

**AGENDA
AND
STAFF MEMO**

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah 84032
Special Meeting
July 6, 2016

4:00 p.m. Special Meeting

**TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE
CHANGED AS TIME PERMITS**

- I. Call to Order**
 1. Consideration of Closed Meeting Pursuant to Utah Code Annotated §54-2-205 (a) discussion of the character, professional competence, or physical or mental health of an individual
 2. Discussion and Approval of Temporary Airport Manager
 3. Discussion Regarding Airport Pad Lease, Lease Period, Lease Rate and Terms
 4. Discussion Regarding Airport Pad Architectural/Construction Standards
 5. Discussion Regarding Form-Base Code
 6. Other Items as Needed

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Michelle Limon at the Heber City Offices (435) 654-0757 at least eight hours prior to the meeting.

Posted on July 05, 2016, in the Heber City Municipal Building located at 75 North Main, Wasatch County Building, Wasatch County Community Development Building, Wasatch County Library, on the Heber City Website at www.ci.heber.ut.us, and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave on June 30, 2016.

Memo

To: Mayor and City Council
From: Mark K. Anderson
Date: 06/30/2016
Re: City Council Agenda Items for July 6, 2106

SPECIAL MEETING

Item 1 - Consideration of Closed Meeting Pursuant to Utah Code Annotated §54-2-205 (a) discussion of the character, professional competence, or physical or mental health of an individual: Councilman Crittenden has asked that this item be placed on the agenda.

Item 2 – Discussion and Approval of Temporary Airport Manager: Councilman Crittenden has asked that this item be added to the agenda for discussion/approval. At this time, the attached notice has been published which would hire a temporary Airport Manager until the final candidate is located to fill the Manager position on a more permanent basis. I would make the following observations:

- The job description for this position should be finalized
- The salary range for the position also needs to be finalized as what was initially budgeted for this position and what pay grade was advertised are significantly different
- I understand that the hiring of two part-time unbenefited/partially benefitted positions to manage the airport would allow more budgeted funds to go towards salaries
- I have concern that the hiring of this position on a contract position would not meet IRS guidelines
- The City received six applications for this position

Item 3 – Discussion Regarding Airport Pad Lease, Lease Period, Lease Rate and Terms: Councilman Crittenden has asked that this item be added to the agenda for review/approval. Enclosed is a copy of the non-reversionary hangar lease agreement that was approved by the City Council in March 2015 as the standard lease agreement that would be offered for all future hangar construction. I have shown an updated lease rate from .32¢ to .337¢ per square foot which is the current rate.

There has been some discussion about amending Section XV of the agreement to make it clear that in order for the City to inspect hangars as needed, the tenant will be required to provide a key or access code to Airport Manager. The Council may want to discuss any other provisions of concern.

Item 4 – Discussion Regarding Airport Pad Architectural/Construction Standards:

Councilman Crittenden has asked that this item be added to the agenda for review/approval. Enclosed are draft Hangar Construction and Design Standards that have been prepared by Terry Loboschefsky, Airport Manager. My comments are as follows:

- Does the City want to permit concrete structures (CMU) as outlined in Section A2.5?
- Where it is not anticipated that businesses will be allowed in the proposed hangars, I don't think Oil/Water separators will be required as mentioned in Section A2.8.

Item 5 – Discussion Regarding Form-Base Code: On June 16th, the Council scheduled this meeting to review the form based code that is being recommended for adoption by the Planning Commission. Tony Kohler has also provided a copy of the Form Based Code to the Council that was approved by the Planning Commission for review. The purpose of this meeting is to allow the Council the opportunity to ask any questions about what is being proposed before the Code is considered for more public input and consideration for adoption. Enclosed is a staff report from Tony Kohler that identifies some final changes adopted by the Planning Commission that are not reflected in the version of the code that you have.

Item 6 – Other Items as Needed:

TAB 1

**There are no physical
materials for this
agenda item.**

TAB 2

Temporary Part-Time Airport Manager

Heber City Corporation is contracting/hiring for the position of a Temporary Part-Time Airport Manager. The selected candidate will serve at-will, for a period of two-weeks up to one year as determined and needed by the Heber City Council. The position is non-benefited. The candidate will be responsible to seek and assist in hiring a full-time permanent Airport Manager. Enforce Airport minimum standards, and Airport rules and regulation. Perform hangar inspection and daily inspections. Take direction from the Heber City Council and interface with the Heber City Airport Advisory Board, and the Airport's Engineer/Planning Consultant and FAA

Graduation from an accredited University plus five years of airport and flying experience. Familiarity with FAA rules and regulations. Ability to interface with the City's Advisory Board and Engineer/Planning Consultant.

Applications and a complete job description can be downloaded at www.ci.heber.ut.us or can be obtained in the office of the City Recorder.

Applications must be submitted to Michelle Limon by **Tuesday, July 5, 2016, at 9:00 a.m. Equivalent to Pay Grade 23/Contract EOE**

TAB 3

HANGAR GROUND LEASE AGREEMENT

HEBER CITY AIRPORT

LESSOR: HEBER CITY CORPORATION

LESSEE: _____

DATED: _____

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HANGAR GROUND LEASE AGREEMENT

LEASE AGREEMENT made this ____ day of _____, between HEBER CITY, herein called City, Lessor or Heber City, and _____, herein called Lessee.

RECITALS

A. Heber City owns and operates at the HEBER CITY AIRPORT located in Wasatch County, State of Utah, herein called Airport.

B. Lessee desires to lease a parcel of land on the Airport premises for the purpose of erecting and/or maintaining an existing aircraft hangar owned by Lessee for the storage of aircraft.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained, herein, the parties agree as follows:

I. PREMISES.

The City hereby leases to Lessee the Parcel of land only which is known as Daniel Hangar #1 at the Heber City Airport, Wasatch County Utah more fully described on Exhibit "A" attached and made part hereof.

II. TERM.

A. Subject to all other provisions of this Agreement regarding termination reserved herein, the term of this lease shall commence on the _____ day of _____, 20__ and end on the _____ day of _____, 20__, a duration of twenty (20) years, hereinafter the "Initial Term," unless sooner terminated in accordance with the provisions hereof.

B. Subject to the conditions set forth herein, Lessee shall have the option to extend the term of this Agreement for two (2) additional periods of five (5) years each, hereinafter the "Extended Term(s)," provided Lessee is not in default in the payment of any rent

or in default in any other provisions of this Agreement at the time of its exercise of any such option. With the exception of rentals due, the terms and conditions applicable during the Initial Term of this Agreement shall remain applicable during any Extended Term. The rent escalation shall continue throughout the Initial Term and any Extended Term as provided.

C. The City desires to offer Lessee an opportunity to enter into a new lease for the Leased Premises on the terms set forth in this Agreement upon the expiration of the last of the two (2) Extended Terms described in Section II.B. above, should they be exercised by Lessee. If Lessee desires to continue occupying the Leased Premises after the expiration of all two (2) Extended Terms, Lessee may request that the City grants a new lease agreement. Such a request shall be made by Lessee in writing and delivered to the City not earlier than three hundred sixty-five (365) days and not later than one hundred twenty (120) days prior to the expiration of the last Extended Term. If: (i) if Lessee is not then in default under any provision of this Agreement; and (ii) the City certifies the conditions of the lease have been met and agrees to offer to lease the Leased Premises to hangar tenants or an association of hangar tenants; and (iii) such a new lease would be consistent with the Airport's master plan then in effect and any and all federal rules, regulations, directives, guidelines or other obligations with respect to Airport, including but not limited to the "grant assurances" to the FAA ; then the City will offer Lessee a new lease of the Leased Premises, under such terms and conditions, including rental rates and duration of the lease term and on the then-current lease form being offered by the City.

III. FIRST RIGHT OF REFUSAL TO RENEW LEASE

Lessee shall have the first right of refusal to renew this lease agreement on the condition that Lessee is not in default hereunder at the time of such renewal and provided the renewal term does not exceed five (5) years. To renew this Lease under the first right of refusal, Lessee shall provide a minimum of thirty (30) days written notice to Lessor prior to the expiration of the initial lease term stating Lessee's desire the opportunity to exercise his first right of refusal. The terms and conditions contained herein shall govern any renewal of this Lease unless otherwise agreed between the parties hereto. If Lessee fails to provide a minimum of

thirty (30) days written notice to Lessor prior to the expiration of the initial lease term stating Lessee's desire to exercise his first right of refusal, Lessee then, as a result of inaction, loses the opportunity to exercise the first right of refusal and the Lease shall not be renewed.

IV. LEASEE'S RIGHT TO REMOVE IMPROVEMENTS.

Upon the termination of this lease, Lessee shall have the right to remove any improvements erected by Lessee on the premises during the lease term or any renewal. Lessee, upon removal of any improvements shall restore the land to as good condition as it was in prior to the erection of any improvements thereon. Lessee hereby agrees that removal of any and all improvements shall be completed on or before sixty (60) days from termination of this lease. Lessee hereby consents and agrees that any improvements remaining on the premises after the sixty (60) day removal period shall at the option of the City be deemed abandoned and owned by the City without any claim or right whatsoever in Lessee.

V. RENTALS, FEES AND CHARGES.

Subject to re-negotiation and change of rental rates as hereinafter provided, the Lessee agrees to pay the City for the use of the premises, facilities, rights, services and privileges granted herein, the following rental, payable to Heber City.

A. Rental for the above-described parcel was paid for ____ at the current rate of \$0.~~33732~~ per square foot for entire lease footprint.

Parcel	Area	Rate
_____	_____	_____

B. The rent of the above described land for each following year of the agreement shall be \$_____, and is due and payable to Heber City Corporation, in advance, on the first day of each calendar year of the Agreement.

C. Rents provided for herein are subject to an annual change per the Consumer Price Index (C.P.I.)

D. All payments due the City under this Lease, including rent, that are not

paid on or before thirty (30) days from the due date shall incur a late fee of ten (10%) percent for each 90 days or portions thereof that the amount remains delinquent.

E. All payments due the City under this Lease shall be delivered to the Heber City Corporation, 75 North Main Street, Heber City, Utah 84032 or as otherwise directed in writing by the City.

VI. USE OF PREMISES

The leased premises and any and all improvements located thereupon shall be used solely for conducting the following activities and shall not be used as overnight sleeping quarters:

A. Storage of aviation related equipment

B. Non-aviation storage as an incidental use on the condition the space is principally used for aviation purposes.

Lessee acknowledges that the premises may not be used for commercial purposes or as a fixed-base operator without Lessee meeting, complying with and obtaining approval for the minimum standards as may exist at that time for such operation. Further, Lessee agrees to maintain the storage in this area in neat condition.

VII. CONSTRUCTION – IMPROVEMENTS.

Lessee may make improvements on the premises. Lessee, as additional rent, shall construct and maintain a paved aircraft ramp area on the Leased Premises (the “Ramp.”). The Ramp must be designed and built to specifications, and for a minimum weight bearing capacity, established by the City, built to the full width of the Leased Premises, and to connect with adjacent taxiway, ramp and/or auto parking areas, in order that a continuous and safe pavement section results. If access to the Leased Premises is not available on existing taxiways and/or roadways, then Lessee may also be required to construct the same. It is the responsibility of Lessee to maintain the entire Ramp area, and all other pavement areas on the Leased Premises, in a manner, which is safe and clean of debris so as not to cause danger or unsafe conditions for

taxiing aircraft and Airport users. Notwithstanding the foregoing, the City shall be responsible for snow removal on the aircraft Ramp area excluding any parking and side lots and excluding any area within three feet (3') of any Hangar; provided, however, that priority of snow removal shall be in accordance with the City's Snow Removal Plan as it now exists or as it may be amended in the City's sole discretion. Lessee grants to users of the Airport the right to use aircraft Ramp areas on the Leased Premises from time to time for passage of aircraft on and near the adjacent taxiway. The construction time and default provisions of this Agreement shall be applicable to the Ramp described in this section.

VIII. OBLIGATIONS OF LESSEE.

A. Lessee agrees to notify the airport manager, in writing, within ten (10) days of its basing, of the registration number of the aircraft and the person(s) responsible for it, including off hours emergency phone numbers, for all aircraft stored on the leased premises.

B. Lessee shall be solely responsible for all costs or charges for utility services required by the Lessee during the term of this Lease.

C. Lessee agrees to maintain the demised premises including the interior of the hangar in a neat, orderly and safe condition, and free from waste, rubbish, snow or other hazards throughout the term of this Lease. Lessee shall not store or let stand any equipment or property belonging to the Lessee or under the Lessee's custody, outside the boundaries of the leased areas without prior consent of the City, except when such equipment or property is in the process of being loaded or unloaded. Should the Lessee fail to repair and maintain the leased premises in proper condition, the City shall so notify the Lessee in writing. If the Lessee then fails to make such repair or maintenance within ten (10) days after the notice has been sent the City may cause such repair or maintenance service to be made. Lessee agrees to pay all City's costs incurred thereby and reimburse the City therefore on demand. If said costs and expenses are not paid within fifteen (15) days after demand therefore, this Lease shall be deemed to be in default and the City shall be entitled to all legal remedies provided hereunder, including

termination of this Lease.

D. Lessee shall exercise due and reasonable caution to prevent fire, accidents, hazards or nuisances on the premises. Should the Lessee fail to remove or abate said hazard or nuisance after being notified to do so, the City may abate said hazard or nuisance and charge the cost thereof to the Lessee as provided in Section C above, or at the City's option to terminate the Lease.

E. Lessee agrees at its own expense to cause the premises and improvements and appurtenances thereto to be maintained in a presentable condition consistent with good maintenance practices. This shall include, although not be limited to, the obligations of the Lessee to maintain the premises in a clean, neat and orderly condition at all times, and to perform the necessary mowing and snow removal on the premises during the appropriate periods of the year. The Airport will assist in snow removal when capability and priority permit.

F. Lessee shall not erect, install, or cause to permit to be erected, installed or operated upon the premises herein any sign or advertising device without first having obtained the City's consent thereto. If the City consents it may set forth the size, construction, location and general appearance of any such permitted sign or device.

G. Lessee shall not have the right to sell or distribute any parts, fuels, oils, or similar products upon said demised premises or upon said airport pursuant to this Lease.

H. Lessee agrees to keep the demised premises free of any mechanic's or materialmen's liens or other lien of any kind or nature for any work done, labor performed or material furnished thereon at instance or occasion of the Lessee and the Lessee further agrees to indemnify and save the City harmless from and against any and all claims, demands, costs and expenses of any nature whatsoever from any such work done, labor performed or materials furnished.

I. Lessee shall obey all applicable rules, regulations, ordinances and laws that may be from time to time promulgated by the City, State and Federal Government or agency thereof.

J. Lessee agrees to cause to be removed from the premises at its own expense all waste, garbage and rubbish and agrees not to deposit same, except temporarily in connection with collection for removal in Airport designated locations, on any part of the premises or other property of the City constituting the Airport.

K. With respect to new construction the general design and appearance of the same must receive the approval of the Heber City Airport Board

IX. LEASEHOLD MORTGAGES.

A. If Lessee shall execute a Leasehold Mortgage of its leasehold estate to an entity which is not directly or indirectly owned or controlled by, or is not under common ownership or control with Lessee (collectively, an "Unaffiliated Entity" hereafter), and if the holder of such Leasehold Mortgage shall provide the City with notice of such Leasehold Mortgage together with a true copy of such Leasehold Mortgage and the name and address of the Mortgagee, then following receipt of such notice by the City, the provisions of this Article shall apply in respect to such Leasehold Mortgage.

B. The term "Leasehold Mortgage" as used in this Agreement shall include, but not be limited to, a mortgage, a deed of trust, a deed to secure debt, or other security instrument by which Lessee's leasehold estate is mortgaged, conveyed, assigned, or otherwise transferred, to secure a debt or other obligation, in connection with the construction contemplated.

C. The City, upon providing Lessee any notice of default under this Agreement or termination of this Agreement, shall at the same time provide a copy of such notice to the Leasehold Mortgagee by first class U.S. mail at the address specified in the notice given pursuant to Article IX, Section A, above. Such Leasehold Mortgagee shall have the additional periods of time specified in Article IX, Section D hereof to remedy, commence remedying, or cause to be remedied the default or acts or omissions which are specified in any such notice. The City shall accept such performance by or at the instigation of such Leasehold Mortgagee as if the same had been done by Lessee.

D. Anything contained in this Agreement to the contrary notwithstanding, if any default shall occur which entitles the City to terminate this Agreement, the City shall have no right to terminate this Agreement unless, following the expiration of the period of time given Lessee to cure such default or the act or omission which gave rise to such default, the Leasehold Mortgagee is given an additional period of thirty (30) days to:

- i. Notify the City of such Leasehold Mortgagee's desire to defeat such Termination Notice; and
- ii. Pay or cause to be paid all rent, additional rent, and other payments then due and in arrears as specified in the Termination Notice to such Leasehold Mortgagee and which may become due during such thirty (30) day period; and
- iii. Comply with due diligence and continuity, or in good faith commence to and with diligence continue to pursue compliance with all non-monetary requirements of this Agreement then in default.

E. The making of a Leasehold Mortgage shall not be deemed to constitute an assignment or transfer of this Agreement or of the leasehold estate hereby created, nor shall the Leasehold Mortgagee, as such, be deemed to be an assignee or transferee of this Agreement or of the leasehold estate hereby created so as to require such Leasehold Mortgagee, as such, to assume the performance of any of the terms, covenants or conditions of this Agreement. Any Leasehold Mortgagee who takes an instrument of assignment or transfer in lieu of the foreclosure of the Leasehold Mortgagee shall be deemed to be a permitted assignee or transferee, and shall be deemed to have agreed to perform all of the terms, covenants and conditions on the part of Lessee to be performed hereunder from and after the date of such purchase and assignment, but only for so long as such purchaser or assignee is the owner of the leasehold estate. If the Leasehold Mortgagee or its designee shall become holder of the leasehold estate and if the Hangar and Improvements on the Leased Premises shall have been or become materially

damaged on, before or after the date of such purchase and assignment, the Leasehold Mortgagee or its designee shall be obligated to repair, replace or reconstruct the building or other improvements.

X. INDEMNIFICATION AND HOLD HARMLESS.

Lessee expressly agrees to defend, protect, indemnify and hold harmless the City, its officers, agents and employees free and harmless from and against any and all claims, demands, damages, expenses, losses or liability of any kind or nature whatsoever which the City, its officers, agents or employees may sustain or incur or which may be imposed upon them for injury to or death of persons or damages to property arising out of or resulting from the negligent acts or negligent omissions of the Lessee, its officers, agents, employees or guests in their use or misuse of the demised premises. Lessee agrees to defend at its own cost, expense and risk all claims or legal actions that may be instituted against either the Lessee or the City, which arise out of the negligent acts or omissions of the Lessee. Lessee agrees to pay any settlement entered into and satisfy any judgment that may be rendered against either the Lessee or the City as a result of any negligent injuries or damages which have resulted from or are connected with this Lease or the occupancy or use of the demised premises by the Lessee, or its officers, agents, employees or licensees, including reasonable attorney fees.

XI. HEBER CITY ORDINANCES.

Lessee hereby acknowledges the applicability of the Heber City Municipal Ordinances to this Lease Agreement. Lessee hereby acknowledges notice of the terms, conditions and requirements presently contained therein and agrees, so far as said ordinance applies to persons such as Lessee herein, to comply with such ordinances as now in effect or as it may be amended during the term of this Lease or any renewal. **Specifically, the terms and conditions of Title 15 as currently existing or as may be amended are incorporated herein by reference and made part hereof as though written herein.**

XII. INSURANCE.

Concurrent with the execution of this Lease and as partial performance of the obligations assumed under paragraph X, (INDEMNIFICATION AND HOLD HARMLESS) hereof, the Lessee shall have from a reliable insurance company or companies authorized to do business in the State of Utah, liability insurance in such minimum amount as may be required by Heber City pursuant to reasonable exercise of its municipal powers.

The above insurance policy or policies shall contain an endorsement which provides that the Lessee is named insured as it pertains to said leasehold. Lessee shall provide the City with written evidence of said insurance at all times this Lease is in effect.

All insurance policies secured by the Lessee providing the coverages which affect the leasehold premises required under this Lease shall require each insurer to notify the City by registered or certified mail of any modification, termination or cancellation of any policy of insurance that affects the leasehold premises no less than thirty (30) days prior to the effective date of such modification, termination or cancellation. Notice by the insurer shall be effective upon the receipt of said notice by the City. In addition to any other requirements of this Lease, the Lessee shall notify the City of any modification which affects the leasehold premises, termination or cancellation of any policy of insurance secured by the Lessee pursuant to this paragraph as soon as the Lessee learns of any such modification, termination or cancellation. Each of said policies shall stipulate that the policy provided coverage is not subordinate to nor contributing with any other insurance coverage held or maintained by the City. The procuring of such policy or policies of insurance shall not be construed to be a limitation upon the Lessee's liability or a waiver of performance on the Lessee's part of the indemnification and hold harmless provisions of this Lease; and the Lessee understands and agrees that notwithstanding any policy or policies of insurance it remains the Lessee's obligation to protect, indemnify and hold harmless the City hereunder for the full and total amount of any damage, injuries, loss, expense, costs or liabilities caused by or in any manner connected with or attributed to the negligent acts or omissions of the Lessee, its officers, agents, employees, licensees or the operations conducted

by the Lessee, or the Lessee's use, misuse or neglect of the premises described herein.

XIII. PERMITS, LICENSES AND CERTIFICATES.

Lessee shall obtain any and all permits, licenses and certificates which may be required in connection with the improvement and use of the demised premises and aircraft operations. Lessee shall comply with all applicable federal, state and local laws and regulations and the Lessee shall keep in effect any and all licenses, permits, notices and certificates as are required.

XIV. ASSIGNMENT.

A. Lessee shall not assign this Lease, or sublease any part of the premises without prior written approval of the City which approval shall not be unreasonably withheld. However, a 1% transfer fee or \$100.00, whichever is the greater amount, shall be paid to the City based upon the current assessor's valuation at the time of the assignment or transfer of the lease or sale of the hangar. The City hereby agrees that this Lease may be assigned as security for any hangar construction related loan required by Lessee, provided that such assignment permits Lessee to remain in possession except in the event of foreclosure. In the event of foreclosure or forfeiture by the holder of such security, the City consents to further assignment to any person, firm or corporation which is fully competent and has the necessary facilities, experience and financial resources to perform the obligations contained in this agreement on the part of the Lessee to be performed, provided such proposed assignee shall expressly assume said obligations in writing. In the event that Hangar is sold prior to the end of term, a new lease for the Buyer may be entered into between Heber City and Buyer at the above-mentioned Term and Rate consistent with market value as well as the 1% Transfer fee based on appraised value of said Hangar, at the sole discretion of the City.

B. Right of First Refusal for Assignment – If at any time Lessee desires to sell, assign, or otherwise transfer its interest under this Agreement, including the Improvements

existing on the Leased Premises, to a Buyer, and has obtained a bona fide offer for such sale, Lessee must first offer to sell, assign, or otherwise transfer such interest to the City, at the price and on the same terms as such bona fide offer, and the City shall have the right to purchase Lessee's interest under such terms. Such offer must be in writing and state the name of the proposed transferee and all of the terms and conditions of the proposed transfer. The City shall have the right for a period of ten (10) business days after receipt of the offer from Lessee to elect to purchase Lessee's interest (such ten [10] day period referred to as the "Election Period"). If the City does not desire to purchase Lessee's interest, Lessee may then sell, assign, or otherwise transfer its interest in this Agreement to the person making the said offer, at the price and terms set forth in the offer, subject to the requirements of Article XIV, Section A above. If Lessee fails to close such sale within sixty (60) days after the expiration of the Election Period, any proposed sale, assignment or other transfer thereafter shall again be subject to this Section. This right of the City shall be continuing and shall survive any sale, assignment or other transfer of Lessee's interest under this Agreement. The intent of this Section is to require all of Lessee's interests in this Agreement be sold, assigned or otherwise transferred intact, without fractionalization.

XV. RIGHT OF ENTRY AND INSPECTION.

The City hereby reserves the right to enter into and upon the leased premises and any improvements thereon at all reasonable times and for all reasonable purposes without prior notice. The City or the airport manager or its or his designated representative shall have the right to exercise this right of inspection.

XVI. RULES AND REGULATIONS.

The City shall have the right to adopt and enforce reasonable rules and regulations with respect to the use of the airport and the public terminal building and appurtenances, provided that such rules and regulations shall not be inconsistent with safety and with rules and regulations of the Federal Aviation Administration with respect to aircraft operations at the airport.

XVII. GOVERNMENTAL RESERVATIONS AND RESTRICTIONS.

A. During the time of war or national emergency, the City shall have the right to lease the landing area, or any part thereof, to the United States Government for military or naval use, and if such Lease is executed, the provisions of this instrument, insofar as they are inconsistent with the provisions of the lease to the government, shall be suspended.

B. The City reserves the right to further develop or improve the airport as it sees fit, regardless of the desires or views of the Lessee and without interference or hindrance from Lessee.

C. There is hereby reserved to the City, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the premises hereby leased, together with the right to cause such noise as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in the air, using said airspace or landing at, taking off from or operating on the airport.

D. The City reserves the right to take any action it considers necessary to protect the aerial approaches of the airport against obstructions together with the right to prevent the Lessee from erecting, or permitting to be erected, or maintaining any building or other structure on or adjacent to the airport which, in the opinion of the City, would limit the usefulness of the airport or constitute a hazard to aircraft. It is understood and agreed that nothing in this Lease shall be construed to grant or authorize the granting of any exclusive rights to Lessee within the meaning of the civil Aeronautics Act.

XVIII. THE CITY'S RIGHT OF CANCELLATION.

In addition to all other remedies reserved by the City, this agreement, shall be subject to cancellation by the City should one or more of the following events occur:

A. If the Lessee fails to pay when due the whole or any part of the amounts agreed upon for rents and charges and such default continues for sixty (60) days after the City has demanded payment in writing.

B. If the Lessee shall fail to perform or keep and observe any of the

covenants and conditions contained in this contract to be performed, kept and observed by Lessee, and Lessee fails to correct any breach hereof after sixty (60) days written notice from the City or ten (10) days if the default constitutes a risk to the health or safety of others, then and in such event the City shall have the right at once to declare this contract terminated.

C. The City reserves the right to terminate this Lease upon giving four month's written notice if the City has a need for the property for public purposes. In the event of a termination under this paragraph, the City must compensate the Lessee for the purchase cost of the improvement, the hangar, less depreciation based on straight line depreciation thirty years life expectancy if the Lessee elects to abandon the hangar or if the Lessee elects to remove the hangar the City must compensate the Lessee \$5,000.00 or \$1,000.00 for each remaining year of the Lease, whichever is the lesser amount.

XIX. LESSEE'S RIGHT OF CANCELLATION.

In addition to all other remedies available to the Lessee, this agreement shall be subject to cancellation by the Lessee should any one or more of the following events occur:

A. The permanent and complete abandonment of the airport as an aviation facility.

B. The issuance by any court of competent jurisdiction of an injunction in any way preventing or restricting the use of the airport and the remaining in force of such injunction for at least thirty (30) days.

C. The breach by the City of any terms, conditions and covenants of this agreement to be kept, performed and observed by the City and the failure to remedy such a breach for a period of thirty (30) days after written notice from the Lessee of the existence of such a breach.

D. The assumption by the United States Government, or any authorized agents of the same, of the operation, control or use of the airport and its facilities, in such a manner as to substantially restrict the Lessee from normal use, if such restriction is continued for a period of ninety (90) days or more.

XX. FORCE MAJEURE.

If either party hereto shall be delayed or prevented from the performance of any act required hereunder by reason or act of God, flood, hurricane, tornado, earthquake, strikes, lockouts, which are beyond the control of the party obligated (financial inability excepted), performance of such act shall be excused for the period of the delay and the period of the performance of any such act shall be extended for a period equivalent to the period of such delays; provided, however, nothing in this clause shall excuse the Lessee from the prompt payment of rental or other charges required hereunder to be paid by Lessee except as may expressly be provided elsewhere in this Lease.

XXI. DESTRUCTION OF PREMISES.

Should the improvements to the demised premises be damaged or destroyed in whole or in part, by fire, earthquake or any other casualty at any time during the term of this Lease so that the same cannot be repaired within ninety (90) working days to substantially the same condition it was in immediately prior to the happening of such casualty, then either the City or the Lessee may, within fifteen (15) working days after the ninety (90) working days after the happening of such casualty, terminate this Lease as of the date of said casualty. Lessee shall proceed, within ninety (90) working days, with the restoration and reconstruction of the improvements on the demised premises to substantially the same condition in which they were in prior to the happening of the casualty. In no event shall the City be liable to the Lessee for any damages resulting to the Lessee from the happening of such fire or other casualty or from the repair or construction of the demised premises or from the termination of this Lease as herein provided, nor shall the Lessee be released thereby from any of its obligations hereunder except as expressly stated in this clause.

XXII. COSTS OF SUSTAINING AN ACTION FOR BREACH OR DEFAULT.

In the event either the City or the Lessee commences legal action against the other

claiming a breach or default of this Lease, the prevailing party in such litigation shall be entitled to recover from the other reasonable attorney fees and all costs connected with said litigation.

XXIII. PARTIAL INVALIDITY.

If any term, covenant, condition or provision of this Lease is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

XXIV. ABANDONMENT.

If the Lessee shall abandon or be dispossessed by process of law or otherwise, any personal property belonging to the Lessee and left on the premises after such abandonment or dispossession shall at the option of the City be deemed to have been transferred to the City; and the City shall have the right to remove and to dispose of the same without liability to account therefore to the Lessee or to any person claiming under the Lessee.

XXV. UNLAWFUL USE.

Lessee agrees that no improvement shall be erected, placed upon, operated or maintained on the demised premises, nor shall business be conducted or carried on therein in violation of the terms of this Lease or any applicable law, statute, ordinance, regulation, rule or order of any governmental agency having jurisdiction hereover.

XXVI. LEASE SUBORDINATE TO AGREEMENTS WITH U.S.A.

This Lease shall be subordinate to the provisions of any existing or future agreement between the City and the United States, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditures of Federal funds for the development of the Airport.

XXVII. DEVELOPMENT OF AIRPORT.

The City reserves the right to further develop or improve the Airport as it sees fit, regardless of the desires or views of the Lessee and without interference or hindrance by the Lessee.

XXVIII. AIRPORT FACILITIES.

Lessee is hereby granted the nonexclusive right, in common with all present and future users, to the use of such of the City's Heber City Airport public facilities as are designated by the Airport Manager from time to time. As an incident to all the other uses provided for in this Lease, the Lessee, its employees, authorized representatives, invitees, permittees, licensees, customers and patrons shall have the right to use all public waiting rooms and public lavatories provided such use shall be in common with others and may be suspended during any period when maintenance, repairs or improvements are being made thereto.

XXIX. BANKRUPTCY.

Should the Lessee make an assignment for the benefit of creditors or should a voluntary or involuntary petition of bankruptcy or for reorganization or any arrangement be filed by or against the Lessee, or if the Lessee should become bankrupt or insolvent or if a receiver be appointed at the request of the Lessee's creditors (except as a receiver appointed at the request of the City) such action shall constitute a breach of this Lease for which the City at its option, may terminate all rights of the Lessee or Lessee's successors in interest under this Lease.

XXX. TAXES AND ASSESSMENTS.

Lessee shall pay before delinquency, all taxes, license fees, assessments and other charges which are levied and assessed against and upon the premises, fixtures, equipment or other property caused or suffered by the Lessee to be installed, located or placed upon the leased premises. The Lessee shall furnish the City with satisfactory evidence of these payments upon demand from the City. Lessee acknowledges that this Lease may create a possessory interest

subject to property taxation and that the Lessee may be subject to the payment of property taxes levied on such interest. Lessee agrees to assume and pay any such assessment.

XXXI. MARGINAL CAPTIONS.

The various headings and numbers herein and the grouping of the provisions of this Lease into separate section, paragraphs and clauses are for the purpose of convenience only and shall not be considered a part thereof.

XXXII. AMENDMENTS TO BE IN WRITING.

This Lease sets forth all of the agreements and understandings of the parties and is not subject to modification except in writing, duly executed by the legally authorized representatives of each of the parties.

XXXIII. SUCCESSORS IN INTEREST.

The covenants herein contained shall, subject to the provisions as to assignment, apply to and bind the heirs, successors, executors, administrators and assigns of all the parties hereto; and all of the parties shall be jointly and severally liable hereunder.

XXXIV. NONEXCLUSIVE RIGHTS.

It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 1349, of the United States code.

XXXV. WAIVER OF RIGHTS.

The failure of the City to insist upon strict enforcement of any of the terms, conditions and covenants herein shall not be deemed a waiver of any rights or remedies that the City may have and shall not be deemed a waiver of any subsequent breach or default by Lessee of the terms, conditions and covenants herein contained.

XXXVI. NOTICES.

All notices given or to be given, by either party to the other shall be given in writing and shall be addressed or delivered to the parties at the addresses hereinafter set forth or at such other addresses as the parties may by written notice hereafter designate. Notices to the City and the Lessee shall be addressed as follows:

TO: HEBER CITY City Manager Heber City 75 North Main Heber City, UT 84032	TO: LESSEE _____ _____ _____ _____	TO: LESSEE _____ _____ _____ _____
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XXXVII. HOLDOVER.

In the event the Lessee shall hold over after the term granted herein, then such holding over shall be construed to be a tenancy from month-to-month only. Prepayment of rent beyond one month shall not be construed to alter or change the month-to-month status of any holdover tenancy. Lessee agrees to comply and abide with all other terms and conditions of this Lease in the event Lessee holds over after the term provided in this Lease expires.

XXXVIII. TIME.

Time is of the essence of this Lease.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed, with all the formalities required by law on the respective dates set forth opposite their signatures to be effective the day and year first above written.

HEBER CITY, a Municipal Corporation

LESSEE:

APPROVED:

Mayor

By: _____

Date

Date

ATTEST:

City Recorder

Date

APPROVED AS TO FORM:

Airport Manager

Date

TAB 4

Heber City Airport – Russ McDonald Field K36U Hangar Construction and Design Standards

Effective June 30, 2016

Introduction

These specifications shall be known as the Heber City Airport Hangar Construction and Design Standards

Purpose

The purpose of these design standards is to ensure development of consistent high quality, to protect and enhance the investment of all those locating within the Airport Layout Plan (ALP). These standards provide a basis for directing and evaluating the planning and architectural design of improvements to each building site.

1.0 Goals

The following goals form the basis for these design standards:

- Economic – Protection of property values and enhancement of investment
- Function – Encouragement of imaginative and innovative planning of facilities and sites and flexibility to respond to changes in market demand
- Visual – Variety, interest and a high standard of architectural and landscape design
- Social – Amenable working environment, which is integral part of the community
- Safety – Utilize safe building practices both during all construction practices including respect for all aircraft and airport operations.

2.0 General Provisions

Buildings may not be constructed on airport property unless approved by the Airport Board, the Heber City Planning & Zoning Dept and the Heber City Building Dept for conformance in each of the following areas:

2.1 Current Airport Layout Plan (ALP) and Terminal Area Development (TAD) plans.

2.2 All applicable building restriction lines and height restrictions.

2.3 Interference with any Airport or Federal Aviation Administration radio or guidance equipment due to location or type of structural material.

2.4 Minimum structural standards as appended

2.5 Access to the proposed building including any required easements, roads or taxiways.

2.6 An approved Aviation Ground Lease with the City of Heber. Such a lease to include all areas deemed necessary to the normal use of the building. Minimum separation beyond the outermost perimeters of the structure shall be in accordance with the ALP. This provision may be waived, in whole or in part, by the Airport Board to facilitate Airport operations or access. Requests for waiver must be in writing, shall state the reason for the waiver and shall state in detail the mitigating measures to be taken with respect to the potential adverse impacts that may arise from granting the requested waiver.

3.0 Application

These standards shall apply to all properties in the ALP and are in addition to any other jurisdictional requirements including but not limited to Zoning Ordinances and Building Codes of the City of Heber.

3.1 Copies of all structural plans, site plans, and material specifications developed by a certified architect and/or engineer shall be provided to the City for review and approval and upon approval shall become the property of the City.

3.2 The City or its Agent shall make frequent inspections during construction of any approved building. No changes to, or variations from approved plans and specifications shall be permitted unless approved in writing by the authorized Agent.

3.3 Construction of any approved structure or material component thereof may not commence until the following documents or proofs thereof are provided to the Agent.

3.3.1 Contractor's Comprehensive General Liability Insurance and Automobile Liability Insurance policies in an amount not less than Seven Hundred Fifty Thousand Dollars (\$750,000) for injuries, including accidental death, to any one person and subject to the same limit for each person, and in an amount of not less than One Million Five Hundred Thousand Dollars (\$1,500,000) on account of one occurrence. Contractor's Property Damage Liability Insurance shall be in an amount of not less than Five Hundred Thousand Dollars (\$500,000).

3.3.2 Property insurance upon the entire Work at the site to the full insurable value thereof. This insurance shall include the interest of the Lessee, the Contractor, and Subcontractors in the Work and shall insure against the perils of fire and extended coverage and shall include "all risk" insurance for physical loss or damage including, without duplication of coverage, theft, vandalism and malicious mischief.

3.3.3 A performance, Material and Labor Payment Bond payable to the City of Heber in an amount equal to the entire cost of the project. A one year

maintenance bond equal to 10% of the amount of the Performance, Material and Labor Payment Bond shall be required upon substantial completion of the work.

- 3.4 In the event of any failure on the part of any Lessee to comply with Airport requirements or any failure to complete a construction project according to the approved plans and specifications, or within a reasonable time as determined by the City, shall be cause for the City to revoke any ground lease with the Lessee of the project and require that the structure be removed from the airport property. In addition to the foregoing remedies, the City shall retain all other remedies provided by the lease terms or provided by law.

Minimum Standards for Hangar and Buildings on Heber City Airport Property

Appendix A-1: General Requirements

A-1 This general section requires permits for building, plumbing and mechanical and electrical.

A-1.1 All structures shall be designed and constructed in accordance with the Building, Plumbing, Mechanical and Electrical Codes as adopted by the State of Utah and Heber City.

A-1.2 All plans must be approved by all required local or state Building Inspection offices and all permits must be obtained before construction begins.

A-1.3 All electrical, plumbing, mechanical or any other work that is governed by Federal, State, or local licensing regulations will be performed only by individuals or companies so licensed.

A-1.4 All construction shall be in compliance with all applicable zoning regulations, FAA regulations, height restrictions, and other regulations issued by any agency having jurisdiction over work or projects within the scope of these standards, shall apply.

A-1.5 Heber City must approve the schedule for all work and said approved schedule shall become binding upon the applicant unless modification of said schedule has been approved in writing by the City.

A-2 SPECIAL REQUIREMENTS

A-2 In addition to the General Requirements, the following Special Requirements are emphasized or added to promote safety and insurability of structures on airport properties and to maintain the value of airport properties.

A-2.1 Footings and Foundations

Footings and foundations shall extend a minimum of one foot below normal frost depth. Any enclosed structure not designed with a continuous perimeter footing-foundation shall be provided with an approved, continuous perimeter frost barrier.

A-2.2 Structural Strength and Materials

The Uniform Building Code or the Building Code currently adopted by the jurisdiction shall apply as to allowable materials and structural strength for the structure class or type as determined by use, seismic zone, wind and snow loads.

The fire ratings of structures used for the storage of aircraft, motor vehicles, and flammable or hazardous materials shall comply with the Building Code and any Federal, State, or Municipal Fire Codes and are subject to approval by Wasatch County's Fire Marshall.

A-2.3 Framing

All framing shall be of metal.

A-2.4 Exterior

All exterior surfaces must be pre-finished aluminum, steel or CMU (concrete). No painted wood or other materials may be used.

All exterior materials and colors must be submitted to the City for approval before construction starts. A standard color will be identified and registered with the City. No galvanized metal shall be used on any exterior surface.

A-2.5 Exterior Finishes

Wood- No wood or wood composite siding or roofing shall be allowed. Exceptions to this rule may be granted by the Heber City based on aesthetics or airport operational requirements. However, no exception shall be granted that would modify the requirements of Section 2.1.2. Requests for exceptions to this requirement must be made in writing at the time of initial plan approval.

Steel - The minimum gauge of steel used for roofing or siding shall be twenty-eight (28) and shall be factory finished in a color approved by the City and warranted by the manufacturer as to color fastness for a minimum of twenty (20) years.

Concrete – The use of CMU, poured or preformed concrete walls must be first approved by Heber City.

A-2.6 Floor and Ramp Construction

All floors must be constructed of concrete having a minimum of four inch thickness and shall include steel reinforcement of a type approved by the City. A stiff broom finish is required on exterior ramps if made of concrete.

A-2.7 Doors

Bi-fold doors are recommended because of their ease of operation during the winter months. Approved swing out, overhead or sliding doors may also be used. All pedestrian doors must be of pit-finished metal construction.

A-2.8 Drainage

The gradient of the finished floor of any proposed structure and the surrounding surfaces shall provide for positive flow of water away from hangar structures. In areas where no storm sewer exists, the City may require the installation of inlets and pipe designed for anticipated maximum flow and loading to be installed and attached to the existing storm sewer system. An approved system of oil/water separators may be required to prevent contamination of surface or ground water resources.

Oil/Water Separators. Aviation repair facilities and paint shops, dealerships, fuel stations, equipment degreasing areas, and other facilities generating wastewater with oil and grease content are required to pre-treat these wastes before discharging to the sanitary sewer system. Pre-treatment requires that an oil/water separator be installed and maintained on site.

Oil/water separators for commercial/industrial processes must be sized on a case-by-case analysis of wastewater characteristics. Typically a minimum capacity of 750 gallons is required for small fuel stations, aviation repairs, and light commercial sites; 1500 gallon capacity for large-scale aircraft washing and steam cleaning facilities. The ultimate discharge must be directed to the sanitary sewer system. All units regardless of size shall be fitted with a standard final-stage sample box and spill-absorbent pillows.

Oil/water separators shall be commercially manufactured and sized for the intended discharge rates for the facility where it is to be installed.

A-2.9 Landscaping

The City may require landscaping due to location or use of a structure. All plans for landscaping shall be approved by the City.

A-2.10 Utilities

Connection to electric, gas, culinary water, sanitary sewer and telephone shall be the responsibility of the Lessee. All new electric, cable TV and telephone lines shall be placed underground. Upon completion of construction, a plot plan showing the exact location of all Lessee installed utilities shall be given to the City.

No trenching or excavation shall commence until all pipes and lines in the area have been located. The City and utility companies shall be contacted for locations. The Lessee shall be responsible for any damage to existing utilities or communications lines.

A-2.11 Access

Under no circumstances will an uncontrolled opening in the Airport's security fence be allowed. Automatic gate access protocol must always be followed.

A-2.12 Further restrictions or requirements may be imposed by the Airport Manager when, in his judgment, such restrictions or requirements are necessary to insure safety, airport operations, aesthetics, or property value.

A-3 NOTICE TO PROCEED

A-3.1 When satisfied that applicable provisions of this directive have been, or will be fulfilled; the City will issue a letter notifying the Lessee to proceed with the approved work.

A-3.2 Any loss incurred due to work performed, materials purchased, or subleases signed by the Lessee prior to receipt of a Notice to Proceed shall be the Lessee's responsibility.

TAB 5



Heber City

Form-Based Code

Heber City, Utah

MAY 12, 2016 - DRAFT
AMENDED MAY 19, 2016
AMENDED JUNE 6, 2016

DRAFT
May 12, 2016



Acknowledgment: This document was modified using the Template Form-Based Code for Centers & Corridors along the Wasatch Front: A Wasatch Choice for 2040 tool to achieve your community vision.

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DRAFT

1.0 Framework

DRAFT
May 12, 2016

1.0 Framework

1.1. Introduction

The Heber City Council, Planning Commission, City Staff, and many members of the community have been working to define the vision for Heber City. In November 2000, a group of 50 residents participated in several meetings known as 2020 Future Vision. This is a summary list of their concerns:

- Rapid population expansion;
- Loss of community identity;
- Preservation of open space;
- Nuisances and quality of life issues;
- Adequate public facilities and services;
- Parks and recreation;
- Historic preservation;
- Redevelopment and renewal of the downtown business district;
- Creation of a clean/green commercial and economic development;
- Aesthetics, design, and scale of development.

In 2003, an update of the Heber City General Plan was Completed. In an effort to address these concerns of Heber City residents, this plan presented a statement of purpose and a list of goals to direct future development in Heber City. **And finally, these ideas were put into action in December 2015 when the community came together to discuss Form-Based Codes.**

The following goals are found in the Heber City General Plan and are what should guide all planning measures taken within Heber City

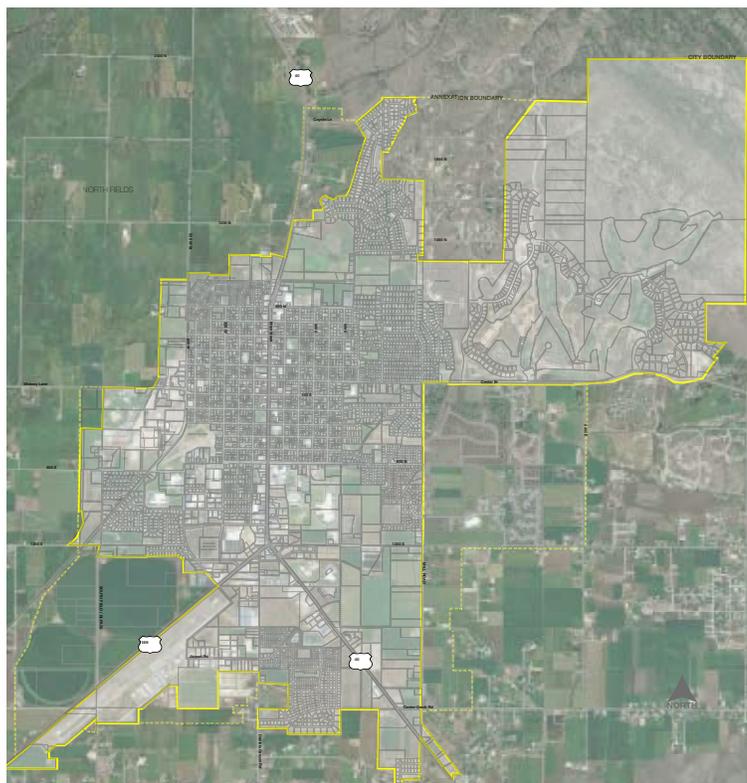
1. To ensure responsible growth in all aspects.
2. To ensure orderly residential growth.
3. To promote clean growth in industrial, commercial and research sectors which strengthens the economic foundation of the city.

4. To maximize the return on every dollar spent to build and maintain sufficient water, sewer, streets, parks and open space, and all other public facilities

A form-based code regulates the physical form (e.g. buildings, streets, public spaces) within the community. Rather than directing all regulation to land uses, form-based codes emphasize the physical form of our communities while also governing land uses through the traditional “permitted/not permitted” land use approach and by controlling the form of the buildings and parking configurations. Form-based codes focus on what we want in our cities and neighborhoods. This is different from the traditional zoning approach that focuses on what to avoid and what we do not want - an approach that often times results in creating areas that succeed at avoiding the bad but fail at achieving the desired results.

