

ORDINANCE NO. 2023-12

AN ORDINANCE REPEALING CHAPTER 18.48 THE MANUFACTURING AND BUSINESS PARK ZONE AND COMBINING, AMENDING AND CREATING CHAPTER 18.46 BUSINESS/MEDICAL PARK ZONE 18.46

BE IT ORDAINED by the City Council of Heber City, Utah, Heber City Municipal Code, Chapter 18.48, The Manufacturing and Business Park Zone is hereby repealed and is hereby Combined, Amended and Adopted as Chapter 18.46 Business/Medical Park Zone, to read as follows:

18.46 Business/Medical Park Zone

18.46.010	Purpose
18.46.020	Development Agreement, Design And Site Plan Approval
18.46.030	Permitted and Conditional Uses
18.46.040	Outside Storage Not Permitted
18.46.050	Project and Lot Area
18.46.060	Yard Requirements
18.46.070	Performance Standards
18.46.080	Building Height
18.46.090	Coverage Restrictions
18.46.100	Perimeter Fence or Wall
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18.46.150	Declaration of Codes, Covenants and Restrictions
18.46.160	Related Provisions

18.46.010 Purpose

The purpose of the Business/Medical Park Zone (BMP) is to provide an attractive environment for offices, medical facilities, research facilities, environmentally appropriate light manufacturing, fabrication and assembly uses, and similar uses. This zone is intended to ensure compatibility of new development with the surrounding land uses through standards that provide an open campus-like setting with attractive buildings, park-like grounds, and other appropriate amenities supporting the community and anticipated employees.

18.46.020 Development Agreement, Design and Site Plan Approval

A development agreement is required in conjunction with any rezone to BMP. The development agreement shall address the architectural design and theme, building materials, lighting, signage, landscaping, parking, maintenance, improvements, and vehicular/bike and pedestrian access. An overall/master plan is required for the development. Design and site plan approval is required for all development as per the list of permitted and conditional uses.

18.46.030 Permitted and Conditional Uses

To accomplish the objectives and purposes of this title and to stabilize and protect the essential zone characteristics, the following uses are allowed the BMP zone:

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. See Chapter 18.70 - Conditional Uses

- 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.

Land Use	BMP	Limitations
Office, business, medical, professional or research	P	
Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities)	P	
Bank or financial institution	P	Drive up windows shall not face the street. Excludes check cashing
Commercial day care	P	
Cafeteria/restaurants without drive-through facilities	P	
Medical, optical, and dental laboratories	P	
Pharmacy located within an office building	P	
Fitness centers, including gymnasiums	P	
Private educational institutions	P	
Public and quasi-public uses	P	
Radio and/or television studios/stations	P	
Retail commercial uses accessory to and/or supporting a permitted use or conditional use and located within the same building or lot or parcel	P	
Signs	P	As regulated by Section 18.103
Accessory uses/buildings that offer support and are customarily incidental to a permitted or conditional use	P	
Hospitals	C	Traffic Study required
Light Manufacturing, processing, assembly, and fabricating establishments, except those in which explosives or other dangerous materials are used	C	
Structured parking	C	
Hotels which may include a restaurant and conference meeting rooms	C	
Any use that occupies more than 1 acre or has a building with more than a 60,000 square foot footprint	C	

18.46.040 Outside Storage Not Permitted

Outside storage of any stock, motor vehicles (other than parking for employee and visitor vehicles), or other property is not permitted.

18.46.050 Project and Lot Area

- A. Project Area. The project area shall be a minimum of ten acres.
- B. Lot Area. There shall be no requirements for individual buildings or lots within the zone, except that the area shall be sufficient to provide for setbacks, landscaping and off-street parking.

18.46.060 Yard Requirements

The minimum yard requirements for all main and accessory buildings are as follows:

- A. Perimeter Buffer Yards adjoining a residential zone boundary shall be not less than twenty-five (25) feet deep and screened with a decorative masonry wall at least eight (8) feet high; or with landscaped berms at least six (6) feet in height. See 18.46.100 for additional buffer yard requirements.
- B. Building Setbacks. Buildings on all lots shall be set back a minimum of thirty (30) feet from any dedicated street and ten (10) feet from any other property line (except twenty-five (25) feet when abutting a residential zone boundary). All setbacks shall be landscaped as set forth in Chapter 18.86, except for permitted driveways.
- C. Building Separation. A separation of at least twenty (20) feet shall be maintained between main/principal buildings.

