

ORDINANCE 2025-08

AN ORDINANCE REPEALLING THE RESIDENTIAL COMMERCIAL OVERLAY ZONE (RC) AND THE NEIGHBORHOOD INFILL OVERLAY ZONE (NIOZ) AND REPLACING THEM WITH THE CENTRAL HEBER OVERLAY ZONE (CHOZ).

WHEREAS, Heber City’s General Plan, Envision Heber 2050, identifies a new vision for the Central Heber Area, including new opportunities for infill development, redevelopment and mixed use development;

WHEREAS, the Heber City Planning Commission hosted a workshop and public hearing for impacted property owners in Central Heber for the proposed new CHOZ; and

WHEREAS, on April 22, 2025, the Heber City Planning Commission provided a unanimous recommendation to the City Council for the adoption of the CHOZ;

NOW, THEREFORE, the City Council finds it consistent with the public interest and the City’s General Plan to adopt the CHOZ.

BE IT ORDAINED by the City Council of Heber City, Utah, the Zoning Map is hereby Amended to replace the RC Residential Commercial Overlay Zone and Neighborhood Infill Overlay Zone as shown in Exhibit A; Heber City Municipal Code, Chapter 18.50 RC Residential Commercial Overlay Zone and Chapter 18.83 Neighborhood Infill Overlay Zone, are hereby REPEALED and replaced with Chapter 18.83 Central Heber Overlay Zone (CHOZ), which is hereby ADOPTED as shown in Exhibit B;

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

To the extent that any ordinances, resolutions, or policies of Heber City materially conflict with the provisions of this Ordinance, they are hereby amended to comply with the provisions hereof.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 2nd day of September 2025.

	AYE	NAY	ABSENT	ABSTAIN
Yvonne M. Barney	_____	<u> X </u>	_____	_____
Aaron Cheatwood	<u> X </u>	_____	_____	_____

Mike Johnston X _____ _____ _____
Sid Ostergaard X _____ _____ _____
D. Scott Phillips X _____ _____ _____

APPROVED:

Heidi Franco
Mayor Heidi Franco



ATTEST:

Anna Wallace Date: 9/2/2025 RECORDER

EXHIBIT A: CENTRAL HEBER OVERLAY ZONING MAP

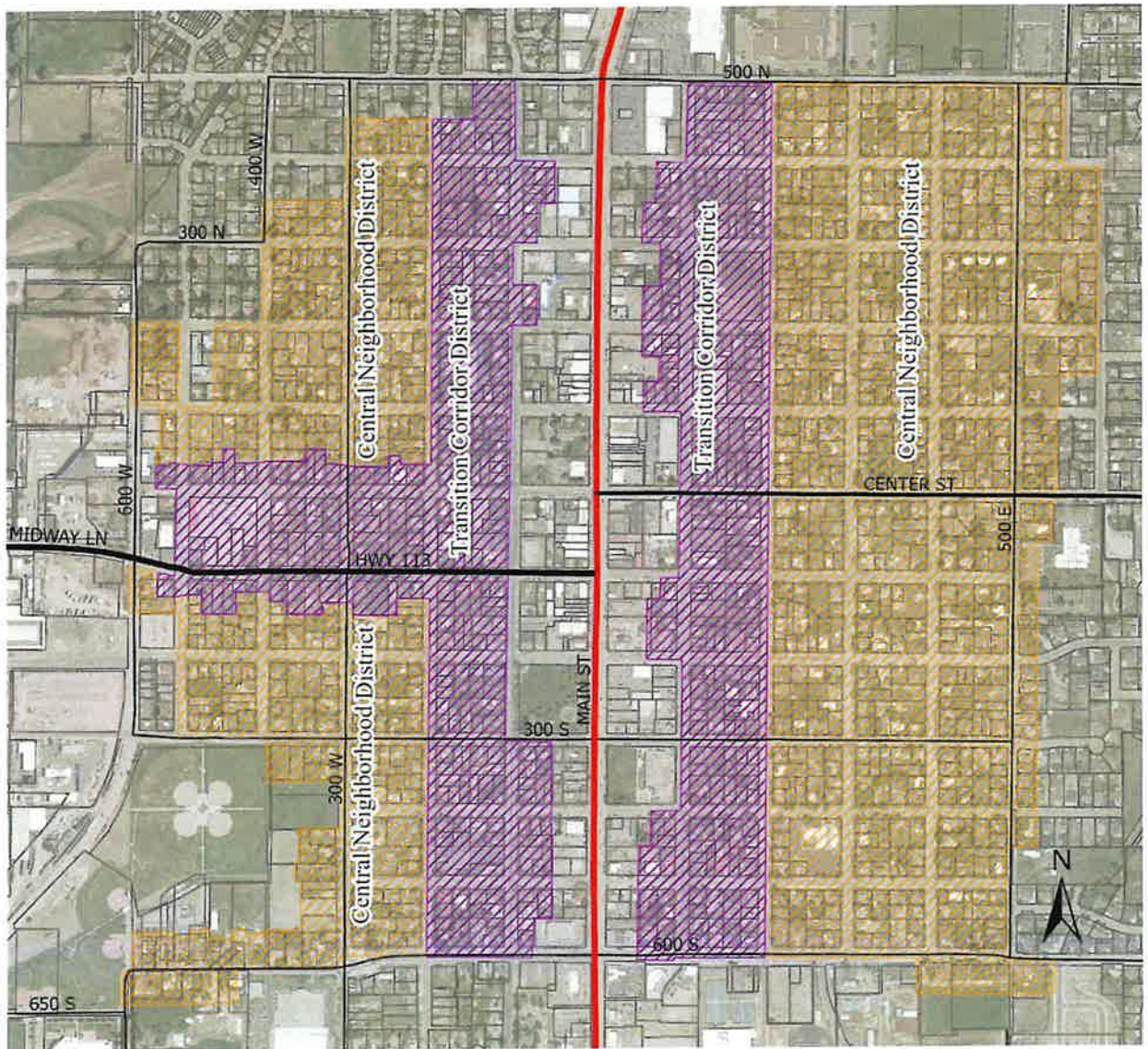


EXHIBIT B: CHAPTER 18.83 CENTRAL HEBER OVERLAY ZONE

18.83 Central Heber Overlay Zone (CHOZ)

18.83.010	Purpose
18.83.020	Permitted and Conditional Uses
18.83.030	Spatial Requirements
18.83.040	Building Typologies & Design Requirements
18.83.050	Visual Screening
18.83.060	Definitions
18.83.070	Related Provisions

18.83.010 Purpose

To implement the Central Heber Vision of the General Plan, the Central Heber Overlay Zone (CHOZ) is hereby created to include two distinct land use districts. If the use of the Overlay is desired by an applicant, the uses and standards of this chapter shall apply.

- A. **Central Neighborhoods District (CND)** is established to allow for various low intensity forms of infill, combined with options to preserve historic homes. Infill options include certain missing middle housing types and historic building use flexibility.
- B. **Transition Corridors District (TCD)** is established to permit a moderate intensity mixture of residential and commercial uses. The TCD serves as a transition area from the C-3 Commercial Zone westward and eastward of Main Street to existing residential neighborhoods. The district also serves as a connecting land use from the C-3 Commercial Zone westward to the area containing the new high school, railroad and Southfield Park. The TCD promotes missing middle housing types, historic building use flexibility, mixed use buildings and lower intensity commercial uses. A portion of this area, located between 150 W/E to the C-3 Commercial Zone, has been identified by the General Plan as an area to be considered for rezoning to the C-3 Commercial Zone, in the future.

18.83.020 Permitted and Conditional Uses

The underlying zone uses remain. The CHOZ includes additional uses and limitations as described below. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential district characteristics, the following uses are allowed the CHOZ:

A. Land Use Regulations Terms

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.

N = not allowed in the particular overlay area

- B. Within the Table, if a use is not specifically designated below, then it is prohibited, except as specified in the underlying zone.

All uses listed in the use table, that require a building permit shall also require a site plan application.

**Permitted and Conditional Use Chart
18.83.020.1**

Land Use	CND	TCD	Limitations
Residential attached units	P	P	See Section 18.83.040 for permitted building types per district. 5 or less units per building and project is limited to 5 units in the CND
Residential attached units over 5 units	N	C	See Section 18.83.040 for permitted building types per district
Artist studios & live-work	N	P	
Office, Retail, Services and Secondhand Stores	N	P	<ul style="list-style-type: none"> • Max 5000 sf footprint • See note 1 below • Tattoo parlors, tobacco shops, adult related businesses, pawn shops & cannabis facilities are prohibited)
Cafes/restaurants, bakery, outdoor dining	N	C	<ul style="list-style-type: none"> • No drive-up windows • No fast food • See note 1 below
Hotels	N	C	See note 1 below
Medical offices, clinics	N	P	See note 1 below
Institutional/Religious, Museums & Public Uses	C	P	
Fitness centers & gymnasiums	N	P	See note 1 below
Commercial day care	N	P	As regulated by State Law
Home occupations, home based pre-school, daycare and micro-school	P	P	As regulated by Section 18.68.609 & State Law
Public/Private schools	C	P	As regulated in State Law and Section 18.68.230. Size limitations may be imposed.
Signs	N	P	<ul style="list-style-type: none"> • As regulated by Section 18.104 • Further limited to one monument sign (max 15 square feet and 4' in height) with a rock/brick base, and one wall sign (max 24 square feet and 3' in height) or one projecting sign (as per the standards in 18.104)

Note 1 - For the TCD, permitted only for properties fronting 100 South and for properties fronting 100 East and 100 West

18.83.030 Spatial Standards

- A. The minimum spatial standards shall be as set forth in the underlying zone, with the addition of Small lots, Flag lots and SDUs, as described below.