This form-based code is a tool that will allow and promote Heber City’s goals and general plan policies to develop in a manner which is consistent with Heber City’s character **and which promotes economic development and sustainability, A few of these economic development goals are:**

1. **promote a balanced land use regulatory approach that is the least restrictive means to attain the desired result;**
2. **promote a land use regulatory approach that is market driven;**
3. **promote healthy sales and property tax revenues;**
4. **promote land uses that are needed by citizens living in and around the city within locations that are convenient and realistic based upon anticipated market conditions and traffic patterns;**
5. **promote economic development opportunities within the city for new business**



Heber City Aerial Image



1. Establishment of Districts.

The following Districts are hereby created (See 3.0 Districts & Overlay Subdistricts).

1. Historic Downtown Core
2. Downtown Village
3. Heritage & Recreation
4. Downtown Corridor
5. Mixed-Use Retail
6. Mixed-Use Airport
7. Residential Community - 3
8. Residential Community - 2
9. Residential Community
10. Mixed-Use Residential Commercial Zone
11. Manufacturing & Business Park
12. Planned Community Mixed-Use
13. Planned Community (Red Ledges)

2. Establishment of Overlay Subdistricts.

Certain areas within these districts were further broken down into overlay subdistricts (See 3.0 Districts & Overlay Subdistricts). The following Overlay Subdistricts are hereby created.

1. Neighborhood Support
2. Airport I-2
3. Residential Agriculture
4. Sexually Oriented Business

1.2 General District & Overlay Requirements.

1. Applicability.

The following are general block, lot, and street design requirements that are applicable to all districts & overlay subdistricts.

2. Block Configuration.

Refer to Figure 1.2 (1) for an illustration of Typical Block Elements.

- (1) The shape of a block shall be generally rectangular, but may vary due to natural features or site constraints.
- (2) Blocks shall typically be two lots deep with the exception of blocks containing open space. Blocks may also include an alley.
- (3) Blocks shall typically be fronted with lots on at least two faces, preferably on the longest street faces.

3. Maximum Block Size.

Block sizes for residential and commercial development and redevelopment **should not exceed 399' by 399'**, which roughly matches the historic block size surrounding the city center. New streets should continue this block pattern.

4. Minimum Number of Access Points.

This requirement is intended to provide a minimum level of connectivity via vehicular rights-of-way between adjacent developments and to surrounding streets (for additional requirements on street configurations refer to Section 2.0 Street & Trail Types in this document).

- (1) Required. A minimum of one per every 400 feet of street frontage for all development located in all districts other than the Mixed-Use Airport District & the Mixed Use Retail District is required.
- (2) Required. A minimum of one per every 600 feet of street frontage for all development located in the Mixed-Use Airport District & the Mixed Use Retail District is required.

5. Designated Primary Streets.

100 West, 600 South, 500 North, 1200 South, 300 West, Midway Lane, Main Street, & East Center Street shall be designated primary streets. The intent of the Primary street designation is to develop a network of streets with continuous building frontage and no or limited vehicular driveway access to reduce conflicts between pedestrians and vehicular traffic.

- (1) All lots adjacent to a primary street shall front on at least one primary street and that street frontage shall serve as the front of the lot, as referred to in the Building Type requirements.
- (2) Lots with two primary street frontages shall consult with staff to determine which street frontage warrants primary designation and the front of the lot.

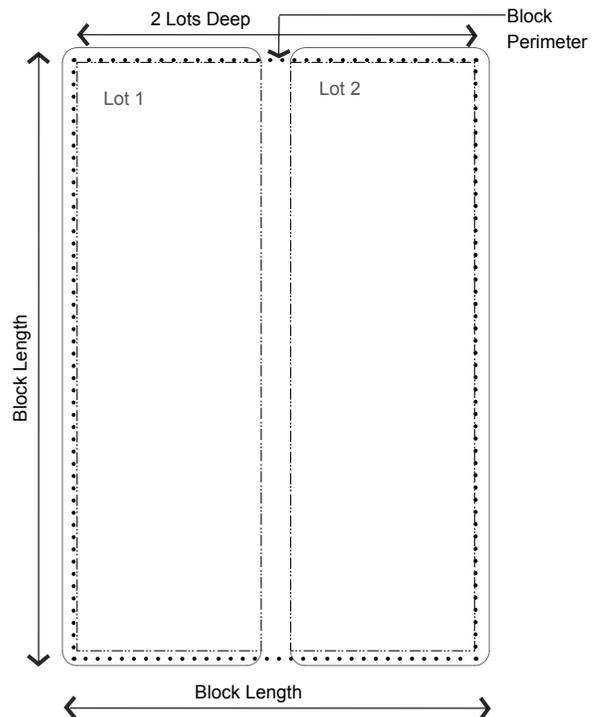
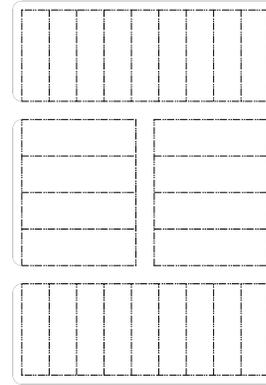


Figure 1.2 (1). Typical Block Elements.

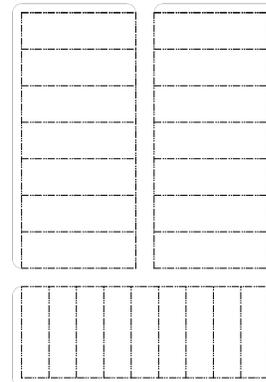
1.0 Framework

6. Block Access Configurations.

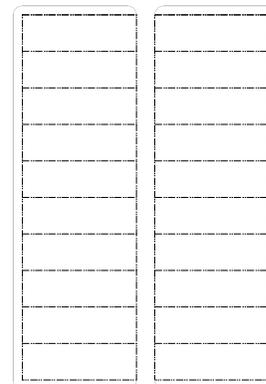
- (1) Vehicular driveway access should not be located off a Primary Street, unless the parcel is fronted by more than two primary streets, in which case, staff shall determine which is the appropriate street for vehicular access. The determination shall be based on locations of existing and proposed vehicular access points of other developments along the Primary Streets.
- (2) Blocks may include alleys, drives, or driveway entrances with the following recommended configurations. See Figure 1.2 (2).
 - (a) Mid-Block Access. This configuration includes an alley or drive running through the center of the block.
 - (b) "T" Configuration. This configuration includes two alleys within a Block that are perpendicular to each other, forming a "T," allowing development to front on three block faces.
 - (c) "H" Configuration. Similar to the "T" configuration, this configuration allows development to front on all four block faces.
- (3) Access to blocks shall be aligned and located on opposite sides of the block as well as aligned across the street from access to other blocks.
- (4) Mid-Block Pedestrianways. Mid-Block pedestrianways are required on blocks longer than 500 feet.
 - (a) When combined with mid-block street crossings, these pathways should align to facilitate easy pedestrian movements.
 - (b) Mid-Block pedestrianways should be located in the middle third of a block face.
 - (c) Minimum width for mid-block pedestrianways rights-of-way or easements is 20 feet.



"H" Alley



"T" Alley



Mid-Block Alley

Figure 1.2 (2). Alley Configuration.

7. Lots.

- (1) Typical Lot Dimensions. All lots of record shall be developed to meet the requirements outlined in 5.0 Building Type requirements.
- (2) Typical Lot Configuration. All lots shall have frontage along a public street unless otherwise specified in 5.0 Building Type requirements.
 - (a) Lot Shape. To create regular, rectangular lots, side property lines shall be perpendicular to the vehicular right-of-way to the extent practical.
 - (b) Through-Lots. Through lots fronting on two parallel streets are not permitted with the exception of a lot covering 50 percent or more of a block and the two longest parallel street faces are treated as front property lines per building type requirements (refer to 5.0 Building Types).
 - (c) Corner Lots. Corner lots have a front yard along one street and a corner yard along the other street. The front yard of a corner lot should be consistent with one adjacent Parcel.
 - (i) The rear yard of a corner lot is typically the yard against an alley or another lot's rear yard.
 - (ii) The side yard of a corner lot is adjacent to another lot.
 - (d) Flag Lots. The creation of flag lots is prohibited.

8. General Open Space Requirements.

The following are requirements for provision of civic open space.

- (1) Development on parcels over 5 acres are required to provide 10% total lot size as civic open space. Developer shall work with City to determine appropriate location of open space. See Section 6.0 Open Space.

9. General Zoning District/ Overlay Subdistrict Layout.

For all Districts/ Overlay Subdistricts, the following outlines how the Districts/Subdistricts should relate to one another.

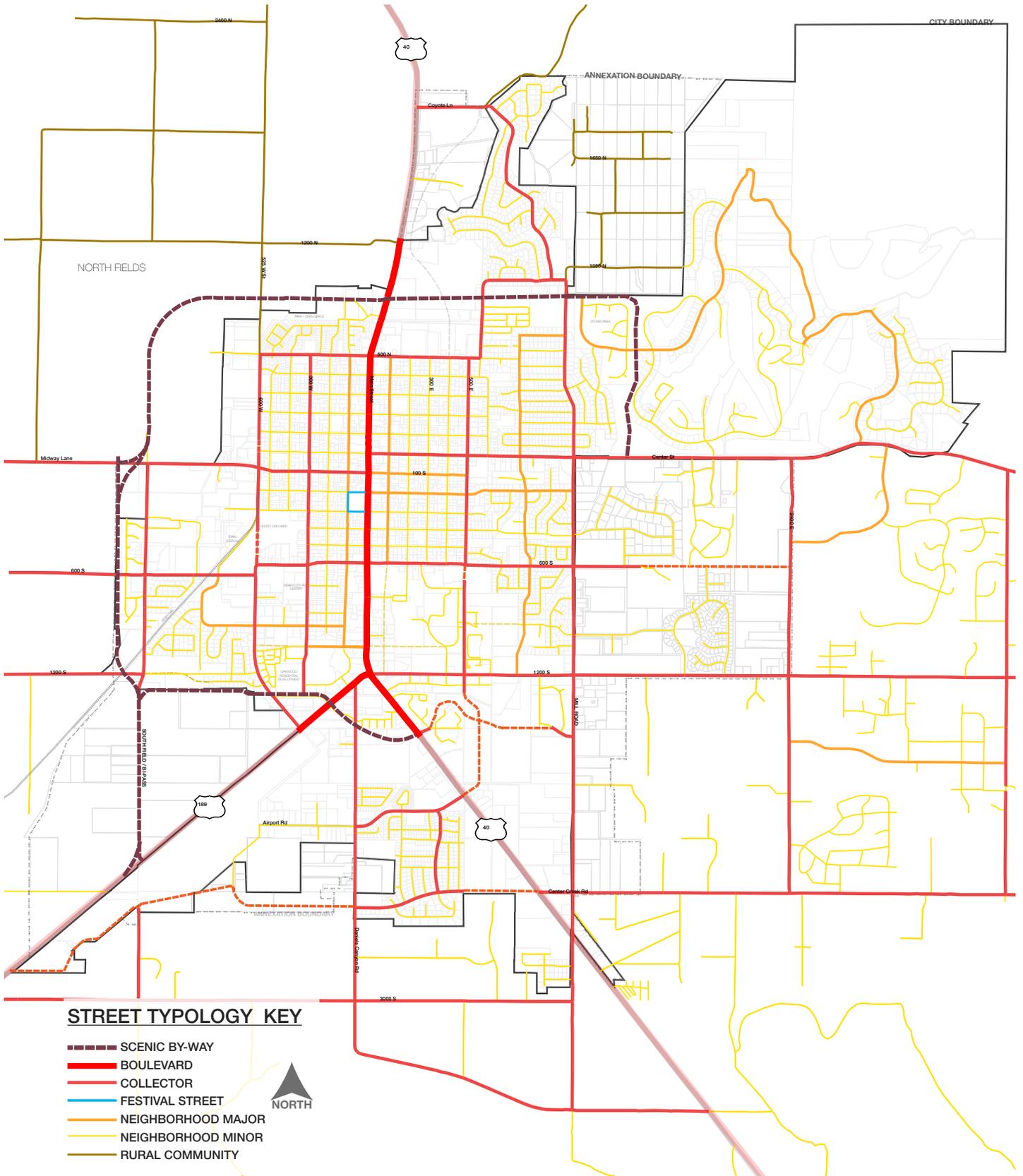
- (1) All Districts. The following applies to all Zoning Districts/Overlay Subdistricts.
 - (a) Similar intensities of uses should face each other across the street.
 - (b) Blocks may contain multiple Districts; however, changes in districts should occur along an alley, the rear property line, or at a corner parcel.
- (2) Downtown Districts. **Downtown Districts include the Downtown Village, Historic Downtown Core, and the Downtown Corridor.** The following applies to all Downtown Districts.
 - (a) Downtown Districts are intended to provide a node that primarily consists of retail uses on the ground floor.
- (3) Existing Residential Zones. When "Downtown" Districts back up to the rear of existing single family residential neighborhoods, a building setback is required (see Figure 5.2(5)).

2.0 Street & Trail Types

DRAFT
May 12, 2016

2.0 Street & Trail Types

STREET TYPOLOGIES MAP



2.0 Street & Trail Types

2.1 General Requirements.

1. Intent.

The standards outlined in this section are intended to:

- (1) Create complete streets that address all modes of travel, including pedestrian traffic, bicycle traffic, transit, and vehicular traffic.
- (2) Address all features of the street right-of-way, including sidewalks, parkways, traffic lanes, bicycle lanes, and medians.
- (3) Provide adequate access to all lots for vehicles and pedestrians.
- (4) Create streets that are appropriate for their contexts in residential, commercial, or mixed Use districts and are designed to encourage travel at appropriate volumes and speeds.
- (5) Create streets and public rights-of-way that result in stormwater runoff quantity reduction and improved quality of stormwater runoff.
- (6) Encourage multimodal transportation including pedestrian, bike, transit, etc.

2. Applicability.

The standards in this section apply to all vehicular rights-of-way within all Districts.

An enhanced furnishing zone and additional width of such furnishing zone may be required (especially those segments providing key connections to Heber City Park) if deemed necessary by the **Planning Commission** for the following streets:

- 100 South
- 200 South
- 300 South
- 100 West

Exceptions. US 40, US 189 and SH 113 are UDOT roads, and the City should work with UDOT on any future design changes so that these roads can better support the goals of this form based code.

The future re-design of Main St. (US 40) will vary depending on whether it contains bike facilities and transit, and should be designed specifically for each type of transportation mode included. Additionally, the Scenic By-way depicts a proposed layout and cross section and will need coordination, planning and approval from UDOT.

3. General Requirements.

All proposed streets, landscape or furnishings zones, and sidewalks shall be located in dedicated vehicular rights-of-way as required by this article.

- (1) Street Types. All new vehicular rights-of-way shall match one of the street types, refer to 2.4 through 2.1.1, whether publicly dedicated or privately held.

- (2) Public Use. All streets shall be available for public use at all times. Gated streets and streets posted as private are not permitted.

4. Street Construction Specifications.

All construction in the right-of-way shall follow specifications defined by **this Form Based Code and Heber City Standards and Specifications**.

2.2 General Street Type Standards.

1. Street Types.

Street Types defined in this section outline acceptable street configurations. New streets should be designed using the principles and characteristics defined by each street type. The City Planner or Designee, or Public Works Director may require additional right-of-way, pavement width, or additional street elements depending on unique site characteristics. **In an event of conflict between this code and others, this code shall supersede.**

2. Graphics.

The graphics provided here, illustrating each street type, are samples of recommendations and illustrate a possible configuration of that street type. **Each street typology standards table will allow for some flexibility in requirements along with specifying additional items that are required with that specific street typology. If more flexibility is needed, by applying the standards outlined, and working with the City Planner, other configurations are possible but require Planning Commission review and approval.**

3. Typical Street Elements.

Typical elements of a vehicular Right-of-Way are divided into the vehicular and pedestrian realm. Each street type detailed in this article outlines which facilities are applicable. Refer to Figure 2.2 (1): Typical Right-of-Way Elements.

- (1) Vehicular Realm. The vehicular realm is comprised of vehicular travel lanes, bicycle lanes, and parking lanes.
- (2) Pedestrian Realm. The pedestrian realm is typically comprised

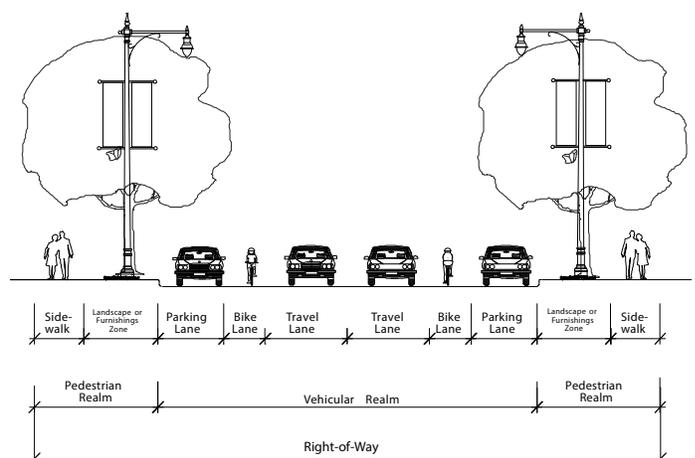


Figure 2.2 (1). Typical Right-of-Way Elements.

of pedestrian facilities, such as sidewalk, path/trail, or off-street bicycle path, and a buffer area consisting of a landscape zone or furnishings zone that serves to buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular realm.

- (a) Landscape Zone. A landscape area between the back of curb or edge of pavement to the sidewalk in which street trees, swales, lighting, and signage may be located. Typically used adjacent to residential buildings.
- (b) Furnishings Zone. A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office buildings.

4. Vehicular Travel Lanes

The number and width of vehicular travel lanes are determined by the Street Type.

5. Vehicular On-Street Parking.

On-street parking, as permitted on designated street types, shall meet the following requirements.

- (1) Parallel and diagonal parking is permitted on designated street types.
- (2) Vehicular Parking Space Dimensions. The appropriate dimensions for on-street parking spaces are outlined in Table 2.2 (1): On-Street

Angle (degrees)	Curb Length (feet)	Stall Width (feet)	Stall Depth (feet)
0	20	8-9	N/A
45	12	8-9	17
60	10	8-9	18
90	9	8-9	18

Table 2.2 (1). On-Street Parking Space Dimensions.

Parking Space Dimensions and Figure 2.2 (2): On-street Parking Layout. The width of a parking space shall be measured from the center of a stripe.

6. Bicycle Facilities.

The following types of bicycle accommodations are permitted in the vehicular realm per Street Type. Refer to Figure 2.2 (3).

- (1) Cycle Track. A cycle track is a separate on-road bicycle facility that is typically adjacent to, but physically separated from, vehicular traffic and parking by a barrier.
- (2) Dedicated Bicycle Lane. Dedicated bicycle lanes are striped lanes on the outside of the outermost travel lanes that are designated for only bicycle use. This lane occurs on both sides of the street and shall be four to six (4' - 6') feet wide.
- (3) Designated Shared Lane. A designated shared lane is a lane that is shared between vehicles and bicycles. This lane is typically wider than a standard vehicular lane, minimum 13 feet, in order to accommodate both types of users, and includes a painted bicycle marker combined with a double arrow (known as a "sharrow"). This improvement occurs in both directions.
- (4) Shared Lane. A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.

7. Stormwater Management.

Incorporation of stormwater management best practices into the Right-of-Way design is encouraged, such as incorporating drainage swales and slotted curbs into the Landscape Zone/Furnishing Zone, or permeable paving in the parking lane.

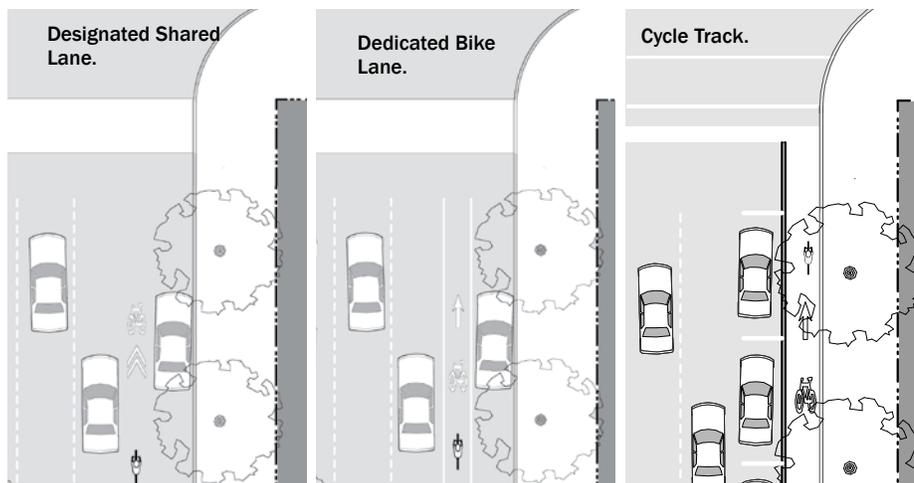


Figure 2.2 (3). On-Street Bicycle Facilities.

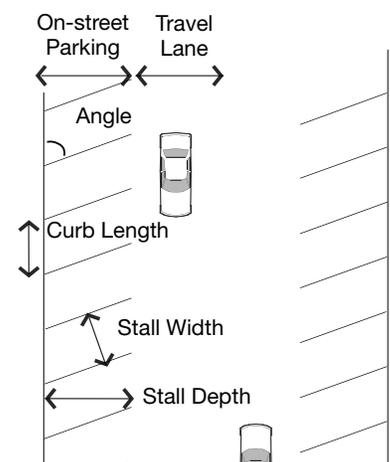


Figure 2.2 (2). On-Street Parking Layout.

2.0 Street & Trail Types

8. Street Trees.

Street trees are required along all street frontages, with the exception of the Lane and the Alley.

- (1) Street trees shall be located either in a Landscape Zone within a planting bed or lawn, or in a Furnishings Zone in tree wells with a grate as required.
- (2) Tree grates are required for all trees located in tree wells in Pedestrian Realms less than 10 feet in width.
- (3) Spacing for large street trees shall be 30 feet on center. City Planner or Designee may allow modifications based on site specific constraints.

9. Fire Access.

Street configurations have been calculated to provided fire truck access. Where the total width of all travel lanes totaled is narrower than 20 feet, the following shall apply.

- (1) Room to Pass. At 120 foot increments, a 20 foot opening in the on-street parking or a 20 foot dedicated pull-off space must be provided to allow vehicles to pull over for a fire truck to pass.
- (2) Driveway or Fire Hydrant Zone. A driveway or fire hydrant zone may be utilized to fulfill the requirement.

2.3 General Street Layout Requirements.

1. General Layout Standards.

The following standards apply to new streets or newly platted vehicular Rights-of-Way.

- (1) Treatment of Natural Features. Streets shall be designed to respect natural features, such as rivers, woodlands, or slopes, by following rather than interrupting or dead-ending at the feature, if applicable.
- (2) Street Network. The network of streets shall form an interconnected pattern with multiple intersections.
- (3) Existing Streets. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions.
- (4) Cul-de-sac Streets. Cul-de-sacs are not permitted, unless approved by **Planning Commission**.

2. Intersections.

- (1) Curb Radii. The following curb radii shall be utilized unless otherwise authorized by the **Planning Commission**.
 - (a) Intersections should be designed for actual turning radius of the typical design vehicle as opposed to the maximum design vehicle. Small curb radii at intersections shorten pedestrian crossing distances and reduce vehicle turning

speeds, thereby balancing the ease of travel of the vehicles and pedestrians. Refer to Figure 2.3 (1).

- (b) Neighborhood and Connector Streets. At the intersection of any street with a Neighborhood or a Connector Street, the following curb radii shall be utilized.
 - (i) With on-street parking on both streets, a 5 foot radius shall be utilized.
 - (ii) Without on-street parking, a 15 foot radius is required.
- (c) Boulevard Streets. At the intersection of Boulevard to Connector or Boulevards, the following curb radii shall be utilized.
 - (i) With on-street parking on both streets, a 10 foot radius is required.
 - (ii) Without on-street parking on either streets, a 25 foot radius is required.
- (d) Larger Radius. When the design vehicle requires a larger curb radius and no on-street parking exists, a 30 foot radius shall be utilized for Avenues or Boulevards. Larger radii require approval of the **Planning Commission**.
- (e) Alley Intersections. The curb radius at intersections involving Alleys shall be no greater than 5 feet.

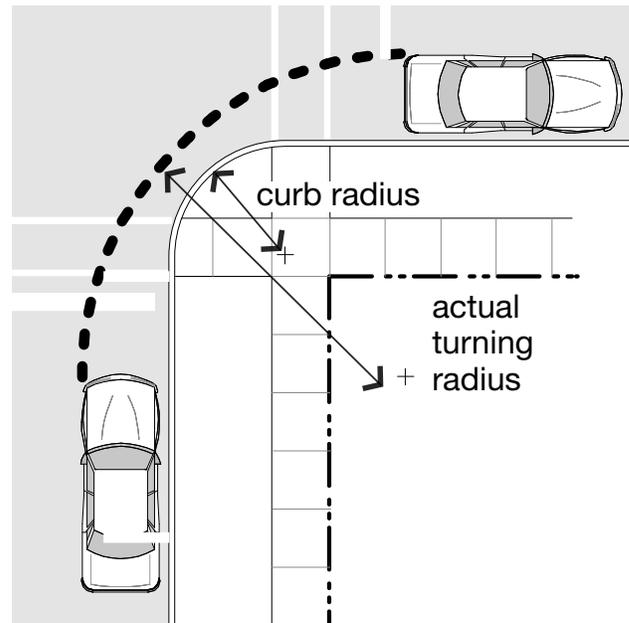


Figure 2.3 (1). Actual Right Turn Radius with On-Street Parking.

- (2) Crosswalks. Crosswalks shall be required at all intersections and mid-block crossings involving Connectors and Boulevards.
 - (a) Dimensions. Crosswalks shall be minimum six feet in width, measured from mid-stripe to mid-stripe, per Manual on Uniform Traffic Control Devices (MUTCD).
 - (b) Markings. Crosswalks shall be appropriately indicated on the finished street surface with painted markings and/or textured or colored pavement.
 - (c) Crossing Distances. To encourage pedestrian activity, typical crosswalks shall not extend over 38 feet without a landscape median, bulb-outs and/or other pedestrian refuge to mitigate the negative effects of vehicular traffic on pedestrian crossing and increase pedestrian safety and comfort. Refer to Figure 2.3 (2) and 2.3 (3).
 - (d) Accessible ramps and warning panels, per the American Disabilities Act or any more stringent state or city requirement, are required where all sidewalks or trails terminate at a crosswalk or curb.
 - (e) Ramp Orientation. Ramps shall be oriented perpendicular to traffic, requiring two ramps per corner at intersecting streets.
- (3) Bulb-outs. To shorten pedestrian crossing distances, bulb-outs should be utilized at all intersections, unless otherwise required by the **Planning Commission**. Refer to Figure 2.3 (3).
 - (a) The depth of the bulb-out shall match the utilized on-street parking, either the width of the parallel space or the depth of the diagonal space.
 - (b) The radius of the bulb-out shall match the requirements for the intersection.

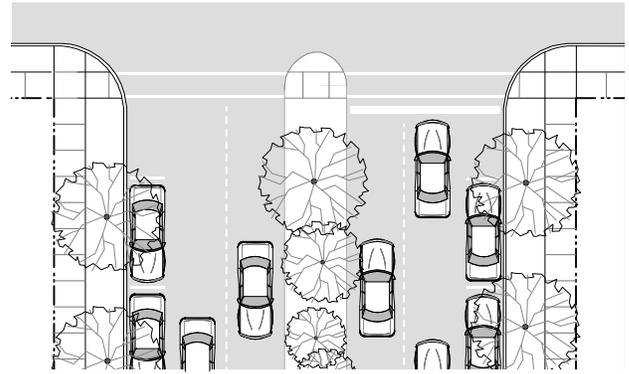


Figure 2.3 (2). Wide Street Crossing with Pedestrian Refuge Median.

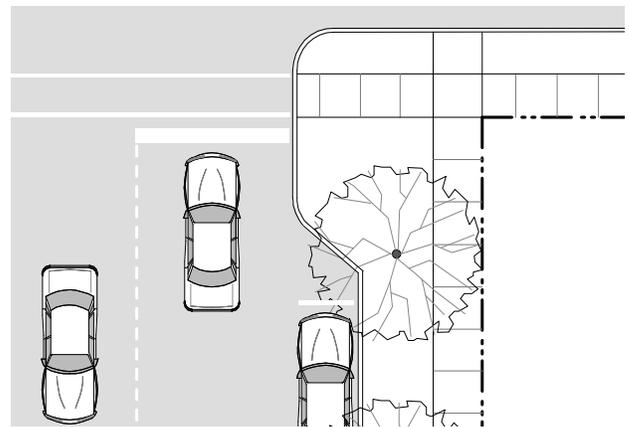


Figure 2.3 (3). Bulb Out.

2.0 Street & Trail Types

2.4 Multi-Purpose Trail

1. Intent.

The Multi-Purpose Trail addresses the Pedestrian Realm only and does not exclude the option for a vehicular realm outside of the pedestrian realm section shown. The purpose of a multi-purpose trail is to provide access through Heber City which capitalizes on those routes which provide exceptional views or those which utilize the existing canal and natural water shed systems and provide connections to the regional trail system. Refer to the typical section in Figure 2.4 (1) & (2).

2. General Requirements.

Trail shall be developed using the standards in Table 2.4 (1).

Section

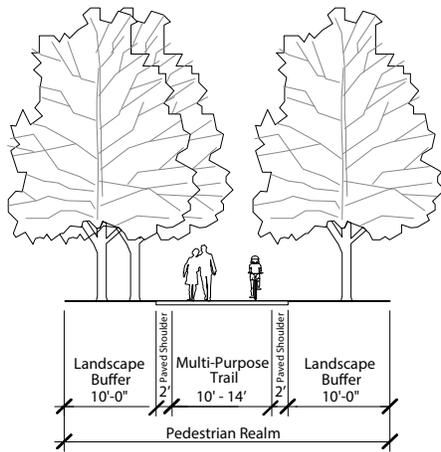


Figure 2.4 (1). Typical Multi-Purpose Trail

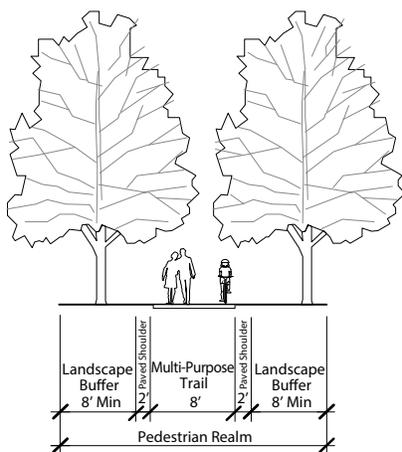


Figure 2.4 (2). Alternative: Multi-Purpose Trail

Multi-Purpose Trail Requirements

Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	Varies Based off Existing Conditions
Vehicular Realm	
Travel Lanes	Not applicable
Lane Width	Not applicable
Allowable Turn Lanes	Not applicable
Parking Lanes	Not applicable
Pavement Width	Minimum 8'
Median	Not applicable
Bicycle Facilities	Shared Path
Pedestrian Realm	
Pedestrian Facilities	Shared 8'-10' min path
Buffer	10' min both sides of trail ¹

¹ Landscape buffer width may be reduced with Planning Commission review & approval due to site constraints and if the proposed design alternative, through design intensity and detail rather than quantity of land, achieves a space of an equal or higher quality experience for the pedestrian.

Table 2.4 (1). Multipurpose Trail Requirements.



2.5 Urban Trail

1. Intent.

The Urban Trail addresses the pedestrian realm and only a portion of the vehicular realm. Refer to the specific street typology for additional vehicular realm specifications. The purpose of the Urban Trail is to provide access through Heber City which provides connections to the regional trail system. Refer to the typical section in Figure 2.5 (1) & (2).

2. General Requirements.

Urban Trails shall be developed using the standards in Table 2.5(1)

Section

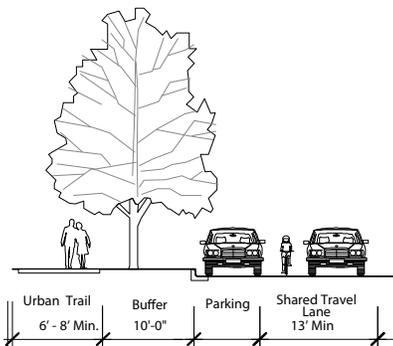


Figure 2.5 (1). Typical Urban Trail

Section

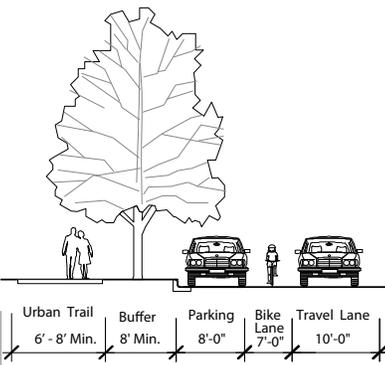


Figure 2.5 (2). Typical Urban Trail



Precedent: Urban Trail with Cycle Track

Urban Trail Requirements

Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	Varies Based off Street Type & Existing Conditions
Vehicular Realm	
Travel Lanes	Varies on Street Type
Lane Width	Varies on Street Type
Allowable Turn Lanes	Refer to street type
Parking Lanes	Recommended, refer to street typology for specifics
Pavement Width	Refer to Street Type
Median	Refer to Street Type
Bicycle Facilities ¹	Recommended, refer to street typology for recommended bike facility type
Pedestrian Realm	
Pedestrian Facilities	6'-8' min. path
Street Buffer	8' min.

¹ Reference Figure 2.2 (3) for bicycle facility types and requirements

Table 2.5 (1). Urban Trail Requirements.



Precedent: Urban Trail with Sharrow & Commercial Pedestrian Realm

2.0 Street & Trail Types

2.6 Alley.

1. Intent.

The Alley is a very low capacity drive located at the rear of parcels. From the Alley, access to parking facilities, loading facilities, and service areas, such as refuse and utilities is possible without a curb cut or driveway interrupting a street type. Refer to the typical plan and section in Figure 2.6 (1).

2. General Requirements.

Alleys shall be developed using the standards in Table 2.6 (1).

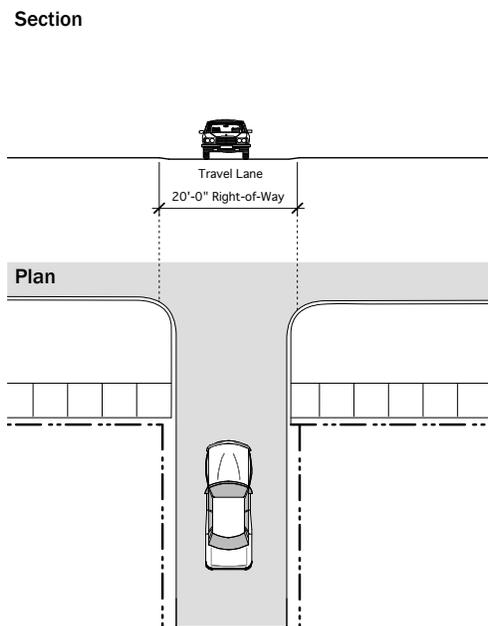


Figure 2.6 (1). Typical Alley.



Precedent: Alley used to provide rear access to residential garages

Alley Requirements	
Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	20'
Vehicular Realm	
Travel Lanes	1 yield lane
Lane Width	Not applicable
Allowable Turn Lanes	Not applicable
Parking Lanes	Not applicable
Pavement Width	Maximum 16'
Asphalt Width	13'
Median	Not permitted
Bicycle Facilities	None
Pedestrian Realm	
Pedestrian Facilities	Shared; travel lanes are shared among drivers, pedestrians and bicyclists
Street Buffer	None required

Table 2.6 (1). Alley Requirements.



2.7 Rural Community Street.

1. Intent.

The Rural Community Street is a low capacity street designed for slow speeds with a narrow right-of-way. It only should primarily serve low density residential and residential large lot agricultural developments found pocketed throughout Heber City and along the city boundary edges. **All Rural Community Street Typologies must be deemed safe and context appropriate and must be approved by the Planning Commission prior to any street modification, adaptation, reconstruction, or new construction.** Refer to the typical plan and section, Figure 2.7 (1).

2. General Requirements.

The Rural Community Street shall be developed using the standards in Table 2.7 (1).

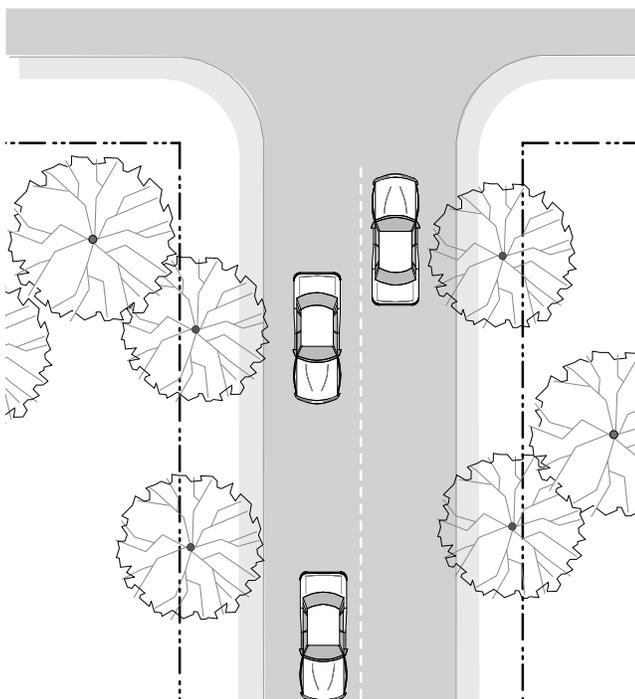
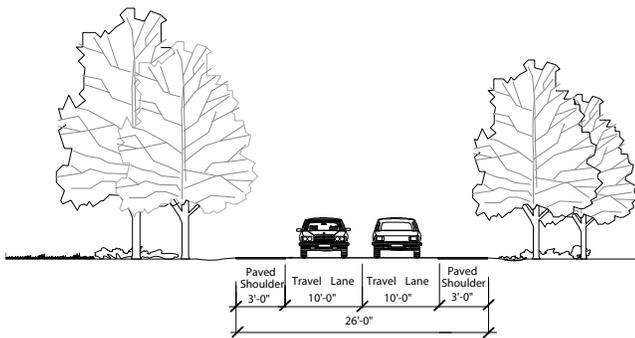


Figure 2.7 (1). Typical Rural Community Street

Rural Community Street Requirements

Permitted Districts	Red Ledges, RA-2 Overlay, any district which has no commercial traffic and deemed safe & context appropriate by Planning Commission
Permitted Adjacent Building Types	Yard, Mansion, Adaptive Re-Use, Barn,
Typical Right-of-Way Width	36'
Vehicular Realm	
Travel Lanes	1 or 2 lanes
Lane Width	10' minimum - 11' maximum
Allowable Turn Lanes	Not permitted
Parking Lanes ¹	Not permitted
Asphalt Width	26'
Minimum Frontage	200' minimum frontage per road segment
Median	Permitted
Bicycle Facilities ²	Shared lane; Bike Lane; none required
Pedestrian Realm	
Pedestrian Facilities	3'min Paved shoulder for low volume pedestrian circulation only. Streets which have a dramatic increase in pedestrian and/ or vehicular traffic volume will need to re-evaluate pedestrian safety & install the necessary pedestrian realm improvements if deemed necessary by the City Planner to ensure safety of its users.
Street Buffer	Minimum 8 feet - 10 feet recommended. Landscape zone when adjacent to residential, furnishing zone when adjacent to commercial

¹ Reference 2.2 (1) for on-street parking requirements

² Reference 2.2 (3) for bicycle facility types and requirements

Table 2.7 (1). Rural Community Street Requirements.



2.0 Street & Trail Types

2.8 Neighborhood Street- Minor.

1. Intent.

The Neighborhood Street is a low capacity street designed for slow speeds with a standard right-of-way. It primarily serves those residences or businesses directly adjacent to it. Refer to the typical plan and section, Figure 2.8(1).

2. General Requirements.

The Neighborhood Street shall be developed using the standards in Table 2.8 (1).

Section

OOD MINOR

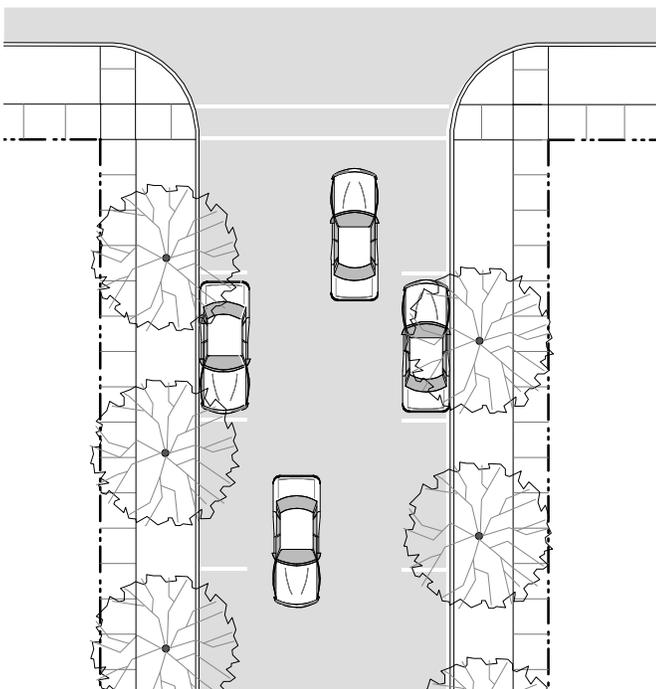
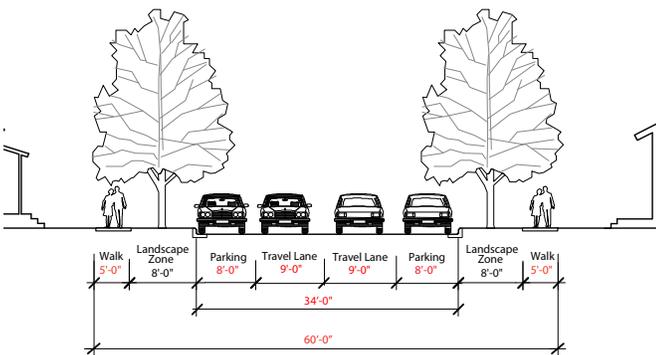


Figure 2.8 (1). Typical Neighborhood Street.

Neighborhood-Minor Street Requirements

Permitted Districts All Districts

Permitted Adjacent Building Types All Building Types

Typical Right-of-Way (ROW) Width ² 60'

Vehicular Realm

Travel Lanes 1 Lane (Traveling one-way), or 2 lanes with travel lanes going in two directions

Lane Width 9' minimum - 11' maximum

Allowable Turn Lanes Not permitted

Parking Lanes ¹ Parallel parking permitted & angled parking permitted with Planning Commission approval

Pavement Width, 34' (measured from curb face to curb face) ²

Asphalt Width, 31'

Median Prohibited

Bicycle Facilities ³ Shared lane; none required

Pedestrian Realm

Pedestrian Facilities Minimum 5 feet wide clear sidewalk on both sides

Street Buffer Minimum 8 feet minimum, 10 feet recommended. Landscape zone when adjacent to residential, furnishing zone when adjacent to commercial

¹ Reference 2.2 (1) for on-street parking requirements

² Planning Commission may approve increased width if angled parking is proposed

³ Reference 2.2 (3) for bicycle facility types and requirements

Table 2.8 (1). Neighborhood Street Requirements.



2.9 Neighborhood Street- Major.

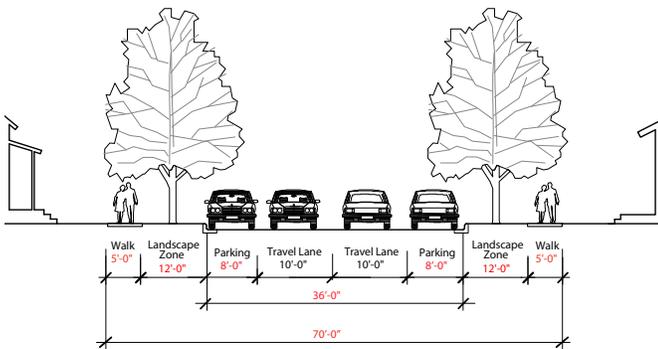
1. Intent.

The Neighborhood Street is a low capacity street designed for slow speeds with a standard right-of-way. It primarily serves those residences or businesses directly adjacent to it. Refer to the typical plan and section, Figure 2.9(1).

2. General Requirements.

The Neighborhood Street shall be developed using the standards in Table 2.9 (1).

Section



Plan

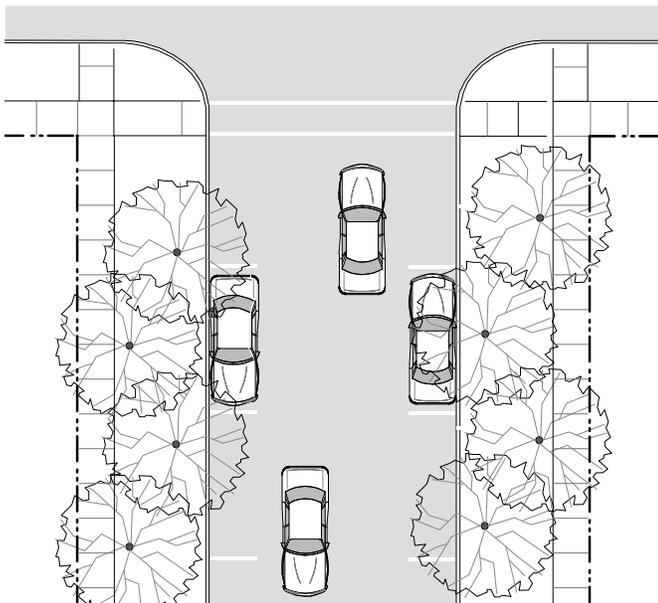


Figure 2.9 (1). Typical Neighborhood Street.

Neighborhood-Major Street Requirements

Permitted Districts All Districts

Permitted Adjacent Building Types All Building Types

Typical Right-of-Way (ROW) Width ² 82' (with 70' being the typical improved ROW Width)

Vehicular Realm

Travel Lanes 2 lanes

Lane Width 10' minimum - 11' maximum

Allowable Turn Lanes Not permitted

Parking Lanes ¹ Parallel required on both sides of the street, angled parking permitted with Planning Commission approval

Pavement Width , 36' (measured from curb face to curb face) ²

Asphalt Width, 33'

Median Prohibited

Bicycle Facilities ³ Shared lane; none required

Pedestrian Realm

Pedestrian Facilities Minimum 5 feet wide clear sidewalk on both sides

Minimum 8 feet minimum, 12 feet recommended. Landscape zone when adjacent to residential, furnishing zone when adjacent to commercial

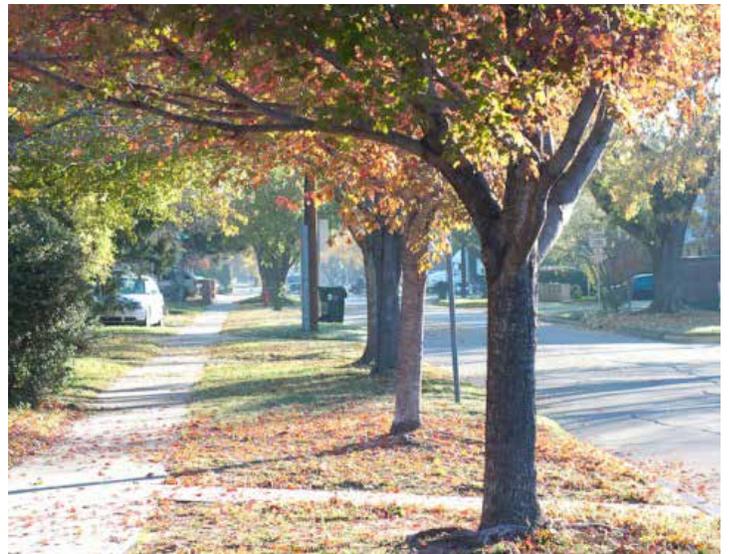
Street Buffer

¹ Reference 2.2 (1) for on-street parking requirements

² Planning Commission may approve increased width if angled parking is proposed

³ Reference 2.2 (3) for bicycle facility types and requirements

Table 2.9 (1). Neighborhood Street Requirements.



