwellings, barns, corrals and agricultural service buildings used in connection with farming operations. While the zone is thus characterized, it is intended that the land within this zone shall be further developed into a residential environment exclusive of animals and fowl. Builders and developers of property should bear in mind, therefore, that privacy is given in this zone to residential development and that the raising of animals and fowl will likely be curtailed as residential development takes place.

### **18.24.020 Application Requirements**

All permitted and conditional uses are required to submit a site plan as part of an application that is available online and at the City offices.

### **18.24.030 Permitted and Conditional Uses**

In order to accomplish the objectives and purposes of this chapter, the following regulations shall apply to the residential zones:

- A. Table of Land Use Regulations.
  - P** = PERMITTED USE (P) A site plan application is required with staff processing. Site plan applications are approved, when and if they meet the ordinance standards.
  - C** = PLANNING COMMISSION CONDITIONAL USE REVIEW (C). A site plan application with Planning Commission review is required.
- B. If a use is not specifically designated below, then it is prohibited.
- C. All uses listed in the use table and that require a building permit shall also require a site plan application.

**PERMITTED USE TABLE**

<b>LAND USE ZONES</b>	<b>A-2</b>	<b>RA-1</b>	<b>RA-2</b>	<b>LIMITATIONS</b>
Agriculture	P	P	P	
Animals. The raising, care and keeping of animals and fowl in unlimited numbers, except for hogs and feed lots.	P	P	P	<p><i>Animals shall be allowed on a point system in the RA-1 and RA-2. Each one-acre acre shall be allotted 50 points.</i></p> <p><i>Animals being kept will be given points as follows:</i></p> <ol style="list-style-type: none"> <li><i>1. Large animals such as horses, cows, llamas, pigs, or ostriches, but no more than 5 pigs shall be permitted for each parcel of property--20 points per animal.</i></li> <li><i>2. Medium animals such as sheep or goats, but not including pigs-10 points per animal.</i></li> <li><i>3. Small animals such as chickens, geese, rabbits, pheasants or pigeons, but not including pigs-2 points.</i></li> </ol>
Accessory Agricultural Buildings and Machinery	P	P	P	
Vegetable and fruit packing and processing plants, farm machinery storage yards, plant nurseries and animal hospitals, dairies	C	C	C	<i>Dairies may include on-site sales of related products</i>
Dwelling, Single-Family Detached and accessory buildings, including swimming pools	P	P	P	
Accessory Dwelling Units	P	P	P	<i>As regulated by Section 18.68.611</i>
Boarding houses and rooming houses	C	C	C	
Bed & Breakfasts Inns		P	P	<i>As regulated by Section 18.108.034</i>
Group Homes protected under Federal Fair Housing Act	P	P	P	<i>As regulated by Section 18.68.601</i>
Temporary buildings and yards for the storage of construction materials and equipment incidental	P	P	P	<i>A permit shall be valid for not more than one year and shall not</i>

<b>LAND USE ZONES</b>	<b>A-2</b>	<b>RA-1</b>	<b>RA-2</b>	<b>LIMITATIONS</b>
that are accessory to construction of uses otherwise permitted in the zone				<i>be renewable for more than two successive periods of time at the same location</i>
Home Occupations	P	P	P	<i>As regulated by Section 18.68.609</i>
In-Home Daycare/Pre-School, nursery	P	P	P	<i>As regulated by Section 18.86</i>
Public parks and playgrounds, arboretums, hunting and fishing reserves, 10 acre and larger golf courses, wildlife sanctuaries and arboretums;	P	P	P	
Public buildings such as fire and police protection, libraries, community buildings	P	P	P	
Riding academies, beehives and fisheries	P	P	P	
Kennels	P			
Veterinary and animal hospitals,	P	P	P	No outside runs in RA-1 and RA-2
Water reservoirs, ponds, dams, water pumping plants and pipelines, water facilities, public utility buildings and structures (except power plants), flood control structures, transmission lines, substations	P	P	P	
Schools, and religious institutions, cemeteries	P	P	P	
Utility Transmission Lines	C			
Substation	C	C	C	
Above ground gas distribution structures $\geq$ 200 square feet	C			
Signs	P	P	P	<i>As regulated by Chapter 18.104</i>

#### **18.24.040 Area, Width, Height and Setback Requirements**

Height shall be measured as defined in Supplementary and Qualifying Chapter, 18.68.