- B. The maximum height of all principal structures shall be thirty-five feet and accessory buildings shall follow the requirements of the underlying zone.

General Spatial Requirements *

Table 18.83.030.1

Frontage	Min Front Setback	Min Rear Setback	Min Side Setback	Min Area & Depth	Max Height
All other buildings must meet the frontage requirements of the underlying zone	15 feet min from public right of way; 10 feet min for flag lots from PUE/access easement to any building	15 feet to property line	5 feet min to each side property line; 15 feet min from public right of way	As per the underlying zone or as specified in section 18.83.040 98 foot min depth for corner lots	Not to exceed 25' max for flag lots, detached ADUs, townhouses, and SDUs; 35 foot max for all other primary buildings

*Other standards may apply elsewhere in this code, such as 18.83.040

18.83.040 Building Typologies & Design Requirements

Table of Permitted Building Types per District

18.83.040.1

Building Typology	CND	TCD
Small lot	P	N
Flag lot (s)	P	P
Subordinate Dwelling Unit (SDU)	P	P
Detached and Internal Accessory Dwelling Unit (ADUs)	P	P
Townhouses (small – no more than 5 attached units per building)	P	P
Townhouse complexes (more than one building)	N	C
Mansion style apartments/condominiums	C	P
Commercial Building	N	P
Mixed Use Building	N	P

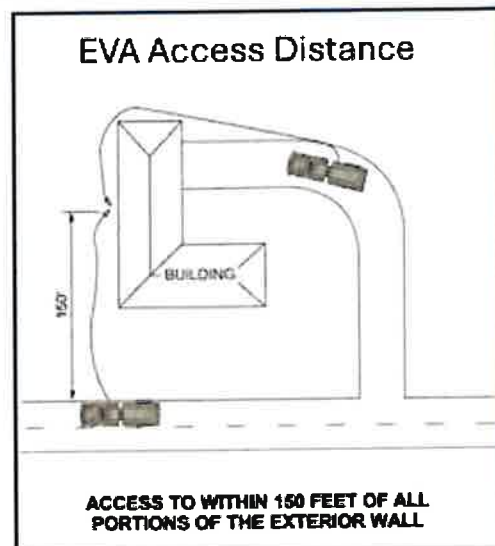
- A. **Those who desire to convert homes**, lots or other buildings to commercial use or multi-family use shall maintain the required landscaping. No parking is allowed in the front yard.
- B. **Rooftops** may be used as garden type open space, and/or passive recreation space.
- C. **Utilities** normally found above ground are not required to be placed underground unless located directly adjacent to existing underground utilities. Curb, gutter, and sidewalk are not required except along and between 100 East and 100 West, where diagonal street parking is encouraged where it can be accommodated. Curb, gutter, and sidewalk shall also be required along current and proposed Collector Roads according to the current adopted Transportation Master Plan. Sidewalks or agreements to provide sidewalks in the future are required in all other locations where street frontage is disrupted.

D. All Rooftop Heating, Ventilating, and Air Conditioning equipment (**HVAC**) shall be enclosed or screened such that it is not readily recognizable as HVAC equipment in mixed use and commercial buildings.

E. **Special Standards** for certain uses and structures.

1. Non-residential uses shall not produce noise exceeding fifty-five (55) decibels as measured at the property line, vibration, fumes smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, electrical interference or other objectionable effects.
2. Where garages are built, they are suggested to be wired for a minimum of 220 Volt for potential vehicle charging.
3. Temporary outdoor sales are allowed.
4. All development proposed within this overlay is subject to the normal review processes of the City. The Wasatch Fire District shall review, provide comments/recommendations, and resolve any access and fire suppression related issues. As a general rule the Wasatch Fire District standards pertaining to Emergency Vehicle Access (EVA) are for homes located at a greater distance than 150' from a public right-of-way, as measured to the midpoint of all walls of the building, are as follows:

- a. Driveways less than 150' in length not classified as an EVA, shall meet the width and location requirements of the Heber City Standards and Specifications
- b. 1-3 Single Family Home(s)- Where a driveway, shared or unshared, serves no more than three (3) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 16 feet, exclusive of



- shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.
 - c. 4-5 Single Family Homes- Where a driveway, shared or unshared, serves no more than five (5) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 22 feet exclusive of shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.
 - d. Fire Hydrants - Fire hydrants shall be within 600 feet of the structure's front door/garage, measured along the main roadway right-of-way edge and including the distance created by the EVA.
5. When located on private property, sewer, water, and irrigation shall be metered from the public ROW and distributed through the development as private ownership. Such extensions are not a City responsibility.
 6. Stormwater runoff shall be contained on private property.
 7. When rented, all housing types, except ADUs, shown in table 18.83.040.1 shall have a minimum lease period of 30 days. No short-term rentals are allowed.

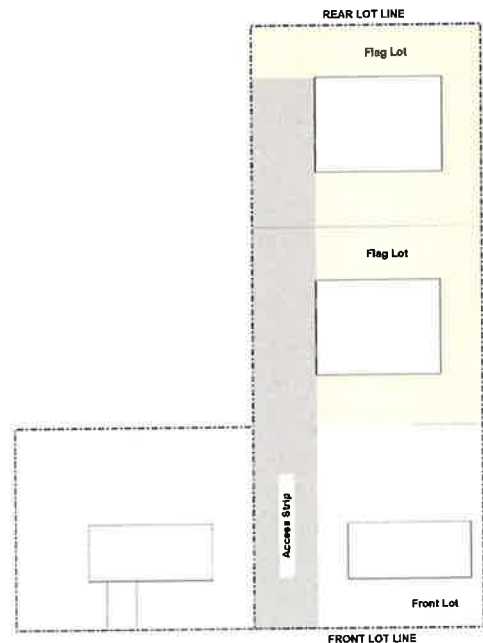
8. Where owner occupancy is required, a deed restriction that runs with the land shall be recorded. The deed restriction shall include the City as a silent, non-financial partner to assure notification to the City of ownership changes.

F. **Small lots.** Smaller lots than the standard lot size required in the R-2 and R-3 zones are allowed as follows:

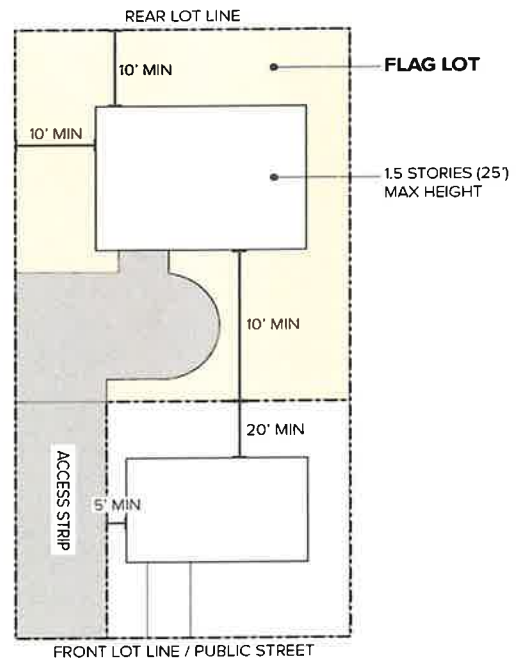
1. Such interior lots may have a width no less than 40' at the front yard setback and if located on a corner, 50' wide.
2. Any street facing garage shall be setback from the front face of the dwelling by at least ten feet.
3. Lots with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of six (6) feet.
4. A minimum lot size of 3,500 square feet is required.

G. **Flag lots.** Flag lots shall meet the following requirements. These requirements supersede the requirements for flag lots in Section 18.52.050:

1. Up to two (2) flag lots (plus the existing home) may be created from an existing parcel of property.
2. Homes shall not exceed 25' in height and 10' rear, front, and side yard minimums are required.
3. The existing home shall maintain a minimum of a 20' rear yard.
4. The flag lot (s) shall be used exclusively as an owner occupied single-family residential dwelling, documented through a deed restriction, as per E. (9) of this section. The flag lot includes the potential for one internal Accessory Dwelling Unit and shall be located to the rear of the original or front lot. If the dwelling on the front lot is torn down, any new dwelling shall face the adjacent street.



5. The main body of a flag lot, exclusive of the access strip, shall be no smaller than 50% of the required lot area in the zone in which it is located.
6. The existing front lot shall meet the required lot area, lot width, front yard, side and rear yard setback requirements for the governing zoning district in which it is located.
7. The access strip/driveway portion of a flag lot - see 18.83.040 E (5) and :
 - a. No driveway gates are allowed.
 - b. Shall front on a public street;
 - c. The address of the flag lot shall be clearly displayed for emergency identification purposes.