2.0 Street & Trail Types

2.10. Festival Street.

1. Intent.

The Festival Street is a low capacity street in regards to automobile traffic however, high capacity PEDESTRIAN circulation. This street at points will have no automobile circulation depending on events. This street is to be located adjacent to Heber City Park so it can support the local farmers market, among other events. It serves pedestrian scale development and civic space. It acts as a continuation of the adjacent civic space. It provides a strong visual terminus from the western rodeo grounds. Refer to the typical plan and section in Figure 2.10(1).

2. General Requirements.

Festival Street shall be developed using the standards in Table 2.10(1).

Section

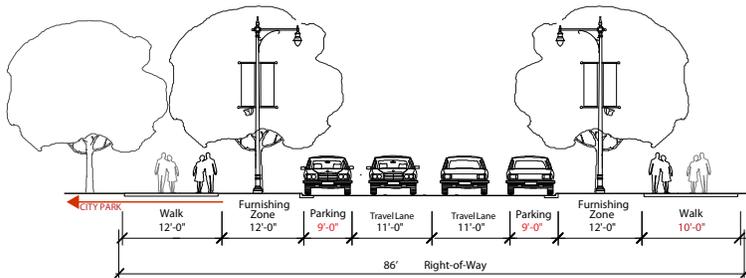


Figure 2.10 (1). Festival Street.

Festival Street Requirements

Permitted Districts	Downtown District or other as approved by the Planning Commission
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	86'
Vehicular Realm	
Travel Lanes	1 lane in each direction
Lane Width	10' or 11'
Allowable Turn Lanes	None
Parking Lanes ¹	Parallel required on both sides of street; angled permitted for alternative.
Pavement Width ²	40' typical, or 60' with Angled Parking (measured from curb face to curb face)
Asphalt Width	37' - 57'
Median	Not Permitted unless used as central plaza (refer to precedent image below)
Bicycle Facilities ³	Low enough traffic volume to support auto & cyclist circulation with no additional width required
Pedestrian Realm	
Pedestrian Facilities	Minimum 12' wide sidewalk when adjacent to public open space, otherwise 8' minimum with 10' recommended
Street Buffer	Minimum 10' wide landscape or furnishings zone

¹ Reference 2.2 (1) for on-street parking requirements

² Pavement width includes (2) 18" gutters on each side of street

³ Reference 2.2 (3) for bicycle facility types and requirements

Table 2.10 (1). Festival Street Requirements.



Precedent Image: Iconic pavers & outdoor dining



Precedent Image, Denver 16th Street: Center median acting as a plaza space



Precedent Image: Festival Street adjacent to civic space



Precedent Image: Seamless streetscape with subtle changes in the vehicular vs. pedestrian realms.

2.11 Collector Street.

1. Intent.

The Collector Street is a medium capacity street for slow speeds with a standard right-of-way. It primarily serves as a through street within the Neighborhood and connects Neighborhood Streets to Boulevards. Refer to the typical plan and section, Figure 2.11. (1)

2. General Requirements.

Collectors shall be developed using the standards in Table 2.11 (1).

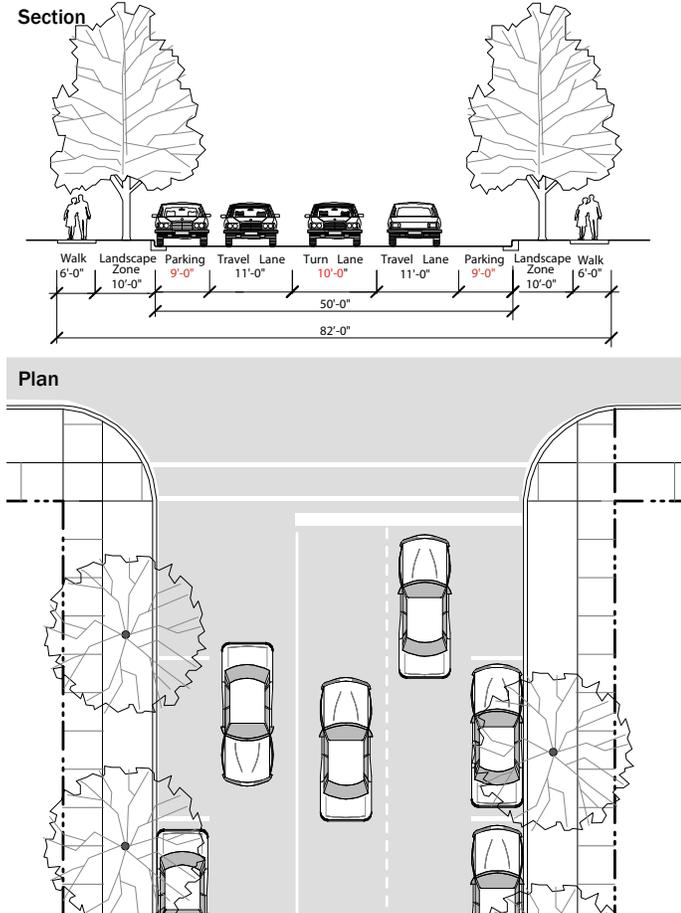
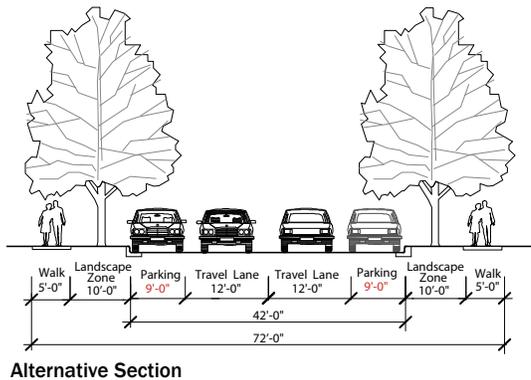


Figure 2.11. (1) Collector Typical Plan & Section



Alternative Section

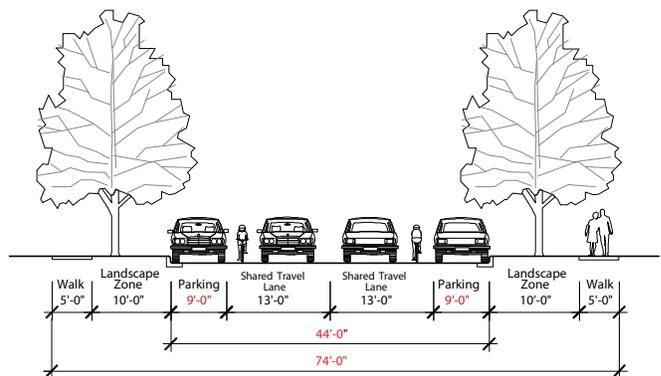
Collector Street Requirements

Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	72' - 82'-0"
Vehicular Realm	
Travel Lanes	1 lane in each direction
Lane Width	10'-12' with truck traffic
Allowable Turn Lanes	1 Permitted in Center of ROW .
Parking Lanes ¹	Parallel recommended on both sides of street if ROW width permits, angled parking allowed
Pavement Width	42' - 50' (measured from curb face to curb face)
Asphalt Width	39' - 47'
Median	Permitted.
Bicycle Facilities ²	Shared; or Dedicated Bike Lane
Pedestrian Realm	
Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
Street Buffer	Minimum 10 feet wide landscape zone or furnishings zone when adjacent to commercial uses

¹ Reference 2.2 (1) for on-street parking requirements

² Reference 2.2 (3) for bicycle facility types and requirements

Table 2.11 (1). Collector Requirements.



Alternative Section: Shared Right-of-Way Collector.

2.0 Street & Trail Types

2.12. Boulevard.

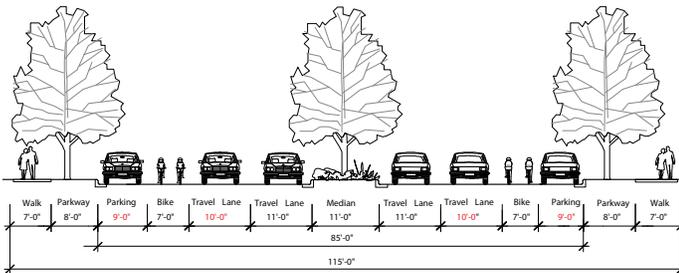
1. Intent.

The Boulevard is generally speaking a medium to high capacity street for medium to high speeds with a standard right-of-way. It serves all types of development and provides strong connections throughout the city and to adjacent communities. Refer to the typical plan and section in Figure 2.12 (1).

2. General Requirements.

Boulevards shall be developed using the standards in Table 2.12(1).

Section



Plan

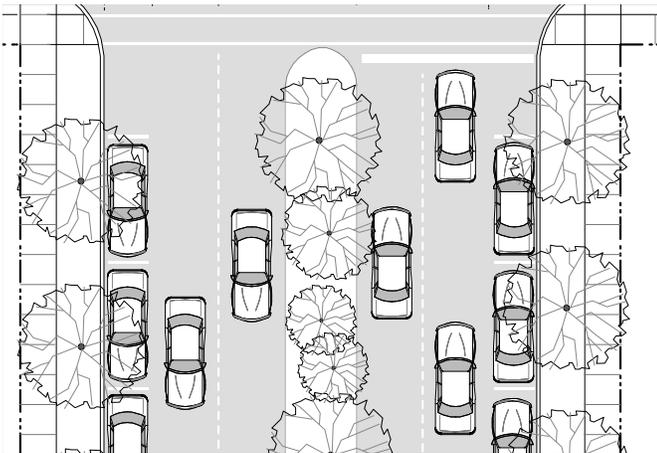


Figure 2.12 (1). Typical Boulevard.

Note: Proposed section only, UDOT coordination is needed before implementation.

Boulevard Requirements

Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	115'
Vehicular Realm	
Travel Lanes	2 lanes in each direction
Lane Width	11' or 12' with truck traffic; 10' for lanes designated for local traffic circulation
Allowable Turn Lanes	Center median transitions into left turn lane at street intersections only. On-street parking transitions into right hand turn lane at street intersections
Parking Lanes ¹	Parallel required on both sides of street; angled permitted for alternative.
Pavement Width	85' (Including median width & measured from curb face to curb face)
Asphalt Width	82' (including median width)
Median	Required
Bicycle Facilities ²	Dedicated Bike lane or Cycle Track
Pedestrian Realm	
Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
Street Buffer	Minimum 8 feet wide landscape zone

¹ Reference 2.2 (1) for on-street parking requirements

² Reference 2.2 (3) for bicycle facility types and requirements

Table 2.12 (1).Boulevard Requirements.



2.13. Proposed Scenic By-way

1. Intent.

The Scenic Byway is a medium to high capacity street and visual corridor for cyclists and automobiles. The street accommodates medium to high speeds with a wider right-of-way to accommodate the cycle track. It services a limited amount of development and is treated as a visual corridor for those visiting for the attractive views, or for those travel traveling through the city to regional destinations. Refer to the typical section in Figure 2.13 (1).

Section

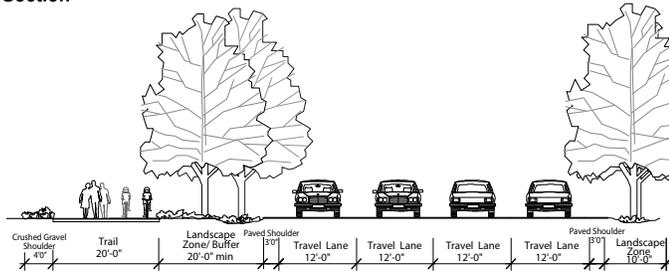
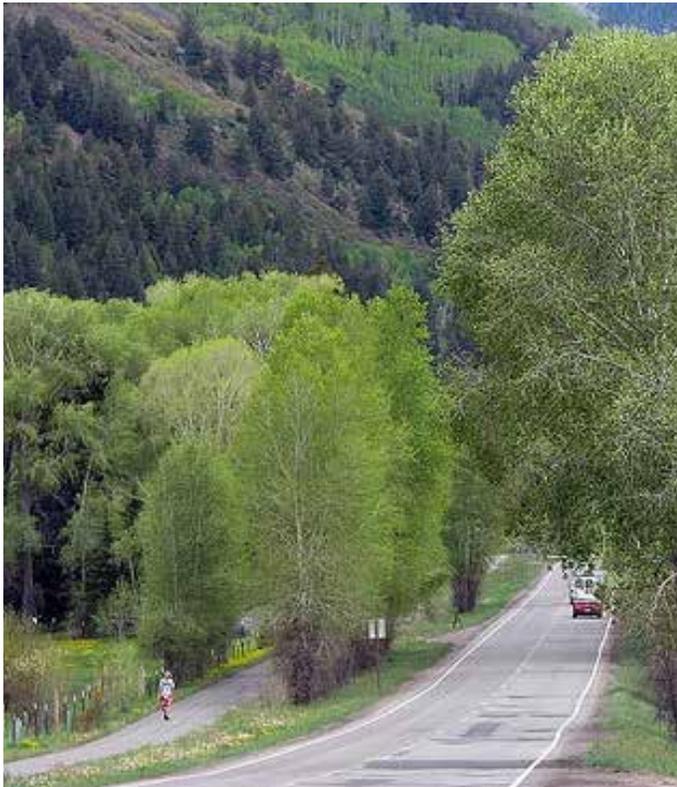


Figure 2.13. (1) Typical Scenic By-Way

Note: Proposed section only, UDOT coordination is needed before implementation.

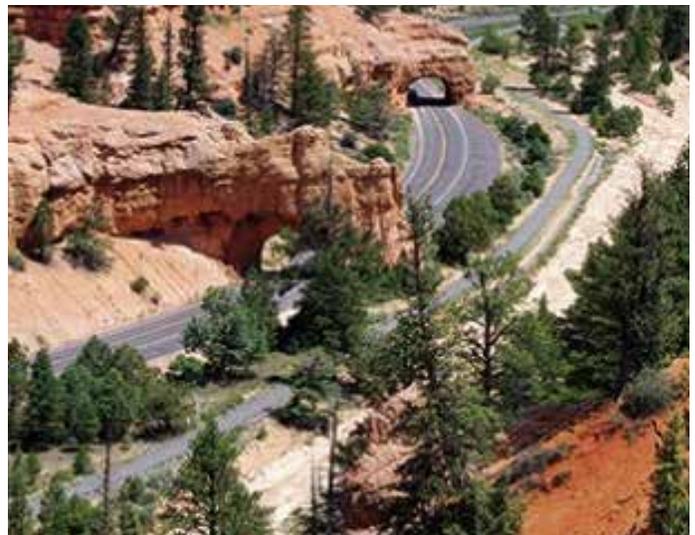


Scenic Bikeway Requirements

Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	TBD, 95' -120'
Vehicular Realm	
Travel Lanes	2 lanes in each direction max, 1 lane in each direction permitted
Lane Width	11' or 12' with truck traffic
Allowable Turn Lanes	Left hand center turn lane permitted at street intersections
Parking Lanes	Parking within the Right-of-Way is prohibited.
Pavement Width	TBD, 30' min - 54' max (measured from curb face to curb face)
Asphalt Width	TBD, 27' - 51'
Median	Permitted
Bicycle Facilities ¹	Buffered Cycle Track or Multi-purpose Trail Required
Pedestrian Realm	
Pedestrian Facilities	WEST SIDE (OR SIDE WHICH IS CLOSEST TO THE ADJACENT MOUNTAIN RANGE) OF BY-WAY: 12' min - 20' recommended paved multi-purpose path EAST SIDE OF BY-WAY: Optional 5' wide sidewalk
Street Buffer	WEST SIDE OF BY-WAY: Minimum of 15 feet wide landscape zone with a recommendation of 20' EAST SIDE OF BY-WAY: Minimum 10 feet wide landscape zone

¹ Reference 2.2 (4) for bicycle facility types and requirements

Table 2.13 (1). Scenic Byway Requirements.



3.0 Districts & Overlay Subdistricts

DRAFT
May 12, 2016

3.0 Districts & Overlay Subdistricts

3.1. Districts Introduction

The following districts are hereby created to regulate the location of distinct mixes of building forms and uses permitted within the Heber City Districts. Refer to 4.0 Uses for uses and 5.0 Building Types for building types permitted within each district.

13 districts have been created; each consists of a series of uses and building types that have been specifically calibrated for the district. Those districts referred to herein as “Downtown Districts” include the Historic Downtown “Core,” Downtown Village, and the Downtown Corridor Districts.

1. Historic Downtown Core (HDC)

The Historic Downtown “Core” constitutes the center of the community and heart of the existing city center; it includes the majority of the shops and workplaces within the city center. The storefront building type that comprises this district defines a street wall along the primary streets of the area with storefront glass windows. Upper stories of the storefront building may be utilized for living and working.

2. Downtown Village (DV)

The Downtown Village helps support the new city center but at a smaller scale than the Historic Downtown Core. The Downtown Village District includes boutique shops and workplaces within center of the city and combines the storefront building and stoop buildings. The storefront building type that comprises this district defines a street wall along the primary streets of the area with storefront glass windows. Upper stories of the storefront building may be utilized for living and working. Adaptive reuse is encouraged in this area when appropriate. Development within this district, will be at a smaller scale in relation to the other downtown, & commercial mixed-use districts found in Heber City.

3. Heritage & Recreation (H & R)

The Heritage & Recreation District helps support the downtown core but with a recreation & city heritage focus. The Heritage & Recreation District allows all of the same uses as the Historic Core & Village Districts but has additional building types permitted to allow for the flexibility needed to accommodate recreation uses. The storefront building type that comprises this district defines the street wall with storefront glass windows. Upper stories of the storefront building may be utilized for employee or business owner living space. Preserving and building upon the existing recreational uses & opportunities is important in this area.

4. Downtown Corridor (DC)

The Downtown Corridor District serves as the interstitial fabric of the city, separate from the defined center or core and the edges. This area is primarily comprised by both the storefront building, and the more generic stoop building which have lower minimum transparency levels, and is mainly occupied by office, retail and residential uses at a variety of scales.

5. Mixed-Use Retail (MUR)

The Mixed-Use Retail District serves as the destination retail center of the city, separate from the defined downtown core, corridor, & village, which is to be a finer grain development pattern. This area is comprised by both the Storefront and General Stoop Building Type.

6. Mixed-Use Airport (MUA)

The Mixed-Use Airport District is where manufacturing, processing, warehousing, storage and fabrication of goods and material can be carried on most appropriately and with minimum conflict or deleterious effects upon surrounding properties. This district is a commercial and industrial oriented district which has additional regulations that ensure compliance with current airport regulatory codes & requirements. This area is comprised of both the storefront building, and the more generic stoop building. This District permits drive-through uses in the limited bay building type to allow more flexibility for auto-oriented uses, providing a location where.

7. Residential Community - 3 (RC-3)

The Residential Community - 3 District is a residential focused district which allows for a transition from those mixed use and commercial oriented districts to the districts consisting primarily of the lower density residential mansion and yard building typologies. This district is comprised of the Yard, ROW & Mansion Style Building Typology

8. Residential Community - 2 (RC-2)

The Residential Community - 2 District is a residential focused district which allows for a transition from the Residential Community-3 District to the district consisting primarily of the low density residential yard building typology found within the Residential Community District. This district is comprised of the Yard & Mansion Style Building Typologies.

9. Residential Community (RC)

The Residential Community District is a residential focused district which is comprised of the Yard Building Typology.

10. Mixed-Use Residential Commercial Zone (MURCZ)

The MURCZ District is a mixed-use district which allows for increased footprint size for commercial buildings and creates attractive entrances into the City by encouraging the orderly development and integration of commercial and residential uses along highways and in commercial districts. Refer to the appendix of this document for detailed regulatory code.

11. Manufacturing & Business Park District (M & BP)

The Manufacturing & Business Park District is a mixed use district with a light manufacturing, office, and research and development focus and has the essential purpose is to create jobs and provide economic and business opportunities. Refer to the appendix of this document for detailed regulatory code.

12. Planned Community Mixed-Use (PCMU)

The PCMU District is a mixed use district which has its own regulatory code found in the appendix of this document.

13. Planned Community (PC) *Red Ledges

The Planned Community (Red Ledges) District is a mixed use/residential district which has its own regulatory code found in the appendix of this document.

3.2 Overlay Subdistricts Introduction

The following overlay subdistricts are hereby created to add additional flexibility or restrictions to the underlying district. This includes those uses and building types permitted.

Four Overlay Subdistricts have been created, and each consists of a series of uses and building types that have been specifically calibrated for the subdistrict and its underlying district.

1. Neighborhood Support Overlay (NS)

The Neighborhood Support Overlay allows for an increase in flexibility for those smaller scale residential and commercial building types and provide access to uses which would typically be prohibited in the underlying district. The purpose is to give residents easy access to those businesses which provide local services & goods to residents nearby.

2. Airport I-2 Overlay (AI-2)

The Airport I-2 Overlay Subdistrict is aimed to achieve a more fluid transition from the adjacent industrial uses to the rural outskirts of Heber City. In this Overlay the uses permitted consist of **manufacturing, processing, warehousing, and fabrication of goods and materials.**

3. Residential Agriculture Overlay (RA)

The Residential-agricultural Overlay (RA) has the primary purpose of providing a location where residential development associated with limited numbers of livestock can be maintained. This Overlay Subdistrict is characterized by large lots or tracts of land interspersed with dwellings, barns, corrals and agricultural service buildings used in connection with farming operations.

4. Sexually Oriented Business Overlay (SOB)

COUNTY-WIDE ORDINANCE & STATE LAW ENFORCED

All sexually-oriented businesses within Heber City and the unincorporated and possibly other incorporated areas, are prohibited, regulated, allowed, and limited as the case may be pursuant to Chapter 5.40 of the Heber City Municipal Code relating to licensing and pursuant to the County Ordinance No. 01-25 passed by Wasatch County and accepted and adopted by Heber City pursuant to Heber City Resolution Number 2002-01 and the Interlocal Agreement for County-Wide Zoning of Sexually-Oriented Businesses approved by said resolution.

3.3 Regulatory Map.

1. Mapped Districts.

The areas and boundaries of the districts listed in 3.1 are established as shown on the map entitled "Regulatory Map of Heber City" and referred to herein as "Districts Map" or "Regulatory Districts Map." See Figure 3.3 (1) Regulatory Districts Map.

3.0 Districts & Overlay Subdistricts

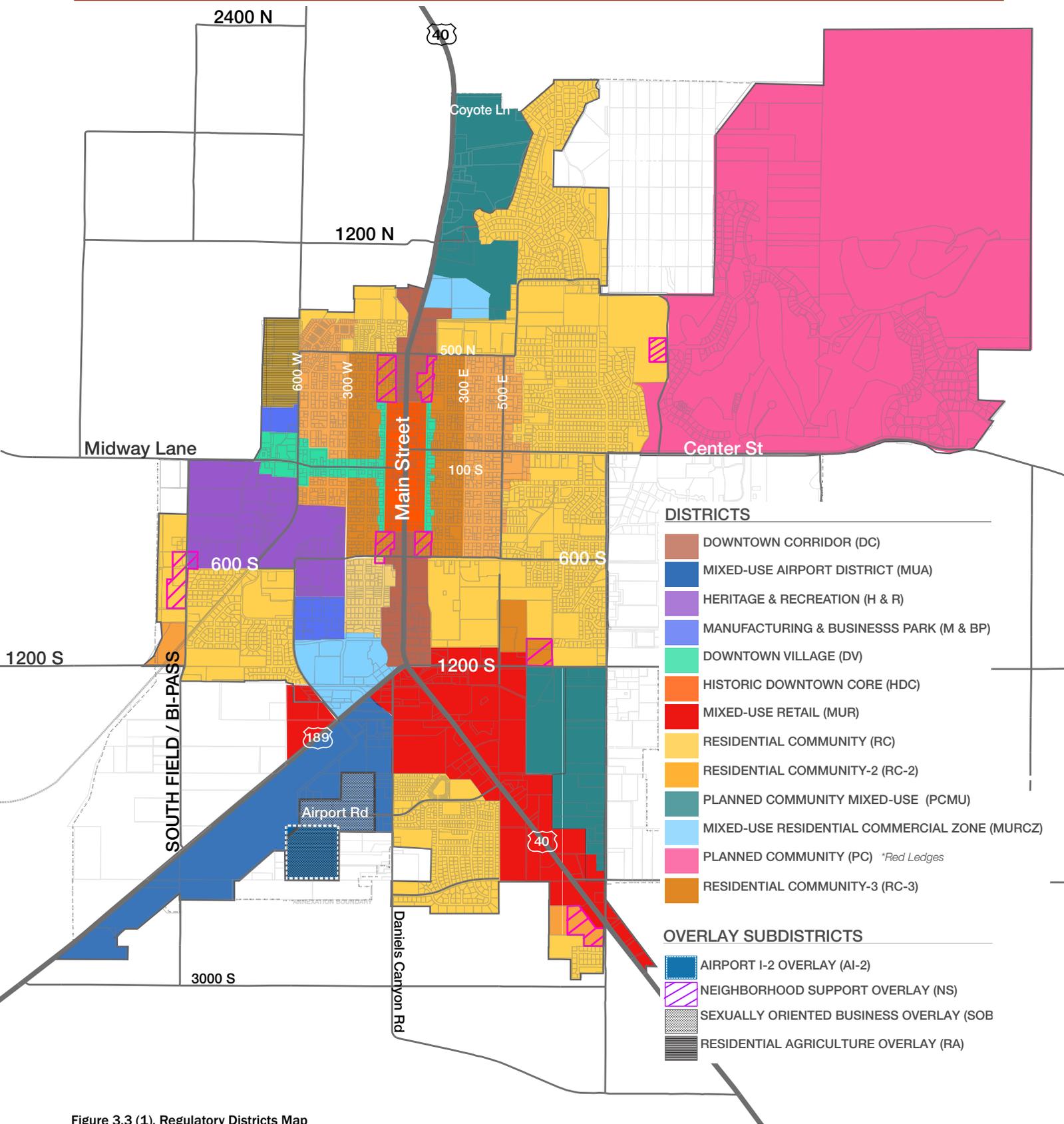


Figure 3.3 (1). Regulatory Districts Map

NOTE: REFER TO THE APPENDIX FOR ALL INFORMATION REGARDING THE FOLLOWING DISTRICTS: (1) MURCZ (2) M & BP (3) PCMU (4) PC

DRAFT

4.0 Uses

May 12, 2016

4.0 Uses

4.1. General Requirements.

1. General Provisions.

The following general provisions apply to the uses outlined in this section.

1. Existing Open Space Agricultural Uses, and slopes greater than 30% are to be **preserved** to the greatest extent possible in an effort to preserve the natural topography, environment & the rural character of Heber City.
2. A lot may contain more than one use.
3. Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
4. Uses are either permitted by-right in a district, permitted by-right with specific development or design parameters, require a Conditional Use Permit (refer to section 10 Administration) in order to be developed, or for Overlay Subdistricts, the underlying district is what determines the permitted land uses.
5. Each use shall be located within a permitted Building Type (Refer to 5.0 Building Types), unless otherwise specified.
6. Each use may have both indoor and outdoor facilities, unless otherwise specified.

2. Organization.

The uses are grouped into general categories, which may contain lists of additional uses or clusters of uses.

1. Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted within a district, the City Planner or Designee may interpret the use as permitted.
 - a. The unlisted use will be subject to any development requirements applicable to the similar permitted use.
 - b. If the unlisted use is similar in nature and impact to a use requiring a Conditional Use Permit, the City Planner or Designee may interpret the use as also requiring a Conditional Use Permit.
2. Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a district that is either permitted or requires a Conditional Use Permit, the use is not permitted and may only be approved through an amendment of this article.

3. Use Table.

Table 4.1 (1). Uses by District outlines the permitted uses in each district. Each use is given one of the following designations for each district in which that use is permitted.

1. Permitted (“●”). These uses are permitted by-right in the districts in which they are listed.
2. Permitted in Upper Stories Only (“◐”). **These uses are permitted**

by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story of a Row or Mansion Building Type for any proposed large-scale mixed use of 25 acres or more providing that Row and Mansion Building Types do not account for more than 35% of the total project square footage.

3. Permitted with Development requirements (“◑”). These uses are permitted in the districts in which they are listed, provided that they are developed utilizing the listed development requirements. Conditional Use Permit approval may be required per these Development Requirements if only applicable in specific scenarios. These requirements are intended to alleviate any negative impacts associated with the use, making it appropriate in a district where it otherwise might not have been appropriate.
4. Requires a Conditional Use Permit (“○”). These uses require administrative review and approval (refer to Section 10 Administration) in order to occur in the districts in which they are listed and must follow any applicable development requirements associated with the use as well as meet the requirements of the Conditional Use.
5. Underlying District Determines Permitted Land Uses (“U”). This is only applicable to Overlay Subdistricts. Those uses & their designation which are permitted in the underlying district are permitted in the Overlay Subdistrict. All Development Requirements & Conditional Use Requirements associated with those permitted uses in the underlying district are also required in the overlay.
6. Listed uses that are not permitted in the district are indicated by a blank space.

4. Building Types.

The uses permitted within the district may be further limited by the building types permitted. Refer to 5.0 Building Types.

4.2. Development Requirements

1. Residential and Lodging Uses.

A category of uses that include several residence types.

1. Residential. One or more dwelling units located within the principal structure of a lot, in which the units may or may not share a common wall with the adjacent (horizontally or vertically) unit or have individual entrances from the outside.
2. Hotel & Inn. A facility offering temporary **lodging** to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. In the districts where a Hotel or Inn is permitted with development requirements (“◑”), the following applies:

- a. The facility is limited to 12 rooms with a maximum of two beds per room. A room is defined as one room with a bed/beds that is for nightly rental
 - b. Bed and Breakfasts are permitted.
3. Residential Care. A facility offering temporary or permanent lodging for the purpose of providing living assistance for the general public who are 55 years or older and which consists of an unlimited number of sleeping rooms with or without in-room kitchen facilities. Residential care uses include independent and assisted living facilities, and nursing homes. Assistance with daily activities may be provided for residents. Secondary service uses may also be provided to allow for close access to small scale goods and services including restaurants, meeting rooms, and those uses found in Table 4.2(1) Neighborhood Support Uses. Rooms shall be accessed from the interior of the building. In the districts where a residential care facility is permitted with development requirements (“C”), the facility is limited to twelve rooms.
4. Live Work Units. Live Work is an integrated residence and work space (located on the ground floor), occupied and utilized by a single household that has been designed or structurally modified to accommodate joint residential occupancy and work activity. Districts & Overlay Subdistricts where a Live Work Unit is permitted with development requirements (“C”), the following applies:
- a. The commercial portion of the unit must be located on the first floor or basement level of the structure and is required to have ground floor walk-up access to that portion of the building which is occupied by the business.
 - b. The commercial business must be located so one can directly access the business from the primary entrance of the building or unit which fronts a public right-of-way. Access to a the “work” portion of a live/work unit may not be through a shared residential hallway serving multiple residential units.
 - c. The commercial business associated with the Live Work Unit includes those uses and requirements of Office, Local Service and/or Neighborhood Support Land Uses.
 - d. Live Work Units are only permitted in & must comply with one of the permitted Building Typologies found in section 5.0 Building Types.
 - e. Residence. The operator of the business shall reside in the dwelling unit.
 - f. Vehicles. Parking of a commercial vehicle associated with the business must be accommodated on site.
 - g. Hours of Operation. Permitted hours of operations are 6:00 AM to 9:00 PM.
 - h. In the Residential Community-3 & Neighborhood Support Overlay Subdistrict only, all live/work buildings, sites, and/or units shall comply with the following requirements in addition to those requirements stated above:
 - i. Hours of Operation. Permitted hours of operations are 8:00 AM to 8:00 PM.
 - ii. Maximum number of employees associated with the business is two (2) employees not including those who own

the business and live in the unit.

iii. Maximum size of business is no more than 4,000 square feet

iv. Those uses which produce significant traffic, noise, and smells are prohibited. The following activities are prohibited but are not limited to:

- Bakery
- Cafe
- Coffee shops
- Restaurants
- Catering
- Taverns
- Businesses which sale alcohol
- Theater/entertainment uses
- Employment agency
- Large home furniture & large equipment repair
- Framing
- Banks or other financial service
- Dance studio
- Gym/ fitness center
- Government offices

v. All live/work units within the Residential Community -3 require a Conditional Use Permit. Planning Commission shall review the CUP application for the following:

(1) Character of the Neighborhood & whether or not the proposed live work unit is context appropriate to its surroundings as far as traffic, signage, adequate parking, foot traffic. Planning Commission may reduce the permitted square footage of the business, employee count, hours of operation, parking requirements, etc to account for neighborhood context.

(3) Type of business occupying live work unit and whether or not it would be considered a neighborhood service use.

2. Civic Uses.

A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and hospitals.

1. Assembly. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such uses as a community center, house of worship, and private clubs and lodges. In the districts where an outdoor sales lot is permitted with development requirements (“C”), the following applies:
 2. Parking shall be limited to an area less than the total building footprint area.
 3. The facility shall primarily serve the adjacent neighborhood.
4. Transit Station. A covered passenger boarding and a lighting facility with a platform(s), which may include a waiting room, ticket office or machines, restrooms, or concessions. Conditional Use (“O”) approval required.
5. Hospital & Clinic. A licensed institution providing medical care and health services to the community. These services may be located in one building or clustered in several buildings and may include laboratories, in- and out-patient facilities, training facilities,

4.0 Uses

medical offices, staff residences, food service, pharmacies, and gift shop.

6. Library/Museum. A structure open to the general public, which houses educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.
7. Police and Fire. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included. Police and fire facilities require a Conditional Use (“O”) approval. The facilities shall be housed in a permitted building, but shall have the following additional allowances:
 - a. Garage doors are permitted on the front facade.
 - b. Exempt from maximum driveway widths.
8. Post Office. A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages.
9. School. An education facility with classrooms and offices, that may also include associated indoor facilities such as ball courts, gymnasium, theater, and food service.

3. Retail Uses.

A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption.

1. Neighborhood Support. A use in this category is permitted to occupy a space of less than 2,000 square feet. If additional square footage is desired, a Conditional Use Permit is required. Neighborhood Support includes such uses as those listed in Table 4.2 (1).
 - a. The maximum square footage identified above does not apply when an adaptive re-use building type is being proposed. In such scenario the use may occupy the existing footprint of the structure and no more than that of the existing footprint. Additions and/ or renovations which increase the overall square footage of the building are not permitted.
2. General Retail. A use in this category includes all Neighborhood Support uses occupying a space of greater than 2,000 square feet and such uses as those listed in Table 4.2 (2). General Retail Uses.
 - a. If a general retail use and structure is over 45,000 square feet for one contiguous footprint, the following development standards apply:
 - i. The central retail use shall be contained within a structure/building in which the facades are wrapped in “liner” shops that vary in height from one story to three stories and wrap (cover) at least 65% of the building’s four (4) façades. The individual liner shops shall not maintain a width of more than 40’ each (as measured at the sidewalk) and shall have at least one (1) entrance per 40 linear feet.

The liner shops may have a rear access for ingress/egress to the central retail use to which they are attached. The intent of these shops is to minimize the exterior scale of the proposed large structure and to provide mixed use/service opportunities on the site.

ii. At least 20% of the total square feet of the proposed central retail use must be dedicated for workforce housing units (rental or purchase/sale product), though the total number of workforce housing units shall be at a minimum, consistent with the number of moderate and low income jobs created by the development. These units shall be constructed on the second or above stories story of the structure and up to 50% of the main floor frontage. 40% of the units shall be dedicated to households earning less than 50% Area Medium Income (AMI); 30% of the units shall be dedicated to households earning less than 75% of AMI; and 30% of the units shall be dedicated to households earning less than 100% of AMI. These proportions may be modified only upon submittal of a study that demonstrates the proportions of the various affordable units are consistent with the intended incomes for the jobs generated by the development. Area Median Income (AMI) shall be determined by the rates that are in effect at the time (year) of application.

iii. Context appropriate height, height transitions, and landscape buffers in relation to existing residential uses and/or zones, especially those housed in the yard building type.

iv. Building Frontage and the creation of a streetwall and “sense of enclosure” created through building massing. A minimum height of these structures shall be 25’

v. Pedestrian scale streetscape design and methods used to break up the architecture and massing of the structure.

vi. Parking lot and parking structure locations and design

vii. Building entrance locations and the experience and ease of accessing such entrances from the public right-of-way to the primary business entrance(s)

viii. Mix of uses and housing unit availability

ix. Quality of materials and originality of architectural design

x. Market rate housing is allowed in addition to the required workforce housing units.

xi. All other aspects of this code and the City’s Design Guidelines continue to apply as required.

3. If the proposed structure is over 60,000 square feet, the aforementioned development standards apply but a Conditional Use Permit is also required.

4. Outdoor Sales Lot. A use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies. In the districts where an outdoor sales lot is permitted by Conditional Use (“O”), the following applies:

- a. Not permitted on corner parcels.
- b. Includes permanent construction of a building utilizing one of the permitted Building Types in the district.
- c. The creation of an Outdoor Sales Lot which adds to those Outdoor Sales Lots in existence at the point of this code's adoption is prohibited if within one quarter mile (1/4 mile), or 1320' of another Outdoor Sales Lot.

4. Service.

A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments.

- 1. Neighborhood Support. A use in this category is permitted to occupy a space of less than 2,000 square feet. If additional square footage is desired, a Conditional Use Permit is required. Neighborhood Support includes such uses as those listed in Table 4.2 (1).
 - a. The maximum square footage identified above does not apply when an adaptive re-use building type is being proposed. In such scenario the use may occupy the existing footprint of the structure and no more than that of the existing footprint. Additions and/ or renovations which increase the overall square footage of the building are not permitted.
- 2. Local Service. A use in this category includes all Neighborhood Support uses occupying a space of greater than 2,000 square feet and such uses as those listed in Table 4.2 (3).
- 3. General Service. A use in this category includes all Neighborhood Support uses occupying a space of greater than 2,000 square feet and such uses as those listed in Table 4.2 (3).
- 4. Sexually Oriented Businesses. In the Overlay Subdistrict where sexually oriented businesses are permitted with development requirements (“●”), the following applies:
 - a. All sexually-oriented businesses within Heber City and the unincorporated and possibly other incorporated areas, are prohibited, regulated, allowed, and limited as the case may be pursuant to Chapter 5.40 of the Heber City Municipal Code relating to licensing and pursuant to the County Ordinance No. 01-25 passed by Wasatch County and accepted and adopted by Heber City pursuant to Heber City Resolution Number 2002-01 and the Interlocal Agreement for County-Wide of Sexually-Oriented Businesses approved by said resolution.

5. Vehicle Service.

A business involving the servicing of vehicles and/or the distribution of fuel to residents of the community and region. A convenience store may also be included as a secondary use, as well as the sale of propane and kerosene. Vehicle service includes such uses as

automotive filling stations, vehicle repair, car wash facilities, and tire sales and mounting. In the districts where vehicle service is permitted with development requirements (“●”), the following apply:

- 1. Use Limitation. Repair and wash facilities for semi-trucks, recreational vehicles, boats, and other oversized vehicles are not permitted.
- 2. Service Bays. Vehicular service bays, including garages and car wash bays, shall not be located on the front facade, unless otherwise permitted by the Building Type.
- 3. Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
 - a. The vehicles are not stored for more than two days.
 - b. The storage area is located in the rear yard screened from view of the front lot line.
 - c. The storage area is screened using the Side & Rear yard buffer outlined in 7.0 Landscape, regardless of the adjacent land uses.
- 4. Outdoor Activities.
 - a. All repairs or washing activities must occur inside a structure.
 - b. Vacuuming activities may occur in open air, but must be located in the side or rear yards, screened from the front lot line.
 - c. Temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, is permitted during business hours under the canopy and adjacent to the principal structure.

6. Agriculture & Livestock.

- 1. A 15' vegetated buffer is required when adjacent to residential community or residential community - 2 districts which must have trees planted at least 1 every 30'.
- 2. Farm machinery and farm products are permitted so long as they are located in a permanent structure that follows the Barn Building Type Requirements found in section 5.0 Building Types, or is of the same character & style as the existing primary structure on-site.
- 3. Storage sheds are permitted so long as it follows the Barn Building Type Requirements found in section 5.0 Building Types, or is of the same character & style as the existing primary structure on-site.
- 4. Barns, corrals, pens, coops, shed and feed storage buildings for the keeping of animals and fowl and the storage of farm products, provided uses for the care and keeping of livestock and fowl are located at least one hundred feet distant from any existing dwelling and one hundred feet from the front property lines; also, small animal hospitals without outside runs;
- 5. The raising, care and keeping of farm animals and fowl for family

4.0 Uses

use and consumption on parcels one-half (1/2) acre and larger. Animals shall be allowed on a point system. Each one-half (1/2) acre shall be allotted 50 points. Animals being kept will be given points as follows:

- a. 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;
- b. Medium animals such as sheep or goats, but not including pigs--10 points per animal;
- c. Small animals such as chickens, geese, rabbits, pheasants or pigeons, but not including pigs --2 points.

7. Office Uses.

A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office uses include those listed in Table 4.2 (4).

8. Craftsman Industrial.

A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products that includes a showroom or small retail outlet that is accessible to the public. Craftsman industrial includes such uses as those found in Table 4.2 (5). This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited. The maximum overall gross floor area is limited to 20,000 square feet, unless otherwise noted. In the districts where a craftsman industrial use is permitted with development requirements (“C”), the following apply:

1. A minimum 20% of gross floor area shall be dedicated to a showroom located at the front of the space and is in view of a public Right-of-Way.
2. Outdoor activities and storage of goods are not permitted.

9. Manufacturing Industrial & Airport Industrial.

Manufacturing Industrial & Airport Uses includes manufacturing, processing, warehousing and fabrication of goods and material, and any airport associated uses. The following development requirements (“M”), the following apply:

1. All airport associated uses/activities which are accessory to the airport and are established with the intent to support the primary airport use are considered secondary land uses. Permitted secondary land uses include: airport hangers, terminals, aircraft taxiway, etc., and the following shall apply:
 - a. Airport secondary/support land uses and the structures in which these secondary uses are housed are to be considered accessory structures when addressed in this document.

2. All storage doors, entrances into storage and warehousing, and parking in storage and warehouse developments shall be accessed from internal private streets and driveways.
3. Properties shall be kept in a clean and orderly manner. The storage of goods and materials shall occur within a building or behind an eight foot tall sight obscuring fence.
4. Outdoor storage areas shall be located in the rear or side yard of the lot.
 - a. Loose materials shall not be stacked higher than six feet if located in the side yard, and 15' if located in the rear yard subject to Fire Marshall review.
 - b. Loose materials shall at a minimum be stored in a three-sided shelter and shall be covered.
 - c. Materials shall be set back a minimum of five feet from any lot line.
 - d. All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the heavy side or rear buffer, refer to 7.0 Landscape Requirements for Side and Rear Buffer.

10. Commercial Storage Facilities.

Commercial Storage Facilities are defined as the following: Commercial storage sheds; a commercial storage shed is typically identified by the use of the facility(s) by a third party other than the onsite business or property owner, typically through a lease or rental agreement; Uses whose primary purpose is the storage of goods and materials with no permanent employees. In the districts where commercial storage facilities are permitted with development requirements (“S”), the following applies:

1. All storage doors, entrances into storage and warehousing, and parking in storage and warehouse developments shall be accessed from internal private streets and driveways.
2. Outdoor storage is not permitted.
3. All Commercial Storage Facility principle and accessory structures within 50' of a public right-of-way, must adhere to one of the building types permitted in the district which the lot is located in. Refer to section 5.0 Building Types.
4. The following applies to all Commercial Storage Facility principle and accessory structures if further than 50' from a public right-of-way:
 - a. Not required to adhere to one specific Building Type, however all general building type requirements still apply. Refer to section 5.0 Building Types
 - b. Views must be screened and a buffer installed if visible from any public right-of-way. Screening & buffer materials and form must visually blend in with the native landscape and surrounding views and shall not contrast with the colors, materials, and form surrounding the proposed storage facility site. Refer to section 7.0 Landscape Standards.

11. Parking Lot.

A lot that does not contain a permitted building or Open Space Type and is solely used for the parking of vehicles. In the districts where a parking lot is permitted with development requirements (“C”), the following apply:

1. Corner Lots. A corner lot shall not be used as a parking lot.
2. Adjacent Parking Lots. Two parking lots cannot be located directly adjacent to one another.
3. Single Family. Parking lot cannot be associated with a single family use.
4. Distance. Parking lot must be within 1,300 feet of the principal entrance to the associated use unless:
 - a. At least 75% of the spaces are dedicated for public use.
 - b. An approved parking agreement is in place (refer to 8.0 Parking).
5. Pedestrian Access. Must be connected to associated use by a dedicated, public pedestrian pathway.
6. Commercial Vehicles. Parking lots for commercial vehicles are not permitted in these districts.

12. Parking Structure.

A parking structure on a lot that does not contain a permitted Building Type and is solely used for the parking of vehicles. In the districts where a parking structure is permitted with development requirements (“C”), the following apply:

1. Corner Lots. A corner lot shall not be used for a parking structure on primary streets. Parking structures may be used for corner lots on other streets if ground floor of structure is dedicated for commercial use.
2. Adjacent Parking Lots. Two parking facilities (lots or structures) cannot be located directly adjacent to one another.
3. Primary Street. Parking structures fronting Primary Streets must have ground floor dedicated to commercial uses.
4. Distance. Parking structure must be within 1,300 feet of the principal entrance to the associated use unless:
 - a. At least 75% of the spaces are dedicated for public use.
 - b. An approved parking agreement is in place (refer to 8.0 Parking).
5. Pedestrian Access. Must be connected to associated use by a dedicated, public pedestrian pathway.
6. Commercial Vehicles. Parking structures for commercial vehicles are not permitted in these districts.