**LOT STANDARDS TABLE**

<b>ZONE</b>	<b>MIN AREA</b>	<b>MIN WIDTH AND DEPTH</b>	<b>SETBACK</b>	<b>ACCESSORY BUILDINGS</b>	<b>HEIGHT</b>
<b>A-2</b>	20 acres	330'	<p><i>Front: 30' from ROW</i>  <i>Side: 10'/30' side setback for a corner lot</i>  <i>Rear: 30'</i>  <i>From other main buildings: 12'</i>  <i>Exceptions: For dwellings having an attached garage or carport, the setback shall not be less than 20'. Attached front yard alfresco porches shall be allowed to extend 10' into the front yard setback.</i></p>	As regulated by Section 18.68.060	<p>40' Max. main bldg.                      Min 12'                      As regulated by Section 18.68.130 barn and greenhouse regulations for locations.                      Height shall not exceed 45'</p>
<b>RA-1</b>	1 acre	200'	<p><i>Front: 30' from ROW or 60 from street centerline</i>  <i>Side: 10'/30' side setback for a corner lot</i>  <i>Rear: 30'</i>  <i>From other main buildings: 12'</i>  <i>Exceptions: For dwellings having an attached garage or carport, the setback shall not be less than 20'. Attached front yard alfresco porches shall be allowed to extend 10' into the front yard setback.</i></p>	As regulated by Section 18.68.060	<p>40' Max. main bldg.                      Min 12'                      As regulated by Section 18.68.130 barn and greenhouse regulations for locations.                      Height shall not exceed 45'</p>
<b>RA-2</b>	20,000 square feet	100'	<p><i>Front: 30' from ROW or 60 from street centerline.</i>  <i>Side: 10'/ 30' side setback for a corner lot.</i>  <i>Rear: 30'</i>  <i>From other main buildings: 12'</i></p>	As regulated by Section 18.68.060	<p>40' Max. main bldg.                      Min 12'                      As regulated by Section 18.68.130 barn and greenhouse regulations for</p>

ZONE	MIN AREA	MIN WIDTH AND DEPTH	SETBACK	ACCESSORY BUILDINGS	HEIGHT
			<i>Exceptions: For dwellings having an attached garage or carport, the setback shall not be less than 20'. Attached front yard alfresco porches shall be allowed to extend 10' into the front yard setback</i>		<i>locations. Height shall not exceed 45'</i>

**18.24.050 Related Provisions**

- Administration
- Definitions
- Conditional Use Permits
- Off Street Parking and Loading Chapter
- Sign Regulations
- Lighting
- Enforcement
- Subdivisions

BE IT ORDAINED by the City Council of Heber City, Utah, Heber City Municipal Code, Chapter 18.52 Residential Zones, is hereby **ADOPTED** to read as follows.

**18.52 Residential Zones**

- 18.52.010 Purpose and Objectives.
- 18.52.020 Application Requirements
- 18.52.030 Permitted and Conditional Uses
- 18.52.040 Area, Width, Height and Setback Requirements
- 18.52.050 Additional Regulations for Flag Lots
- 18.52.060 Affordable Housing
- 18.52.070 Related Provisions

**18.52.010 Purpose and Objectives**

A. The objective in establishing the R-1 residential zone is to encourage the creation and

maintenance of residential areas within the city which are characterized by large lots on which single-family dwellings are situated, surrounded by well-kept lawns, trees and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions.

- B. The objective in establishing the R-2 residential zone is to provide a residential environment within the city which is characterized by smaller lots and somewhat denser residential environment than is characteristic of the R-1 residential zone. Nevertheless, this zone is characterized by spacious yards and other residential amenities adequate to maintain desirable residential conditions.
- C. The objective in establishing the R-3 residential zone is to provide appropriate locations within the city for high density residential development. In general, this zone is located in the central part of the city, adjacent to commercial areas where the impact of vehicular travel and parking is consonant with adjacent use of land, and where multiple dwellings can best be supplied with necessary public facilities. This zone is characterized by more compact development and somewhat higher volumes of traffic than is characteristic of the R-1 and R-2 zones.

**18.52.020 Application Requirements**

All permitted and conditional uses are required to submit a site plan as part of an application that is available online and at the City offices.

**18.52.030 Permitted and Conditional Uses**

In order to accomplish the objectives and purposes of this chapter, the following regulations shall apply to the residential zones:

- A. Table of Land Use Regulations.  
**P = PERMITTED USE (P)** A site plan application is required with staff processing. Site plan applications are approved, when and if they meet the ordinance standards.  
**C = PLANNING COMMISSION CONDITIONAL USE REVIEW (C)**. A site plan application with Planning Commission review is required. Blank means prohibited
- B. If a use is not specifically designated below, then it is prohibited.
- C. All uses listed in the use table and that require a building permit shall also require a site plan application.