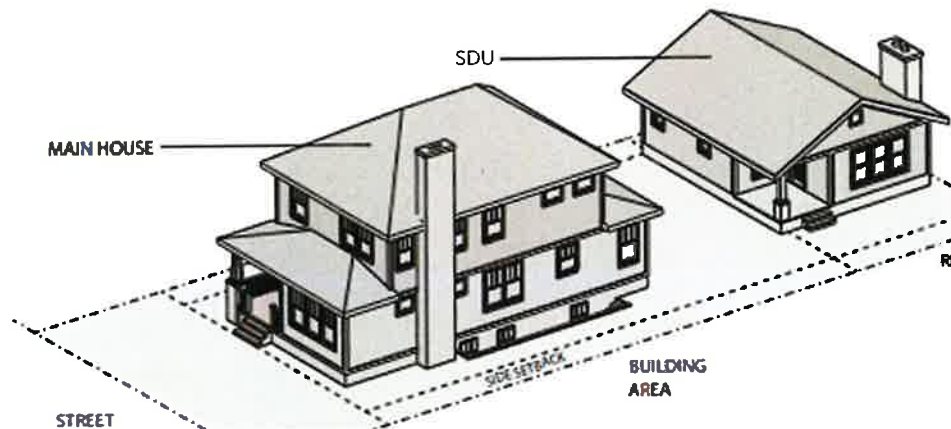
8. Where two flag lots are proposed behind a lot fronting on the public street, the middle lot may have a zero lot line using the property line adjacent to the furthest lot.
9. The access strip portion of a flag lot shall be platted as a contiguous portion of the flag lot(s) or as an easement, where the access strip is intended to be shared. The private access strip shall accommodate all utilities. Access strip maintenance shall be accomplished by the property owners in a recorded agreement.
10. The subdivision plat shall include an outline of the buildable area proposed for the home (s).
11. 2 parking spaces are required for each home.

H. Subordinate Dwelling Units (SDU)

1. These ordinance provisions only apply to parcels or lots 5000 square feet and larger and located in the CHOZ. If an SDU can be located on a property, it is considered an additional voluntary benefit provided to the homeowner and therefore is subject to additional regulations.
2. A Permitted use application for a Subordinate Dwelling Unit (SDU) is required. Such applications shall show the footprint and height, materials/design of the SDU, the proposed lot, side yards, rear yards, the designated front yard, and the proposed permanent access easement. In addition, a subdivision plat and processing is required.
3. Standards: The following standards and conditions shall apply to all SDUs:
 - a. Location: A SDU shall only be allowed as part of, or in conjunction with, a single-household dwelling, and SDUs shall not exceed 25' in height and shall have minimum side and rear yard of 5 feet or as allowed by Building Code standards. The front yard shall have a minimum of 10' unless adjacent to a street or alley, where 15' minimum is required.
 - b. Number: A maximum of one SDU is allowed and only the original, existing dwelling may contain an additional internal ADU. The SDU shall not have an internal ADU.
 - c. Parking: At least one off-street parking stall shall be provided for the SDU. The required parking space may be a designated tandem space on the

original lot as a permanent easement area. Parking spaces shall be identified on the subdivision plat. Mailboxes shall clearly display the address of the SDU.

- d. The SDU shall be constructed with painted wood, composite wood-like appearing materials, brick or stone exteriors as well as a pitched roof, 3' by 12' minimum.
 - e. No SDU shall be allowed to be located further than 150' from the public street as measured to the midpoint at the rear of the SDU and measured as a pedestrian would walk from the street to the back of the home. All SDUs shall be within 600' of a fire hydrant, as measured to the midpoint at the rear wall of the SDU.
4. Size: An SDU shall be subordinate to the footprint of the original single-household dwelling. The SDU shall not have more than an eight hundred (800) square foot footprint. Basements are encouraged. If a garage is desired, it is not calculated as part of the 800 square foot footprint.
 5. Lot Size and Frontage:
 - a. The original home shall be located on a lot that is at least 5000 square feet and meet the setbacks as specified in this ordinance.
 - b. No frontage on a public street or alley is required for an SDU, but a walkable or drivable permanent access easement is required (see 10 below).
 6. Foundation: The SDU shall be secured to a permanent concrete foundation in accordance with the International Building Code, as adopted and amended by the City.