13. Utility and Infrastructure.

A lot that is primarily utilized for the City’s infrastructure needs. Utility and infrastructure includes such uses as electric or gas services,

sewage treatment, water treatment and storage, and energy conversion systems, and does not include city power poles and/ or power lines. In all districts, utilities & infrastructure with development requirements (“C”), the following apply:

1. Health and safety; The health and safety of the public is dependent upon the facility being at this location.
2. Location; There is no feasible alternative location where the facility is an allowed use that would have less impact on the residential character or identified scenic and environmental resources. Proof of a location-specific need must include:
 - a. A broad review of other, similar or nearby, areas;
 - b. A review of specific alternative sites is not required; but the review of “other areas” must show that those areas cannot reasonably accommodate the proposed use.
3. Livability and Site Standards; Detrimental impacts shall be mitigated to the greatest extent feasible; the Planning Manager will review and determine the following taking into account and address such factors as:
 - a. Hours of operation;
 - b. Number of vehicle trips to the site and impact on surrounding properties;
 - c. Elimination of noise, vibration, dust, odor, fumes, glare, smoke, etc.
 - d. Disallowance of outside displays, storage, or activities; unless screened appropriately as determined by the Planning Manager;
 - e. Limited height of structures - must be compatible with surrounding uses;
 - f. Appropriate structure scale, placement, and façade treatment;
 - g. Parking area placement and screening;
 - h. Buffering and screening to protect loss of privacy to abutting residential and/or commercial uses;
 - i. Landscape plan;
 - j. Elimination of or restrictions on lighting and signage
4. Design and Site Standards; All utility and infrastructure, if visible from the public right-of-way, must be screened from view. The following applies:
 - a. All utility and infrastructure shall have a low-profile appearance and shall blend in with other buildings in the area to the greatest extent possible where ever it chooses to locate within Heber City boundaries
 - b. The utility, if not contained within a building, must be screened from view to a height of at least ten (10’) feet. Such fence or structure shall be constructed of stone or decorative metal or other material as approved by the Planning Manager (chain link or plastic/vinyl materials are not permitted materials). Any wall length in excess of 25’ must have a minimum four (4’) feet of horizontal relief [extending a minimum of four [4] linear feet] built into the structure; this applies to each 25’ length beyond the initial 25’ requirement;

4.0 Uses

- c. Landscaping – trees shall be utilized as a secondary screening mechanism surrounding the structure to the extent possible. Refer to Section 7 Landscape Standards, for additional standards and specifications.
- 5. If the proposed development site occupies more than 1/3 of an acre (14,520 SF), all noted development standards continue to apply and a Conditional Use Permit is required for design review. The Planning Commission at that point will review the application’s site layout, streetscape design, and architectural design, negative impact on view sheds, neighborhood walkability or aesthetics. The Planning Commission may require additional streetscape furnishings and vegetation than what is specified in section 2.0 Street Types, to ensure the community aesthetics are not negatively impacted.

14. Open Space.

A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Refer to 6.0 Open Space Types for permitted forms of open space. Open space uses may also be utilized to host temporary private or community events, such as a farmer’s market or art fair. In the districts where open space is permitted with development requirements (“D”), the following apply:

- 1. Parking. Parking lots are not permitted in open space in any district unless otherwise approved by City Planner or Designee.
- 2. Stormwater Accommodations. Open space that incorporates stormwater management on a site or district scale is encouraged.
 - a. Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.
 - b. Stormwater facilities shall be designed not to be fenced and shall not impede public use of the land they occupy.
- 3. This use may involve small scale food and beverage service, no more than 200 square feet in space, located in a kiosk, with no service access.
- 4. Buildings located directly adjacent to an open space use shall treat facades facing this use with street facade requirements.

15. Accessory Uses.

A category of uses that are not permitted to serve as the principal use on a lot.

- 1. Home Occupation. An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building. In all districts where home occupations are permitted with development requirements (“D”), the following apply:

- a. The home occupation is carried on entirely within a dwelling and is carried on in the dwelling only by members of the residing family
 - b. The home occupation does not involve the use of any accessory building or yard space for storage or activities outside of the dwelling;
 - c. No commercial vehicles are used in connection with the home occupation except passenger motor vehicles. This subsection does not prevent deliveries to the home by parcel or letter carrier mail service vehicles typically employed for residential deliveries. No deliveries by semi-tractor/trailer trucks are permitted in connection with a home occupation.
 - d. The home occupation occupies not more than 25% of the total floor area of such dwelling unit
 - e. Entrance to the home occupation from the outside shall be the same entrance normally used by the residing family for access to the dwelling.
 - f. The physical appearance, traffic and other activities incidental to the home occupation are not contrary to the objectives and characteristics of the zone in which the home occupation is located.
 - g. The home occupation does not generate vehicular traffic or parking around the dwelling unit or other external evidence of the home occupation not normally associated with a residential use; In connection with the operation of the home occupation, it shall not be permitted:
 - i. To have exterior displays or a display of goods visible from the outside,
 - ii. To produce offensive noise (not to exceed fifty-five (55) decibels), vibration, fumes, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, electrical interference or other objectionable effects,
 - iii. To involve more than three people being at the home at any one time due to the home occupation, except those members of the family living in the home.
- 2. Agriculture & Small Farm Animals. Agriculture & small farm animals are permitted with the following development requirements:
 - a. The raising, care and keeping of small farm animals such as chickens, geese, rabbits, pheasants or pigeons, but not including pigs – are permitted to occupy a maximum of 50% of the rear yard area.
 - b. Hens (females) of any chicken species may be kept. However, roosters (males) are prohibited.
 - c. Chickens & other small farm animals shall be kept for personal family use only. Commercial uses (the selling of chicken products) of chickens are prohibited.
 - d. Small farm animals shall be kept controlled on the property at all times.

-
- e. Coops shall not be located within the front yard, and shall be located at least twenty-five (25) feet from any neighboring dwellings, and shall be located at least twenty (20) feet from the edge of any open waterway that drains into a natural stream. Surface drainage from coops shall not be permitted to drain into a waterway that drains into a natural stream.
 - f. Up to three (3) chickens and small farm animals may be kept on a detached single-family home lot which contains at least 5,000 square feet. One (1) additional chicken may be kept for each 1,000 square feet of lot area above the 5,000 square foot minimum, for a maximum of eight (8) chickens and small farm animals permitted on each lot.
 - g. The premises upon which small farm animals are kept shall be maintained in a clean, sanitary, and reasonably odor-free condition.
3. **Parking Lot.** An uncovered paved surface used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking lot locations are regulated by Building Type. Refer to 5.0 Building Types.
4. **Parking Structure.** A structure used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking Structures within the buildings are regulated per Building Type. Refer to 5.0 Building Type. Separate structure locations are also regulated by Building Type, but shall also meet all of the requirements of 5.7. Parking Structure.
5. **Outdoor Storage of Goods.** Permanent outdoor storage of goods not typically housed or sold indoors, such as large scale materials and building and landscape supplies. In the districts where outdoor storage of goods is permitted with development requirements (“C”), the following development requirements apply:
- a. Outdoor storage areas shall be located in the rear or side yard of the lot.
 - b. Loose materials shall not be stacked higher than six feet.
 - c. Loose materials shall at a minimum be stored in a three-sided shelter and shall be covered.
 - d. Materials shall be set back a minimum of five feet from any lot line.
 - e. All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the heavy side or rear buffer, refer to 7.0 Landscape Requirements for Side and Rear Buffer.

4.0 Uses

KEY

- Permitted
- ◐ Permitted in Upper Stories Only
- ◑ Permitted with Development Requirements
- Requires a Conditional Use Permit
- U Underlying District Determines Use

Uses	Districts								Overlay Subdistricts				
	Historic Core	Downtown Village	Downtown Corridor	Heritage & Recreation	Mixed-use Airport	Mixed-use Retail	Residential Community -3	Residential Community-2	Residential Community	Neighborhood Support	Residential Agriculture	Airport I-2	Sexually Oriented Businesses
Residential & Lodging													
Residential	◐	●	◐	●		◐	●	●	●	U	U	U	U
Hotel & Inn	●	◐	●	◐	●	●				U	U	U	U
Live/ Work Units	◐	◐	◐	◐		◑	○			◐	U	U	U
Residential Care	◐	◐	◐	●		●		◐		U	U	U	U
Civic													
Assembly	◐	◐	◐	●	●	◐	◐	◐	◐	U	U	U	U
Transit Station	○	○	○	●	●	○	○	○	○	U	U	U	U
Hospital & Clinic	●	●	●	●	●	●				U	U	U	U
Library/Museum/Post Office (no distribution)	●	●	●	●	●	●				U	U	U	U
Police & Fire	○	○	○	○	○	○	○	○	○	U	U	U	U
School		●	●	●		●	●	●	●	U	U	U	U
Retail													
General Retail	●	●	●	●	●	●				U	U	U	U
Outdoor Sales Lot	○				○	○				U	U	U	U
Service													
Local Service	●	●	●	●	●	●				U	U	U	U
General Service			●	●	●	●				U	U	U	U
Vehicle Service					●	◐				U	U	U	U
Sexually Oriented Business										U	U	U	◐
Smoke Shop, Pawn Shop, Check Cashing, Tattoo Parlor										U	U	U	◐
Neighborhood Support										◐	U	U	U
Agriculture & Livestock				◐	◐					U	◐	U	U
Office, Industrial & Storage													
Office	●	●	●	●	●	●				U	U	U	U
Craftsman Industrial	◐	◐	◐	◐	●	◐				U	U	U	U
Manufacturing Industrial & Airport Uses					◑					U	U	U	U
Commercial Storage Facilities					◑					U	U		U
Infrastructure													
Parking Structure	◐	◐	◐	◐	◐	◐				U	U	U	U
Utility & Infrastructure				◑	◐					U	U	U	U
Open Space	◐	◐	◐	◐	◐	◐	◐	◐	◐	U	U	U	U
Accessory Uses													
Home Occupation	◐	◐	◐	◐	◐	◐	◐	◐	◐	U	U	U	U
Agriculture & Small Farm Animals				◐	◐	◐	◐	◐	◐	U	◐	U	U
Outdoor Storage of Goods					◐					U	U	U	U
Parking Lot	◐	◐	◐	◐	◐	◐	◐			◐	U	U	U
Parking Structure	◐	◐	◐	◐	◐	◐				U	U	U	U

Table 4.1 (1). Uses by district.

NOTE: REFER TO THE APPENDIX FOR ALL INFORMATION REGARDING THE FOLLOWING DISTRICTS: (1) MURCZ (2) M & BP (3) PCMU (4) PC

Neighborhood Support

Antique Shop	Hobby Shop
Apparel & Accessory Store	Home Accessory Shop
Barber Shop, Beauty Salon	Jewelry Sale & Repair
Bakery, Retail	Music Store
Bicycle Sales & Repair	Musical Instrument Repair & Sales
Book Store	Professional Office
Candy Store	Photography Studio & Supplies
Cafe / Coffee Shop	Shoe Repair
Day Care Child	Specialty Food Market
Soda Shop	Stationary & Paper Store
Small Corner Market	Tailor & Seamstress
Craft Store	Toy Shop
Yoga / Dance Studio	Veterinarian
Florist	
Greenhouse & Garden Supplies	

Table 4.2 (1). Neighborhood Support Uses.

General Retail

All Neighborhood Support (above or below 2,000 sf)

Agriculture Equipment and Supply

Apparel & Accessory Store

Art & Education Supplies

Alcohol & Liquor Sales

Appliance & Electronic Sales & Service

Automotive Supply (no service)

Building Materials, Hardware, and Garden Supply

Candy, Fish Market, Produce, etc.)

Camera & Photo Supply Store

Cabinet Supply (display only)

China & Glassware Shop

Convenience Store

Computer Software Sales & Leasing

Department Store

Drug Store/Pharmacy

Electrical Supplies

Gift, Novelty, & Souvenir Shop

Grocery Store

Gun Shop

Hardware Store

Heating, Air Conditioning & Plumbing Supplies, Sales, & Service

Home Furnishings & Accessories Sales & Rentals

Luggage & Leather Goods

Machine Sales and Rental

Merchandise Vending Machine Operators

Medical Supply Store & Sales

Medical Supply Store & Rental

Motorcycle & Motor Scooter Sales

Office Supply

Optical Goods

Paint & Wallpaper

Party Supply Shop

Pet & Pet Supply

Sporting Goods Sales & Rental

Video/Game Sales & Rental

Wine & Liquor Shop

Table 4.2 (2). General Retail Uses.

Local Service

Bank or other Financial Service

Barber Shop, Beauty Salon, & Spa

Catering

Day Care Child

Dry Cleaning & Laundry

Emergency Care Clinic

Fitness, Dance Studio, & Gym

Framing

Home Furniture & Equipment Repair

Locksmith

Mailing Services

Pet Grooming

Photocopying & Printing

Photography Studio & Supplies (on-site processing permitted)

Restaurants (refer to state law for alcoholic beverage requests)

Shoe Repair

Tailor & Seamstress

Tanning Salon

Theater

Training Center

Travel Agency & Tour Operator

Veterinarian

General Service

All Neighborhood Support & Local Service (above or below 2,000 sf)

Animal Boarding (interior only)

Arcade

Aquatic Facilities

Batting Cages

Billiard Hall

Bowling Alley

Concert Hall

Day Care Adult

Exterminating & Disinfecting Service

Funeral Home

Miniature Golf Course

Microbrewery

Recreation, Commercial Indoor

Repair of Small Goods & Electronics

Shooting & Archery Ranges (indoor only)

Skating Rink

Table 4.2 (3). Typical Service Uses.

Office

Architecture/Engineering/Design	Physical Therapy/Physical Rehabilitation
Building Contractor (office only)	Medical & Dental with Laboratory
Business Consulting	PR & Advertising
Charitable Institutions	Property Development
Computer Programming & Support	Radio & TV Studio
Detective Services	Real Estate
Educational Services (tutor & testing)	Recording & Sound Studio
Employment Agency	Research & Development
Financial & Insurance	Research Agency
Government Offices	Surveying
Legal Services	
Management Services	

Table 4.2 (4). Typical Office Uses.

Craftsman Industrial

Apparel & Finished Fabric Products

Bakery & Confections

Beverages, including Beer, Wine, Liquor, Soft Drinks, Coffee

Botanical Products

Brooms & Brushes

Canning & Preserving Food

Commercial Scale Copying & Printing

Construction Special Trade Contractors

Cut Stone & Cast Stone

Dairy Products

Electronics Assembly

Engraving

Electrical Fixtures

Fabricated Metal Products

Film Making

Furniture & Fixtures

Glass

Household Textiles

Ice

Jewelry, Watches, Clocks, & Silverware

Leather Products

Meat & Fish Products, no Processing

Musical Instruments & Parts

Pasta

Pottery, Ceramics, & Related Products

Printing, Publishing & Allied Industries

Shoes & Boots

Signs & Advertising

Small Goods Manufacturing

Smithing

Taxidermy

Textile, Fabric, Cloth

Toys & Athletic Goods

Upholstery

Woodworking

Table 4.2 (5). Typical Craftsman Industrial Uses.

5.0 Building Types

DRAFT
May 12, 2016

5.0 Building Types

5.1. Introduction to Building Type Standards

1. Introduction

The Building Types detailed in 5.0 Building Types outline the required building forms for new construction and renovated structures within the Districts and Overlay Subdistricts defined in 3.0.

2. General Requirements.

All Building Types must meet the following requirements.

- (1) Districts. Each Building Type shall be constructed only within its designated districts Refer to Table 5.1 (1) Permitted Building Types by districts.
- (2) Uses. Each Building Type can house a variety of uses depending on the district in which it is located. Some Building Types have additional limitations on permitted uses. Refer to Section 4.0 Uses.
- (3) No Other Building Types. All buildings constructed must meet the requirements of one of the Building Types permitted within the district of the lot unless otherwise specified in Section 4.0 Uses.
- (4) Permanent Structures. All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or

other features that would make the structure mobile, unless otherwise noted.

(5) Accessory Structures.

- (a) Attached accessory structures are considered part of the principal structure.
- (b) Detached accessory structures are permitted with every building type and shall comply with the following:
 - (i) Detached accessory structures are not permitted in the front yard.
 - (ii) Detached accessory structures shall be located behind the principal structure in the side and rear yard.
 - (iii) Detached accessory structures shall not exceed the height of the principal structure.
 - (iv) In no case shall the combined area of all accessory structures on a residential parcel exceed forty (40) percent of a rear yard area.
 - (v) Accessory structures shall be built and designed in a manner compatible with the principal structure and of equal or higher quality.

(6) Integration with Design Guidelines.

- (a) It is the intent of this section of the code to integrate with Heber City Architectural Design Guidelines.

KEY	Districts											Overlay Subdistricts			
	Historic Core	Downtown Village	Downtown Corridor	Heritage & Recreation	Mixed-use Airport	Mixed-use Retail	Mixed-Use Residential Commercial Zone	Manufacturing & Business Park	Residential Community	Residential Community-2	Residential Community-3	Neighborhood Support	Residential Agriculture	Airport I-2	SOB
● Permitted															
U Underlying District Determines															
* If left blank that building type is not permitted in the district															
Building Type															
Storefront	●	●	●	●	●	●	●	●				●	U	U	U
General Stoop	●	●	●	●		●	●	●				●	U	U	U
Large Format				●	●		●					U	U	U	U
Civic	●	●	●	●	●	●	●	●	●	●	●	●	U	U	U
Parking Structure	●	●	●	●	●	●	●	●					U	U	U
Limited Bay					●	●	●					U	U	U	U
Row	●	●	●	●		●	●				●	●	U	U	U
Yard		●		●			●		●	●	●	●	U	U	U
Mansion Style		●				●				●	●	●	U	U	U
Adaptive Reuse	●	●	●	●	●	●	●	●				●	U	U	U
Agriculture / Barn					●	●						U	●	U	U

NOTES:
 1. BUILDING TYPOLOGIES ARE NOT APPLICABLE IN THE PLANNED COMMUNITY (RED LEDGES) & PLANNED COMMUNITY MIXED-USE DISTRICTS. REFER TO APPENDIX FOR ADDITIONAL DEVELOPMENT REQUIREMENTS FOR THESE DISTRICTS
 2. REFER TO THE APPENDIX FOR ADDITIONAL DEVELOPMENT REQUIREMENTS AND SPECIFICATIONS FOR THE FOLLOWING DISTRICTS: (1) MURCZ (2) M & BP (3) PCMU (4) PC

Table 5.1 (1) Permitted Building Types by Districts & Overlays.

- (b) In case of **inconsistencies** between this code and the Design Guidelines or other city codes, this code will take **priority**.

5.2 Explanation of Building Type Table Standards

The following explains and further defines the standards outlined on the tables for each Building Type, refer to 5.3 through 5.8.

1. Building Siting.

The following explains the line item requirements for each Building Type Table within the first section entitled "Building Siting".

- (1) Multiple Principal Structures. The allowance of more than one principal structure on a lot.
- (2) Front Sidewalk Coverage. Refer to Figure 5.2 (1). Measuring Front Sidewalk Coverage. Measurement defining the minimum percentage of street wall or building facade required along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ).
 - (a) Certain buildings have this number set to also allow the development of a courtyard along the front property line.

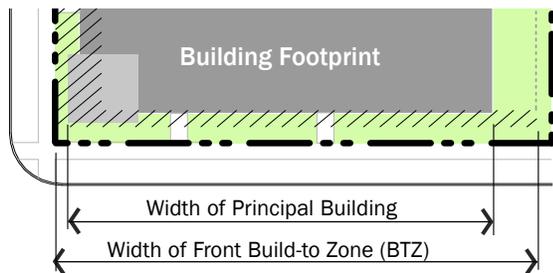


Figure 5.2 (1). Measuring Front Property Line Coverage

- (b) Some frontage types allow side yard parking to be exempted from the front lot line coverage calculation. If such an exemption is permitted, the width of up to one double loaded aisle of parking, located with the drive perpendicular to the street and including adjacent sidewalks and landscaping, may be exempted, to a maximum of 72 feet.
- (c) Primary sidewalk coverage is based only upon primary facade coverage. Except for corner lot application, where side facade is permitted.
- (3) Occupation of Corner. Occupying the intersection of the front and corner build-to zones with a principal structure.
- (4) Front Build-to Zone. The build-to zone or setback parallel to the front property line. Building components, such as awnings or signage, are permitted to encroach into the build-to zone
 - (a) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.

- (5) Corner Build-to Zone. The build-to zone or setback parallel to the corner property line.
 - (a) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.
- (6) Minimum Side Yard Setback. The minimum required setback along a side property line.
- (7) Minimum Rear Yard Setback. The minimum required setback along a rear property line.
- (8) Minimum & Maximum Lot or Building Width. Depending on the Building Type, either the minimum or maximum building or unit width will be noted or the minimum and maximum width of a lot, all measured at or parallel to the front property line.
- (9) Parking & Loading Location. The yard in which a surface parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.
- (10) Vehicular Access. The permitted means of vehicular ingress and egress to the lot.
 - (a) Alleys, when present, shall always be the primary means of access.
 - (b) When alleys are not present, a driveway of up to 24' in width may be permitted per Building Type and, if an alternative is available, shall not be located off a Primary Street.

2. Height

The following explains the line item requirements for each Building Type Table within the second section entitled "Height".

- (1) Minimum Overall Height. The minimum overall height for the building shall be located within the build-to zone; stories above the required minimum height may be stepped back from the facade.
- (2) Maximum Overall Height. The sum of a building's total number of stories.
 - (a) Half stories are located either completely within the roof structure with street-facing windows or in a visible basement exposed a maximum of one half story above grade.
 - (b) A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.
 - (c) Some Building Types require a building facade to step back as its height increases. If required, the upper stories of any building facade with street frontage shall be setback a designated amount beyond the building facade of the lower stories.
- (3) Ground Story and Upper Story, Minimum and Maximum Height. (Refer to Figure 5.2 (3). Measuring Height). Each frontage type includes a permitted range of height in feet for each story. Additional information is as follows:
 - (a) Floor height is measured in feet between the floor of a story to the floor of the story above it.

5.0 Building Types

- (b) Floor height requirements apply only to street facing facades.
- (c) For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.
- (4) Existing Single Family Residential Buffer. In order to assure compatibility of new construction with **downtown or mixed-use** districts adjacent to residential community districts the following applies:

(a) **Transitions from existing Yard Buildings or Single Family Detached Homes. A 20-foot rear yard setback is required when the property is immediately adjacent to an existing yard building type. At that 20 foot rear setback line, a 25-foot building height is permitted. After 30 feet from the rear property line a gradual increase of 2:1 horizontal to vertical ratio is permitted which translates to every additional 2 (two) feet of horizontal distance allows for an increase of 1 (one) foot vertical building height. See figure 5.2 (5).**

3. Uses

The following explains the line item requirements for each Building Type Table within the third section entitled "Uses." Refer to Section 4.0. Uses for uses permitted within each district. The requirements in this section of the Building Type Tables may limit those uses within a specific Building Type.

- (1) Ground and Upper Story. The uses or category of uses which may occupy the ground and/or upper story of a building.
- (2) Parking Within Building. The area(s) of a building in which parking is permitted within the structure.

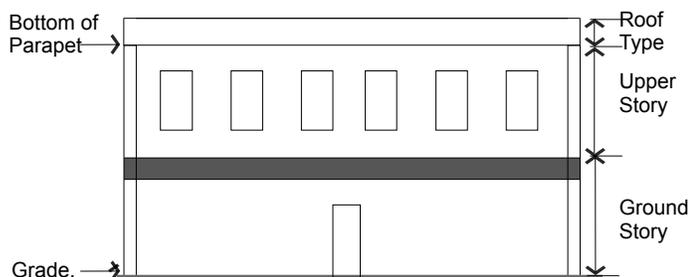
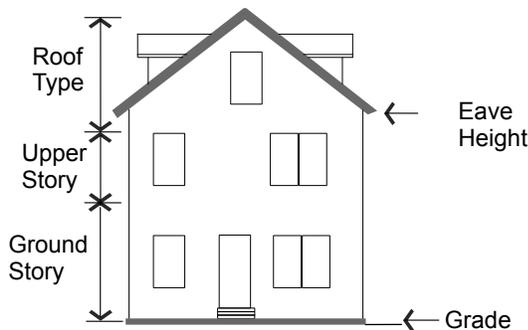
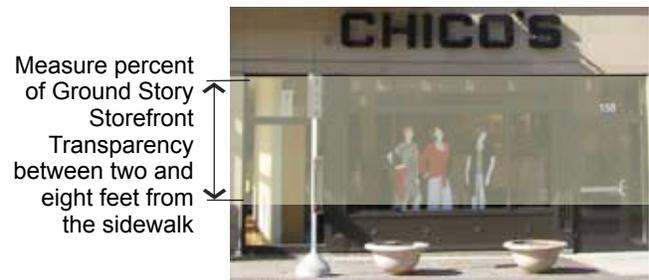


Figure 5.2 (3). Measuring Height

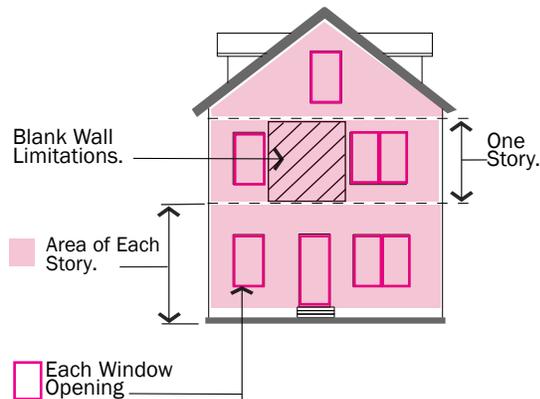
- (3) Required Occupied Space. The area(s) of a building that shall be designed as occupied space, defined as interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

4. Street Facade Requirements

The following explains the line item requirements for each Building Type Table 5.3 through 5.8, within the fourth section of each table entitled "Street Facade Requirements". Street Facade Requirements apply only to facades facing a public or private right-of-way. The rear or interior side yard facades are not required to meet these standards unless otherwise stated.



Measuring Ground Floor Transparency on a Storefront base.



Measuring Transparency on Each Story.

Figure 5.2 (4). Measuring Transparency.

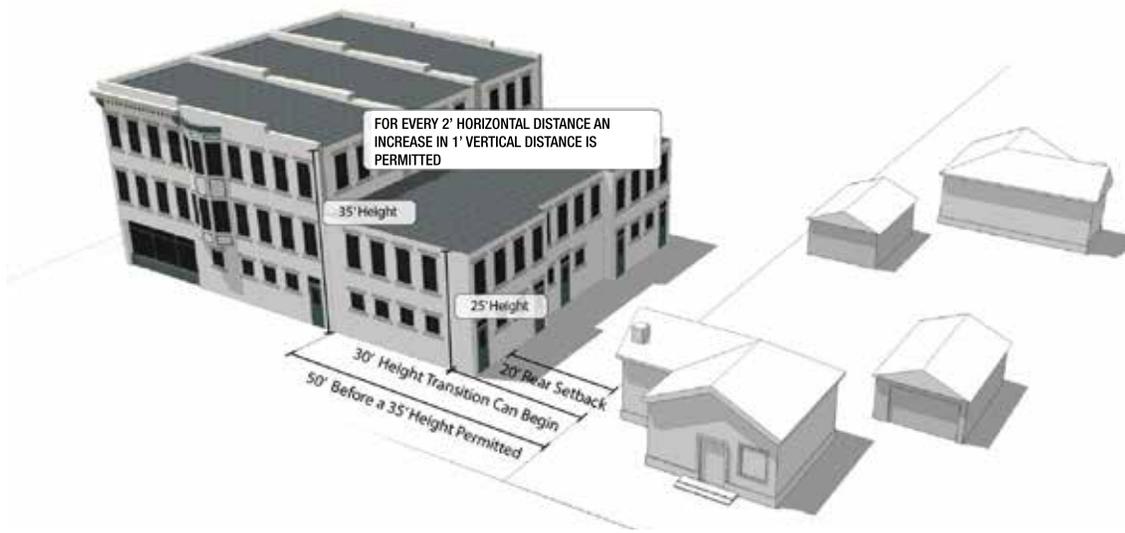


Figure 5.2 (5). Transitions from **Yard Buildings**

- (1) Minimum Ground Story and Upper Floor Transparency. (Refer to Figure 5.2 (4), Measuring Transparency). The minimum amount of transparency required on street facades with street frontage.
 - (a) Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
 - (i) Ground Story Transparency, when defined separately from the overall minimum transparency, shall be measured between two feet and eight feet from the average grade at the base of the front facade.
 - (ii) A general Minimum Transparency requirement shall be measured from floor to floor of each story.
- (2) Blank Wall Limitations. A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall both be met for each story:
 - (a) No rectangular area greater than 30% of a story's facade, as measured from floor to floor, may be windowless;
 - (b) No horizontal segment of a story's facade greater than 15 feet in width may be windowless, unless approved by the **Planning Commission**.
- (3) Entrance Type. The Entrance Type(s) permitted for the entrance(s) of a given Building Type. A mix of permitted Entrance Types may be utilized. Refer to 5.9 Entrance Types for definition of and additional requirements for each Entrance Type.
- (4) Principal Entrance Location. The facade on which the primary (**pedestrian**) building entrance is to be located.
- (5) Required Number of Street Entrances. The minimum number of and maximum spacing between **pedestrian** entrances on the ground floor building facade with street frontage.
- (6) Vertical Facade Divisions. The use of a vertically oriented expression line or form to divide the facade into increments no greater than the dimension shown, as measured along the base of the facade. Elements may include a column, pilaster, or other

continuous vertical ornamentation a minimum of one and a half inch depth.

- (7) Horizontal Facade Divisions. The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half inch depth.

5. Roof Type

The following explains the line item requirements for each Building Type Table in Sections 5.3 through 5.8, within the fifth section entitled "Roof Types".

- (1) Permitted Roof Type. The roof type(s) permitted for a given Building Type. Refer to 5.10. Roof Types for more specific requirements.
- (2) Tower. A vertical building extension that may be permitted in conjunction with another roof type on certain Building Types. Refer to 5.10. Roof Types.

5.0 Building Types

5.3 Storefront Building

1. Description & Intent

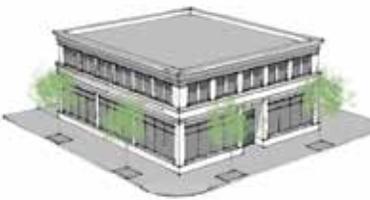
The Storefront Building is intended for use as a mixed use building located close to the front property line with parking typically in the rear or side of the lot.

The key facade element of this Building Type is the storefront required on the ground floor front facade, with large amounts of glass and regularly spaced entrances.

This building is available in a variety of intensities, depending on the district within which it is located.

2. Regulations

Regulations for the Storefront Building Type are defined in the adjacent table.



Notes

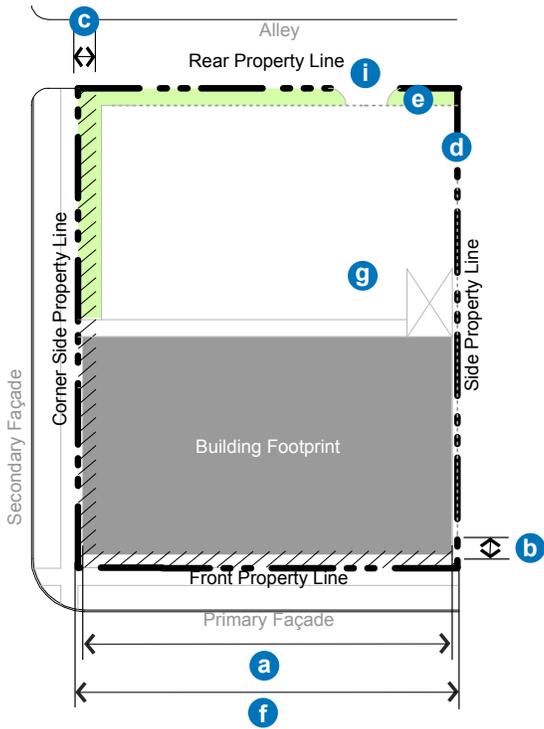
¹ Lots wider than 140 feet are permitted one double-loaded aisle of surface parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² Above the third story, the upper stories of any building facade with street frontage shall have a step back from the lower stories that is a minimum of six feet.

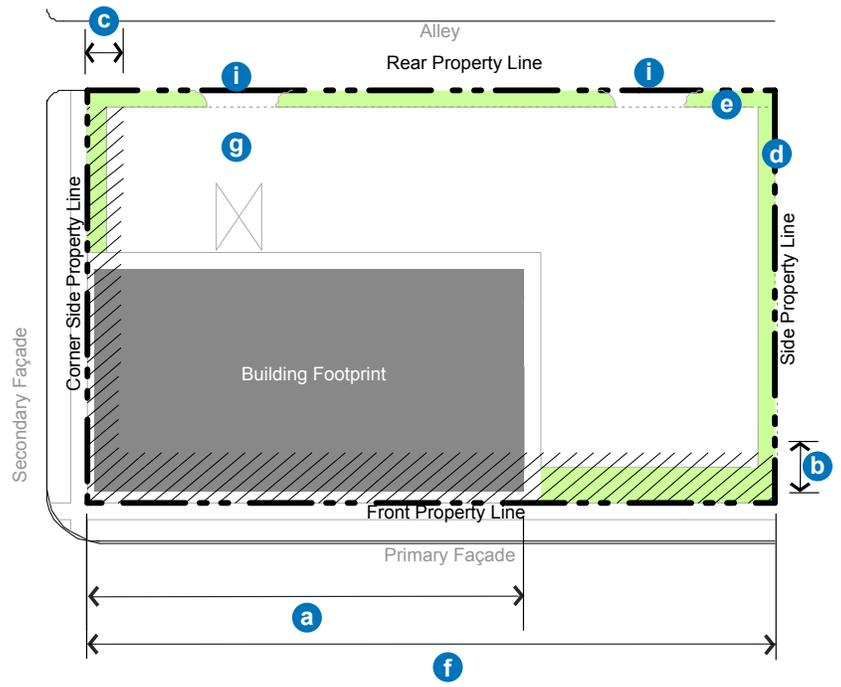
³ If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

⁴ Airport flight pattern restrictions may further limit building height.

Building Type	PERMITTED DISTRICTS & OVERLAY SUBDISTRICTS						ALL OTHER DISTRICTS (REFER TO TABLE 5.1(1))
	Districts					Overlays	
	Historic Core	Downtown Village	Downtown Corridor	Mixed-use Airport	Mixed-use Retail	Neighborhood Support	
(1) Building Siting Refer to Figure 5.3 (1).							
Multiple Principle Buildings	permitted						
a Front Sidewalk Coverage	85%	80%	80%	80%	80%	80%	80% ¹
Occupation of Corner	required						
b Front Build-to-Zone	0' to 5'	0' to 5'	0' to 10'	0' to 10'	0' to 10'	0' to 20'	0' to 5'
c Corner Build-to Zone	0' to 5'	0' to 5'	0' to 10'	0' to 10'	0' to 10'	0' to 15'	0' to 5'
d Min Side Yard Setback	0'	0'	0'	0'	0'	10'	0'
e Min Rear Yard Setback	5'	5'	5'	5'	5'	15'	5'
f Min Lot Width Max Lot Width	none none	none none	none none	none none	none none	none none	none none
g Parking & Loading Location	rear & side yard	rear & side yard ¹	rear yard	rear & side yard	rear & side yard	rear & side yard ¹	rear & side yard ¹
i Vehicular Access	Alley only; if no alley exists, 1 driveway is permitted per non-Primary Façade, or as approved by the Planning Commission						
(2) Height Refer to Figure 5.3 (2).							
j Minimum Overall Height	3 story	2 story	1 story	1 story	2 story	2 story	1 story
k Maximum Overall Height	5 stories ²	4 stories ²	4 stories ²	3 stories ⁴	3 stories ²	3 stories ²	3 stories ²
l Ground Story: Minimum Height Maximum Height	14' 20' ³	14' 20' ³	14' 20' ³	14' 25' ³	12' 20' ³	12' 20' ³	14' 20' ³
m Upper Stories: Minimum Height Maximum Height	9' 14'	9' 14'	9' 14'	9' 14'	9' 14'	9' 14'	9' 14'
(3) Uses Refer to Figure 5.3 (2). Refer to 4.0 Uses for permitted uses.							
n Ground Story	retail, service, office, hotel	any permitted uses	retail, service, office, hotel	retail, service, office, hotel	any permitted uses	any permitted uses	any permitted uses
o Upper Story	any permitted use						
p Parking within Building	permitted fully in any basement and in rear of upper floors						
q Required Occupied Space	30' deep on all full floors measured from the front facade						
(4) Street Facade Requirements Refer to Figure 5.3 (3).							
r Minimum Ground Story Transparency Measured between 2' and 8' above grade	75%	65%	65%	75%	65%	65%	65% front & corner side only
s Minimum Transparency per each Story	15%	15%	15%	15%	15%	15%	15%
t Blank Wall Limitations	required, see 5.2.4 (2)						
u Front Facade Entrance Type	storefront, arcade			storefront, arcade	storefront, arcade	storefront, arcade	storefront, arcade
Principal Entrance Location	front facade	front facade	front facade	front facade	front or corner facade	front or corner facade	front or corner facade
Required Number of Street Entrances (Minimum)	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 100' of front facade
Vertical Facade Divisions	every 30' of facade width	every 30' of facade width	every 50' of facade width	every 50' of facade width	every 30' of facade width	every 30' of facade width	every 50' of facade width
Horizontal Facade Divisions	required within 3' of the top of the ground story, and every fifth floor above the first floor						
(5) Roof Type Requirements Refer to Figure 5.3 (3).							
Permitted Roof Types	parapet, pitched, flat			parapet, pitched, flat, gambrel, gable	parapet, pitched, flat		
Tower	permitted	permitted	permitted	permitted	prohibited	permitted	permitted



Typical Site Plan



Site Plan with Side Yard Parking "Core"

Figure 5.3 (1). Storefront Building: Building Siting.

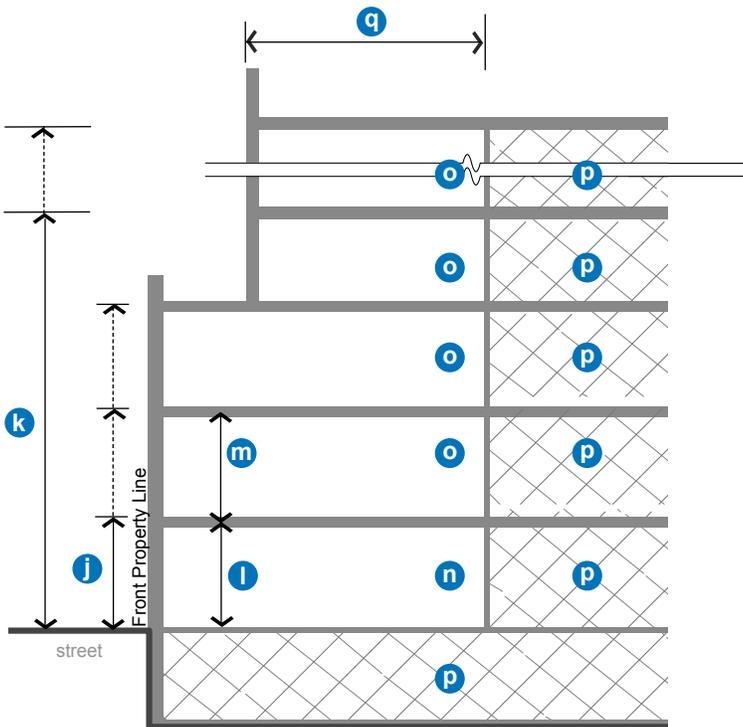


Figure 5.3 (2). Storefront Building: Height & Use Requirements.

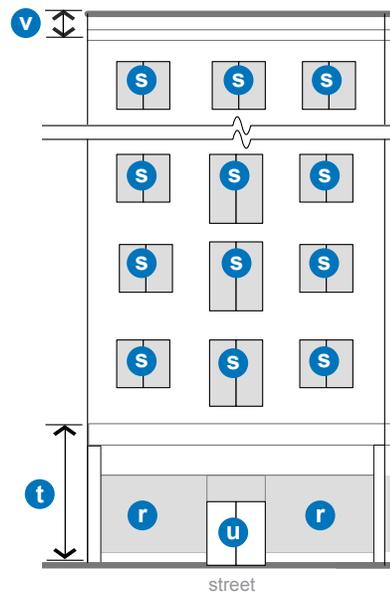


Figure 5.3 (3). Storefront Building: Street Facade Requirements.

5.0 Building Types

5.4 General Stoop Building

1. Description & Intent

The General Stoop Building Type is limited in terms of uses by the district within which it is located, generally housing office and/or residential uses. Similar to the Main Street Building, the General Stoop building is intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this Building Type depend on the district within which it is located.

2. Regulations

Regulations for the General Stoop Building Type are defined in the adjacent table.



Notes

¹ A courtyard covering up to 35% of the front facade is permitted and may contribute to the Front Lot Line Coverage requirement.

² Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

³ Upper stories above the third story on any building facade with street frontage shall have a step back from the lower stories that is a minimum of six feet.

					Permitted Districts & Overlay Subdistricts				
					Historic Core	Downtown Village	Neighborhood Support	All Other Districts	
(1) Building Siting Refer to Figure 5.4 (1).									
a	Multiple Principal Buildings				not permitted	not permitted	not permitted	permitted	
	Front Sidewalk Coverage				80% ¹	80% ¹	80% ¹	80%	
b	Occupation of Corner				required	required	required	required	
c	Front Build to Zone				0' to 10'	0' to 15'	0' to 15'	0' to 10'	
d	Corner Build to Zone				0' to 10'	0' to 15'	0' to 15'	0' to 10'	
e	Minimum Side Yard Setback				0'	0'	5' to 10'	0'	
f	Minimum Rear Yard Setback				5'	5'	5'	5'	
	Minimum Lot Width Maximum Lot Width				none none	none none	none none	none none	
g	Parking & Loading Location				rear & side yard	rear & side yard	rear & side Yard	rear & side yard	
i	Vehicular Access				Alley; if no alley exists, 1 driveway is permitted per non-Primary Façade	Alley; if no alley exists, 1 driveway is permitted per non-Primary Façade	Alley; if no alley exists, 1 driveway is permitted per non-Primary Façade	Alley; if no alley exists, 1 driveway is permitted street	
(2) Height Refer to Figure 5.4 (2).									
	Minimum Overall Height				2 story	2 story	2 story	1 story	
j	Maximum Overall Height				5 stories ³	4 stories ³	3 stories ³	3 stories ³	
k	All Stories: Minimum Height				9'	9'	9'	9'	
l	Maximum Height				14'	14'	14'	14'	
(3) Uses Refer to Figure 5.4 (2). Refer to 4.0 Uses for permitted uses.									
	All Stories				any permitted use				
n	Parking within Building				permitted fully in basement and in rear of upper floors				
p	Required Occupied Space				30' deep on all full floors from the front facade				
q	(4) Street Façade Requirements Refer to Figure 5.4 (3).								
	Minimum Transparency per each Story				35%	35%	15%	15%	
r	Blank Wall Limitations				required, see 5.2.4 (2)				
t	Front Façade Entrance Type				stoop, porch, storefront	stoop, porch, storefront	stoop, porch, storefront	stoop, porch storefront	
u	Principal Entrance Location				front facade	front facade	front facade	front or corner facade	
	Required Number of Street Entrances				1 per each 75' of front facade	1 per each 75' of front facade	1 per each 40' of front facade	1 per each 100' of front facade	
	Vertical Façade Divisions				every 50' of facade width	every 25' of facade width	every 25' of facade width	every 75' of facade width	
	Horizontal Façade Divisions				required within 3' of the top of any visible basement and of the ground story				
(5) Roof Type Requirements Refer to Figure 5.4 (3).									
v	Permitted Roof Types				parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat	
w	Tower				permitted	permitted		permitted	

5.0 Building Types

5.5 Large Format Building

1. Description & Intent

The Large Format Building Type permits a large building footprint with a ground floor storefront facade. The minimum sized building footprint of the Large Format Building Type is 35,000 total square feet. If a building is to have a smaller footprint than the minimum 35,000 sf requirement than it will not be considered or approved as a Large Format Building.

This building type is usually provided only single certificate of occupancy, and is commonly referred to as a “big-box structure.”

This Building Type is still intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders, and continuing the fabric of the Storefront Building Type. Parking may be provided in the rear of the lot, internally in the building, or one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this Building Type depend on the district or overlay district within which it is located.

2. Regulations

Regulations for the Large Format Building Type are defined in the adjacent table.



Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

	Permitted Districts & Overlay Subdistricts	
	Heritage & Recreation	All Other Permitted Districts
(1) Building Siting Refer to Figure 5.5 (1).		
Multiple Principal Buildings	not permitted	not permitted
Front Sidewalk Coverage	75%	75%
Occupation of Corner	required	required
Front Build to Zone	0' to 15'	0' to 15'
Corner Build to Zone	0' to 10'	0' to 10'
Minimum Side Yard Setback	5'	5'
Minimum Rear Yard Setback	5'	5'
Parking & Loading	rear & side yard ¹	rear & side yard ¹
Vehicular Access	From alley; if no alley exists, maximum 1 driveway per street frontage	From alley; if no alley exists, maximum 1 driveway per street frontage
(2) Height Refer to Figure 5.5 (2).		
Minimum Overall Height	1 story	1 story
Maximum Overall Height	3 stories	3 stories
Ground Story: Minimum Height Maximum Height	14' 24' ²	14' 24' ²
Upper Stories: Minimum Height Maximum Height	12' 14'	12' 14'
(3) Uses Refer to Figure 5.5 (2). Refer to 4.0 Uses for permitted uses.		
Ground Story	retail, fitness, recreation/entertainment uses if permitted in district	retail, fitness, recreation/entertainment uses if permitted in district
Upper Story	retail, fitness, recreation/entertainment uses if permitted in district	retail, fitness, recreation/entertainment uses if permitted in district
Parking within Building	permitted fully in basement and in rear of all floors, permitted fully on upper stories.	permitted fully in basement and in rear of all floors, permitted fully on upper stories.
Required Occupied Space	50' deep on all full floors from the front facade	50' deep on all full floors from the front facade
(4) Street Facade Requirements Refer to Figure 5.5 (3).		
Minimum Ground Story Transparency Measured between 2' and 8' above grade	65% front & corner side facades only	65% front & corner side facades only
Minimum Transparency per each Story	15%	15%
Blank Wall Limitations	required, see 5.2.4 (2)	required, see 5.2.4 (2)
Front Facade Entrance Type	storefront, stoop	storefront, stoop
Principal Entrance Location	front or corner facade	front or corner facade
Required Number of Street Entrances	1 per 100' of facade; 1 per 150' of facade	1 per 100' of facade; 1 per 150' of facade
Vertical Facade Divisions	every 60' of facade width	every 60' of facade width
Horizontal Facade Divisions	required within 3' of the top of the ground story for all buildings over 2 stories	required within 3' of the top of the ground story for all buildings over 2 stories
(5) Roof Type Requirements Refer to Figure 5.15.		
Permitted Roof Types	parapet, pitched, flat	parapet, pitched, flat
Tower	permitted	permitted

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5.0 Building Types

5.6 Civic Building

1. Description & Intent

The Civic Building is the most flexible Building Type intended only for civic and institutional types of uses. These buildings are distinctive within the urban fabric created by the other Building Types and could be designed as iconic structures. In contrast to most of the other Building Types, a minimum setback line is required instead of a build to zone, though this setback is required to be landscaped. Parking is limited to the rear in most cases.

The minimum and maximum heights of this Building Type depend on the district within which it is located.

2. Regulations

Regulations for the Civic Building type are defined in the adjacent table.



Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

	Permitted Districts & Overlay Subdistricts	
	Historic Core	All Districts
(1) Building Siting Refer to Figure 5.6 (1).		
Multiple Principal Buildings	permitted	permitted
b Front Sidewalk Coverage	40%	40%
c Occupation of Corner	required if open space is not provided between building & property line.	required if open space is not provided between building & property line.
d Front Setback	5'	5'
e Corner Setback	0'	0'
Minimum Side Yard Setback	5'	5'
Minimum Rear Yard Setback	5'	5'
g Minimum Lot Width Maximum Lot Width	50' none	50' none
i Parking & Loading	rear & side yard	rear & side yard
Vehicular Access	From alley; if no alley exists, 1 driveway per street frontage	From alley; if no alley exists, 1 driveway per street frontage
j (2) Height Refer to Figure 5.6 (2).		
k Minimum Overall Height	2 story	1 story
l Maximum Overall Height	5 stories	3 stories
All Stories: Minimum Height Maximum Height	9' 20' ²	9' 20' ²
n (3) Uses Refer to Figure 5.6 (2). Refer to 4.0 Uses for permitted uses.		
p All Stories	limited to civic & institutional uses only	limited to civic & institutional uses only
q Parking within Building	permitted fully in basement and in rear of upper floors	permitted fully in basement and in rear of upper floors
Required Occupied Space	30' deep on all full floors from the front facade	30' deep on all full floors from the front facade
r (4) Street Facade Requirements Refer to Figure 5.6 (3).		
t Minimum Transparency per each Story	25%	25%
Blank Wall Limitations	required, see 5.2.4 (2)	required, see 5.2.4 (2)
u Front Facade Permitted Entrance Type	arcade, stoop	arcade, stoop
Principal Entrance Location	front or corner facade	front or corner facade
Required Number of Primary Street Entrances	1 per 100' of facade	1 per 100' of facade
Vertical Facade Divisions	not required	not required
Horizontal Facade Divisions	not required	not required
v (5) Roof Type Requirements Refer to Figure 5.6 (3).		
w Permitted Roof Types	parapet, pitched, flat; other roof types are permitted by Conditional Use	parapet, pitched, flat; other roof types are permitted by Conditional Use
Tower	permitted	permitted

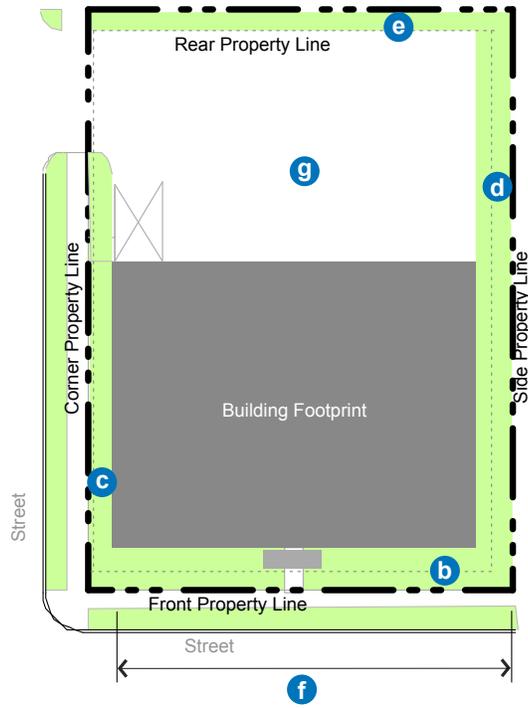


Figure 5.6 (1). Civic Building: Building Siting

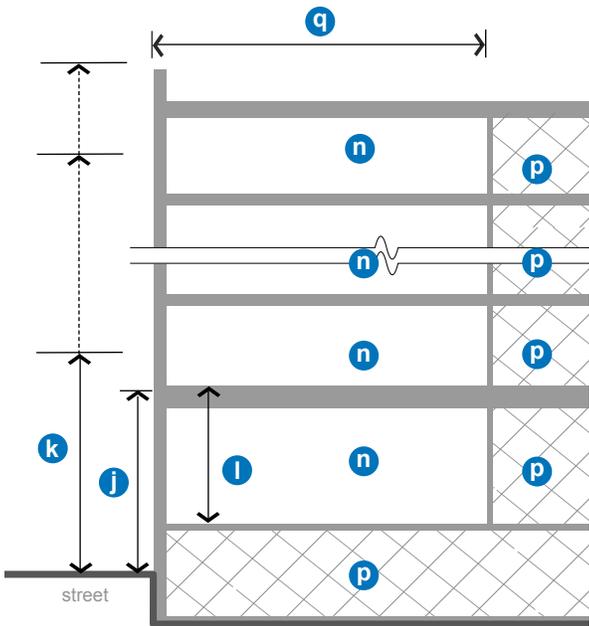


Figure 5.6 (2). Civic Building: Height and Use Requirements

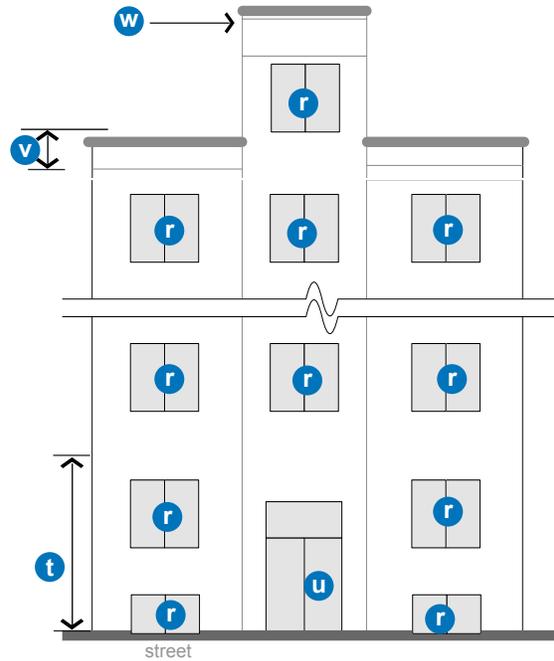


Figure 5.6 (3). Civic Building: Street Facade Requirements

5.0 Building Types

5.7 Parking Structure

1. Description & Intent

Parking Structures are encouraged **in an effort to reduce the quantity of surface parking and achieve an more urban environment in the appropriate areas.** When proposed adjacent to a street or open space, first floors shall be designed to accommodate active non-parking uses.

The minimum and maximum heights of this Building Type depend on the subdistrict within which it is located.

2. Regulations

Regulations for the Parking Structure type are defined in the adjacent table.



Permitted Districts & Overlay Subdistricts
All Permitted Districts

(1) Building Siting Refer to Figure 5.7 (1).	
Multiple Principal Buildings	not permitted
Front Sidewalk Coverage	75%
Occupation of Corner	required
Front Build to Zone	0' to 15'
Corner Build to Zone	0' to 10'
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	5'
Maximum Lot Width	400'
Parking & Loading	rear & side yard
Vehicular Access	From alley; if no alley exists, maximum 2 driveway per street frontage unless approved by Planning Commission
(2) Height Refer to Figure 5.7 (2).	
Minimum Overall Height	1 story
Maximum Overall Height	3 stories
Ground Story: Minimum Height Maximum Height	14' 24' ¹
Upper Stories: Minimum Height Maximum Height	8' Floor to Floor, Minimum 7'6" Clearance 14'
(3) Uses Refer to Figure 5.7 (2). Refer to 4.0 Uses for permitted uses.	
Ground Story	all permitted uses
Upper Story	parking
Parking within Building	permitted
Required Occupied Space	none
(4) Street Facade Requirements Refer to Figure 5.7 (3).	
Minimum Ground Story Transparency Measured between 2' and 8' above grade	65%
Minimum Transparency per each Story	15%
Blank Wall Limitations	required, see 5.2.4 (2)
Front Facade Entrance Type	storefront, stoop
Principal Entrance Location	front or corner facade
Required Number of Street Entrances	1 per 100' of facade;
Vertical Facade Divisions	every 60' of facade width
Horizontal Facade Divisions	required within 3' of the top of the ground story for all buildings over 2 stories
(5) Roof Type Requirements Refer to Figure 5.7 (3).	
Permitted Roof Types	parapet, pitched, flat
Tower	permitted

¹ If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

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5.0 Building Types

5.8 Limited Bay

1. Description & Intent

The Limited Bay Building Type permits a lower level of ground floor storefront facade and a single vehicle bay with garage door access on the Primary Street. A wider range of uses can also be accommodated within this Building Type, including craftsman industrial uses. This Building Type is still intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders, and continuing the fabric of the Storefront Building Type. Parking may be provided in the rear of the lot, internally in the building, or one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this Building Type depend on the district within which it is located.

2. Regulations

Regulations for the Limited Bay Building Type are defined in the adjacent table.



Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

Permitted Districts & Overlay Subdistricts
All Permitted Districts

(1) Building Siting Refer to Figure 5.8 (1).	
Multiple Principal Buildings	not permitted
a Front Sidewalk Coverage	75%
Occupation of Corner	required
b Front Build to Zone	0' to 15'
c Corner Build to Zone	0' to 15'
d Minimum Side Yard Setback	5'
e Minimum Rear Yard Setback	5'
f Minimum Lot Width Maximum Lot Width	50' 200'
g Parking & Loading	rear & side yard
h Street Facade Service Bay Entrance	limited to one per street facade, maximum width 18'
i Vehicular Access	From alley; if no alley exists, maximum 1 driveway per street frontage
(2) Height Refer to Figure 5.8 (2).	
j Minimum Overall Height	1 story
k Maximum Overall Height	3 stories
l Ground Story: Minimum Height Maximum Height	14' 24' ²
m Upper Stories: Minimum Height Maximum Height	9' 14'
(3) Uses Refer to Figure 5.8 (2). Refer to 4.0 Uses for permitted uses.	
n Ground Story	retail, service, office, craftsman industrial
o Upper Story	any permitted use
p Parking within Building	permitted fully in basement and in rear of upper floors plus one service bay width at ground floor
q Required Occupied Space	30' deep on all full floors from the front facade
(4) Street Facade Requirements Refer to Figure 5.8 (3).	
r Minimum Ground Story Transparency Measured between 2' and 8' above grade	50% , Service Bay door shall be transparent
s Minimum Transparency per each Story	15%
Blank Wall Limitations	required, see 5.2.4 (2)
t Front Facade Entrance Type	storefront, stoop
u Principal Entrance Location	front or corner facade
Required Number of Street Entrances	1 per 100' of facade; service bay door not included; 1 per 150' of facade
Vertical Facade Divisions	every 60' of facade width
Horizontal Facade Divisions	required within 3' of the top of the ground story for all buildings over 2 stories
(5) Roof Type Requirements Refer to Figure 5.8 (3).	
v Permitted Roof Types	parapet, pitched, flat
Tower	permitted

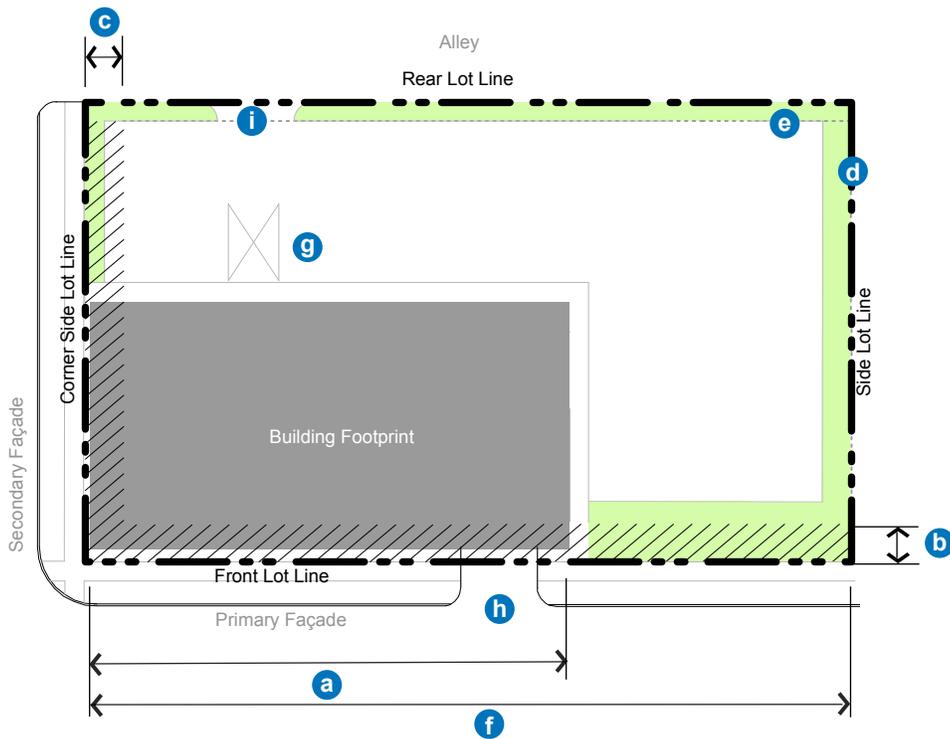


Figure 5.8 (1). Limited Bay Building: Building Siting.

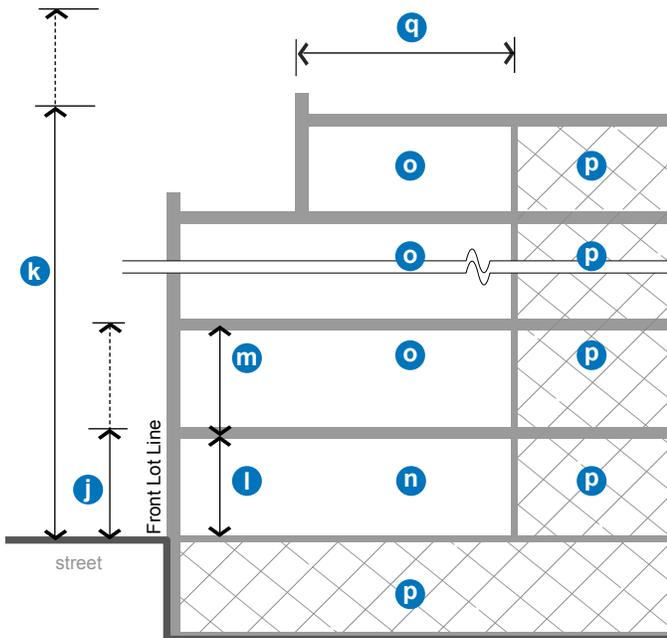


Figure 5.8 (2). Limited Bay Building: Height & Use Requirements.

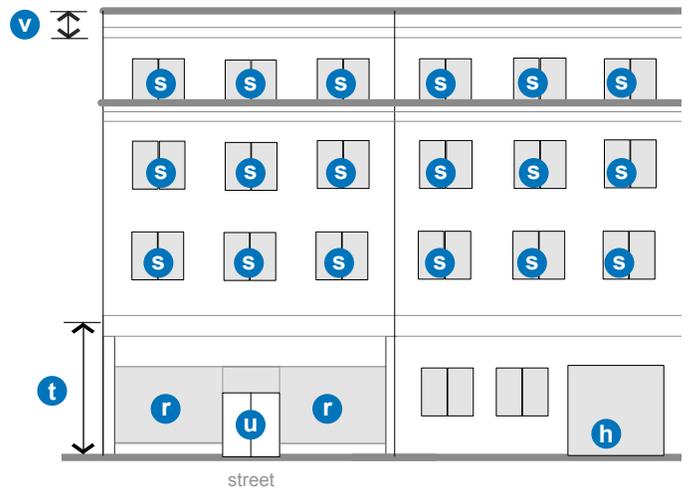


Figure 5.8 (3). Limited Bay Building: Street Façade Requirements.

5.0 Building Types

5.9 Row Building

1. Description & Intent

The Row Building is a building typically comprised of multiple vertical units, each with its own entrance to the street. This Building Type may be organized as townhouses or rowhouses, or it could also incorporate live/work units where uses are permitted.

Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.

2. Regulations

Regulations for the Row Building type are defined in the adjacent table.



Notes:

¹ For the purposes of the Row Building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the Building Type unless otherwise noted.

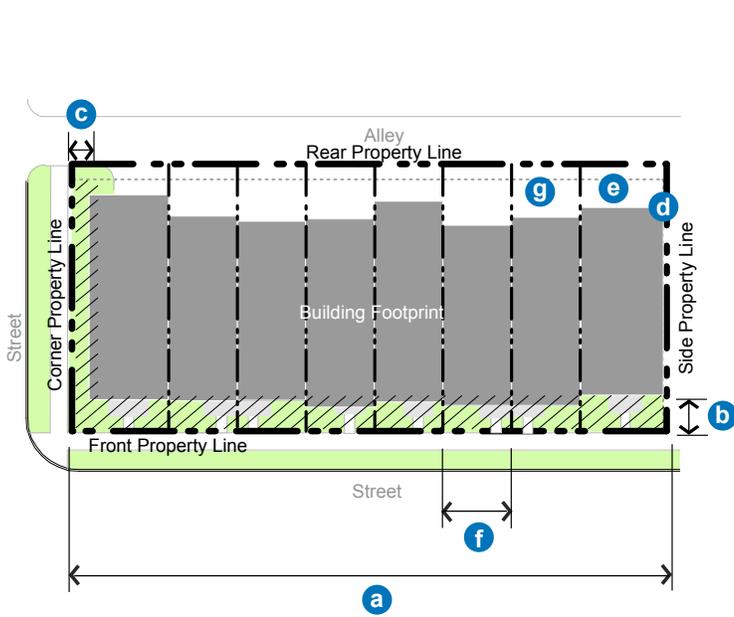
² Each building shall meet the front property line coverage requirement, except one of every five units may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units.

³ Rear yard setback on alleys is five feet.

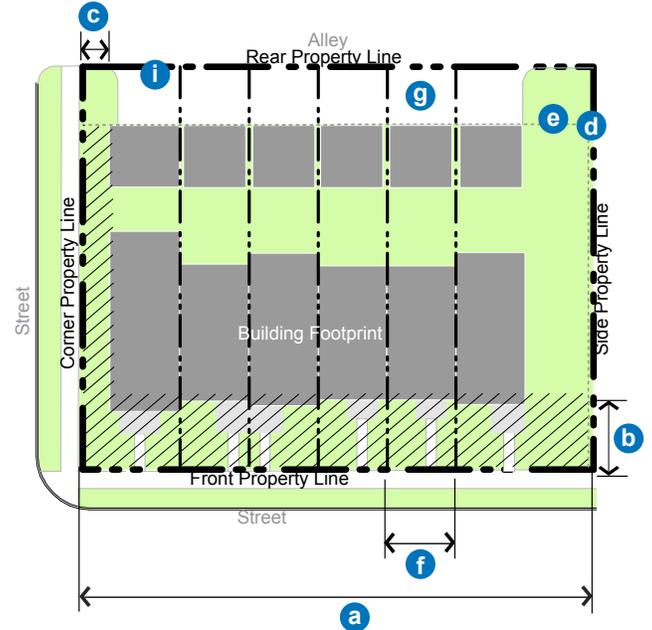
⁴ When the storefront entrance type is utilized, the maximum ground story transparency for the unit is 55% as measured between two feet and eight feet above grade.

⁵ The storefront entrance type is permitted only on corners or buildings that are designated for live/work units.

	Permitted Districts & Overlay Subdistricts				
	Historic Core	Downtown Village	Downtown Corridor	Neighborhood Support	All Districts
(1) Building Siting Refer to Figure 5.9 (1).					
Multiple Principal Buildings	permitted	permitted	permitted	permitted	permitted
Front Sidewalk Coverage	65% ²	65% ²	65% ²	65% ²	65% ²
Occupation of Corner	required	required	required	required	required
a Front Build to Zone	0' to 10'	0' to 15'	0' to 10'	5' to 15'	0' to 10'
Corner Build to Zone	0' to 10'	0' to 10'	0' to 10'	5' to 10'	0' to 10'
b Minimum Side Yard Setback	0' per unit; 10' between buildings	0' per unit; 15' between buildings	0' per unit; 15' between buildings	0' per unit; 15' between buildings	0' per unit; 15' between buildings
c Minimum Rear Yard Setback	5'	10' ³	5'	15' ³	15' ³
d Minimum Unit Width	18' per unit maximum of 10 units per building	18' per unit maximum of 6 units per building	18' per unit maximum of 6 units per building	20' per unit maximum of 8 units per building	18' per unit maximum of 6 units per building
e Maximum Building Width					
f Parking	rear yard	rear yard	rear yard	rear yard	rear yard
g Vehicular Access	From alley; if no alley exists, 1 driveway per building per street frontage. From alley on Main Street, or any other connector street typology unless to provide access to one individual single family home .				
i (2) Height Refer to Figure 5.9 (2).					
Minimum Overall Height	2 story	2 stories	2 stories	2 story	2 story
j Maximum Overall Height	5 stories	3.5 stories	4 stories	3 stories	3.5 stories
k Ground Story: Minimum Height	9'	9'	9'	9'	9'
Maximum Height	14'	14'	14'	14'	14'
l Upper Stories: Minimum Height	9'	9'	9'	9'	9'
Maximum Height	11'	11'	11'	11'	11'
(3) Uses Refer to Figure 5.9 (2). Refer to 4.0 Uses for permitted uses.					
n Ground Story	residential, retail, service, office, limited craftsman industrial	residential, retail, service, office, limited craftsman industrial	residential, retail, service, office, limited craftsman industrial	residential, retail, service, office	residential, service, office
o Upper Story	residential only				
p Parking within Building	permitted fully in basement and in rear of all floors				
q Required Occupied Space	30' deep on all full floors from the front facade				
(4) Street Facade Requirements Refer to Figure 5.9 (3).					
r Minimum Transparency per each Story	15% ⁴	15%	15%	15%	15%
Blank Wall Limitations	required, see 5.2.4 (2)				
t Front Facade Permitted Entrance Type	stoop, porch, limited storefront ⁵	stoop, porch, limited storefront ⁵	stoop, porch, limited storefront ⁵	stoop, porch, limited storefront ⁵	stoop, porch, limited storefront ⁵
u Principal Entrance Location per Unit	front or corner side facade				
Vertical Facade Divisions	not required				
Horizontal Facade Divisions	for buildings over 3 stories, required within 3' of the top of any visible basement or ground story				
v (5) Roof Type Requirements Refer to Figure 5.9 (3).					
Permitted Roof Types	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat
Tower	permitted	permitted	permitted	prohibited	permitted



Site Plan with Rear Access Attached Garage



Site Plan with Rear Yard & Detached Garage

Figure 5.9 (1) Row Building: Building Siting

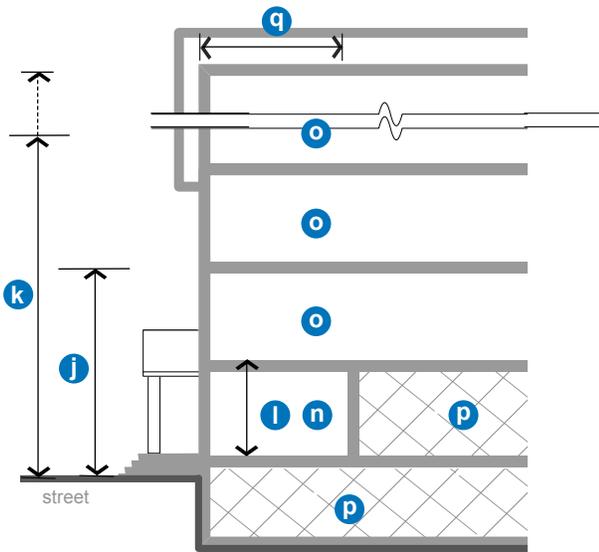


Figure 5.9 (2). Row Building: Height & Use Requirements

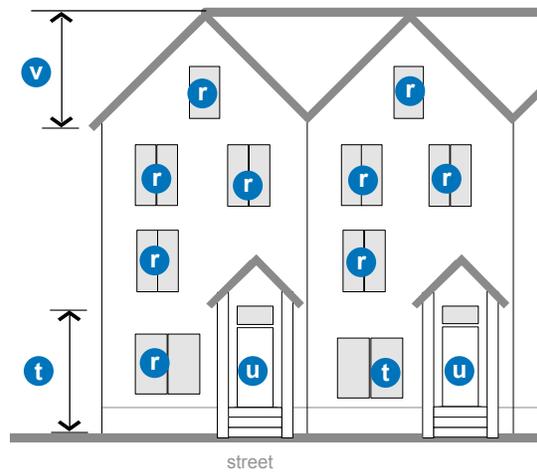


Figure 5.9 (3). Row Building: Street Facade Requirements

5.0 Building Types

5.10 Yard Building

1. Description & Intent

The Yard Building is a mainly residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear only with preferred access from an alley.

The Yard Building can be utilized in newly developing locations or for infill development within the existing fabric of the traditional residential neighborhoods.

For more information on existing Yard Buildings or, “detached single family homes,” and how this code applies please reference Section 10.4. of this document.

2. Regulations

Regulations for the Yard Building Type are defined below and in the adjacent table.

(1) The front façade shall comprise of no less than seventy percent (70%) of active living space.

(2) The minimum permitted square footage of a Yard Building for new construction is 700 square feet.



Permitted Districts & Overlay Subdistricts		
Residential Community	Residential Agriculture Overlay	All Other Districts

(1) Building Siting Refer to Figure 5.10 (1).				
	Multiple Principal Buildings	prohibited	prohibited	prohibited
a	Front Sidewalk Coverage	65% ¹	65% ¹	65% ¹
	Occupation of Corner	required	required	required
b	Front Setback	15' ²	30' ²	15' ²
c	Corner Setback	8'	20'	8'
d	Minimum Side Yard Setback	5'	20'	5'
e	Minimum Rear Yard Setback	15' ³	30' ³	15' ³
f	Minimum Lot Width	80'	150'	49'
	Maximum Lot Width	100'	no maximum	80'
g	Parking	rear or side yard	rear or side yard	rear or side yard
i	Vehicular Access	From alley; if no alley exists, 1 driveway per street frontage	From alley; if no alley exists, 1 driveway per street frontage	From alley; if no alley exists, 1 driveway per street frontage
(2) Height Refer to Figure 5.10 (2).				
j	Minimum Overall Height	1.5 story ⁴	1.5 story ⁴	1.5 story ⁴
k	Maximum Overall Height	2.5 stories	2.5 stories	2.5 stories
l	Ground Story: Minimum Height	9'	9'	9'
	Maximum Height	14'	14'	14'
n	Upper Stories: Minimum Height	9'	9'	9'
	Maximum Height	11'	11'	11'
(3) Uses Refer to Figure 5.10 (2). Refer to 4.0 Uses for permitted uses.				
p	All Stories	residential ⁵	residential ⁵	residential ⁵
q	Parking within Building	permitted with rear or side facade garage door access	permitted with rear or side facade garage door access	permitted with rear or side facade garage door access
r	Required Occupied Space	25' deep on all full floors from the front facade	25' deep on all full floors from the front facade	25' deep on all full floors from the front facade
(4) Street Facade Requirements Refer to Figure 5.10 (3).				
u	Minimum Transparency per each Story	15%	15%	15%
	Blank Wall Limitations	required, see 5.2.4 (2)	required, see 5.2.4 (2)	required, see 5.2.4 (2)
	Front Facade Entrance Type	stoop, porch	stoop, porch	stoop, porch
	Principal Entrance Location per Unit	front, corner, or corner side facade	front, corner, or corner side facade	front, corner, or corner side facade
v	Required Number of Street Entrances	1	1	1
	Vertical Facade Divisions	not required	not required	not required
	Horizontal Facade Divisions	not required	not required	not required
(5) Roof Type Requirements Refer to Figure 5.10 (3).				
	Permitted Roof Types	All roof types permitted		

Notes

Tower not permitted, not permitted, not permitted
¹ When multiple buildings are located on a single lot, each building shall meet the front property line coverage requirement, except one of every three buildings may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units. Refer to Figure 5.10 (4)

² Front facing garages, carports, and all other parking surfaces and structures permitted shall be set back a minimum of 4' from the primary facade, and 30' from front property line.

³ Rear yard setback for detached garages on alleys is five feet.

⁴ If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

⁵ This does not include home occupation secondary uses which are permitted on all floors

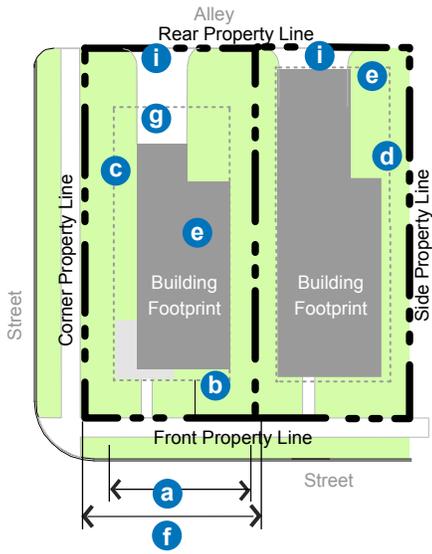


Figure 5.10 (1) Yard Building: Building Siting

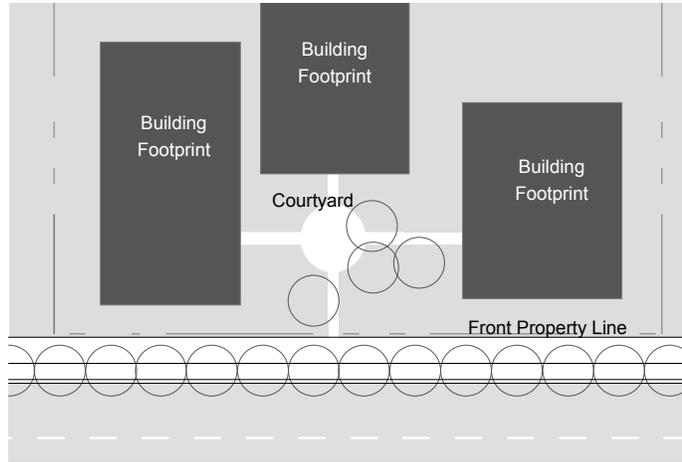


Figure 5.10 (4) Front Property Line Coverage: One of every three buildings may front a courtyard

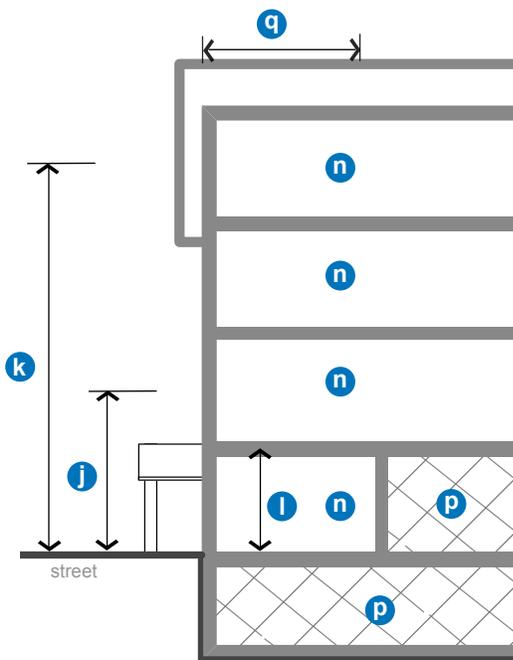


Figure 5.10 (2). Yard Building: Height and Use Requirements

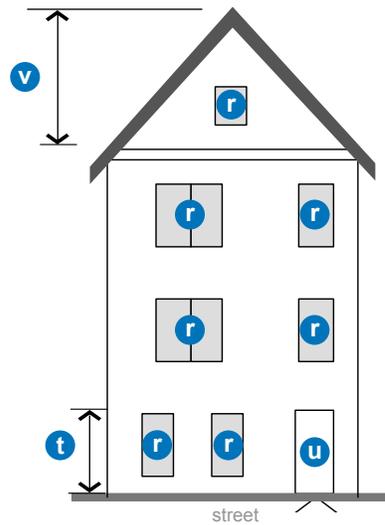


Figure 5.10 (3). Yard Building: Street Facade Requirements

5.0 Building Types

5.11 Mansion Style

1. Description & Intent

The Mansion Style is a primarily residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear **and side yards with preferred access at the rear property line by an alley.**

The Mansion Style Building can be utilized to **add variety to the available housing stock within Heber City and its residential neighborhoods, while also being context appropriate in scale, architectural character, site layout, etc.**

2. Regulations

Regulations for the Mansion Style Type are defined below and in the adjacent table. This building type shall be perceived as a single family residence, through materials, massing, entrance locations and projections and roof line.

- (1) One entrance per primary facade shall project a minimum of 5' from other entrances, with this entrance acting as a perceived primary entrance.
- (2) Direct access from the public right-of-way to every unit's primary entrance by means of a **3' wide (minimum)** paved path is required.
- (3) No primary entrances are permitted on the rear facade of the structure.
- (4) For each primary unit entrance a stoop or porch is required.
- (5) Detached and attached garages are not permitted on the front facade or on the side facade when a residential unit's primary entrance faces the side yard.



Permitted Districts
All Districts

(1) Building Siting Refer to Figure 5.13 (1).	
Multiple Principal Buildings	not permitted
Front Sidewalk Coverage	65%
Occupation of Corner	Permitted w/ Corner Facade
Front Build to Zone	15'
Corner Build to Zone	not required
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	5'
Minimum Lot Width Maximum Lot Width	50' 140'
Parking	Side and rear yard
Vehicular Access	From alley; if no alley exists, maximum 1 curb cut & access drive/driveway per street frontage
(2) Height Refer to Figure 5.13 (2).	
Minimum Overall Height	1 story
Maximum Overall Height	2.5 stories ¹
Ground Story: Minimum Height Maximum Height	9' 14'
Upper Stories: Minimum Height Maximum Height	9' 14'
(3) Uses Refer to Figure 5.5 (2). Refer to 4.0 Uses for permitted uses.	
All Stories	Residential
Parking within Building	permitted fully in basement and in rear of all floors.
Required Occupied Space	25' deep on all full floors from the front facade
(4) Street Facade Requirements Refer to Figure 5.13 (3).	
Minimum Transparency per each Story	15%
Blank Wall Limitations	required, see 5.2.4 (2)
Front Facade Entrance Type	stoop, or porch required for each unit
Principal Entrance Location	front or corner facade
Pedestrian Street Entrance	1 per unit
Vertical Facade Divisions	not required
Horizontal Facade Divisions	not required
(5) Roof Type Requirements Refer to Figure 5.13 (3).	
Permitted Roof Types	parapet, pitched, flat
Tower	not permitted

Notes

- ¹ Each building shall meet all requirements of the Building Type.
- ² When multiple buildings are located on a single lot, each building shall meet the front property line coverage requirement, except one of every three buildings may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units.
- ³ Rear yard setback for detached garages on alleys is five feet.



Figure 5.11 (1). Mansion Style: Alley Access



Figure 5.11 (2). Mansion Style: Drive Approach

5.0 Building Types

5.12 Adaptive Reuse

1. Description & Intent

Many of the existing buildings within Heber City have the potential to be reworked into a new use. The historic character buildings could change to residential, office or other uses even if not consistent with the previous use in which it was constructed for. Adaptive reuse is encouraged with the following regulations.

2. Regulations

1. Reconstruction should attempt to retain much of the character of the existing building.
2. Lighting should reflect the historic nature of the building.
3. Windows shall emphasize the adjacent street & corners and encompass at least 40% of first story building facades.
4. Parking shall be located to the rear of the building if existing site conditions dimensions allow for it.

Notes

A. Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet) or one single-loaded aisle of parking (maximum width of 44 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

B. If 18 feet or more in height, ground story shall count as two stories towards maximum building height.



Adaptive Reuse Precedents

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5.0 Building Types

5.13 Agriculture Building Type

1. Description & Intent

The Agriculture Building Type permits a large variety of agricultural related and supportive uses. This Building Type is intended to be built on a large parcel with only agricultural uses. It should be built to compliment those existing farmhouses located within and near to Heber City. These buildings should be formed in a cluster type of development model when possible and should not block the views of the surrounding landscape.

2. Regulations

Regulations for the Agriculture Building Type are defined in the adjacent table.



Precedent Images

	Permitted Districts
	All Districts
(1) Building Siting Refer to Figure 5.13 (1).	
Multiple Principal Buildings	permitted
Front Sidewalk Coverage	not required
Occupation of Corner	required when cluster development is possible, not required otherwise
Front Build to Zone	not required
Corner Build to Zone	not required
Minimum Side Yard Setback	30'
Minimum Rear Yard Setback	40'
Minimum Lot Width	150'
Maximum Lot Width	none
Parking & Loading	side yard or 100' from property line
Vehicular Access	maximum 1 driveway per street frontage or per every 200' of street frontage
(2) Height Refer to Figure 5.13 (2).	
Minimum Overall Height	1 story
Maximum Overall Height	3 stories ¹
Ground Story: Minimum Height	14'
Maximum Height	24'
Upper Stories: Minimum Height	10'
Maximum Height	24'
(3) Uses Refer to Figure 5.5 (2). Refer to 4.0 Uses for permitted uses.	
Ground Story	agriculture & farm associated uses & activities, no retail
Upper Story	agriculture & farm associated uses & activities, no retail
(4) Street Facade Requirements Refer to Figure 5.13 (3).	
Minimum Ground Story Transparency	Not Applicable
Minimum Transparency	Not Applicable
Blank Wall Limitations	Not Applicable
Principal Entrance Location	front or corner facade
Required Number of Street Entrances	1 per 150' of facade
Vertical Facade Divisions	every 100' of facade width
Horizontal Facade Divisions	required within 30' starting at grade
(5) Roof Type Requirements Refer to Figure 5.13 (3).	
Permitted Roof Types	pitched, gambrel,
Tower	prohibited

¹ If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

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5.0 Building Types

5.14 Entrance Types.

Entrance type standards apply to the ground story and visible basement of front facades of all Building Types as defined in this Section. Refer to the Building Type Table Requirements, Sections 5.3 through 5.13.

1. General.

The following provisions apply to all entrance types.

- (1) Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Building Type standard (refer to Building Types 5.3 through 5.13).
- (2) Applicability. The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one of the permitted entrance types, unless otherwise stated.
- (3) Measuring Transparency. Refer to 5.2 Explanation of Building Type Table Standards, for information on measuring building transparency.
- (4) Visible Basements. Visible basements, permitted by entrance type, are optional. The visible basement shall be a maximum of one-half the height of the tallest story.

2. Storefront Entrance Type.

(Refer to Figure 5.14 (1)). The Storefront entrance type is a highly

transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses.

- (1) Transparency. Minimum transparency is required per Building Type.
- (2) Elevation. Storefront elevation shall be between zero and two feet above sidewalk.
- (3) Visible Basement. A visible basement is not permitted.
- (4) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
- (5) Entrance. All entries shall be recessed from the front facade closest to the street.
 - (a) Recess shall be a minimum of three feet and a maximum of eight feet deep, measured from the portion of the front facade closest to the street.
 - (b) When the recess falls behind the front build-to zone, the recess shall be no wider than eight feet.

3. Arcade Entrance Type.

(Refer to Figure 5.14 (2)). An Arcade entrance type is a covered pedestrian walkway within the recess of a ground story.

- (1) Arcade. An open-air public walkway is required to be recessed into the building, from the face of the building, a minimum of eight and a maximum of 15 feet.

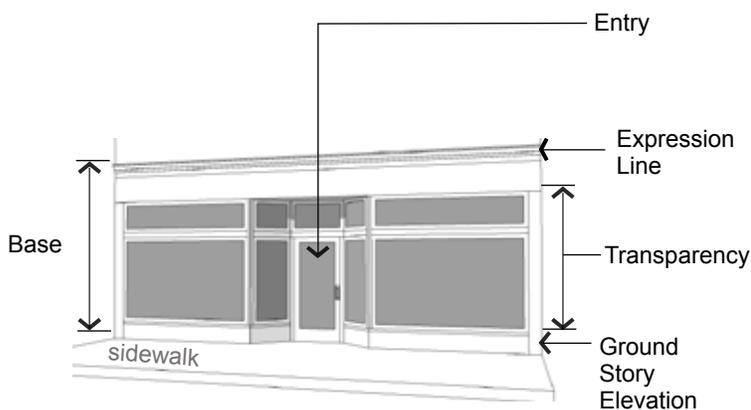


Figure 5.14 (1). Storefront Entrance Type

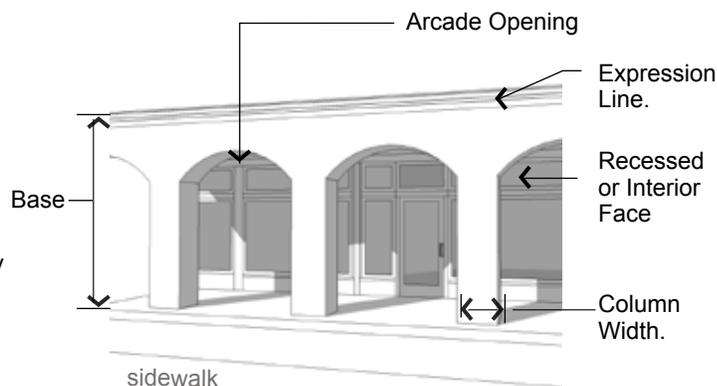


Figure 5.14 (2). Arcade Entrance Type

- (2) Build-to Zone. When the Arcade is utilized, the outside face of the Arcade shall be considered the front facade, located within the required build-to zone.
- (3) Recessed or Interior Facade. Storefront entrance type is required on the recessed ground story facade.
- (4) Column Spacing. Columns shall be spaced between ten feet and 18 feet on center.
- (5) Column Width. Columns shall be a minimum of 1'-8" and a maximum 2'-4" in width.
- (6) Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.
- (7) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
- (8) Visible Basement. A visible basement is not permitted.

4. Stoop Entrance Type.

(Refer to Figure 5.14 (3)). A stoop is an unroofed, open platform.

- (1) Transparency. Minimum transparency is required per Building Type.
- (2) Stoop Size. Stoops shall be a minimum of three feet deep and six feet wide.

- (3) Elevation. Stoop elevation shall be located a maximum of 2'-6" above the sidewalk without visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
- (4) Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
- (5) Entrance. All entries shall be located off a stoop.

5. Porch Entrance Type.

(Refer to Figure 5.14 (4)). A porch is a raised, roofed platform that may or may not be enclosed on all sides. If enclosed, the space shall not be climate controlled.

- (1) Transparency.
 - (a) Minimum transparency per Building Type is required.
 - (b) If enclosed, a minimum of 40% of the enclosed porch shall be comprised of highly transparent, low reflectance windows.
- (2) Porch Size. The porch shall be a minimum of five feet deep and eight feet wide.
- (3) Elevation. Porch elevation shall be located a maximum of 2'-6" above the sidewalk without a visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.
- (4) Visible Basement. A visible basement is permitted.
- (5) Height. Porch may be two stories to provide a balcony on the second floor.
- (6) Entrance. All entries shall be located off a porch. **Porch access may be achieved through stairs, and/or an ADA accessible ramp.**

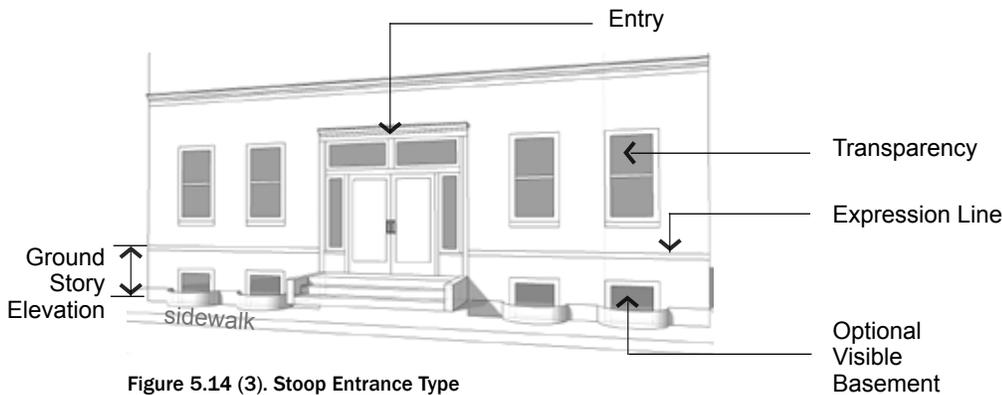


Figure 5.14 (3). Stoop Entrance Type

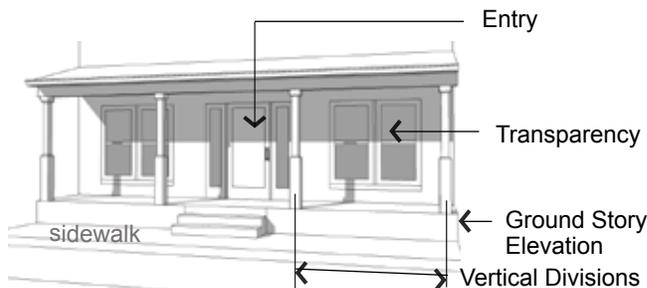


Figure 5.14 (4). Porch Entrance Type

5.0 Building Types

5.15 Roof Types.

Roof type standards apply to the roof and cap of all Building Types as defined in this Section. Refer to the Building Type Table Requirements, Sections 5.3 through 5.13.

1. General Provisions.

The following provisions apply to all roof types.

- (1) Intent. To guide the design of the cap of all buildings.
- (2) Applicability. All buildings shall meet the requirements of one of the roof types permitted for the Building Type.
- (3) Measuring Height. Refer to Section 5.2.2 for information on measuring building height.
- (4) Other Roof Types. Other building caps not listed as a specific type may be made by a request to the **Planning Commission** with the following requirements:
 - (a) The roof type shall not create additional occupiable space beyond that permitted by the Building Type.
 - (b) The shape of the Roof Type shall **not** be significantly different from those defined in this section 5.15 Roof Types, i.e. a dome, spire, vault.
 - (c) The building shall warrant a separate status within the community from the fabric of surrounding buildings, with a correspondence between the form of the roof type and the meaning of the building use.

2. Parapet Roof Type.

(Refer to Figure 5.15 (1), Parapet Roof Type). A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street.

- (1) Parapet Height. Height is measured from the top of the upper story to the top of the parapet.

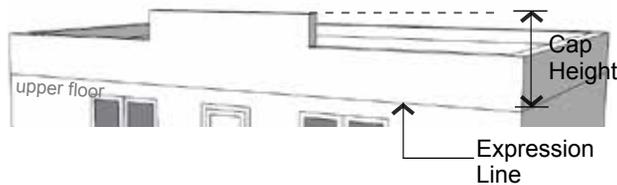


Figure 5.15 (1). Parapet Roof Type

- (a) Minimum height is two feet with a maximum height of six feet.
 - (b) The parapet shall be high enough to screen the roof and any roof appurtenances from view of the street(s).
- (2) Horizontal Expression Lines. An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.
 - (3) Occupied Space. Occupied space shall not be incorporated behind this roof type.

3. Pitched Roof Type.

(Refer to Figure 5.15 (2), Pitched Roof Type). This roof type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

- (1) Pitch Measure. The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12.
 - (a) Slopes less than 4:12 are permitted to occur on second story or higher roofs. (Refer to Figure 5.15 (2) - Low Pitched Roof).
- (2) Configurations.
 - (a) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
 - (b) Gambrel and mansard roofs are not permitted.
- (3) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every 100 feet of roof when the ridge line runs parallel to the front lot line. (Refer to Figure 5.15 (3). Parallel Ridge Line).
- (4) Roof Height. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the Building Type.