18.46.070 Performance Standards and Required Improvements

- A. No primary or secondary use shall be so conducted as to cause the discharge of any harmful waste materials into or upon the ground; into or within any sanitary or storm sewer system; into or within any water system or water; or into the atmosphere; and no use or activity shall be conducted or permitted which is dangerous or offensive to persons or property by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes. In addition, no use shall be permitted or conducted where the same creates a public or private nuisance.
- B. Without limiting the generality of the preceding paragraph, the following specific standards shall apply in the BMP zone:
 - 1. Incineration. There shall be no incineration on any site of any waste material.
 - 2. Vibration. There shall be no activity on any site which causes ground vibration which is perceptible, without instruments, at the boundary line of the lot.
 - 3. Air Pollution. There shall be no emission on any site of air pollutants more than the levels permitted by the Utah Bureau of Air Quality. Water vapor is not considered a pollutant. The normal venting of a building is permitted.
- C. Wastes. The quality and nature of industrial wastes shall not overburden the public sewage disposal facilities or cause odor and unsanitary effect beyond the property line. Nor shall such wastes be discharged into the ground, or any surface or subsurface waterways. Disposal of all hazardous wastes shall comply with all applicable federal and state regulations. All roads shall be hard surface and meet the minimum requirements of

local roads as required in the City Standards and Specifications, unless modified through a development agreement.

- D. Storm drains, curb and gutter, and lighting shall be required in conformance with City Standards and Specifications. Sidewalks are required to provide internal and external access for pedestrians.

18.46.080 Building Height

The maximum height of a building or structure shall be three stories not to exceed 35 feet.

18.46.090 Coverage Restrictions

A building or group of buildings, with their accessory buildings, shall not cover more 40% percent of the project area.

18.46.100 Perimeter Fencing and/or Wall

- A. For sound reduction purposes, all uses with loading docks or truck access drives adjacent to residential or agricultural uses or zones, shall have a decorative tinted concrete or masonry wall or solid composite type fence along all rear and side yards not fronting on a public street. Such walls shall not be in the required set back from a public street.
- B. Access to trails and the continuation of trails through the development is required, especially those shown on the Master Trail Plan. Creeks shall be buffered with trails and other open space amenities shall be preserved and/or created in the development.

18.46.110 Landscaping

- A. All landscaped areas shall be planted with live water-wise plant material and include a permanent automatic irrigation system, except for natural or xeriscape areas, up to 25% of the landscaping, approved administratively by the Planning Commission for preservation. The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris to present a healthy and orderly appearance.
- B. A minimum of twenty-five percent of the total site shall be landscaped. The Planning Commission may administratively approve preservation of natural areas or trails as part of the twenty-five percent.
- C. The required front yard setback and the required side yard setback which faces on a street on corner lots shall be landscaped with a combination of live plant materials and xeriscape design, up to 25% of the area, including shrubs and trees except for necessary vehicular driveways and pedestrian walkways. Deciduous trees shall have a minimum caliper of two inches. A minimum of forty percent of the trees shall be conifer trees having a minimum height of six feet.
- D. For landscaping requirements in parking areas see parking and landscaping chapters under this Title. 18.72 Off-Street Parking and Loading, 18.76 Landscaping
- E. A landscaping plan shall be required prior to building permit issuance which demonstrates compliance with landscaping regulations and the use of drought resistant species in this Chapter and Chapter 18.76 Landscaping.

18.46.120 Screening

- A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall that is a minimum of six feet high or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of fifty feet from any residential or agricultural zone boundary or property containing a residential or agricultural use.
- B. All ground mounted mechanical equipment including, but not limited to, heating and air conditioning units shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.
- C. The use of roof appurtenances is discouraged. If roof appurtenances including, but not limited to, air conditioning units and mechanical equipment are used, they shall be placed within an enclosure at least as high as the roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the Uniform Building Code, as adopted by the State. Such enclosures require administrative approval by the Planning Staff and shall minimize visibility from on-site parking areas, adjacent public streets, and adjacent residentially or agriculturally zoned property.
- D. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.
- E. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties and public streets.

18.46.130 Access and Parking

See Chapter 18.72 Off-Street Parking and Loading.

18.46.140 Pedestrian Walkways

- A. Pedestrian walkways, a minimum of six feet wide, shall be provided to accommodate pedestrian movement between activity centers within the site, to adjacent uses and from building entrances. Minor sidewalks are to be no less than four feet in width.
- B. Public easements for walkways, jogging paths and similar uses may be required as determined administratively by the Planning Commission.

18.46.150 Declaration of Codes, Covenants and Restrictions

As part of the development agreement, the developer may be required to submit CC&Rs to the City Attorney to review to assure that adequate provisions are in place for installation and maintenance of landscaping, snow removal, stormwater retention, cross-easements for parking and access, lot area maximums for individual parcels, or other issues that will be delegated or enforced through the CC&R.

18.46.160 Related Provisions

Chapter 18.12	Administration
Chapter 18.08	Definitions
Chapter 18.108	Conditional Use Permits
Chapter 18.72	Off Street Parking and Loading
Chapter 18.76	Landscaping
Chapter 18.103	Sign Regulations
Chapter 18.78	Lighting
Chapter 18.174	Enforcement
Chapter 17	Subdivisions

This Ordinance shall take effect immediately upon approval.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 16th day of April 2023.

	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:

Irina Woollee Date: 4/18/2023
RECORDER