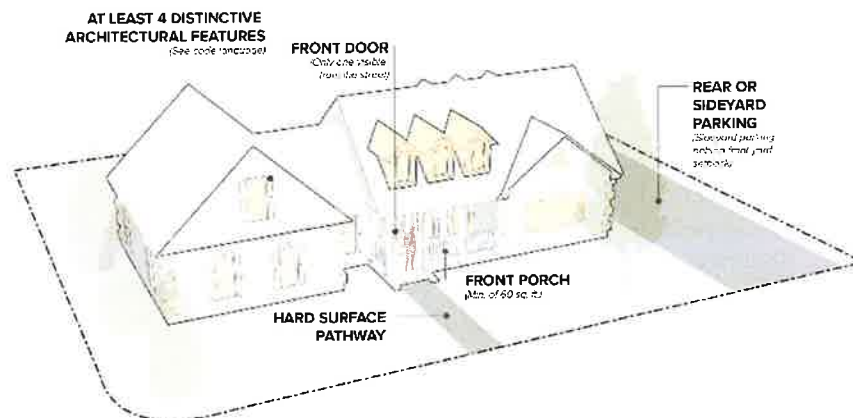


7. Occupants: The SDU shall be owner occupied exclusively by one household.
8. The SDU shall be permanently occupied by the owner. Owner occupancy shall be acknowledged through a deed restriction as per E. (9) of this section
9. The SDU shall have separate utilities from the original dwelling.
10. An SDU shall have a recorded permanent unobstructed access easement or a driveway. If the permanent access easement can only accommodate pedestrians, then the original lot shall accommodate the required one additional parking space. Such easements/walkable pathways/or drives shall be a minimum width of 5' and shall connect to the public street. The access shall be unobstructed, maintaining a clear path free of debris and impediments to access.

11. Accessory buildings shall meet the standards for accessory buildings in the existing zone. Accessory buildings shall be subordinate in height to the SDU. Once a front yard is designated, accessory buildings are not allowed in the front yard.
12. The front entry shall include a covered porch at least 6' deep and contain at least 40 square feet.

I. Mansion Style Apartments/condominiums.

1. Shall be designed to resemble larger homes and shall only have one visible front door as viewed from the public street in the CND and no more than two in the TCD.
2. The front door area shall include a porch with a minimum of 40 square feet and a hard surfaced pathway to the street.
3. Parking shall be provided to rear or side beyond front yard setback.
4. Vinyl, aluminum and stucco wall surfaces are not allowed.
5. Mansion Style apartment/condominiums may accommodate 2 to 5 units.
6. All Mansion Style apartment buildings shall include at least 4 distinctive architectural features from the following list (only one item from each numbered item below, as a minimum) and shall be incorporated in each building:
 - a. Ornamental details such as knee braces, exposed joists, decorative vents, window shutters.
 - b. Box or bay windows
 - c. Balconies with at least 40 square feet.
 - d. A minimum of 5 windows, 12 square foot minimum on the front façade.
 - e. A substantial/noticeable change of material applied to the front façade.
 - f. A substantial/noticeable change of color applied to the front façade.
 - g. A change of pattern that is substantial/noticeable on the façade (Example:



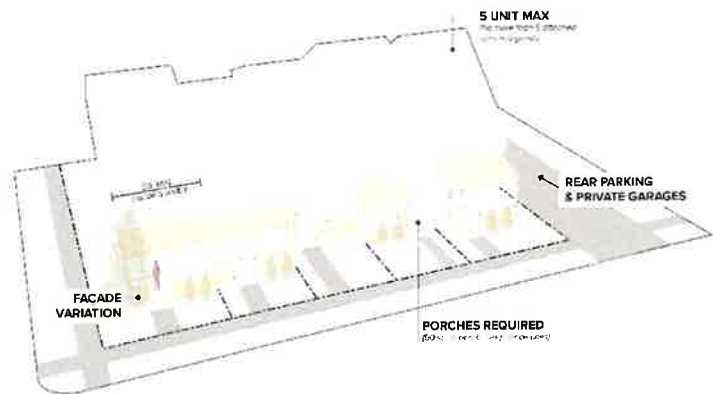
changing brick work from face brick to a soldier course or basket weave pattern.)

- h. Brick or stone along the front of the building, covering at least 25% of the front of the building.
- i. Materials – brick, stone, wood, cement composite materials, and metal accents.