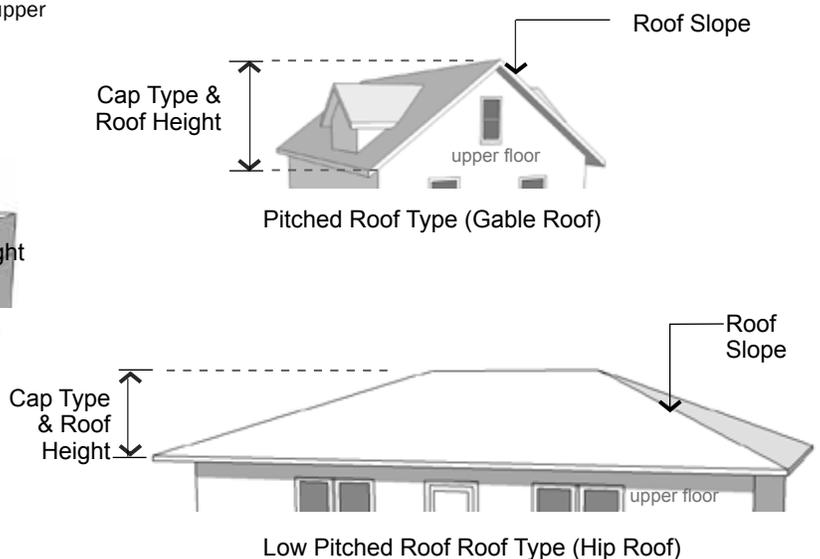


Figure 5.15 (2). Pitched Roof Type

(5) Occupied Space. Occupied space may be incorporated behind this roof type.

4. Flat Roof Type.

(Refer to Figure 5.15 (4). Flat Roof Type). This roof type has a flat roof with overhanging eaves.

- (1) Configuration. Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.
- (2) Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least 14 inches.
- (3) Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight inches thick.
- (4) Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
 - (a) No more than one-half of the front facade can consist of an interrupting vertical wall.
 - (b) Vertical walls shall extend no more than four feet above the top of the eave.
- (3) Occupied Space. Occupied space shall not be incorporated behind this roof type.

5. Towers.

(Refer to Figure 5.15 (5) Tower). A tower is a rectilinear or cylindrical, vertical element, that must be used with other roof types.

- (1) Quantity. All Building Types, with the exception of the Civic Building, are limited to one tower per building.

- (2) Tower Height. Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied.
- (3) Tower Width. Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.
- (4) Horizontal Expression Lines. An expression line shall define the tower from the upper stories, except on single family or attached house residential Building Types.
- (5) Occupied Space. Towers may be occupied by the same uses allowed in upper stories of the Building Type to which it is applied.
- (6) Application. May be combined with all other roof types.
- (7) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof roof types, or the spire may cap the tower.

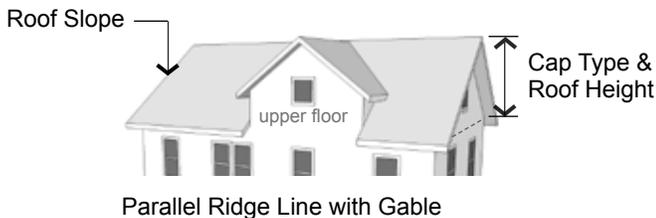


Figure 5.15 (3). Parallel Ridge Line

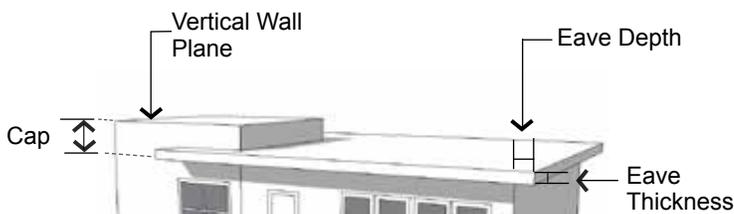


Figure 5.15 (4). Flat Roof Type

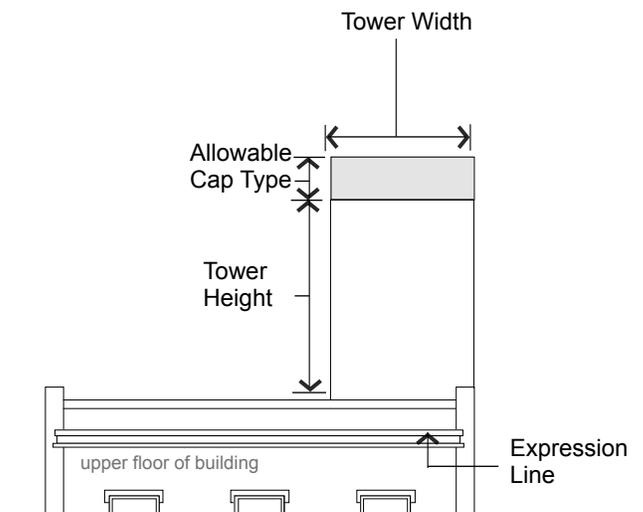


Figure 5.15 (5). Tower

5.0 Building Types

5.16 Additional Design Requirements.

The following outlines the district design guidelines that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

1. Materials and Color.

- (1) Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.
 - (a) Permitted primary building materials include high quality, durable, natural materials, such as stone, brick; wood lap siding; fiber cement board lapped, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 5.16 (1).



Primary Materials: Brick



Primary Materials: Stone



Primary Materials: Painted Wood

Figure 5.16 (1). Primary Materials.

- (2) Secondary Facade Materials. Secondary materials are limited to details and accents and include concrete, wood, metal, gypsum reinforced fiber concrete for trim and cornice elements; metal or concrete for beams, lintels, trim, and ornamentation, and exterior architectural metal panels and cladding.
 - (a) Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.
- (3) Roof Materials. Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. "Engineered" wood or slate may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 5.16 (2).
- (4) Color. Main building colors shall be complementary to existing building stock.
- (5) Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used on all Building Types with the exception of the Row Building and the Yard Building. Refer to Figure 5.16 (3).

2. Windows, Awnings, and Shutters.

- (1) Windows. All upper story windows on all historic, residential, and mixed use buildings shall be recessed, double hung. Percent of transparency is required per Building Type.



Roof Materials: Asphalt Composite Shingles



Roof Materials: Ceramic Tile

Figure 5.16 (2). Roof Materials.

- (2) Awnings. All awnings shall be canvas or metal or wood. Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated. Refer to Figure 5.16 (4).
- (3) Shutters. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood. "Engineered" wood may be approved by the **City Planner** or Designee during the site plan process with an approved sample and examples of successful, high quality local installations.



Permitted Awnings: Metal



Prohibited: Residential Grade Doors on Commercial Buildings.



Permitted Awnings: Canvas



Permitted: Commercial Grade Doors & Windows on Commercial Buildings.



Prohibited Awnings: Plastic

Figure 5.16 (3). Commercial Grade Doors & Windows.

Figure 5.16 (4). Awnings.

5.0 Building Types

3. Balconies.

The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 5.16 (5).

- (1) Size. Balconies shall be a minimum of six feet deep and five feet wide.
- (2) Connection to Building. Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- (3) Facade Coverage. A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structures.

4. Treatments at Terminal Vistas.

When a street terminates at a parcel, the parcel shall be occupied by one of the following:

- (1) If the parcel is open space, any Open Space Type with the exception of the Pocket Park shall be utilized and a vertical element shall be terminate the view. Acceptable vertical elements include a stand or grid of trees, a sculpture, or a fountain.
- (2) If the parcel is not utilized as an Open Space Type, the front or corner side of a building, whether fronting a Primary Street or not, shall terminate the view.



Figure 5.16 (7). Building Variety.



Figure 5.16 (5). Balconies Integral to Facade.

5. Building Variety.

Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following. Refer to Figure 5.16 (7) for one illustration of this requirement.

- (1) The proportion of recesses and projections.
- (2) The location of the entrance and window placement, unless storefronts are utilized.
- (3) Roof type, plane, or material, unless otherwise stated in the Building Type requirements.

6. Drive-through Structures.

Refer to Figure 5.16 (8) for one illustration of the following requirements.

- (1) Application. Drive-through structures are limited to the following Regulatory Districts (refer to Section 3.0 Districts & Overlay Subdistricts):
 - a. Mixed-Use Airport District
 - b. Mixed-Use Retail District
- (2) Structure/Canopy. Drive-through structures or canopies shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The structure shall not be visible from any Primary Street.
- (3) Stacking Lanes. Stacking lanes shall be located perpendicular to the Primary Façade or behind the building.
- (4) The canopy and structure shall be constructed of the same materials utilized on the building.

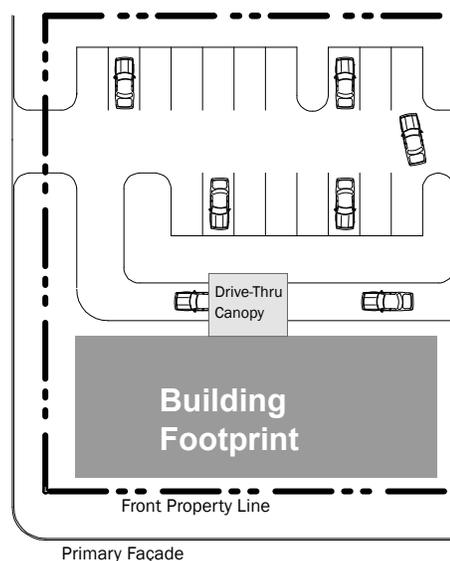


Figure 5.16 (8). Drive-Through Facility Layout.

6.0 Open Space Types

DRAFT
May 12, 2016

6.0 Open Space Types

6.1 General Requirements.

1. Intent.

To provide open space as an amenity that promotes physical and environmental health within the community and to provide each household with access to a variety of active and passive open space types. Refer to city's most up-to-date open space and trails master plan.

2. General Requirements.

Development of parcels over 5 acres are required to provide 10% total lot size as civic open space. Developer shall work with City to determine appropriate location of open space. For developments between 5 and 15 acres; the developer has the option subject to Planning Commission approval to make a payment in lieu of open space to Heber City. City Council shall set the per square footage fees based on the square footage amount of open space that is not being provided. For developments greater than 15 acres the civic open space must be provided on site.

- (1) All open space provided within any District shall comply with one of the Open Space Types defined by 6.2 through 6.8.
- (2) Access. All Open Space types shall provide public access from a vehicular right-of-way.
- (3) Location. Open Space Types shall be platted as a lot or, with permission of the City, may be located within the right-of-way.
- (3) Fencing. Open Space Types may incorporate fencing provided that the following requirements are met.
 - a. Height. Fencing shall be a maximum height of 48 inches, unless approved by the City Planner or Designee for such circumstances as proximity to railroad right-of-way and use around swimming pools, ball fields, and ball courts.
 - b. Type. Chain-link fencing is not permitted along any street frontage, with the exception of dedicated sports field or court fencing approved by the City Planner or Designee.
 - c. Spacing of Openings. Openings or gates shall be provided on every street face at key locations and intersections, and at a minimum of every 200 feet.
- (4) Ownership. Open Space Types may either be publicly or privately owned.
- (5) Parking Requirements. Parking shall not be required for any Open Space Type, unless a use other than open space is determined by the City Planner or Designee.
- (6) Continuity. Connections to existing or planned trails or open space types shall be made when the Open Space abuts an existing or planned trail right-of-way or other civic open space type.

3. Definition of Requirements.

The following further explains or defines the requirements included in Tables 6.2 (1) through 6.8 (1) for each Open Space Type. Refer to each

table for the specific requirements of each Open Space Type.

- (1) Size.
 - a. Minimum Size. The minimum size of the Open Space Type is measured within the parcel lines of the property.
 - b. Maximum Size. The maximum size of the Open Space Type is measured within the parcel lines of the property.
 - c. Minimum Dimension. The minimum length or width of the Open Space Type, as measured along the longest two straight lines intersecting at a right angle defining the maximum length and width of the lot. Refer to Figure 6.1 (1).
- (2) Minimum Percentage of Vehicular Right-of-Way Frontage Required. The minimum percentage of the civic open space perimeter, as measured along the outer parcel line, that shall be located directly adjacent to a vehicular right-of-way, excluding alley frontage. This requirement provides access and visibility to the Open Space.
- (3) Adjacent Parcels. Parcels directly adjacent to as well as directly across the street from an Open Space Type.
 - a. Frontage Orientation of Adjacent Parcels. The preferred orientation of the adjacent parcels' frontages to the civic open space. Front, corner side, side, and rear refers to the property line either adjacent to the Open Space or facing the Open Space across the street.
- (4) Improvements. The following types of development and improvements may be permitted on an Open Space Type.
 - a. Designated Sports Fields Permitted. Sports fields, ball courts, or structures designated for one or more particular sports including, but not limited to, baseball fields, softball fields, soccer fields, basketball courts, football fields, tennis courts, climbing walls, and skate parks are permitted.

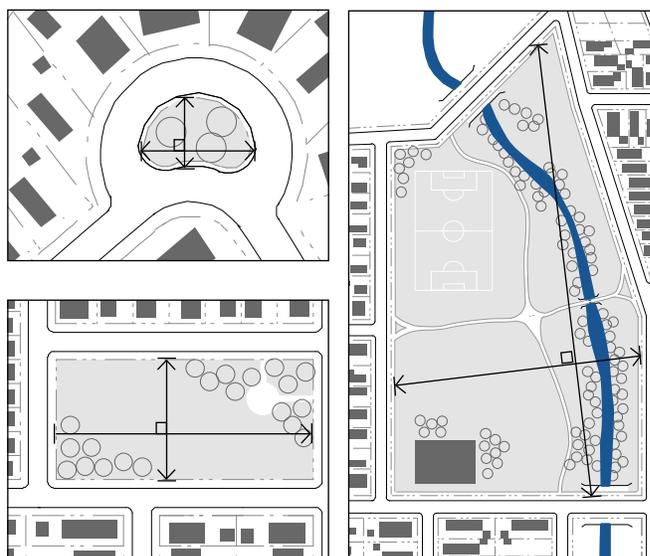


Figure 6.1 (1). Examples of Measuring the Minimum Dimension of Open Space Types.

- b. **Playgrounds Permitted.** Playgrounds include a defined area with play structures and equipment typically for children under 12 years of age, such as slides, swings, climbing structures.
- c. **Fully Enclosed Structures Permitted.** Fully enclosed structures may include such uses as park offices, maintenance sheds, community centers, and restrooms.
 - (i) **Maximum Area.** For some civic open space types, fully enclosed structures are permitted, but limited to a maximum building coverage as a percentage of the open space area.
 - (ii) **Semi-Enclosed Structures.** Open-air structures, such as gazebos, are permitted in all open space types.
- d. **Maximum Percentage of Open Water Body.** The maximum amount of area within an Open Space Type that may be covered by an open water body, including, but not limited to, ponds, lakes, and pools.



Figure 6.2 (1). Typical Plaza.

4. Stormwater in Open Space Types.

Stormwater management practices, such as storage and retention facilities, may be integrated into Open Space Types and utilized to meet stormwater requirements for surrounding parcels.

- (1) **Stormwater Features.** Stormwater features in civic open space may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. Stormwater features shall not be fenced and shall not impede public use of the land they occupy. Stormwater facilities shall be designed for public safety so that in the case of a storm event so that water depths are minimized.
- (2) **Qualified Professional.** A qualified landscape design professional, such as a landscape architect or certified landscape designer, shall be utilized to incorporate stormwater features into the design of the civic open spaces.

6.2 Plaza.

1. Intent.

To provide a formal Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. The Plaza may contain a greater amount of impervious coverage than any other Open Space Type. Special features, such as fountains and public art installations, are encouraged.

2. Plaza Requirements

(1) Dimensions

Minimum Size (acres)	0.05
Maximum Size (acres)	1.5
Minimum Dimension (feet)	30'

Minimum % of Vehicular ROW Frontage Required	50%; 80% building frontage required on non-street frontage
--	--

(2) Adjacent Parcels

Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Front or Corner Side

(3) Improvements

Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Not permitted
Fully Enclosed Structures Permitted	Permitted; maximum 5% of area
Maximum % of Open Water	50%

(4) Additional Design Requirements

- (a) **Minimum Building Frontage.** At least 80% of the plaza's perimeter that does not front on vehicular right-of-way shall be lined by building frontages.
- (b) **Fully Enclosed Structures Permitted.** Fully enclosed structures are permitted, and are allowed to cover a maximum of 5% of the total area of the plaza.

6.0 Open Space Types

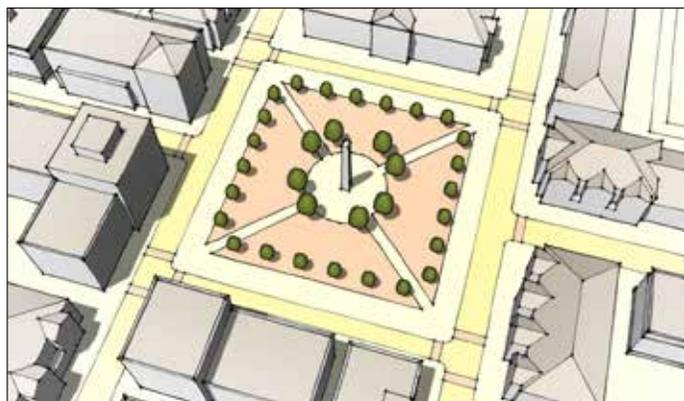


Figure 6.3 (1). Typical Square.

6.3 Square.

1. Intent.

To provide a formal Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition.

2. Square Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	3
Minimum Dimension (feet)	80'
Minimum % of Vehicular ROW Frontage Required	100%
(2) Adjacent Parcels	
Permitted Districts	Historic Core Downtown Corridor Mixed-Use Retail Downtown Village Heritage & Recreation
Frontage Orientation of Adjacent Parcels	Front or Corner Side
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Not permitted
Fully Enclosed Structures Permitted	Permitted; maximum 5% of area
Maximum % of Open Water	30%
(4) Additional Design Requirements	

(a) Fully Enclosed Structures Permitted. Fully enclosed structures are permitted, and are allowed to cover a maximum of 5% of the total area of the Square.



Figure 6.4 (1). Typical Green Layout.

6.4 Green.

1. Intent.

To provide informal, medium scale active or passive recreation for neighborhood residents within walking distance, mainly fronted by streets..

2. Green Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	2
Minimum Dimension (feet)	80'
Minimum % of Vehicular ROW Frontage Required	100%; 50% for over 1.25 acres
(2) Adjacent Parcels	
Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Front or Corner Side
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted; maximum 5% of area
Maximum % of Open Water	30%



Figure 6.5 (1). Typical Commons Layout.



Figure 6.6 (1). Typical Pocket Park Layout.

6.5 Commons.

1. Intent.

To provide an informal, small to medium scale space for active or passive recreation for a limited neighborhood area. Commons are typically internal to a block and tend to serve adjacent residents.

2. Commons Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	1.5
Minimum Dimension (feet)	45'
Minimum % of Vehicular ROW Frontage Required	0%; 2 access points required, minimum width each of 20'
(2) Adjacent Parcels	
Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Side or Rear
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum % of Open Water	30%
(4) Additional Design Requirements	
(a) Access Points. Commons shall have a minimum of two access points from a vehicular right-of-way. Each access point shall have a minimum width of 20 feet.	

6.6 Pocket Park Open Space Type.

1. Intent.

To provide small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance.

2. Pocket Park Requirements	
(1) Dimensions	
Minimum Size (acres)	0.05
Maximum Size (acres)	1
Minimum Dimension (feet)	None
Minimum % of Vehicular ROW Frontage Required	15%
(2) Adjacent Parcels	
Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Any
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum % of Open Water	30%

6.0 Open Space Types



Figure 6.7 (1). Typical Park.

6.7 Park.

1. Intent.

To provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees.

2. Park Requirements	
(1) Dimensions	
Minimum Size (acres)	1
Maximum Size (acres)	None
Minimum Dimension (feet)	100'
Minimum % of Vehicular ROW Frontage Required	30%; up to 5 acres; 20% over 5 acres
(2) Adjacent Parcels	
Permitted Districts	Residential Community Residential Community - 2 Heritage & Recreation Downtown Village
Frontage Orientation of Adjacent Parcels	Any
(3) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted, maximum 5% of area
Maximum % of Open Water	30%
(4) Additional Design Requirements	
(1) Vehicular Right-of-Way Frontage of Parks Less Than 5 Acres. At least 30% of the park shall continuously front on a vehicular right-of-way.	
(2) Vehicular Right-of-Way Frontage of Parks Larger Than 5 Acres. At least 20% of the park shall continuously front on a vehicular right-of-way.	



Figure 6.8 (1). Typical Greenway.

6.8 Greenway.

1. Intent.

To provide informal, primarily natural linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways are linear open spaces that often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. A greenway may border other open space types.

2. Greenway Requirements	
(1) Dimensions	
Minimum Size (acres)	1
Maximum Size (acres)	None
Minimum Dimension (feet)	30'; recommended minimum average width 50'
Minimum % of Vehicular ROW Frontage Required	0%; 1 access point required per quarter mile of length, minimum 20' width
(2) Adjacent Parcels	
Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Any
(3) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum % of Open Water	30%

7.0 Landscape Standards

DRAFT
May 12, 2016

7.0 Landscape Standards

7.1 General Requirements.

1. Intent.

The landscape standards outlined in this section are designed to meet the following set of goals.

- (1) To provide for healthy, long-lived street trees within all public ways to improve the appearance of streets and create a buffer between pedestrian and vehicular travel lanes.
- (2) To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- (3) Water efficient landscaping, tree and plant types and sizes, and other elements related to efficient landscape design standards.
- (4) To shade large expanses of pavement and reduce the urban heat island effect.

2. Applicability.

Landscaping, trees, and buffers shall be installed as detailed in this section.

- (1) General Compliance. Application of this section to existing uses shall occur with the following developments.
 - (a) Any development of new or significant improvements to existing parking lots, loading facilities, and driveways. Significant improvements include new driveways, new spaces, new medians, new loading facilities, or complete reorganization of the parking and aisles.
 - (b) Alteration, removal or replacement of existing parking area pavement that results in a change of 15% or more of the parking areas gross square footage.
 - (c) When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements.
- (2) Buffers. Landscape buffers are required according to the provisions in this section with the following exceptions.
 - (a) Shared Driveways. Buffers shall not be required along a property line where a curb cut or aisle is shared between two adjoining lots.
 - (b) Points of Access. Buffering is not required at driveways or other points of access to a lot.
- (3) Temporary Uses. These provisions do not apply to temporary uses, unless determined otherwise by the City Planner or Designee.
- (4) Street Trees. Refer to section 2.0 Streets for appropriate street tree specifications.

3. Water Efficient Landscaping.

Water efficient landscaping, tree and plant types and sizes, and other elements related to efficient landscape design standards should be included in all landscape designs.

7.2 Installation of Landscape.

1. Intent.

The following provisions aid in ensuring that all required landscaping is installed and maintained properly.

2. Applicability.

These provisions apply to landscape installation as required by this section. **All landscaping must be completed in full at the time of Certificate of Occupancy for the project or a bond must be provided to Heber City Municipal Corporation. The bond provided must cover the full cost of the proposed landscaping and irrigation per the landscape and irrigation plan set which was reviewed & approved by the Land Use Authority of the project and which reflects the required landscaping and irrigation as determined in this code.**

3. General Installation Requirements.

The installation of landscaping shall adhere to the following standards.

- (1) National Standards. Best management practices and procedures according to the nationally accepted standards shall be practiced.
 - (a) Installation. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.
 - (b) Maintenance and Protection. All landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.
- (2) Installation. Landscaping shall be fully installed prior to the issuance of a certificate of completeness.
 - (a) If seasonal conditions preclude the complete installation, a cash escrow or irrevocable letter of credit, equal to 1.5 times the installation costs as estimated by a qualified professional.
 - (b) Complete installation is required within nine months of the issuance of the temporary certificate of completeness or occupancy permit or the cash escrow or letter of credit may be forfeited.
- (3) Plant Size Requirements. Plant material shall be sized according to Table 7.2 (1) at the time of installation, unless otherwise noted in this section.
- (4) Condition of Landscape Materials. The landscaping materials used shall be:
 - (a) Healthy and hardy with a good root system.
 - (b) Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.
 - (c) Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
 - (d) Appropriate for the conditions of the site, including slope,

water table, and soil type.

- (e) Protected from damage by grates, pavers, or other measures.
 - (f) Plants that will not cause a nuisance or have negative impacts on an adjacent property.
 - (g) Species native or naturalized to the Wasatch **Back**, whenever possible.
- (5) Compost, Mulch, and Organic Matter. Compost, mulch, and organic matter may be utilized within the soil mix to reduce the need for fertilizers and increase water retention.
- (6) Establishment. All installed plant material shall be fully maintained until established, including watering, fertilization, and replacement as necessary.

4. Ground Plane Vegetation.

All unpaved areas shall be covered by one of the following.

- (1) Planting Beds.
 - (a) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
 - (b) Nonliving materials, such as bark mulch, colored gravel, or mulch, are permitted for up to 50% of a bed area.
 - (c) Annual beds must be maintained seasonally, replanting as necessary.
- (2) Grass. Seeded, plugged, or sodded grass may be planted throughout landscaped areas.
 - (a) Grass shall be established within 90 days of planting or the area must be reseeded, replugged, or resodded.

5. Tree Installations.

- (1) Tree Measurement. New trees shall be measured at six inches above the mean grade of the tree's trunk when four inch caliper or less and twelve inches for tree trunks above four inches, and noted as caliper inches throughout this ordinance.
- (2) Tree Size. All trees to be installed to meet the requirements of this section shall be a minimum of 2 inch caliper at the time of installation (note: Street Trees shall be a minimum of 3 inch caliper at time of installation).
- (3) Tree Spacing. See Section 7.3.4 (4).
- (4) Permeable Surface. For each tree preserved or planted, a minimum amount of permeable surface area is recommended, unless otherwise stated in this ordinance.
 - (a) Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to Table 7.2 (2) for details.
 - (b) Permeable area for one tree cannot count toward that of another tree.

Plant Material Type	Minimum Size
Deciduous Shade/Overstory Tree	
Single Trunk	2" caliper
Multi Trunk	10' in height
Evergreen Tree	8' in height
Understory Tree	6' in height
Ornamental Tree	1.5" caliper
Shrubbery - Deciduous	container class 5
Shrubbery - Evergreen	container class 5
Groundcover	3" in height

Table 7.2 (1). Plant Material Size at Installation.

Tree Size	Soil Volume (cubic ft)	Soil Surface Area (sq ft) with 2.5' Soil Depth	Permeable Surface Area Requirement (sq ft)
Very Small	181	72 (approx. 8.5' x 8.5')	25 (5' x 5')
Small	736	294 (approx. 17' x 17')	100 (10' x 10')
Medium	2852	1141 (approx. 34' x 34')	225 (15' x 15')
Large	6532	2681 (approx. 50' x 50')	400 (20' x 20')

Table 7.2 (2). Minimum Recommended Soil Volumes and Permeable Area per Planted Tree.

- (5) Structural Soil. When the Soil Surface Area (per Table 7.2 (2)) of a tree will extend below any pavement, structural soil is required underneath that pavement. Structural soil is a medium that can be compacted to pavement design and installation requirements while still permitting root growth. It is a mixture of gap-graded gravels (made of crushed stone), clay loam, and a hydrogel stabilizing agent to keep the mixture from separating. It provides an integrated, root penetrable, high strength pavement system that shifts design away from individual tree pits (source: Cornell University, Urban Horticulture Institute).

7.0 Landscape Standards

(6) Approved Tree Species List

- (a) Small Trees - Small trees are appropriate in locations with 4-foot planter strips or larger or in locations near utility lines.

Paperbark Maple {*Acer griseum*}
Eastern Redbud {*Cercis canadensis*}
Tatarian Maple {*Acer tataricum*}
Japanese Tree Lilac {*Syringa reticulata*}
Washington Hawthorn {*Crataegus phaenopyrum*}
Kwanzan Flowering Cherry {*Prunus serrulata*}
Lavalle Hawthorn {*Crataegus x lavallei*} *thornless variety
Amur Maple {*Acer ginnala*}
Cockspur Hawthorn {*Crataegus crusgalli*}
English Hawthorn {*Crataegus laevigata*}
Smooth Sumac {*Rhus glabra*}
Staghorn Sumac {*Rhus typhina*}
Trident Maple {*Acer buergeranum*}
Flowering Chokecherry {*Prunus virginiana*}
Rocky Mountain Maple {*Acer glabrum*}
Serviceberry {*Amelanchier x grandiflora*}
Crabapple {*Malus spp*} -no persistent fruit varieties

- (b) Medium Trees - Medium trees are appropriate in locations with 6-foot planter strips or larger or in locations where utility lines are less of an issue due to height or location of the lines.

Hedge Maple {*Acer campestre*}
State Street Maple {*Acer miyabei*}
Fruitless White Mulberry {*Morus alba*}
Big Tooth Maple {*Acer Grandidentatum*}
Japanese Pagoda {*Sophora japonica*}
European Hornbeam {*Carpinus betulus*}
European Alder {*Alnus glutinosa*}
Littleleaf Linden {*Tilia cordata*}
Crimean Linden {*Tilia Euchlora*} *not as drought tolerant
Goldenrain Tree {*Koeleruteria paniculata*}
Amur Chokecherry-fruitless {*Prunus maackii*}

- (c) Large Trees - Large trees are appropriate in locations with 8-foot planter strips or larger and where utility lines are underground or out of the way of the trees growth.

Swamp White Oak {*Quercus bicolor*}
English Oak {*Quercus robur*}
Burr Oak {*Quercus macrocaropa*}
Silver Linden {*Tilia tomentosa*}
Red Oak {*Quercus rubra*}
Ginkgo/Maidenhair Tree (male) {*Ginkgo Biloba*}
Thornless Honeylocust {*Gleditsia Triacanthos var. Inermis*}
Kentucky Coffee Tree {*Gymnocladus Dioicus*} *messy
American Linden {*Tilia Americana*}
Sycamore Maple {*Acer Pseudoplatanus*}
London Plane Tree {*Platanus*}
Japanese Zelkova {*Zelkova Serrata*}
Common Hackberry {*Celtis occidentalis*}

- (d) Prohibited Street Trees - The following trees are prohibited street trees. These trees are prohibited either because they grow too large and threaten the integrity of street improvements, have shallow root systems which threaten utilities, have nuisance fruit, seeds or thorns, are prone to sprouting, are declared noxious weeds, will not survive the harsh climate zone, or are disease prone species.

Evergreen and conifer trees, all species, including but not limited to fir, juniper, spruce, pine, etc.
Siberian Elm {*Ulmus Pumilla*}
Chinese Elm {*Ulmus Paryifolia*} *marginally zone 4 hardy
Silver Maple {*Acer Saccharinum*}
Cottonwood {*populus Fremonti*}
Quaking Aspen {*Populus Tremloides*}
Box Elder {*Acer Negundo*}
Russian Olive {*Elaeagnaceae Angustifolia*}
Willow {*Salix*} any variety
American Elm {*Ulmus Americana*}
Black Locust {*Robinia Pseudoacaia*}
Tree of Heaven {*Ailanthus*}
Idaho Locust {*Robinia x Ambigua*}
Birch {*Betula*} any variety
Flowering Plum {*Prunus Cerasifera*}
Poplar {*Populus*}
Orchard trees and nut bearing trees
Purple Robe Locust {*Robina ambigua HPurple Robe*'}
The following thorn bearing trees:
Sunburst Honey Locust {*Gleditsia triacanthos 'Sunburst'*}
Thorned Honey Locust {*Gleditsia triacanthos*}

6. Irrigation Systems.

Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.

- (1) All irrigation systems shall be designed to minimize the use of water.
- (2) Non residential landscape irrigation shall have an automatic clock-activated permanent system.
- (3) The irrigation system shall provide sufficient coverage to all landscape areas
- (4) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, streets, and parking and loading areas.
- (5) All systems shall be equipped with a back-flow prevention device.
- (6) All mechanical systems including controllers and back-flow prevention devices shall be properly screened from public view.

7. Maintenance of Landscape.

All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.

- (1) All required landscape shall be maintained to adhere to all requirements of this ordinance.
- (2) Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
- (3) Maintenance Responsibility. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.
- (4) Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
- (5) Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
- (6) Tree Topping. Tree topping is not permitted. When necessary, crown reduction thinning or pruning is permitted. Refer to 7.3.4(2) for clear branch height of street trees.

7.3 Street Trees & Streetscape Design.

1. Intent.

To line all new streets with a consistent and appropriate planting of trees, pavement design, and identity to establish tree canopy for environmental benefit and a sense of identity for all new streets.

2. Applicability.

The requirements herein apply to all new development requiring Regulating Plan approval.

3. Streetscape Design Submittal.

A consistent streetscape design shall be submitted for approval for all new streets within the development. At a minimum, the submittal shall include the following:

- (1) Street Trees. Trees meeting the minimum requirements of 7.3.4, below, shall be included in the streetscape design, with details related to tree pits, tree planting to meet the requirements of 7.2.5 Tree Installations.
- (1) Sidewalk Pavement Design. Sidewalk paving materials and pattern shall be set for each street type (refer to 2.0 Street Types).
- (2) Street Furnishings. Benches, seatwalls, planters, planter fences, trash receptacles, and bicycle racks at the least shall be specified and quantities and locations listed for each street type (refer to 2.0 Street Types).
- (3) Landscape Design. Ground plane vegetation shall be designated for any landscape bed areas, planter areas, and tree wells.
- (4) Lighting. Pedestrian and vehicular lighting shall be specified and locations and quantities noted.
- (5) Identity Elements. Any other elements designed to establish the identity of each Street, such as banners, pavement markers, artwork, or signage, shall be included in the streetscape design submittal.

4. Minimum Street Tree Requirements.

The following standards apply to the installation of street trees.

- (1) Exception. Street Trees are not required on Alley Street Types (refer to 2.4 and 2.5 Street Types).
- (2) Clear Branch Height. Minimum clear branch height is eight feet.
- (3) Street Tree Type. Medium and large shade trees are permitted to be installed as street trees. Refer to the list of permitted tree types in this section.
- (4) Street Tree Spacing. Street trees shall be planted as follows.
 - (a) Each Lot is required to have one tree for every 30-60 feet of street frontage depending on the size of tree, with a minimum of one street tree per street frontage.
 - (b) Spacing.
 - (i) Large trees must be spaced a minimum of 40 and a maximum of 60 feet on center.
 - (ii) Medium trees must be spaced a minimum of 30 and a maximum of 35 feet on center.
 - (c). No trees may be planted closer to any curb or sidewalk than as follows unless a permeable surface is provided:
 - (i) Medium trees: three feet.
 - (ii) Large trees: four feet.
 - (d) Limited Distance between Curb and Sidewalk. Where the distance from the back of the curb to the edge of the right-of-way or property line is less than eight feet with a sidewalk, Applicant shall work with the City staff to determine the

7.0 Landscape Standards

appropriate tree species.

- (i) City Planner or Designee may modify the street tree location and placement requirement in spaces less than eight feet (with a sidewalk). In such instances, the City Planner may permit the placement of street trees at the back of sidewalk rather than back of curb.

(5) Tree Wells. In commercial districts, where the sidewalk extends from the back of curb to the property line, tree wells shall be utilized.

- (a) For tree wells adjacent to sidewalks five feet wide or less, open pit is not permitted.
 - (i) The opening must be covered with a tree grate or pervious pavement.
 - (ii) The opening in a tree grate for the trunk must be expandable.

5. Lighting and Dark Skies

Outdoor lighting is important in urban environments. Appropriate lighting promotes a feeling of comfort and security and encourages pedestrian activity. Illuminating building facades highlights interesting architectural features and strengthens the character of a district. Facade illumination also directs ambient light to the vertical plane at eye level, creating higher visual contrast and recognition of faces. Proper lighting levels in pedestrian precincts also provides visual cues to motorists, reducing areas of shadow that hide pedestrians from view.

Street lighting fixtures should relate to the streetscape vocabulary during both day and night. Their scale, spacing and style of the fixtures contribute to the visual tone of the street. Use of light poles for signage, banners and other wayfinding devices adds color and detail and reduces visual clutter by ordering street graphics. At night, the light source (bulb) should become almost invisible. Full cut-off or cut-off fixture optics focus the observer's eye on the illuminated surface below the fixture. If the fixture does not utilize these high performance optics, the resulting glare causes the viewer's pupils to contract, making the illuminated area seem dark.

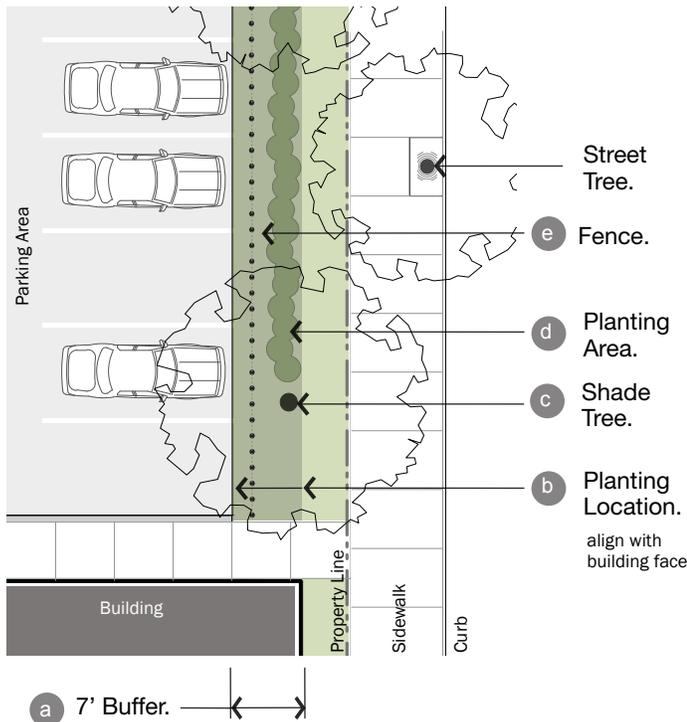
The principle of "dark skies" minimizes extraneous light and directs light to areas and surfaces that should be illuminated. Light pollution and obtrusive light result from both the optical characteristics and placement of the light fixture in an outdoor site or roadway. Outdoor lighting performances should be based on both optics and overall system design, including distribution and functional and aesthetic requirements. Light "color" has become an issue with new technologies. To reduce the brightness of white light, no lighting shall be higher than 3500 kelvins (light temperature).

Lighting design can also create visual interest by highlighting special features. Uplighting of trees, floodlighting of architectural facades and highlighting other streetscape features provide "sparkle" when complementing good overall street lighting design.

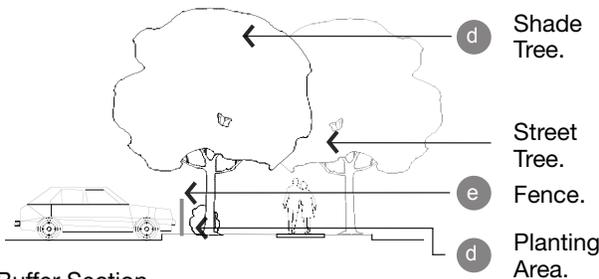
7.4 Frontage Buffer.

1. Intent & Applicability.

- (1) Intent. To lessen the visual impact of vehicular areas visible from the street.
- (2) General Applicability. Applies to properties in all districts where a vehicular area is located adjacent to a right-of-way.
 - (a) Exceptions. Vehicular areas along alleys, except when a residential district is located across the alley; Single and two family residences.



Front Buffer Plan.



Front Buffer Section.

Figure 7.4 (1). Frontage Buffer Plan and Section.

7.4 Frontage Buffer Requirements

1. Buffer Depth & Location ¹

Depth	10'	a
Location on the Site	Between street facing property line and parking area ²	b

2. Buffer Landscape Requirements

Uses & Materials	Uses and materials other than those indicated are prohibited in the buffer	
Shade Trees	Medium or large shade tree required at least every 40'; Locate on the street side of the fence; Spacing should alternate with street trees. Refer to Figure 7.4 (1). Frontage Buffer Plan .	c
Planting Area	Required continuous planting area on street side of fence, between shade trees & in front of vehicular areas	d
Planting Area Composition	Individual shrubs with a minimum width of 24", spaced no more than 36" on center, height maintained no more than 48".	
Existing Vegetation	May be credited toward buffer area	e

3. Fence

Location	2' from back of curb of vehicular area
Materials	Composites, steel, wood, or colored PVC; Masonry columns (maximum width 2'6") and base (maximum 18" height) permitted
Minimum Height	3'
Maximum Height	4'
Colors	No bright or white colors unless reviewed by City Planner for design quality, consistency with context, etc.
Opacity	Minimum 30%; Maximum 80%
Gate/Opening	One gate permitted per street frontage; Opening width maximum 6'

7.0 Landscape Standards

7.5 Side & Rear Buffer.

1. Intent & Applicability.

- (1) Intent. To minimize the impact that one zoning district may have on a neighboring district and to provide a transition between districts.
- (2) General Applicability. Applies to all directly adjoining properties in all districts.

7.5 Side & Rear Buffer Requirements

1. Buffer Depth & Location

Depth	Varies based on the district of the lot and the adjacent lot; see Table 7.5 (1). a
Location on the Site	Locate buffers when a higher intensity use is proposed adjacent to a Regulatory District with lower intensity uses permitted . Buffer is measured from side and rear property lines.

2. Required Landscape Screen

Width	5' landscape screen in addition to any other buffer landscaping b
Location	Directly adjacent to the rear or side property line c
Planting Area	Continuous double row of shrubs required between shade trees

Planting Area Composition	A professionally-designed water-efficient planting design that is engaging, beautiful and appropriate for the specific setting and context. Plants should include a range of perennials, decorative grasses and small shrubs as appropriate for reducing the visual impact of vehicular areas visible from the street while also meeting the requirements of Title 10, Chapter 23 – Water Efficient Landscaping d
Planting Frequency	Minimum of 15 shrubs per 100' of property line is required
Shade Trees	At least 1 medium or large shade tree per every 30' within the buffer

3. Buffer Landscape Requirements	
Uses and Materials	Uses and materials other than those indicated are prohibited within the buffer
Tree Canopy Coverage	1 medium or large shade tree required per 2,000 square feet of buffer, excluding the area within the required landscape screen
Existing Vegetation	May be credited toward buffer area

Notes:	
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Notes:

¹ City Planner or Designee may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and topography.

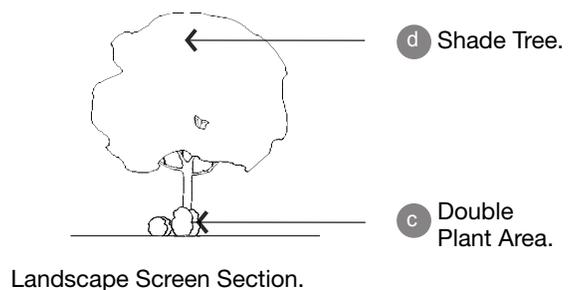
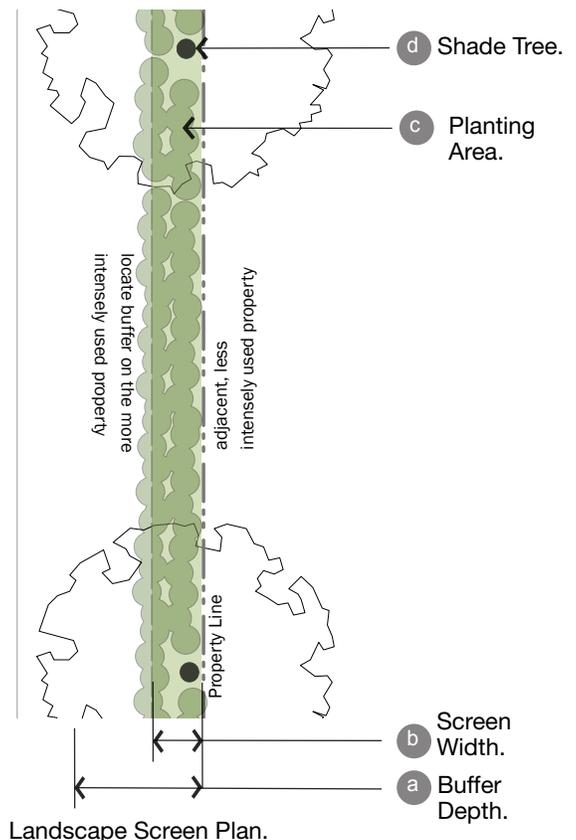


Figure 7.5 (1). Landscape Screen within Light Side & Rear Buffer.

	Buffer Required by these Districts		
	Downtown Corridor	MU Airport & MU Retail	Heritage & Recreation
Residential Community	15'	20'	15'
Residential Community-2	10'	20'	10'
Residential Community-3	10'	15'	10'
any existing single family	10'	20'	10'

Table 7.5 (1). Side & Rear Buffer Requirements between district.

7.6 Interior Parking Lot Landscape.

1. Intent & Applicability.

- (1) Intent. To provide shade, minimize paving & associated stormwater runoff, & improve the aesthetic look of parking lots.
- (2) General Applicability. All open-air, off-street parking lots in all districts.

7.6 Interior Parking Lot Landscape Requirements

1. Landscape Island Requirements a	
Required Island Locations b	Terminal ends ² of free standing rows or bays of parking; After every ninth parking space for rows of parking greater than 8 spaces in length ³

Minimum Width	5'; Islands less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; Islands under 9' must install an aeration system and utilize permeable pavement
---------------	--

Required Trees Within Islands c	Minimum of 1 medium or large shade tree per island
--	--

2. Landscape Median Requirements d

Required Median Location	Required in each free-standing bay of parking along the length of the bay
--------------------------	---

Minimum Width	5'; Medians less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; Islands under 9' must install an aeration system and utilize permeable pavement
---------------	--

3. Tree Requirements

Requirements per Parking Space ⁴	Each parking space must be located within 50' of a tree planted within parking lot interior Minimum of 1 shade tree must be planted within parking lot interior or within 4' of parking lot's edge for every 3 parking spaces
---	--

Tree Shade Goal	Within 20 years of tree installation, 30% of the interior of the parking lot should be shaded by tree canopy. Refer to Table 7.6 (1) for calculation.
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4. Shade Structure Requirements

Shade Structure Requirements	Shade structures should be considered an acceptable alternative for meeting the tree shade goal that 30% of the interior parking lot should be shaded.
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¹ Parking lot interior is defined as the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement.
² Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.
³ There shall be no more than 8 continuous parking spaces in a row without a landscape island.
⁴ Trees within a designated buffer area may not be utilized to meet these requirements

- (3) Other Internal Parking Lot Areas. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650' thereafter.
- (4) Existing Vegetation. Existing vegetation may be credited toward these requirements.