**PERMITTED USE TABLE**

<b>LAND USE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Limitations</b>
Agriculture	P	P	P	
The keeping of grazing animals	P	P	P	<i>As regulated by Section 18.68.135</i>
Single family detached dwellings and on-site resident accessory structures	P	P	P	<i>Structures include: garages and carports, greenhouses, swimming pools, pergolas/arbors, and fences, walls and hedges as regulated by Section 18.68.120.</i>

LAND USE	R-1	R-2	R-3	Limitations
				<i>Rentals for less than 30 days are prohibited.</i>
Customary household pets	P	P	P	<i>As regulated by Section 6.18.140 for dogs, but shall not include the breeding of dogs and cats for sale</i>
Home Occupations	P	P	P	<i>As regulated by Section 18.68.609</i>
Accessory Dwelling Units	P	P	P	<i>As regulated by Section 18.68.611</i>
Bed & Breakfasts Inns	P	P	P	<i>As regulated by Section 18.108.034</i>
Group Homes protected under Federal Fair Housing Act	P	P	P	
Temporary buildings and yards for the storage of construction materials and equipment incidental that are accessory to construction of uses otherwise permitted in the zone.	P	P	P	<i>A permit shall be valid for not more than one year and shall not be renewable for more than two successive periods of time at the same location</i>
In-Home Daycare/Pre-School, nursery	P	P	P	<i>As regulated by Section 18.86</i>
Public schools, private school, public libraries, public parks, playgrounds, recreation buildings and religious institutions	P	P	P	<i>Private school as regulated by Section 18.68.230. Temporary revival tents or buildings not allowed</i>
Signs	P	P	P	<i>As regulated by Section 18.104</i>
Flag lots		P	P	<i>See section 18.52.050</i>
Boardinghouses and rooming houses			C	<i>As regulated by Section 18.108.034</i>
Clinics and hospitals			C	<i>As regulated by Section 18.08.025</i>

#### 18.52.040 Area, Width, Height and Setback Requirements

Height to be measured as per Supplementary Regulations Chapter, 18.68.

**LOT STANDARDS TABLE**

Zone	Min. Lot Area	Width & Depth	Setbacks	Accessory Building	Height
R-1	10,000 square feet*	100'	<i>Front: 30' from ROW, except that alfresco porches may encroach 10' into the setback Side: 10'/30' side setback for a corner lot</i>	<i>As regulated by Section 18.68.060</i>	<i>40' max. main bldg. Min 12'</i>

<b>Zone</b>	<b>Min. Lot Area</b>	<b>Width &amp; Depth</b>	<b>Setbacks</b>	<b>Accessory Building</b>	<b>Height</b>
			<b>Rear:</b> 30' <b>From other main buildings:</b> 12'		
<b>R-2</b>	8,000 square feet*	80'	<b>Front:</b> 30' from ROW, except that alfresco porches may encroach 10' into the setback <b>Side:</b> 14' total with no side less than 6'/20' side setback for a corner lot <b>Rear:</b> 25'/20' for corner lots <b>From other main buildings:</b> 12'	As regulated by Section 18.68.060	40' max. main bldg. Min 12'
<b>R-3</b>	6,500 square feet*	100'	<b>Front:</b> 30' from ROW, except that alfresco porches may encroach 10' into the setback <b>Side:</b> 10' total with no side less than 4'/20' for a corner lot <b>Rear:</b> 20'/20' for corner lots <b>From other main buildings:</b> 12'	As regulated by Section 18.68.060	40' max. main bldg. Min 12'
* <b>Additional Provision.</b> Corner lots in single family zones shall be 10% larger than the minimum lot size required by the zone.					

### 18.52.050 Additional Regulations for Flag Lots

Flag lots are allowed with the following minimum requirements:

- A. The area of the flag portion of the lot shall be at least 25% greater than the minimum size of the lot in the zone.
- B. The stem shall be no less than 20' wide and no longer than 150' deep. The stem shall include a minimum of 4' for drainage and snow storage on one side as well as an expanded area near the street with a minimum dimension of 4' by 6' for a mailbox and weekly garbage service.
- C. The rear yard of the existing, pre-subdivision lot shall be extended by ten feet, but shall meet all minimums of the zone.
- D. Setbacks for the new building (s) shall be increased by ten feet for all front, side, and rear yards
- E. Building height shall be limited to 35'.

**18.52.060 Affordable Housing**

Chapter 18.102 states that all residential developments with over 10 units shall provide 10% of their proposed development as affordable housing. Given the bonus density incentives allowed for in that chapter, the minimum lot width, lot area, and open space required within a development may be reduced in an existing R-1, R-2, R-3 zone by a proportionate amount to accommodate bonus density units with a voluntary written agreement by the applicant. In addition, the housing types allowed may be modified to accommodate other affordable housing choices, through a development agreement.

**18.52.070 Related Provisions**

- Administration
- Definitions
- Conditional Use Permits
- Off Street Parking and Loading
- Sign Regulations
- Lighting
- Enforcement
- Subdivisions
- Affordable Housing

This Ordinance shall take effect immediately upon approval.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 5<sup>th</sup> day of July 2022.

	AYE	NAY	ABSENT	ABSTAIN
Michael Johnston	<u>X</u>	_____	_____	_____
Rachel Kahler	<u>X</u>	_____	_____	_____
Ryan Stack	<u>X</u>	_____	_____	_____
D. Scott Phillips	<u>X</u>	_____	_____	_____
Yvonne Barney	<u>X</u>	_____	_____	_____

APPROVED:

Heidi Franco  
 Mayor Heidi Franco



ATTEST:

Jina Woble Date: 7/5/2022  
 RECORDER