7. Separate utilities for each unit are required if condominium units are proposed.

J. Townhouse.

1. Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units in the TCD. If live work is included, such units shall not exceed 3000 square feet of business usage, not more than 50% of the floor, and no more than 5 employees.
2. If end units face the street, they shall address the street with a front door and a porch and include windows covering at least 25% of the façade for each floor.
3. Parking and private garages shall be located to the rear of the building allowing the primary façade to front a public street or public greenspace. Garages are encouraged to include the infrastructure for a 220 outlet capable of faster car charging.
4. Provide outdoor covered balconies or patios for 100% of the units at a minimum of 6 feet deep and 40 square feet each.
5. Building width shall be a minimum of 20'. Guest parking shall not include any driveway area that accesses a garage. No more than 5 attached units per building.
6. Setbacks for each unit shall be varied at least 2' feet where a development has more than 5 units.
7. Townhouse developments with 10 to 20 units shall include at least a play structure and a barbeque/seating area and one passive leisure space of at least 3000 square feet. Projects with over 20 units are required to have 20% open space and amenities catered to the anticipated occupants. If the 20% does not exceed the 3000 square feet mentioned above, 3000 sq. ft. remains the minimum size of the recreational space.
8. Separate utilities for each unit are required and may require easements for units that are distant from a public street.
9. Building heights shall not exceed 25 feet in the CND and 35 feet in the TCD.
10. An HOA is required.

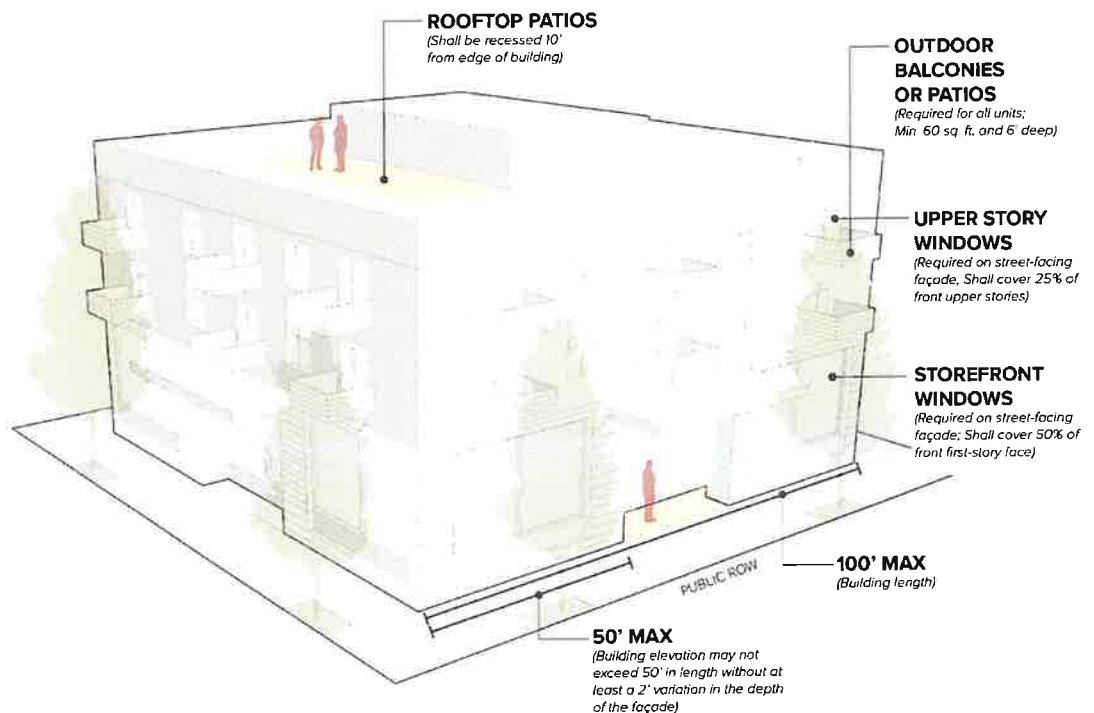


K. Mixed-use buildings.

1. Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed to front a street. This building type may support office, retail, hotel/hospitality or residential uses mixed vertically.
2. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6 feet deep and 40 square feet each.
3. No wood burning fireplaces, stoves, appliances, or outdoor fire pits are allowed.
4. Provide indoor bike storage or bike lockers.
5. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TCD

shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.

6. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
7. 360 degree architectural consistency is required, utilizing earth toned colors.
8. No new building elevation may exceed 50 feet in length without at least a 2-foot variation in the depth of the façade along the public right of way and a 1-foot variation on other facades. Residential unit balconies shall not be interpreted to meet this requirement.
9. No single building shall exceed 100 feet of frontage along a street.
10. Parking shall be to the rear of the building.
11. Storefront windows (including bulkheads and transom windows) are required on the street facing façade and street facing windows shall cover a minimum of 50% of the front first story face and 25 percent of all upper stories.