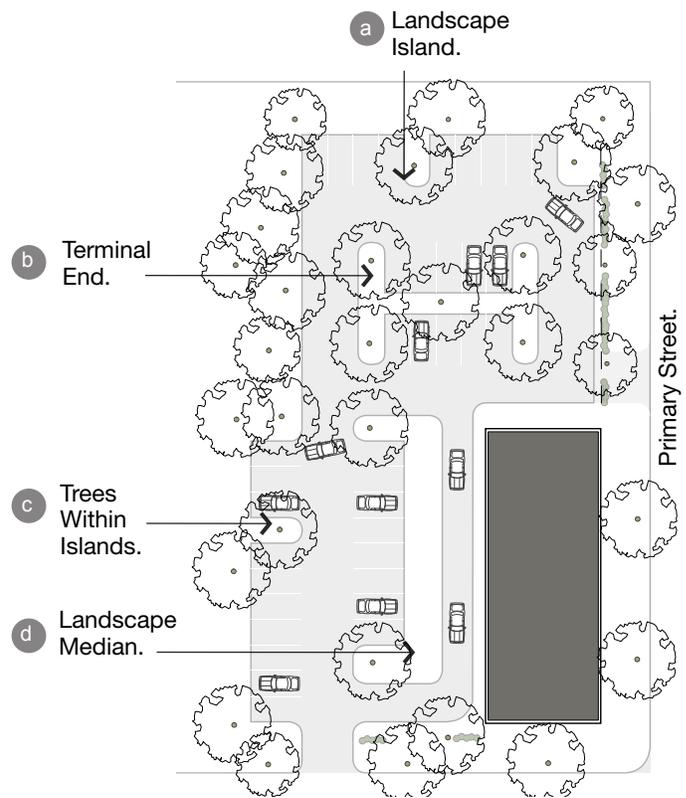


Figure 7.6 (1). Interior Parking Lot Landscaping.

Tree Size	Estimated Canopy at Maturity (sq ft)	Estimated Height at Maturity (ft)
Very Small	150	under 15'
Small	400	15'-25'
Medium	900	25'-40'
Large	1600	40'+

Table 7.6 (1). Estimated Canopy and Height at Maturity.

7.0 Landscape Standards

7.7 Active Frontage Buffer.

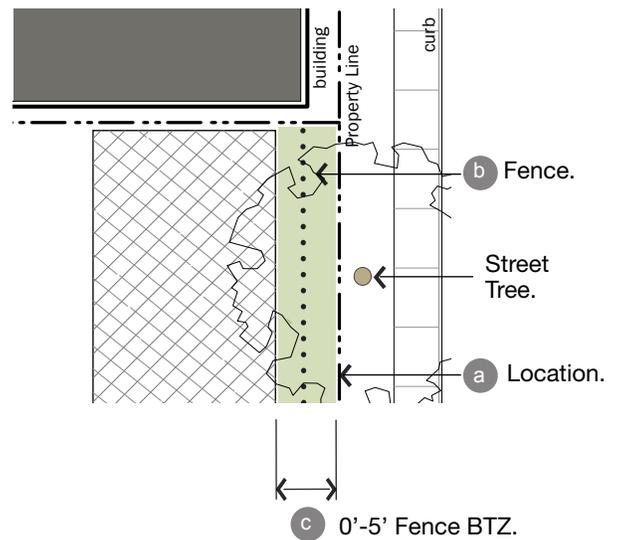
1. Intent & Applicability

- (1) Intent. To continue the street wall of adjacent facades.
- (2) General Applicability. Applies to non-vehicular outdoor sites all in all districts. For vehicular areas, refer to the 7.4 Frontage Buffer.

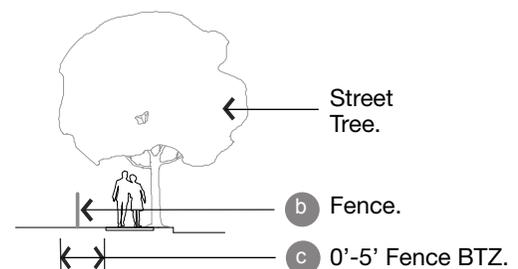
7.7 Active Frontage Requirements	
1. Frontage Location	
Location on the Site	Required adjacent to dining patio or display area
2. Required Fence	
Location	Between 0' and 5' from the front and corner side property lines; Only required in front of patio/display area a
Materials	Steel or colored PVC; Masonry base or columns permitted b
Minimum Height	3' c
Maximum Height	4'
Opacity	Minimum 30%; Maximum 60% ¹
Gate/Opening	One gate permitted per street frontage; Opening width maximum 6'

Notes:

¹ Fence may be solid if 42" or less in height



Active Frontage Plan.



Active Frontage Section.

Figure 7.7 (1). Active Frontage.

7.8 Screening of Open Storage, Refuse Areas, and Utility Appurtenances.

1. Intent & Applicability.

- (1) Intent. To reduce the visibility of open storage, refuse areas, and utility appurtenances from public areas and adjacent properties.
- (2) General Applicability. All dumpsters, open storage, refuse areas, and utility appurtenances in all districts.

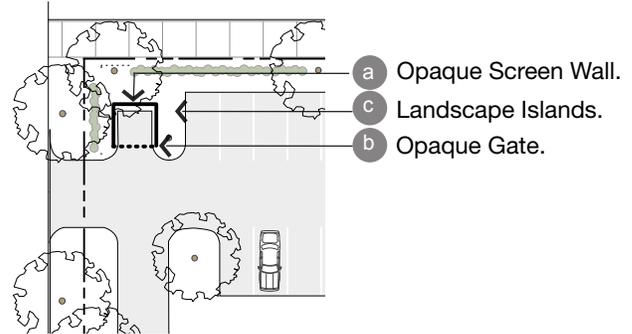


Figure 7.8 (1). Screening of Open Storage & Refuse Areas.

7.8 Screening of Open Storage, Refuse Areas, & Utility Appurtenances

1. Open Storage & Refuse Area Screening Requirements

Location on the Site	Not permitted in front or corner side yards	
Opaque Screen Wall ¹	Required around 3 sides of the dumpster and trash bin area	a
Screen Wall Height	Height shall be the higher of the following: 1. 6' 2. Height of use to be screened 3. Height as determined by City to accomplish objective of the screen	
Visible Openings	Openings visible from the public way or adjacent properties must be furnished with opaque gates	b
Landscape Requirement	If refuse area is located within larger paved area, such as a parking lot, landscape islands must be located on 3 sides of the area, with at least 1 medium or large shade tree in at least 1 of the landscape areas ²	c

2. Utility Appurtenance Screening Requirements

Large Private Mechanical Equipment ³	Shall be fenced with opaque wood or brick-faced masonry on all sides facing right-of-way
Small Private Mechanical Equipment ⁴	Shall have landscape screening and a shrub bed containing shrubs spaced no more than 36" on center

Notes:

¹ Vertical structured barrier to visibility at all times such as a fence or wall

² This tree, if located within 50' of a parking space, may be utilized to meet the minimum shade requirements

³ Large private mechanical equipment is equal to or greater than 4' in height-

⁴ Small private mechanical equipment is smaller than 4' in height

8.0 Parking

DRAFT
May 12, 2016

8.0 Parking

8.1 General Requirements.

1. Intent.

The following provisions are established to accomplish the following:

- (1) Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.
- (2) Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning districts.
- (3) Provide specifications for vehicular site access.

2. Applicability.

This section shall apply to all new development and changes in use or intensity of use for existing development, in any district.

- (1) Compliance. Compliance with the standards outlined shall be attained in the following circumstances:
 - (a) Development of all new parking facilities, loading facilities, and driveways.
 - (b) Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, enlargement, or the addition of curbs, walkways, fencing, or landscape installation.
 - (c) Change in use requiring a change in the amount of parking.
 - (d) When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements and may result in a reduction of the total number of parking spaces required on-site.
- (2) Damage or Destruction. When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is reestablished, any associated off-street parking spaces or loading facilities must be reestablished based on the requirements of this section.
- (3) Site Plan Approval Required. Parking quantities and parking design and layout shall be approved through the Site Plan Approval process. Refer to 10.2.5 Site Plan Approval for more information.

8.2 Parking Requirements.

1. General Requirements for Parking.

Off-street parking spaces shall be provided in conformance with Tables 8.2 (1) Bicycle Parking and 8.2 (2) Required Vehicular Parking.

- (1) Required Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code, including quantity, size, location, and accessibility.
- (2) Requirements for Unlisted Uses. Upon receiving a site plan approval, occupancy certificate, or other permit application for a use not specifically addressed in this section, the City Planner or Designee is authorized to apply off-street parking standards specified for the Use deemed most similar to the proposed Use. In instances where an equivalent may not be clearly determined, the City Planner or Designee may require the applicant to submit

a parking study or other evidence that will help determine the appropriate requirements.

- (3) Private Off-Premises Parking. Where private off-site parking facilities are approved, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory
 - (a) Such possession may be either by deed or lease, guaranteeing availability of the parking commensurate with the use served by the parking.
 - (b) The agreement providing for the use of off-site parking, executed by the parties involved, shall be in a form approved by the City Attorney and filed with the City Planner or Designee.
 - (c) The deed or lease shall require the owner to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
 - (d) Location Parking. Any off-premise parking must be within 1,300 feet from the entrance of the use to the closest parking space measured along a dedicated pedestrian path.
- (5) Tandem Parking. Tandem parking is permitted with approval of the City Planner or Designee through the site plan review process.

2. Required Vehicular and Bicycle Parking.

Tables 8.2 (1) and 8.2 (2) outline the required vehicular and bicycle parking requirements.

- (1) Organized by Use. The parking requirements are organized by use, in a similar fashion to Table 4.1 (1) Use Table in 4.0 Uses.
 - (a) Parking rates are provided for general use categories; these numbers are applicable for all of the uses within these categories.
 - (b) If a specific use requires a different parking rate than its use category, it is also listed in Tables 8.2 (1) and 8.2 (2) Required Vehicular and Bicycle Parking.
- (2) Vehicular Spaces Required. The vehicular spaces required column indicates the required off-street parking ratio, which may be subject to credits and other reductions and a maximum number, as are detailed in this section.
- (3) Maximum Allowable Vehicular Spaces. When a use requires more than 20 spaces, it is not permitted to provide greater than 20% over the minimum parking requirement.
 - (a) For those uses with no requirements, the maximum number of spaces required should be no more than the next level up of that use. For example, for Neighborhood Retail, the number of spaces should be no more than the requirements for General Retail.
- (4) Required Bicycle Parking. The Required Bicycle Parking Table 8.2 (1) indicates the minimum bicycle parking ratio for a given use.
- (5) Computation. Off-street parking spaces shall be calculated using the following information.
 - (a) Area Measurements. The following units of measurements shall be utilized to calculate parking requirements.

- (i) Dwelling Unit. Parking standards for residential buildings shall be computed using dwelling unit as the unit of measure, unless otherwise stated.
 - (ii) Gross Square Footage. Unless otherwise expressly stated, parking standards for non-residential Uses shall be computed on the basis of gross floor area in square feet.
 - (iii) Occupancy- or Capacity-Based Measurements. Parking spaces required per available seat or per employee, student, or occupant shall be based on the greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire-rated capacity, whichever measurement is applicable.
 - (iv) Bench Seating. For uses in which users occupy benches, pews, or other similar seating facilities, each 24 inches of such seating shall be counted as one seat.
- (b) Fractions. When computation of the number of required off-street parking spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
- (c) Multiple Uses on a Lot. When there are multiple uses on a lot, required spaces shall be calculated as an amount equal to the total requirements for all uses on the lot, unless the uses qualify for shared, cooperative, or other credits to reduce parking. (Refer to 8.2 (3) and 8.2 (4), below.)

3. Multiple Use Reductions.

The following reductions may be taken for multiple non-residential uses.

- (1) Shared Vehicular Parking. An arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements.
 - (a) General Provisions. Through review of the site plan the City Planner or Designee may permit up to 100% of the parking

Use	Bicycle Spaces
Multifamily	Minimum 2 spaces or .05 spaces / bedroom, whichever is greater
Civic/Institutional	Minimum 2 spaces, 1 / additional 10,000 sf
Retail	Minimum 2 spaces, 1 / additional 5,000 sf
Services	Minimum 2 spaces, 1 / additional 5,000 sf
Office	Minimum 2 spaces, 1 / additional 10,000 sf
Open Space	Per City Planner or Designee

Table 8.2 (1). Required Bicycle Parking.

Use	Required Vehicle Space
Residential	
Studio Apartment	1 / Dwelling Unit
Single Family, all sizes, or Multifamily, 1 Bedroom	1.5 / Dwelling Unit
Multifamily, 2+ Bedrooms	2 / Dwelling Unit
Hotel & Inn	1 / Room & 1 / 200 sq.ft. Office and Dining Room
Residential Care	.33 / Unit & .66 / Employee
Civic/Institutional	
Assembly	1 / 5 Seats
Transit Station	City Planner or Designee
Hospital	.20 / Bed & .66 / Employee
Library / Museum / Post Office (no distribution)	1 / 600 sq. ft.
Police & Fire	City Planner or Designee
Post Office (distribution)	1 / 400 sq. ft.
School: Pre K to Jr. High	1 / Classroom & 1 / 200 sq. ft Office
School: High School, Higher Education	1 / Classroom, 1 / 200 sq. ft Office, & .17 / Student
Retail	
Neighborhood Retail	1 / 400 sf
General Retail	1 / 300 sf
Outdoor Sales Lot	1 / 250 sq. ft. of Sales Area, with 1 / 10 Vehicle Display
Service	
Neighborhood Service	1 / 350 sf
General Service	1 / 250 sf
Eating & Drinking Establishments	1.0 / 3 seats + 1/3 number of employees
Vehicle Services	2 / Service Bay & 1 / 200 sq.ft of retail
Office & Industrial	
Neighborhood, General Office	1 / 300 sf
Craftsman Industrial	1 / 1,000 sq. ft. of Production Space & 1 / 500 sq. ft. of Retail Space
Open Space & Recreation	
Open Space & Recreation	City Planner or Designee

Table 8.2 (2). Required Off-Street Vehicular Parking.

8.0 Parking

required for a daytime use to be supplied by the off-street parking spaces provided for a nighttime or Sunday use and vice versa.

- (b) Approval. In order to approve a shared parking arrangement, the City Planner or Designee must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
- (c) Description of Uses with Weekday, Nighttime, and Sunday Peak Parking.
 - (i) The following uses are considered predominantly weekday uses: office and industrial uses and other similar uses as authorized by the City Planner or Designee.
 - (ii) The following uses are typically considered predominantly nighttime or Sunday uses: eating and drinking establishments, assembly uses, and other similar uses with peak activity at night or on Sundays, as authorized by the City Planner or Designee.
- (2) Cooperative Vehicular Parking. When two or more categories of non-single family residential uses share a parking lot and are located on the same lot or adjacent lots, the following applies:
 - (a) General Provisions. Cooperative parking will be approved in accordance with the following. Refer to Table 8.2 (3).
 - (i) For each applicable land use category, calculate the number of spaces required as if it were the only use. Refer to Table 8.2 (2).
 - (ii) Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in Table 8.2 (3). This table establishes six time periods per use.
 - (iii) For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
 - (iv) Select the time period with the highest total parking requirement and use that as the total number of parking spaces required and use that as the total

number of parking spaces required for the site on a share parking basis.

- (b) Uses in Different Buildings. Through review of the site plan the City Planner or Designee may approve the cooperative agreement if any of the uses are not located in the same structure or building.
- (c) Location of Cooperative Parking. Any cooperative parking must be within 660 feet from the entrance of the use to the closest parking space within the cooperative parking lot, measured along a dedicated pedestrian path.
- (d) Off-Site Cooperative Parking Agreement. An agreement approved by the City Attorney providing for cooperative use of off-site parking spaces, executed by the parties involved, shall be reviewed by the City Planner or Designee during review of the site plan.
 - (i) Off-site cooperative parking arrangements shall continue in effect only as long as the agreement remains in force.
 - (ii) If the agreement is no longer in force, then parking must be provided as otherwise required in this section.

4. Parking Credits.

Vehicular parking standards in Table 8.2 (2) may be reduced by achieving one or all of the following credits.

- (1) On-Street Parking Credit. For all non-residential uses, on-street parking spaces that meet the following shall be credited one for one against the parking requirement.
 - (a) Spaces shall be designated on-street parking available 24 hours of every day.
 - (b) On-street space must be located adjacent to the property line.
- (2) Public Parking Credit. For all non-residential uses, public parking spaces located within 660 feet of any property line may be credited against the parking requirement at a rate of one credit for every three public parking spaces.
- (3) Transit Credit. For all uses, vehicular parking requirements may be

Use Category	Weekdays			Weekends		
	Midnight-7:00 am	7:00 am-6:00 pm	6:00 pm-Midnight	Midnight-7:00 am	7:00 am-6:00 pm	6:00 pm-Midnight
Residential	100%	50%	80%	100%	80%	80%
Retail & Service	5%	100%	80%	5%	100%	60%
Hotel & Inn	100%	65%	100%	100%	65%	100%
Place of Worship	0%	30%	50%	0%	100%	75%
Eating & Drinking Establishment	50%	70%	100%	70%	60%	100%
Office	5%	100%	5%	5%	5%	5%
Theater / Entertainment	5%	30%	100%	5%	80%	100%

Table 8.2 (3). Cooperative or Shared Vehicular Parking Spaces.

reduced with proximity to any commuter rail station or transit line with up to 15 minutes headways. Proximity is measured along a walking path from any point along the property line to the platform or transit stop.

- (a) Within 400 feet. A reduction of 15% of the required off-street parking.
 - (b) Within 800 feet. A reduction of 10% of the required off-street parking.
- (4) Car-Share Parking Credit. The vehicular parking requirements can be reduced with the inclusion of car-share parking spaces as follows.
- (a) Per each car-share parking space provided, required parking spaces shall be reduced by four spaces.
 - (b) Required parking spaces may be reduced up to 40%.
 - (c) Approval. Applicant must provide documentation of an agreement with a car-share company. If this agreement should terminate at any point, applicant shall be required to provide parking as otherwise required herein.

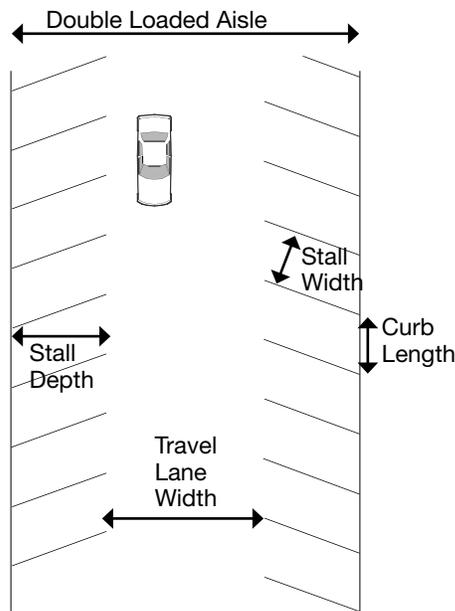


Figure 8.3 (1). Parking Lot Layout.

- (5) Other Parking Reductions. Additional reductions may be approved by the City Planner or Designee with the submittal of a parking study illustrating the reduction.

8.3 Parking Design Standards.

1. Vehicular Off-Street Parking Lots.

The design or redesign of all off-street parking facilities shall be subject to the site plan approval procedure. Refer to 10.2.5 Site Plan Approval for more information.

- (1) Vehicular Parking Space Dimensions. The appropriate dimensions for parking spaces are outlined in Table 8.3 (1) Parking Space Dimensions and Figure 8.3 (1) Parking Lot Layout.
 - (a) The width of a parking space shall be measured from the center of a stripe.
 - (b) Each space shall have a vertical clearance of at least seven feet.
- (2) Wheel Stops. Install wheel stops or bumper guards when parking is adjacent to a pedestrian pathway to limit vehicle overhang that reduces the sidewalk width. Such stops or guards shall be properly anchored or secured.

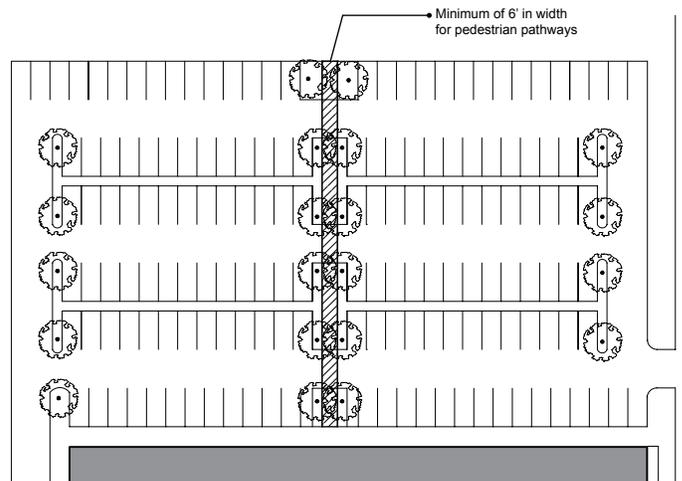


Figure 8.3 (2). Parking Lot Pedestrian Walkway.

Angle (degrees)	Curb Length (feet)	Stall Width (feet)	Stall Depth (feet)	Travel Lane Width: One-Way (feet)	Travel Lane Width: Two-Way (feet)
0	20	8-9	-	12	20
45	12	8-9	17	12	20
60	10	8-9	18	18	20
90	9	8-9	18 ¹	22	22

Note
¹ Stall depth may be reduced 2' when stall directly abuts an interior parking lot median that includes an additional area beyond the minimum width outlined in 6.14.3, permitting the overhang of the adjacent parked vehicle's front bumper.

Table 8.3 (1). Parking Space Dimensions.

8.0 Parking

- (3) Location of Parking. Refer to 5.0 Building Type Standards for information on the location of parking facilities.
- (4) Access. All off-street parking and loading facilities shall open directly onto an aisle, alley, or driveway designed to provide safe access to such facilities. Exceptions include:
 - (a) Tandem Parking. No more than two spaces may be included in a tandem parking spot, and the rear space must meet the access requirement.
 - (b) Parking Lifts. The lift exit shall meet the access requirement.
- (5) Edge of Lot and Drives. All curb and gutter shall be located a minimum of 3 feet from any adjacent property line or right-of-way.
- (6) Slopes. All parking and driveway or sidewalk access shall meet the requirements of the Utah Accessibility Code.
- (7) Landscape Screening. All parking areas shall meet the requirements of 7.0 Landscape Standards.
- (8) Landscape Areas. Areas not used specifically for sidewalks, parking spaces, driving aisles, loading, or refuse shall not be paved. Areas striped with diagonal striped islands are not permitted.
- (9) Pavement Construction. All parking and driveways shall be constructed using asphalt, concrete, pavers, or other semi-pervious material approved by the City Planner or Designee. One of the following shall be met:
 - (a) Paving materials with a solar reflectance index (SRI) of at least 29.
 - (b) Recycled content of 15% or more.
- (10) Illumination. All off-street parking lots or parking structures shall provide a level of illumination at any point in the parking lot or structure not less than one foot-candle measured at the pavement. All lighting shall be shielded or otherwise optically controlled to provide glare-less illumination and limit trespass on adjacent properties. Reference Section 7.3.5 Lighting and Dark Skies.
 - (b) Spaces located within individual dwelling units may not be counted toward bicycle parking requirements.
 - (c) Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- (3) Racks and Structures. Racks and structures shall be provided for each unprotected parking space, and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.
- (4) Bicycle Storage. In multifamily or office uses bicycle storage shall be lockable and enclosed.
- (5) Surface. The parking surface shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted provided that edging materials, so that the bicycle parking area is clearly demarcated and the rock material is contained.
- (6) Signage. If required bicycle parking for public use is not visible from the street, signs must be posted indicating their location.
- (7) Maintenance and Lighting. Areas used for required bicycle parking must be well-lit with acceptable drainage to be reasonably free of mud and standing water. Accessory off-street parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which a bicycle may be locked by the user.
- (8) Shower Facilities. Office and manufacturing uses with more than 50 employees shall provide shower and changing room facilities.
- (9) Long Term Parking. For multifamily residential uses, half of the bicycle parking spaces should be provided as long term parking, safe and secure from vandalism and theft, and protected from the elements.

3. Bicycle Parking Design.

Bicycle parking (refer to Table 8.2 (1) Required Bicycle Parking for quantity required) shall be designed and located as follows.

- (1) Dimensions.
 - (a) Required bicycle parking spaces shall have minimum dimensions of two feet in width and six feet in length.
 - (b) An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.
 - (c) A minimum of two feet shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.
 - (d) Racks shall be installed a minimum of two feet from any wall or other obstruction.
- (2) Location. Bicycle parking should be located within 50 feet of the entrance of the use.
 - (a) Indoor or outdoor spaces are permitted, provided they are located on the lot with which they are associated.

8.4 Loading Requirements.

1. General Requirements.

All loading facilities shall adhere to the following requirements, unless otherwise approved during Site Plan Approval (refer to Section 10.2.5).

- (1) Use of Off-Street Loading Areas. Space allocated to any off-street loading use shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (2) Location. Unless otherwise specified, all required loading facilities shall be located on the same lot as the use to be served. No loading space shall block or project into a street, alley, access drive, or parking area.
- (3) Building Frontage. Loading facilities shall be located per 5.0 Building Type requirements.
- (3) Access. Loading facilities shall have clear access onto an alley or

be connected to an alley or street via a driveway.

- (a) Direct access to a public way, other than an alley, is prohibited.
- (b) Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

2. Loading Requirements.

All uses except in the residential and lodging, open space, and civic and institutional categories shall provide off-street loading spaces in compliance with Table 8.4 (1) Required Loading Facilities.

3. Computation.

Loading facilities shall be calculated using the following information.

- (1) Gross Square Footage. Unless otherwise expressly stated, loading standards for non-residential buildings shall be computed on the basis of gross floor area in square feet.
- (2) Fractions. When computation of the number of required off-street loading spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
- (3) Shared or Central Loading Facilities. Shared or central loading facilities are permitted if the following conditions are met.
 - (a) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys.
 - (b) Total off-street loading spaces provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served unless reviewed and approved by the City Planner or Designee through site plan review.
 - (c) No zoning lot served shall be more than 500 feet from the central loading area.

4. Dimensions.

A standard off-street loading space shall be a minimum of ten feet in width by 26 feet in length and an oversized loading space shall be a minimum of 12 in width and 40 feet in length, exclusive of aisle and maneuvering space and shall have a minimum vertical clearance of 15 feet.

5. Pavement Materials.

Refer to in the City Code for details. One of the following shall also be met.

- (1) Paving materials with a solar reflectance index (SRI) of at least 29.
- (2) Pervious pavement.
- (3) Recycled content of 15% or more.

Gross Floor Area (sq. ft.)	Loading Spaces Required
Under 5,000	0
5,000 to 20,000	1
20,001 to 40,000	2
40,001 to 70,000	3
70,001 to 100,000	4
100,001+	4 + 1 for each 100,000 over 100,001

Table 8.4 (1). Required Loading Facilities.

8.5 Site Access and Driveways.

1. General Requirements.

These standards shall supplement the provisions for access provided in 5.0 Building Type Standards. Each driveway providing site access from a street, alley, or other vehicular right-of-way shall be designed, constructed, and permanently maintained as follows.

2. Quantity of Driveways.

The number of driveways permitted for each Building Type is located in 5.0 Building Type Standards.

3. Dimensions and Design.

- (1) Driveway Width at Property Line. All driveways shall have a maximum width of 22 feet as measured at the property line (Figure 8.5 (1) Driveway Width) except as stated below.
 - (a) Residential Building Types. Driveways constructed in residential districts shall have a maximum width of 11 feet when crossing the front or corner property line.
 - (c) Maximum width for one-way driveways is 12 feet at the property line.
- (2) Maximum Width. When a garage door is located on the front facade of the structure, the driveway shall be no more than two feet wider than the garage door at any location.
- (3) Shared Access. When possible, adjacent developments should share points of access to minimize impervious surface.
 - (a) Shared Driveway Width. When access is shared between three or more non-residential users, a dedicated turn lane may be constructed, allowing an increase in the maximum driveway width from 22 feet to 32 feet provided that:
 - (i) A traffic impact study states its necessity.
- (4) Sidewalk Pavement. Sidewalk pavement elevation, width, design, scoring, material, and design shall extend continuously over the driveway pavement with the intent of prioritizing the sidewalk path over the driveway. If the driveway and sidewalk are of the same material, the sidewalk path shall be scored or designated linearly over the driveway.

8.0 Parking

4. Location.

Specific location information can be found in 5.0 Building Type Standards. Refer to Figure 8.5 (1)

- (1) Driveways accessing side or rear yard garages are permitted within the side or rear yard setback, no closer than two feet from a side or rear property line, unless the driveway is shared.
- (2) Driveways shall not be closer than 25 feet from the intersection of two streets (corner), unless otherwise stated in 5.0 Building Type Standards.

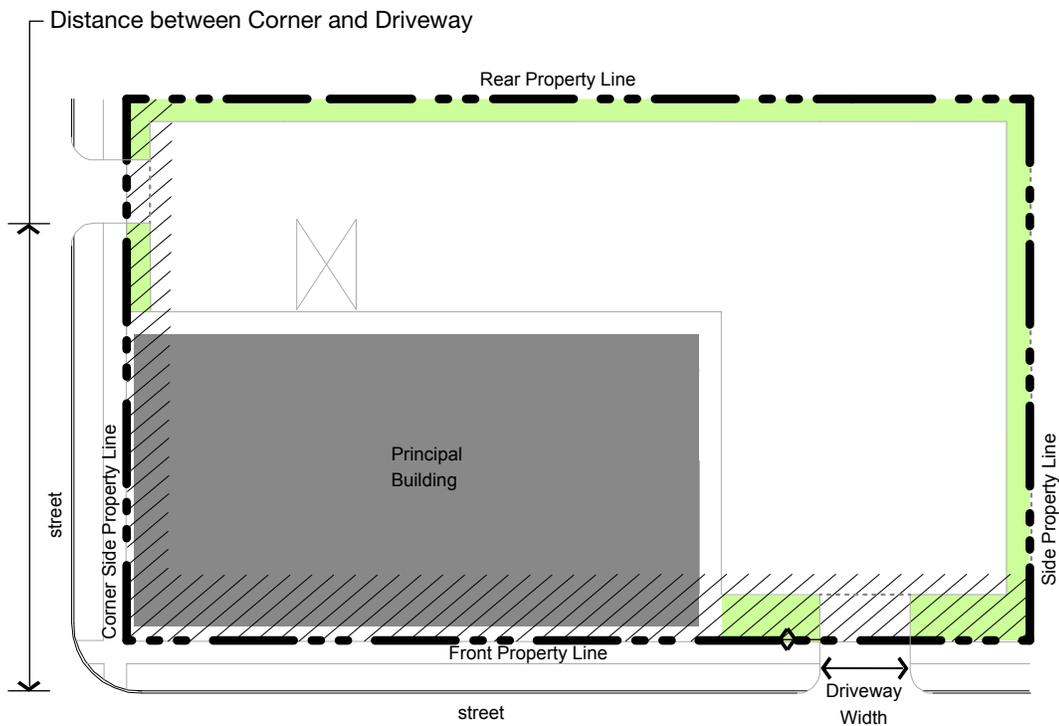


Figure 8.5 (1). Driveway Width and Location.

8.6 Parking during a Snow Event.

1. General Requirements.

1. No parking during snow removal hours. Beginning November 15th of each year and terminating April 1st, it is unlawful to park or leave parked any vehicle upon the City's paved portion of the street or within five feet thereof under the following circumstances:
 - (a) When there is any amount of snow on the street;
 - (b) When it is actually snowing or within twenty-four hours thereafter; or
 - (c) The street has not been plowed since the snow fell.
2. Impounding vehicles. Any vehicle parked in violation of Subsection A of this Section may be impounded and no person shall recover any vehicle thus removed without first paying the cost of removal and the cost of storage.

9.0 Sign Types

DRAFT
May 12, 2016

9.0 Sign Types

9.1 General Requirements.

1. Intent.

This section seeks to enhance the economic and aesthetic appeal in each district through the reasonable, orderly, safe, and effective display of signage.

2. Applicability.

These standards shall apply to all districts for non-residential uses only. Unless otherwise stated in this chapter. **Where live/work units are located in the RC-3 District, the Neighborhood Support Overlay signage regulations shall apply. All signage must be applied for at time of site plan and/or building application**

3. General Compliance.

Compliance with the regulations outlined shall be attained under the following situations.

- (1) Newly Constructed or Reconstructed Signage. All new signs and structural improvements to existing signs.
- (2) Change in Use for Single Business Signage. For signage serving one business, whenever the existing Use is changed to a new use resulting in a change in signage, including rewording.
- (3) Multiple-Business Signage. For signage serving multiple businesses, whenever 50% or more of the existing uses are changed to new uses resulting in a change in signage, including rewording.
- (4) Damage or Destruction. When a sign has been damaged or destroyed by fire, collapse, explosion or other cause and the cost of restoration is greater than 50% of the replacement value at the time of the destruction or damage, the replacement sign shall comply with the standards in this article.
- (5) **Electronic message boards shall follow restrictions found in this section. Electronic message boards are only permitted in the Mixed-Use Retail, and Mixed-use Airport Districts and are subject to the following restrictions in addition to those found elsewhere in this section:**
 - (a) **Electronic message boards are not allowed off premise, except on billboards.**
 - (b) **All electronic message boards must have an automatic dimmer to reduce sign intensity after dark.**
 - (c) **Light intensity may not exceed 250 nits of incandescent lighting for daytime usage. An automatic dimmer must be installed to reduce nighttime intensity to 125 nits of incandescent lighting. Light emitting diodes, magnetic discs and other lighting types may be used if the light intensity is not greater than that produced by incandescent lighting.**
 - (d) **An electronic message board may not flash or scintillate but may change the displayed wording to different wording up to five (5) times in a twenty-four (24) hour period.**
 - (e) **All displayed words shall be one color. Displayed messages, words, and letters are prohibited from being multiple colors.**
 - (f) **An electronic message board located within five hundred (500) feet of a residential area, or as otherwise determined by the planning commission, may not operate between the hours of nine p.m. and eight a.m. of the following day.**
 - (g) **No electronic message board may be greater than 50 square feet.**

4. Prohibited, Temporary, Exempt Signage

The creation of Off-Premise Signage & Billboards is prohibited in all Districts within Heber City. For all other regulations regarding Off-Premise Signage and Billboards refer to Utah State Law.

All wall, banner, and temporary signage is prohibited in every district. **Refer to section 10.0 Administration for details regarding existing signage and how this code applies.**

5. Sign Location.

Unless otherwise specified, signs shall only be located within the boundaries of the lot and not in the right-of-way or on public property.

- (1) Certain Sign types may extend beyond a property line into the right-of-way or public property with permission from the City and in accordance with the regulations outlined in this section.
- (2) No sign shall be attached to a utility pole, tree, standpipe, gutter, or drain.
- (3) Signs shall be erected so as to permit free ingress to or egress from any door, window, the roof, or any other exit-way required by the building code or by fire department regulations.
- (4) No Sign shall be erected or maintained in such a manner as to obstruct free and clear vision of, interfere with, or be confused with any authorized traffic sign, signal, or device.

6. Illumination.

All signs shall be illuminated according to the following provisions unless otherwise stated. Reference Section 7.3.5 Lighting and Dark Skies.

- (1) Signs shall be illuminated only by steady, stationary light sources directed solely at the Sign or internal to it. **Refer to 9.3 General Compliance for Electronic Message Board restrictions.**
- (2) Individual letters or logos may be internally illuminated as permitted per each sign type; no other portion of the sign shall be internally illuminated, except as permitted for Electronic Message Boards or unless otherwise stated.
- (3) When an external artificial light source is used to illuminate a sign, the lamp (or bulb) shall be located, shielded, and directed so as to not be visible from any public street or private residence.
 - (a) No receptacle or device housing a permitted light source which is attached to the sign itself shall extend more than 18 inches from the face of the Sign.
 - (b) If ground lighting is used to illuminate a sign, the receptacle or device should not extend more than 12 inches above ground and must be fully screened and housed.
- (4) The illumination of any sign, resulting from any internal or external artificial light source, shall not exceed 250 nits at the Sign face during the day and 125 nits (**candela per square meter**) at the Sign face after sunset, with no light trespass onto adjacent property.
 - (a) Signs located within **the Mixed-Use Airport** district is exempt from this standard.

7. Computation.

The following standards generally apply to computing the area of signs by type and by building lot. Refer to the Sign Types 9.3 - 9.11 for more information.

- (1) Exempt and temporary signs are not included in the maximum signage area calculations, unless otherwise specified.
- (2) Height for freestanding signs is measured from the average grade at the front property line to the top of the sign, sign cabinet, or cap, whichever is highest.
- (3) For the purposes of determining area, lot width or frontage is measured along the front property line.
 - (a) If the lot is a corner lot, the width shall be measured along the front yard.
 - (b) Building frontage is the width of the front facade of a building.

9.2 Sign Types.

1. Sign Type Requirements.

The following pertain to specific sign types detailed in this section.

- (1) Permitted Quantity of Signage by district. Table 9.2 (1) details the maximum permitted amount of signage on a lot within each district. Refer to 3.0 Districts for more information on each district.
- (b) Window Signs. Window Signs shall not count towards a lot's maximum permitted amount of signage. Refer to 9.9 Window Signs.

- (c) Signs Located on Parking Lots. One sign is permitted in addition to the maximum Signage quantities detailed in Table 9.2 (1) provided the following.
 - (1) Permitted Sign Types are a wall, projecting, or awning sign.
 - (2) Maximum sign area is 30 square feet.
 - (3) Permitted location is either the side or rear facade along a parking lot;
- (d) Through Lots. In addition to the maximum amount of signage permitted per lot, through lots may incorporate an additional 30 square feet of signage permitted for the Lot located in either the rear yard or along the rear facade.
- (2) Exempt/Temporary Signs. Table 9.2 (1) does not apply to exempt or temporary signs unless otherwise specified.
- (3) Iconic Sign Elements. Iconic Sign Elements of three dimensional symbols or logos are permitted under the following conditions.
 - (a) Symbol or Logo Size. The symbol may not be larger than four feet in any direction, included in overall sign area and the surface area counts towards the Maximum Permitted Quantity of Signage per Lot.
 - (b) No moving parts or external illumination of the symbol may be provided.
 - (c) Text. The text component of the sign may not be more than 30% of the overall area of the sign.

Maximum Permitted Quantity of Signage Per Lot ¹			
Downtown Corridor Mixed-use Airport Mixed-use Retail	Heritage & Recreation Historic Core Downtown Village SOB Overlay Airport I-2 Overlay	Neighborhood Support Overlay Residential Agriculture Overlay	Residential Community Residential Community- 2 Residential Community-3 ²
2.5 square feet per 1 linear foot of lot width with a maximum of 200 square feet	1.5 square feet per 1 linear foot of lot width with a maximum of 150 square feet	0.5 square feet per 1 linear foot of lot width with a maximum of 12 square feet	No signage permitted
<p>NOTES:</p> <p>¹ Refer to the appendix for all information regarding the following Districts: (1) MURCZ, (2) M & BP,(3) PCMU, (4) PC</p> <p>² Live/work units in the RC-3 District, are to follow the Neighborhood Support Overlay permitted quantity of signage per lot</p>			

Table 9.2 (1). Permitted Quantity of Signage by District.

9.0 Sign Types

9.3 Wall Sign.

1. Description.

Wall Signs, also known as flat or band signs, are mounted directly to the building face to which the sign is parallel. Refer to Figures 9.3 (1) and 9.3 (2).

2. General Requirements.

Wall Signs shall be developed according to the standards in Table 9.3 (1).

- (1) Building Openings. Wall Signs shall not cover windows or other building openings.
- (2) Architectural Features. Wall Signs shall not cover architectural building features.
- (3) Murals. Murals, a type of Wall Sign painted onto the building face displaying the business name or activity, are prohibited on front facades, and in the Neighborhood Support Overlay Subdistrict.

3. Computation.

The area of a Wall Sign is calculated using the following information.

- (1) Wall Signs. Area is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements, as is illustrated in Figure 9.3 (2).
 - (a) Area Credit. All areas that utilize individual alphanumeric characters or logos (including only those using wood, wood substitute, metal, or masonry) may use a total area of 90% of the calculation as outlined above.
- (2) Mural Sign. Area is calculated by measuring the area of the smallest square or rectangle that can be drawn around all of the sign elements, including any painted background.



Figure 9.3 (2). Measuring Wall Signs.

Wall Sign Requirements	
Permitted Districts	All districts & overlays with the exclusion of the three Residential Community Districts
Sign Area	Neighborhood Support Overlay: 15 SF maximum area per sign type; In all other districts: 150 SF maximum area per sign type Refer to Table 9.2 (1) for maximum per lot
Height	2' maximum letter or element height
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	1' maximum projection from building face
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 9.3 (1). Wall Sign Requirements.

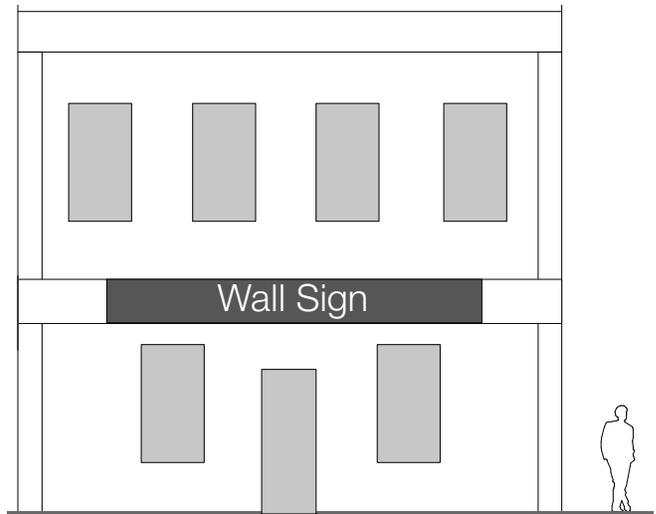
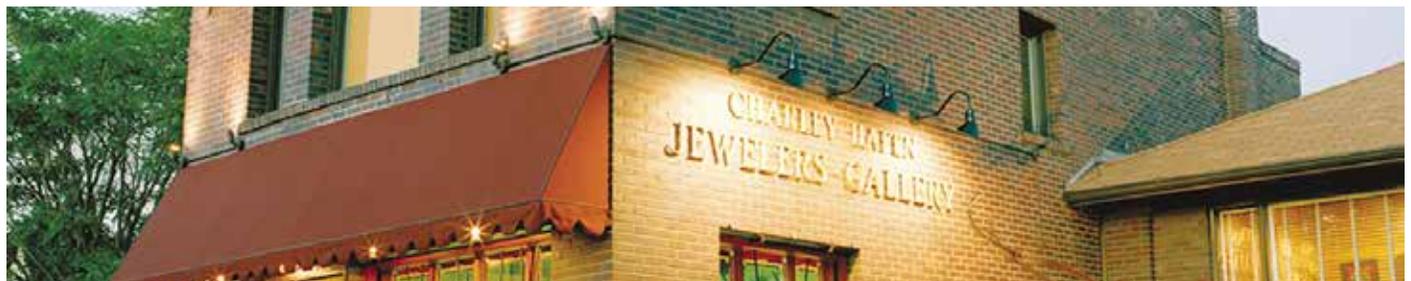


Figure 9.3 (1). Wall Sign.



9.4 Projecting Sign.

1. Description.

A Projecting Sign is attached to and projects from a building face or hangs from a support structure attached to the building face. Sign faces are typically perpendicular to the building face, but may be at an angle greater than 45 degrees from the facade. The sign may be vertically or horizontally oriented. Refer to Figure 9.4 (1).

2. General Requirements.

Projecting Signs shall be developed according to the standards in Table 9.4 (1).

3. Computation.

The area of a Projecting Sign is equal to the area of one of the sign's faces.



Projecting Sign Requirements

Permitted Districts	All districts & overlays with the exclusion of the three Residential Community Districts
Sign Area	No maximum area for sign type; Refer to Table 9.2 (1) for maximum per lot
Height	6' maximum sign length, 8' minimum clearance to walk required
Location on the Building or Site	Permitted on all facades; Sign and structural supports shall not extend above the eave or parapet
Placement on the Building or Site	Shall not project closer than 3' from back of curb
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 9.4 (1). Projecting Sign Requirements.

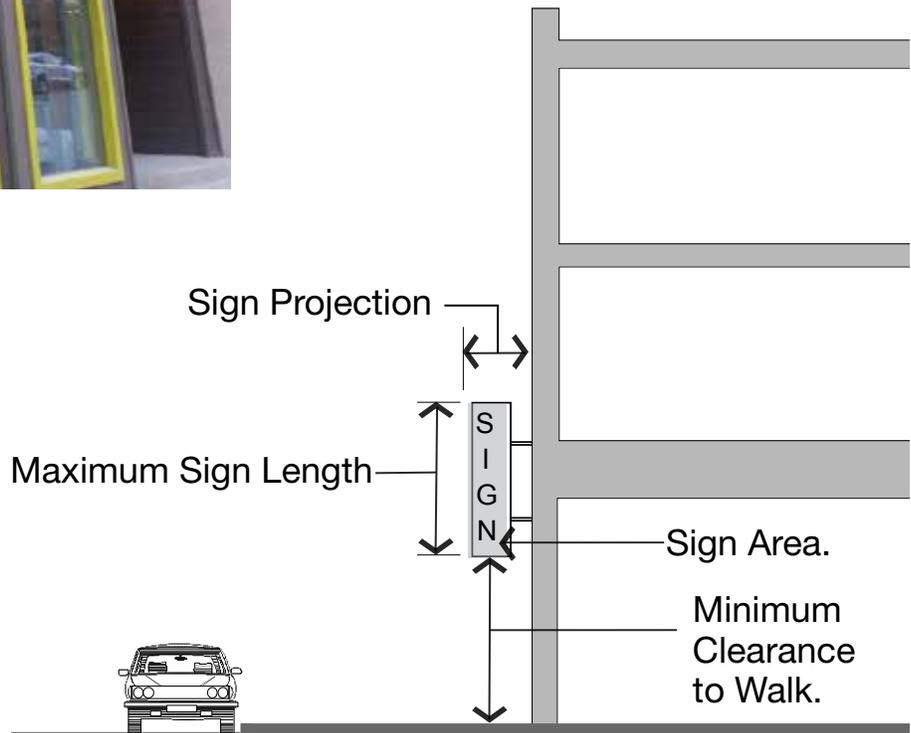


Figure 9.4 (1). Projecting Sign.

9.0 Sign Types

9.5 Projecting Marquee Sign.

1. Description.

A Projecting Marquee Sign is a projecting sign designed to have manually changeable copy and two to three sign faces. Refer to Figure 9.5 (1).

2. General Requirements.

Projecting Marquee Signs shall be developed according to the standards in this section and Table 9.5 (1).

- (1) Manually Changeable Copy Boards. Manually Changeable Copy Boards are permitted on Projecting Marquee Signs **and in the permitted districts identified in the adjacent table**, provided the following conditions are met:
 - (a) The area of the boards cannot equal greater than 30% of the area of the sign face on which it is located or 32 square feet, whichever is less.
 - (b) One sign of any type containing a Manually Changeable Copy Board is permitted per lot.

3. Computation.

The sign area is calculated by combining the area of all exposed sign faces and the cabinet or structure surrounding them.

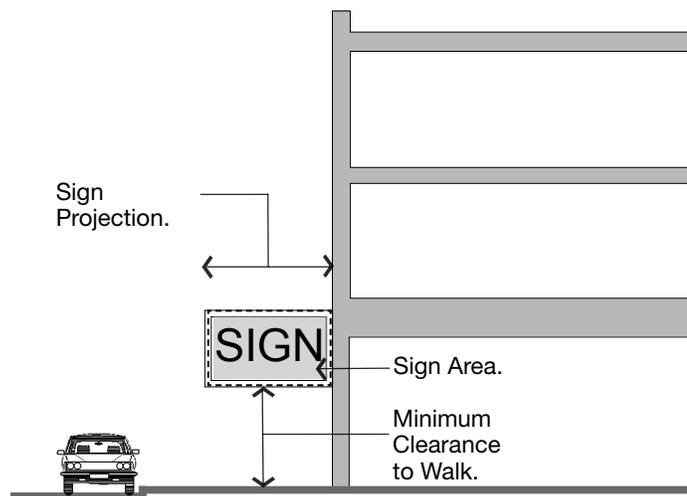


Figure 9.5 (1). Projecting Marquee Sign.