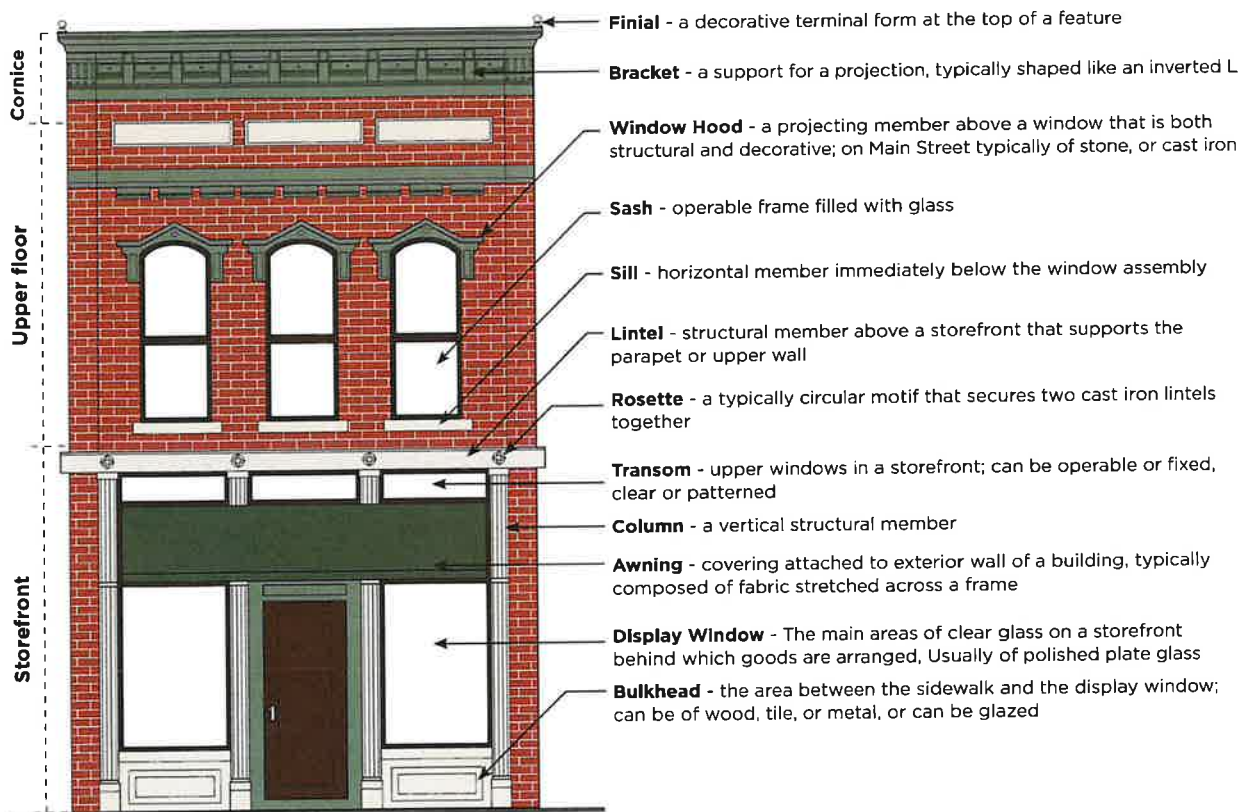
L. Commercial Buildings.

1. Minimum 2-story building with the primary use of office, retail, civic or commercial use.
2. All such buildings shall include at least 1 vehicle charging station per building.
3. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and

supports are required for all facades facing a street. New development in the TCD shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.

4. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
5. 360 degree architectural consistency is required, utilizing earth toned colors.
6. Principal entrance shall face the street or be located on the corner of the building and recessed.
7. Front façade shall include a storefront type appearance (including bulkheads and transom windows) and include at least four additional features from the sketch below:

ANATOMY OF A MAIN STREET BUILDING



18.83.050 Visual Screening

All commercial lots within the zone shall have a six-foot rear yard sight obscuring fence.

18.83.060 Definitions to be added

Driveway - Where vehicular access to a structure that is less than 150 feet measured from the main access road around the side to the middle of the rear of the home.

Emergency Vehicle Access (EVA) - where vehicular access to a structure is greater than 150 feet measured from the main access road around the side to the middle of the rear of the home Emergency Vehicle Access specifications are applicable.

18.83.070 Related Provisions

Chapter 18.12	Administration
Chapter 18.08	Definitions
Chapter 18.68	Supplementary Regulations
Chapter 18.108	Conditional Use Permits
Chapter 18.72	Off-Street Parking and Loading
Chapter 18.103	Sign Regulations
Chapter 18.78	Lighting
Chapter 18.174	Enforcement
Chapter 18.117	Subdivisions