Projecting Marquee Sign Requirements

Permitted Districts	Heritage & Recreation, Downtown Corridor, Historic Core, Mixed-Use Retail, Mixed-Use Airport, limited to Assembly Uses or Theater Uses per 4.0 Uses.
Sign Area	No maximum area for sign type; minimum two faces per sign. Refer to Table 9.2 (1) for maximum per lot
Height	10' minimum clearance to walk required
Location on the Building or Site	Front & corner side facades only
Placement on the Building or Site	Maximum projection from building is 6'; Shall not project closer than 1' from back of curb
Quantity	1 per lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only on Sign face; [Electronic Message and] Manually Changeable Copy Boards permitted with conditions ¹

Table 9.5 (1). Projecting Marquee Sign Requirements.

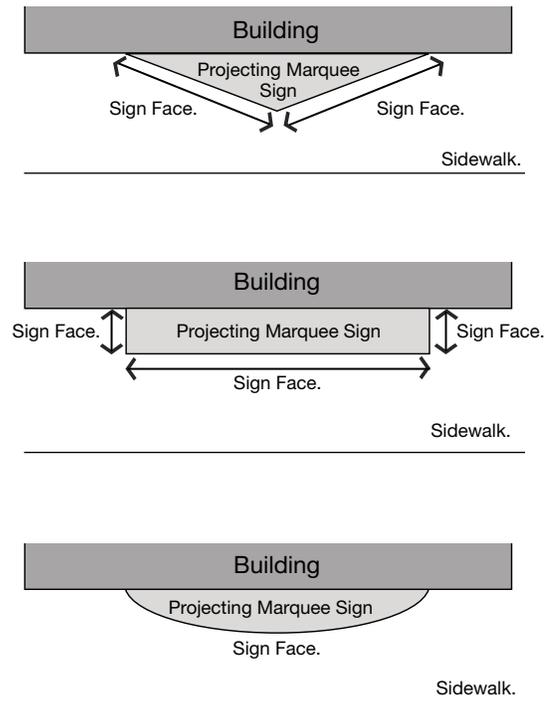


Figure 9.5 (2). Projecting Marquee Sign Plan.

9.6 Awning Sign.

1. Description.

A sign that is mounted, painted, or otherwise applied on or attached to an awning or canopy. Refer to Figures 9.6 (1) and 9.6 (2).

2. General Requirements.

Awning Signs shall be developed according to the standards in Table 9.6 (1).

3. Computation.

The area of an Awning Sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the awning, as is illustrated in Figure 9.6 (2).

Awning Sign Requirements

Permitted Districts	All districts & overlays with the exclusion of the three Residential Community Districts
Sign Area	Up to 50% of the awning may be used for Signage; Refer to Table 9.2 (1) for maximum per lot
Height	8' minimum clearance to walk required
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Maximum projection from building is 6'; Shall not project closer than 2' from back of curb; Shall not block any window, door, or the building roof.
Quantity	1 per tenant per street frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Not permitted
Materials	Cloth, canvas, metal, or wood; All supports shall be made of metal or wood

Table 9.6 (1). Awning Sign Requirements.

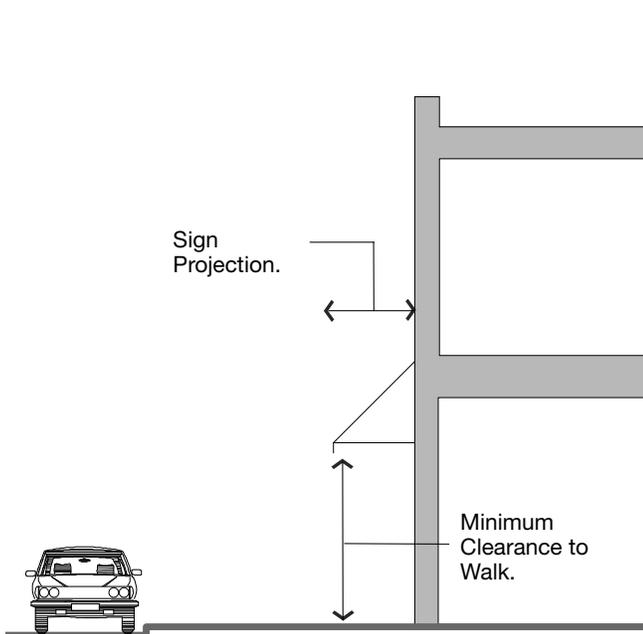


Figure 9.6 (1). Awning Sign.

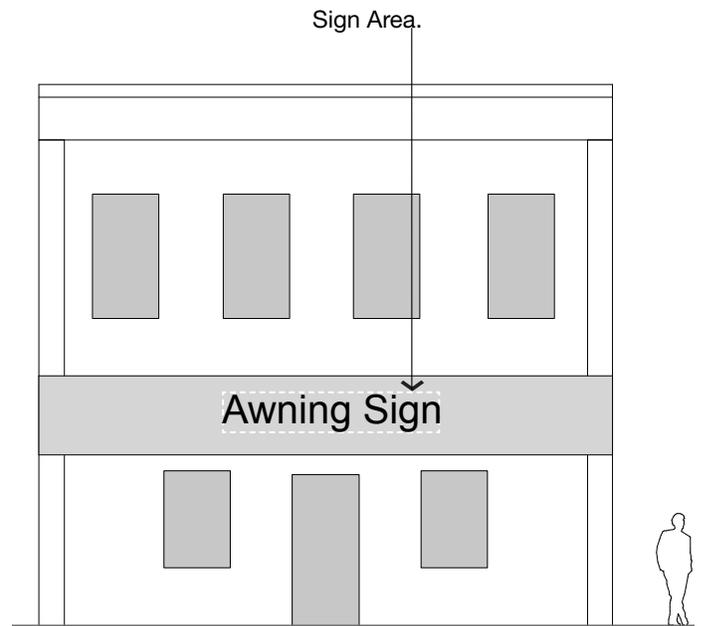


Figure 9.6 (2). Measuring Awning Signs.

9.0 Sign Types

9.7 Canopy-Mounted Sign.

1. Description.

A sign with individual alphanumeric characters and/or logos that is mounted on top of a permanent canopy. Refer to Figures 9.7 (1) and 9.7 (2).

2. General Requirements.

Canopy-Mounted Signs shall be developed according to the standards in Table 9.7 (1).

3. Computation.

The area of a Canopy-Mounted Sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the Canopy-Mounted Roof Sign, as is illustrated in Figure 9.7 (2).

Canopy-Mounted Sign Requirements	
Permitted Districts	All districts & overlays with the exclusion of the three Residential Community Districts
Sign Area	No maximum area for sign type; Refer to Table 9.2 (1) for maximum per lot
Height	2' maximum letter or element height; Cannot project more than 2' above roof line of canopy
Location on the Building or Site	Permitted on all facades; not intended for the principal roof of the building
Placement on the Building or Site	Shall not project beyond the front edge of the canopy; Shall not block any window, door, or the building roof.
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 9.7 (1). Canopy-Mounted Sign Requirements.

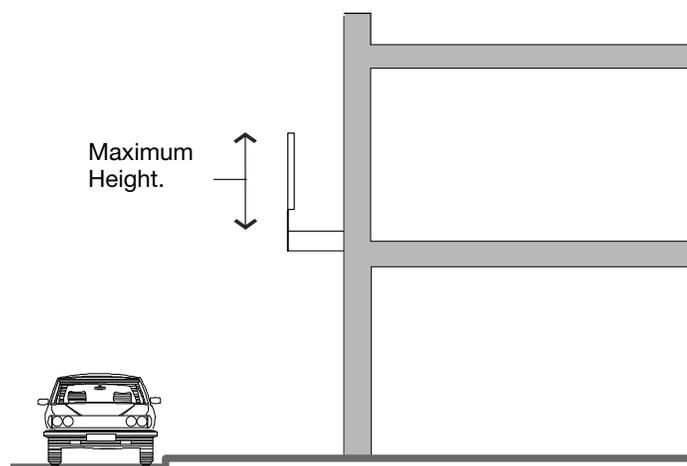


Figure 9.7 (1). Canopy-Mounted Sign.

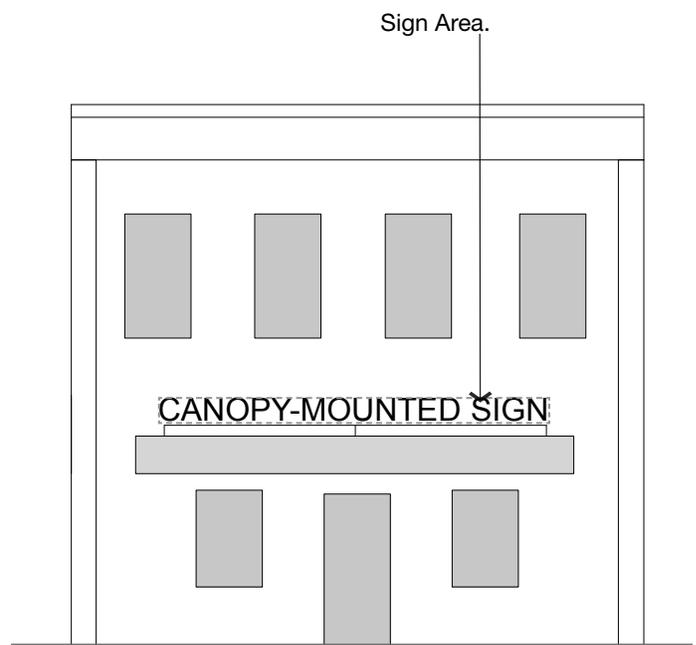


Figure 9.7 (2). Measuring Canopy-Mounted Signs.

9.8 Window Sign.

1. Description.

A Window Sign is posted, painted, placed, or affixed in or on a window exposed for public view or is a sign hung inside the building facing the window for public view. Refer to Figure 9.8 (1).

2. General Requirements.

Window Signs shall be developed according to the standards in Table 9.8 (1).

3. Computation.

A series of windows that are separated by frames or supporting material of less than six inches in width shall be considered a single window for the purposes of computation.

- (1) Measurement. To measure sign area percentage, divide the total sign area by the total window area, as illustrated in Figure 9.9 (1).
- (2) Maximum Allowance. Window Signs are not counted toward a site's maximum signage allowance.
- (3) Exempt Signs. Address and hours of operation are considered exempt Signs and are not counted in the Window Sign area calculation. Refer to 9.2.1 (2) Exempt Signs.
- (4) Temporary Window Signs. Temporary Window Signs must be included in the total percentage of signage per window calculation. Refer to 9.2.1 (2) Temporary Signs.
- (5) Window Signs may not be internally illuminated except for neon or similar illuminated window signs.

Window Sign Requirements	
Permitted Districts	All districts & overlays with the exclusion of the three Residential Community Districts
Sign Area	Up to 30% of a set of continuous windows may be covered with signage; No more than 50% of any one window panel may be covered with signage
Height	No maximum
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Ground or upper story windows; May be affixed to window or hung/mounted behind glass
Quantity	1 per tenant/unit or 1 every 100' of lot frontage, whichever is first (applies to all stories), based on window Sign area for ground story
Internal Illumination	Not permitted, except on neon or similarly illuminated window signs
Materials	Drawn, painted, or affixed on the glass; Wood, metal, neon glass, plastic, or other similar materials also permitted

Table 9.8 (1). Window Sign Requirements.

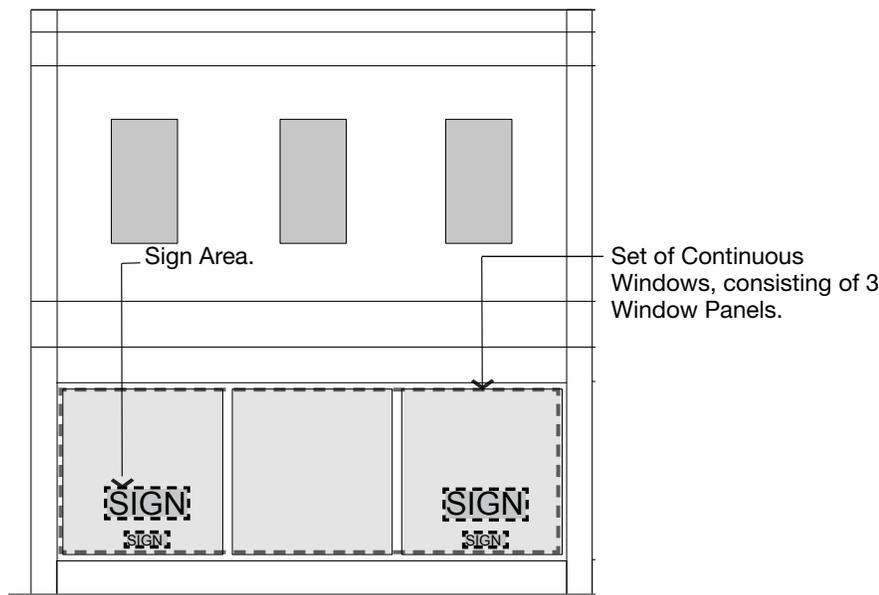


Figure 9.8 (1). Measuring Window Signs.

9.0 Sign Types

9.9 Monument Sign.

1. Description.

A Monument Sign is freestanding; it is located in a front or side yard of a lot. Refer to Figures 9.10 (1) and 9.10 (2).

2. General Requirements.

Monument Signs shall be developed according to the standards in Table 9.9 (1).

- (1) Multiple Tenants. Multiple tenant buildings on a lot with a width of greater than 300 feet, measured across the front property line, may have signage with the following parameters:
 - (a) Up to two Monument Signs on one frontage.
 - (b) Signs shall be at least 150 feet apart.
- (2) Pole-Mounted Signs. Monument Signs may not be pole-mounted.
- (3) Manually Changeable Copy. The area of any Manually Changeable Copy cannot equal greater than 50% of the area of the sign face on which it is located or 20 square feet, whichever is less.

3. Computation.

The area of a two-sided Monument Sign is equal to the area of one Sign face. The area of a three- or four-sided Monument Sign is equal to the total area of each sign face. This measurement includes the sign, any cabinet in which it is enclosed and the electronic message board, but excludes the base of the sign.

- (1) Measuring Height. Height shall include the sign face, base, cabinet, and ornamental cap.

Monument Sign Requirements	
Permitted Districts ¹	Heritage & Recreation, Mixed-Use Retail, Mixed-Use Airport, SOB & Airport I-2 Overlay
Sign Area	Maximum 70 sq ft per Sign face
Height	Maximum height 6' for single tenant sign; maximum height 8' for multi-tenant signs ³
Location on the Building or Site	Front or Corner Yards
Placement on the Building or Site	10' Setback from driveways & side property line; 3' Setback ² from front & corner property lines
Quantity	1 per lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal & masonry; Plastic & synthetics permitted on Sign face; Electronic Message Board permitted in certain districts.

¹ Permitted in all districts, including the Residential Community Districts if used as a gateway element for neighborhood identification purposes only. At no point should commercial business signage be located on the community identification monument sign.

² If placed closer than five feet from the front and corner side property lines, sign must not be located in a sight triangle extending 10 feet from either side of an intersection of a driveway and a vehicular right-of-way or two vehicular rights-of-way.

³ Multi-tenant signs will not count against 200 SF max.

Table 9.9 (1). Monument Sign Requirements.

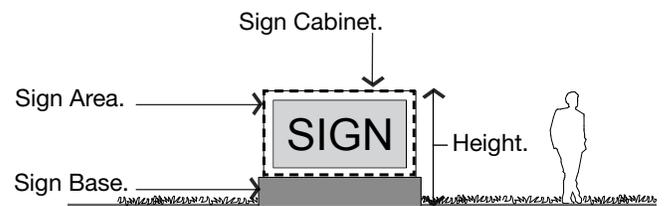


Figure 9.10 (1). Monument Sign.

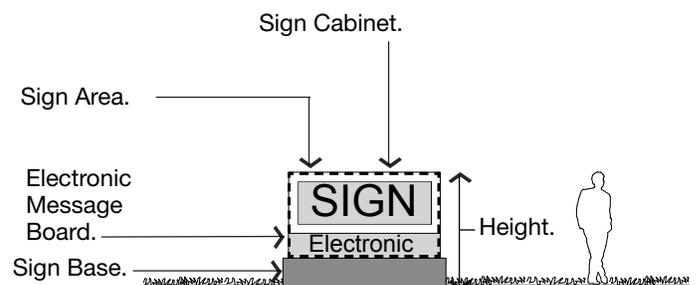


Figure 9.9 (2). Monument Sign with EMB.

9.10 Ped-Scale Pole-Mounted Sign.

1. Description.

A Ped-Scale Pole-Mounted Sign is freestanding and may be mounted onto or hanging from one pole. Two configurations are permitted. Refer to Figure 9.10 (1).

- (1) A sign mounted on a single pole.
- (2) A sign hanging from a single pole.

2. General Requirements.

Ped-Scale Pole-Mounted Signs shall be developed according to the standards in Table 9.10 (1).

3. Computation.

The area of a Pole-Mounted Sign is equal to the area of one sign face.

Ped-Scale Pole-Mounted Sign Requirements	
Permitted Districts	All districts & overlays with the exclusion of the three Residential Community Districts
Sign Area	8 sq ft maximum area per sign face
Height	8' maximum height for sign mounted or hanging on a single pole; Each pole shall have a maximum size of 3.5" by 3.5"
Location on the Building or Site	Front or Corner Yards
Placement on the Building or Site	2' setback from front & corner property lines; Cannot overhang property lines
Quantity	1 per tenant
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal & masonry; Plastic & synthetics permitted on Sign face

Table 9.10 (1). Ped-Scale Pole-Mounted Sign Requirements.

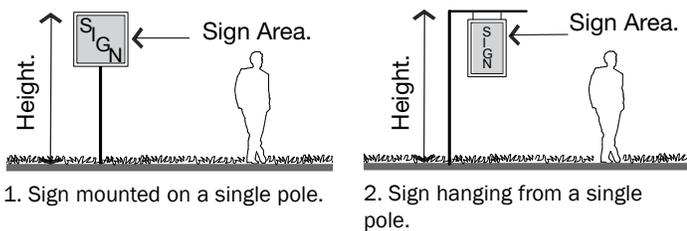


Figure 9.10 (1). Two Types of Ped-Scale Pole-Mounted Signs.

10.0 Administration

DRAFT
May 12, 2016

10.0 Administration

10.1 General Provisions.

1. Purpose.

It is the intent of this code to promote public health, safety, and general welfare of the community, reflecting the goals established by Heber City residents. Due to the detailed requirements found in this form-based code, the ability for administrative approvals when dealing with an application which adheres to the intent and the requirements within the code is the approval process for most scenarios. This is due to the fact that the unpredictability and amount of discretion typically involved with typical zoning codes is, for the most part, removed with the form-based code (FBC) approval process. If the applicant is willing to follow all of the detailed requirements of the form-based code (FBC), there should be little, if any, room for discretion, and the approval should be handled administratively. If the developer wants to deviate from the FBC, then planning commission review and approval is required. Essentially, form-based codes make it easy to do the right thing, and harder to deviate from the code, resulting in the city's vision being upheld and eventually achieved. The primary goals and objectives of this code include, but not limited to the specific purposes below.

- (1) To achieve mixed use development that is appropriate in scale and intensity for the neighborhoods and sites proximate to transit stops and stations.
- (2) To establish a relationship between buildings, streets, and open spaces that is pedestrian, bicycle, and transit-oriented.
- (3) To preserve and enhance the City's natural resources, energy, water, and open spaces and to promote innovative development that sustainably manages these issues, including stormwater runoff and mitigation the urban heat island effect.
- (4) To ensure that a variety of housing types and sizes can be developed to meet the needs of the entire community.
- (5) To promote a variety of transportation options for residents and visitors.

2. Scope of Regulations.

- (1) New Development. All development, construction, and establishment of uses within the limits of this code occurring after the effective date of this code shall be subject to all applicable regulations of this code.
- (2) Renovated Structures Excluding Existing Detached Single Family Homes. All building renovations affecting greater than 25% gross square footage of a structure within the limits of this code shall be subject to all applicable regulations of this code.
- (3) Existing Detached Single Family Home Residential Use & Structures. All building renovations affecting greater than 50% gross square footage of a single family structure within the limits of this code shall be subject to all applicable regulations of this code.
- (4) In-Process Development. Where a building permit for a

development has been applied for in accordance with the prior law in advance of this code's effective date, said development may comply with the plans from which the permit was approved and, upon completion, receive a certificate of occupancy or zoning certificate (provided all conditions are met) provided the following.

- (a) Work or construction is begun within one year of the effective date of this code.
 - (b) Work or construction continues diligently toward completion.
- (5) Nonconformance. After the effective date of this code, existing buildings and uses that do not comply with the regulations of this code shall be considered nonconforming and are subject to the standards of 10.4 Nonconformances.
 - (6) All roads, alleys, parking lots, service areas and similar facilities proposed for development and not specifically designated as public shall be assumed to be privately owned. Heber City will not be responsible for constructing, managing, operating or maintaining any private roads, alleys, parking lots, service areas, utilities or infrastructure propose for inclusion in the districts controlled by this code.

3. Administration & Enforcement.

The provisions of this code shall be administered and enforced by the City Planner or designee, unless otherwise specifically stated. For the purposes of this code, the term City Planner shall be inclusive of his or her designees. Where provisions of this code differ from the City's Code, the requirements of this code shall apply.

If the Heber City Mayor, with advice and consent from the legislative body, appoints an Administrative Law Judge as Appeal Authority, at that point the following requirements will supersede all other appeals processes described in this section and at that point, and no time prior to, the following shall apply:

- (1) Establishment: There is hereby established an Appeal Authority consisting of an Administrative Law Judge, appointed by the Mayor with the advice and consent of the legislative body.
- (2) Administrative Law Judge and Terms: Selection of Administrative Law Judge
 - (a) Process of Selection: Upon the need for the filling of a vacancy or establishing one or more new Administrative Law Judges, the Mayor shall act to post notice of the Administrative Law Judge vacancy in at least three locations within the city and in a newspaper of general circulation in the city. Said notice shall include at least the general responsibilities of the Judge, direction for interested applicants to submit a letter of interest, procedure for submitting letters of interest, the closing date of the vacancy's notice. The notice shall be advertised for not less than 10 days.
 - (b) Selection: Upon completion of the vacancy notice period, the Mayor shall be charged with the selection of the new Administrative Law Judge from the collection of submitted letters of interest. It shall be to the Mayor's discretion regarding the process for reviewing interested applicants for appointment to fill any Administrative Law Judge vacancies.
 - (c) Concurrency
 - (i) Members of the citizenry shall be considered ineligible to serve as an Administrative Law Judge, if that person is a member of the City Council, Planning Commission, City staff or any other City board or commission.
 - (ii) Term of the Judge. The term of an Administrative Law Judge shall be four years concluding at midnight on the thirty-first day of December of the year of term expiration. At the expiration of the term the Mayor may reappoint the Judge to additional four year terms with the advice and consent of the legislative body.
 - (iii) Established Administrative Law Judge. Individuals serving as

an Administrative Law Judge at the time of adoption of this ordinance shall be considered properly appointed and shall not be required to be reappointed. The Mayor shall be required to establish terms for established members in accordance with this Section.

- (3) Vacancies and Removal of the Administrative Law Judge
 - (a) Removal: Any Judge may be removed by the Governing Body at will.
 - (b) Vacancies: Upon the removal of a Judge, as specified in this Section, or the written resignation of any Judge, the Mayor shall pursue the selection of a new Judge to fill the vacancy.
- (4) Powers and Duties: In accordance with Utah State Code § 10-9a-701, the Administrative Law Judge shall be charged with the duties of the appeal authority to
 - (a) Serve as the final arbiter of all issues involving the interpretation or application of land use ordinances;
 - (b) Serve as the final arbiter of all issues involving requests for variances from the terms of the land use ordinances; and
 - (c) Serve as the final arbiter of all issues involving appeals of land use authority decisions;
 - (d) Serve as the final arbiter of all issues involving appeals of zoning violations.
- (5) Organization and Procedures
 - (a) Meetings: The Administrative Law Judge may hold meetings, as the Appeal Authority, according to Utah State Code, Title 52, Chapter 4, Open and Public Meetings, the schedule calendar of meetings established by the legislative body and following proper notice as established in the Utah State Code. The Administrative Law Judge may call special meetings as warranted following proper notice and in compliance with the Open and Public Meetings requirements.
 - (b) Judge Required: The Administrative Law Judge must be present in order to conduct any public meeting of the Appeal Authority or to hear items of business before the Appeal Authority.
 - (c) Decision: The Administrative Law Judge will listen to the facts presented and will base his/her decision upon his/her understanding of that information.
 - (d) Rules of Order: The Administrative Law Judge may develop, adopt and maintain additional by-laws and/or rules of decorum and order to be followed during meetings of the Appeal Authority. All Appeal Authority hearings shall be conducted as quasi-judicial proceedings and in accordance with Utah State Code §10-9a-701et. seq.
 - (e) Evidence: Pursuant to Utah State Code §10-9a-701, any adversely affected party being heard by the Appeal Authority shall be required to present to the Appeal Authority every theory of relief that they can raise in district court.
 - (d) Qualifications: Masters Degree in City Planning or Public Administration.

4. Development Application.

Applications (form, fees, and plan sets) shall be filed with the City Planner or designee.

- (1) Application Form. Application forms are available from the City.
- (2) Fees. Fee amounts are available from the City and are due at the time the application is made; the application will be considered incomplete if fees are not paid.
- (3) Plan Set Requirements. Number of copies and minimum scale of drawings shall be noted on the application form. All plans shall be submitted in both a paper and an approved digital format using NAD1983 state plane coordinates.
- (4) Filing Deadline. Filing deadlines are established by the City and available at City location.
- (5) Withdrawal of Application. Applicant may withdraw application

whole or in part at any point in the process prior to being acted or ruled upon; new application form, fees, and plan sets are required for reapplication.

- (6) Records on File. Applications and the resulting recommendations and rulings shall be kept on file by the City Planner or Designee and shall be considered public record.
- (7) Notice requirements for each process are to follow State & Federal noticing requirements & timelines.

5. Districts Map

The areas and boundaries of the districts & overlay subdistricts listed in 3.0 are hereby established to scale as shown on the map entitled Districts Map of the city and referred to herein as "Districts Map" or "Regulatory Districts Map."

6. Process

Any development within a district shall be administered in accordance with the procedures defined in this document.

- (1) The application shall include the following processes
 - (a) Pre-Application Meeting.
 - (b) Site Plan Approval, including building, site, and streetscape.

7. Staff Review Committee

The City Planner or Designee shall serve approve, deny, or approve with conditions all submittals for Regulating Plans and Site Plans within the Districts upon review by a Staff Review Committee.

- (1) The Staff Review Committee shall include the City Planner, City Engineer, and Utility Companies.
- (2) The Staff Review Committee shall meet regularly to process applications within the time lines established by 10.2. of this section.
- (3) The decision regarding approval or denial of a Regulating Plan or Site Plan shall state in writing the reasons for approval or denial.
- (4) If a Regulating Plan or Site Plan is denied by the City Planner or Designee, the applicant may appeal the decision to the Planning Commission.

10.2 Development Review Procedures.

1. General Requirements.

The processes included in this section, 10.2, are required for the approval of new development within Heber City.

- (1) Appeal. If any application is disapproved, applicant may appeal the decision through the following appeals process:
 - a. Appeals -- Request To Appear -- Fee

Any citizen or person, or any officer of a department of the municipality may appeal to the board of adjustment by filing a request in writing with the zoning administrator and by paying a fee, provided such appeal is made within forty-five days from the grant or refusal of a building permit and/or

10.0 Administration

certificate of zoning compliance by the zoning administrator. The request to appear before the board of adjustment shall be made on forms furnished by the zoning administrator at least fifteen days prior to the date of the hearing of the appeal.

b. Appeals-Procedure

- i. Upon receipt of the application, the zoning administrator shall forthwith transmit to the board of adjustment all papers constituting the record upon which the action appealed from was taken. The board of adjustment shall review the application and shall return the same to the zoning administrator with its decision pertaining thereto within thirty days.
- ii. Failure to return said application within thirty days shall constitute approval. An appeal stays all proceedings in furtherance of the action appealed from unless the zoning administrator certified to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than the restraining order which may be granted by the board of adjustment or by the district court on application and notice to the zoning administrator and on due cause shown.

c. Appeals – Hearing

- i. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publication of notice at least five days prior to the date of the hearing, as well as notice by mail to adjacent property owners, and decide the same within a reasonable time.
- ii. The intent in requiring a hearing is to enable the board of adjustment to obtain facts surrounding the case which may not be shown in the record as submitted to the board. The decision of the board shall be based upon the facts and not upon expressions of support or protest, or lack of support or protest, which may be made at the hearing. Any party may appear at the hearing in person or by agent or by attorney.

d. Notice Of Decision

The board of adjustment shall make determinations in harmony with the provisions of this title and shall notify the zoning administrator of the action taken within ten days following their decision.

e. Further Appeal

Any person adversely affected by any decision of the board of adjustment may petition the district court for review of the decision. In the petition, the plaintiff may only allege that the board of adjustment's decision was arbitrary, capricious, or

illegal. The petition is barred unless it is filed within 30 days after the board of adjustment's decision is final. The board of adjustment's decision shall be deemed final upon the vote at the meeting and not upon approval of the minutes, unless stated otherwise in the motion. The filing of a petition does not stay the decision of the board of adjustment.

- (2) Expiration of Approval. Approval of any application shall expire 12 months from the date of approval, if permits for development have not been submitted for review or construction has not begun.
 - (a) Applicant can request an extension if done so in writing to the City Planner or Designee at least 30 days prior to the end of the 12 month period.
 - (b) Failure to act within the 12 month period shall require a new application, including all forms, fees, and plan sets.
- (3) Review Criteria. All Regulating Plan, Site Plan, and Exception applications shall be reviewed using the following criteria.
 - (a) Plan complies with the standards within the intents of the General Plan.
 - (b) Plan's design is consistent with the intent, character, and planning criteria of any plan in place.
 - (c) Plan's design meets all of the requirements of this code.
 - (d) Proposed development is sufficiently served by or provides essential public facilities, such as access and open space, and services, such as utilities and emergency services.
 - (e) Plan is designed with regard to preserving the lot's natural features and topography.

2. Pre-Application Meeting.

- (1) Intent. To afford the applicant an opportunity to receive the advice and assistance of the professional staff before preparing formal plans and making an official application.
- (2) Eligible Applicant. Applicant must apply for a pre-Application meeting prior to submitting an application for Rezoning, Preliminary Plat Approval, Exception, or Variance. The pre-Application meeting is encouraged for Site Plan Approval processes.



- (3) Application. Applicant shall submit the following.
 - (a) Application, Form, and Applicable Fees.
 - (b) Sketch Plan. A sketch plan or plans shall detail the proposal, including the following.
 - (i) General rough layout of block, and lots, with types of streets and Open Space Type noted.
 - (ii) Existing conditions such as topography, water bodies,

aerial photograph, and flood plane.

(iii) Approximate distribution of Districts, Building Types, and Uses.

(iv) Anticipated method of achieving parking requirements.

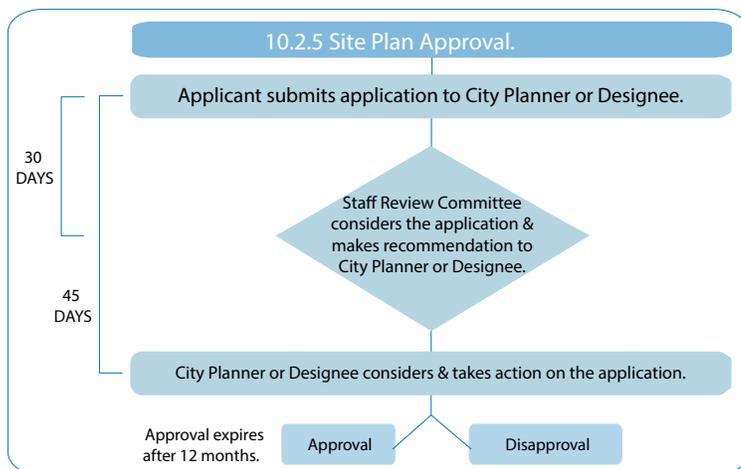
(iv) Site survey if available.

(c) Exceptions or Variances. A description of any desired Exception or Variance (per 10.3).

(4) Pre-Application Meeting. Staff shall meet with the Applicant to discuss the proposed plan within 30 days of receipt of the complete application.

3. Rezoning Process.

1. The governing body may amend, change or modify any provision of this document or the districts map provided:
 - a. The proposed amendment or amendments have been submitted to the Planning Commission for its recommendations. The Planning Commission shall prepare and recommend amendments following a public hearing reasonably noticed for at least ten (10) calendar days. Unless the Planning Commission submits its recommendations within sixty days from receipt of the proposed amendment, the governing body may assume an affirmative recommendation;
 - b. The governing body has held a public meeting on the proposed amendment reasonably noticed for 24 hours;
 - c. The amendment will not be contrary to the Comprehensive Plan;
 - d. The amendment will more fully carry out the intent and purpose of the Comprehensive Plan and this Title.
2. Notice of the Planning Commission hearing should also include written submittal of the proposed amendment to the City Planner, City Attorney, Chief of Police, Building Official, City Engineer, City Fire Official, and City Recorder, and shall meet the requirements of Utah State Code and include **notice of the Planning Commission and shall meet the requirements of Utah State Code.**
3. No material change in or departure from the recommendation of the planning commission can be made after such public hearing unless the change or departure be submitted to the planning commission for its consideration and recommendations. Upon receiving the reconsidered recommendations of the planning commission, the governing body may overrule the planning



commission

4. Subdivision Plat Approvals.

Each development project approved in Heber City and under this document shall be approved using the provisions set forth in the Heber City Subdivision Ordinance, also known as Title 17 of the Heber City Code. If there arises a conflict between this document and the Subdivision Ordinance or any other Ordinance or Resolution recognized by Heber City, this form based code document shall be followed, and supersede the conflicting document.

5. Site Plan Approval.

- (1) Intent. To establish a process that allows the City to administratively review development and redevelopment of sites and Building Types, uses, and other site requirements within all districts to ensure that the full standards and intents of this code are met.
- (2) Eligible Applicant. Applicant shall apply for Site Plan Approval for all projects within all districts listed in section 3.0.
- (3) Development's larger than **20 residential units, with more than 25 employees, is proposing to construct more than 80 surface parking stalls, or 50,000 total sf** of retail or office uses will require Conditional Use Permit approval and may be required to provide a traffic impact study with it's Conditional Use Permit application if deemed necessary by the City Planner and/ or the City Engineer.
- (4) Application. The following information shall constitute a complete application. Application shall be submitted in a form as determined by the City Planner or Designee.
 - (a) Complete Application, Form, and Applicable Fees.
 - (b) Applicant shall submit the following in compliance with the requirements of 3.0 Districts, 4.0 Uses, 5.0 Building Types, 6.0 Open Space Types (when submitting an application for development of a Open Space Type), 7.0 Landscape, 8.0 Parking, and 9.0 Sign Types. All maps and plans shall include date of preparation, north arrow, and scale.
 - (i) Site Location Map, Legal Description/Limits of Plan.
 - (ii) Survey Plat. Dimensions of property lines, easements, rights-of-way.
 - (iii) Development Boundaries and Proposed Phasing, if applicable.
 - (iv) Existing Conditions Plan. Existing on-site and adjacent off-site structures, streets, utilities, easements, pavement noted either on an aerial photograph or site survey.
 - (v) Existing Natural Conditions Plan. Existing topography, vegetation, drainageways, floodplain/way, or other unique features either on an aerial photograph or site survey.
 - (vi) Site Plan. A Site Plan delineating all proposed structures and surfaces, including parking, pavement, decks, patios, landscape, and retaining walls.

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- (vii) Building Plan(s). Floor plans for all buildings illustrating compliance with the requirements of 5.0 Building Types.
 - (viii) Table of Uses. A table of uses is required on the Building Plan delineating locations and gross square footages of categories of uses, and illustrating compliance with 4.0 Uses.
 - (ix) Building Elevations. Building elevations of all facades, rendered to illustrate compliance with the requirements of 5.0 Building Types.
 - (x) Landscape Plan. Landscape Plan illustrating compliance with the requirements of 7.0 Landscape. All ground plane vegetation shall be illustrated. For sites with less than ten percent landscape area, the Landscape Plan may be combined with the Site Plan.
 - (xi) Parking Plan. Parking layout plan with table of spaces keyed to plan, illustrating compliance with 8.0 Parking. Driveways, shared parking arrangements, cooperative parking, and any other parking reductions shall be included and noted for compliance with 8.0 Parking.
 - (xii) Signage Plan, if Signage is included. Signage Plan illustrating compliance with the requirements of 9.0 Sign Types.
 - (xiii) Open Space Plan, if Open Space is included. Open Space Plan shall define all paving, structures, site furnishings, and landscape areas.
- (5) Application Process Timeline. Upon submittal of a complete application, the application will be reviewed using the following process and timeline.
- (a) Staff Review Committee. The Staff Review Committee shall review and make recommendations on the application within 30 days of the submission of the complete application.
 - (b) The City Planner or Designee shall render a decision to approve or disapprove the application within 45 days of the submission of the complete application.
 - (i) 45 days may be extended with the applicant's written consent.
 - (ii) The City Planner or Designee may approve with conditions, or disapprove the application, providing the reasons for disapproval or any conditions for approval in writing.
 - (c) If a Site Plan Approval is being sought for the same property, the Conditional Use Permit shall be submitted concurrently and the timelines shall match.
- (6) Procedure for Site Plan Adjustments. The City Planner or Designee may permit Minor Adjustments to an approved site plan, if the revisions are within the scope and intent of the original approval.
- (a) Process. The process to review plan adjustments is as follows.
 - (i) Applicant shall submit a revised plan and letter of explanation detailing the change to the City Planner or Designee.
 - (ii) The City Planner or Designee shall review the request and notify the applicant of the decision.
 - (iii) If the City Planner or Designee deems the change to be a Major Adjustment to the plan, applicant must resubmit for Site Plan Review for approval of the new plan, including a new application (forms, fees, and plan sets).
 - (iv) If the City Planner or Designee deems the changes to be Minor Adjustments and approves them as within the scope and intent of the original approval, the Applicant shall revise the plan providing copies to the City Planner or Designee for filing prior to applying for building or construction permits.
 - (b) Minor Adjustments are limited to the following, while still meeting the requirements of this code. All other adjustments are considered Major.
 - (i) Changes in dimensions or quantities less than ten percent of previous amounts.

6. Conditional Use Permit.

- (1) Intent. To establish a process to review requests for the following.
 - (a) Development of Uses permitted within a Zoning District, but that may not be appropriate for development on every lot within that District because of potential negative impacts associated with the Use.
- (2) Eligible Applicant. Applicant shall apply for a Conditional Use Permit prior to the development, installation, or opening of a use if designated as a Conditional Use in section 4.0.
- (3) Application. The following information shall constitute a complete application. Application shall be submitted in a form as determined by the City Planner or Designee.
- (4) Complete Application, Form, and Applicable Fees.
 - (b) Applicant shall submit the following in compliance with the requirements of 4.0 Uses.
- (5) A conditional use and associated site plan must:
 - (a) Comply with the goals and objectives of the City's General Plan as well as any Area or Neighborhood Plan that has been adopted;
 - (b) Comply with the objectives and purposes of the district;
 - (c) Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;
 - (d) Provide adequate screening and buffering to protect adjacent property owners;
 - (e) Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects;
 - (f) Address traffic considerations including right-of-way capacity, emergency vehicle access, and storm water run-off; and
 - (g) Ensure utility capacity for the proposed project.
- (6) A conditional use and associated site plan may not:
 - (a) More adversely affect an adjoining site than would a permitted use;
 - (b) Negatively impact neighboring properties as a result of scale or massing;

- (c) Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or
 - (d) Adversely affect an adjacent property or traffic control through the location, lighting, or type of sign.
- (7) In addition, the Planning Commission may require that a conditional use and associated site plan comply with a condition(s) of approval that includes a more restrictive requirement(s) for:
- (a) Building size and/or compatibility standards;
 - (b) A special yard, open space, buffer, fence, wall, or screen;
 - (c) Landscaping or erosion;
 - (d) Increased open space requirements on the site;
 - (e) A street improvement or dedication, vehicular ingress & egress, or traffic circulation;
 - (f) Signs;
 - (g) Characteristics of operation, including hours;
 - (h) Noise, vibrations, odor, steam, etc.;
 - (i) A development schedule; and/or
 - (j) Other measures that the Planning Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.
- (8) Application Process Timeline. Upon submittal of a complete application, the application will be reviewed using the following process and timeline.
- (a) Staff Review Committee. The Staff Review Committee shall review and make recommendations on the application within 30 days of the submission of the complete application.
 - (b) The City Planner or Designee shall render a decision to approve or disapprove the application within 45 days of the submission of the complete application.
 - (i) 45 days may be extended with the applicant's written consent.
 - (ii) The City Planner or Designee may approve with conditions, or disapprove the application, providing the reasons for disapproval or any conditions for approval in writing.
 - (c) If a Site Plan Approval is being sought for the same property, the Conditional Use Permit shall be submitted concurrently and the timelines shall match.

10.3 Exceptions and Modifications.

1. Exceptions.

- (1) Intent. To establish relief and flexibility in standards that may be administratively reviewed and approved, if certain criteria are met.
- (2) Eligible Applicant. Applicant is eligible to apply for an Exception to the code upon submittal of an application for Site Plan Approval, in cases that involve such standards as the following:
 - (a) Regulating Plan Requirements
 - (i) Distribution of permitted Districts within 100' of required amount. (Substitution of districts is not permitted.)

- (ii) Block Size within 100' of required dimensions
 - (iii) Street Type Requirements within one foot of required dimensions. (refer to Section 2.0)
 - (iv) Open Space Requirement within 100' of required distance for no more than ten units and with the availability of two Open Spaces within that dimension (refer to Section 1.0 and Section 6.0)
 - (v) Building Type Requirements within one foot of required dimensions. (refer to Section 5.0)
- (b) Site Plan Requirements
- (i) Landscape Requirements within one foot of required dimensions. (refer to Section 7.0)
 - (ii) Parking and Loading Facilities within one foot of required dimensions. (refer to Section 8.0)
 - (iii) Sign Type Requirements within one foot of required dimensions. (refer to Section 9.0)
 - (iv) Building Type Requirements within one foot of required dimensions. (refer to Section 5.0)
 - (v) Additional exceptions may be granted based on a formal request in writing by the applicant, stating specific reasons why the request does not impact the overall intent of this section, and is essential for success of the development.
- (4) Application Process Time Line. An Application for Exception shall be submitted concurrently with the process seeking exception from, either Regulating Plan Approval or Site Plan Approval.
- (a) Staff Review Committee. The Staff Review Committee shall review and make recommendations on the application within the same time line as the applicable process, Regulating Plan or Site Plan approval.
 - (b) The City Planner or Designee shall render a decision to approve or disapprove the application within the same time line as the applicable process, Regulating Plan or Site Plan approval.

10.4. Nonconformances.

1. General Requirements.

- (1) Intent. To provide a set of regulations for legal nonconforming buildings and uses and to specify those circumstances and conditions under which those nonconformances shall be gradually eliminated.
- (2) Applicability. The standards in this section apply as follows.
 - (a) The provisions detailed in this section apply to all structures, uses, or site characteristics that lawfully existed prior to the adoption of or Amendment to this code,
 - (b) Structures, uses, and site characteristics that did not lawfully exist prior to the effective date or amendment to this code shall not be considered legal nonconformances and therefore are not protected under the provisions of this section.
- (3) Continuation. All nonconformances are permitted to continue subject to the restrictions outlined in this section.

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- (4) Maintenance. All nonconformances shall be maintained as required by law to protect public health safety, and welfare, provided said maintenance does not result in the expansion of the nonconformity.

2. Nonconforming Structures.

- (1) Intent. To provide regulations for the continuation of a structure that was legally constructed prior to the adoption or amendment to this code, but that could not occur under the current provisions of this code.
- (2) Restrictions on Continuation. A nonconforming structure may continue based upon the following conditions.
 - (a) Alterations. The standards of this code shall apply to alterations under the following circumstances.
 - (i) For all Structures Excluding Existing Single Family Home Structures (Yard Building). Where the renovation includes an addition of more than 25 percent in gross building square footage, the building shall be brought into conformance.
 - (ii) For all Existing Single Family Home Structures (Yard Building). Where the renovation includes an addition of more than 50 percent in gross building square footage, the building shall be brought into conformance.
 - (iii) For all Structures. When a renovation of the front facade occurs with no added building square footage, that renovated portion must comply with the street facade Requirements and Entrance Type Requirements (refer to Section 5.0) when the renovation includes the existing building's front or corner side facades and the renovation includes any one of the following:
 - 1. Installation of additional doors or a change in location of a door.
 - 2. Expansion or change in location of 30% of windows on any street façade.
 - 3. Replacement of 30% or more of facade materials on any street facing facade with a different facade material.
 - (iiii) When a renovation of the shape or style of the roof occurs with no added building square footage, the Roof Type Requirements (refer to Section 5.0) shall be met if visible from the public right-of-way
 - (b) Ordinary Repairs. Ordinary repairs required for safety and continued use of the structure, such as replacement of window or door glass; and interior alterations that do not affect the exterior of the building do not trigger conformance to this code.
 - (c) Impact on Nonconformity. No alteration or repair shall expand the existing or create a new nonconformity unless otherwise permitted by this section, 10.4.2 Nonconforming Structures.
 - (d) Damage or Destruction. A nonconforming structure may be repaired and its use continued if damaged by any means not within the control of the owner per the Utah Code.

- (e) Abandonment. The right to utilize a nonconforming structure shall be terminated if the structure is not utilized or is abandoned for a period of 12 consecutive months.
 - (i) If the owner is actively seeking another tenant for the use or structure, the 12 month period may be extended up to an additional 12 months with permission of the City Council.
 - (ii) To obtain this extension, the owner must provide evidence of this activity, including solicitation, showing the site to potential tenants, and maintenance of utilities and other site facilities for reuse; simply listing the site as available real estate is not sufficient.

3. Nonconforming Uses.

- 1. A building utilized prior to the effective date of the ordinance codified in this document for a use which, after the effective date of the ordinance codified in this document is nonconforming, may continue to be utilized for such nonconforming use unless the building is vacated or the use ceased for a continuous period in excess of three hundred sixty-five (365) calendar days. Land use prior to the effective date of the ordinance codified in this Title is nonconforming and may continue to be so used provided that such nonconforming use is not ceased for a continuous period in excess of three hundred sixty-five (365) calendar days. No such nonconforming use of land may in any way be expanded or extended, either in the same or on adjoining property. Any land that is annexed into Heber City which use was conforming in the County but now is nonconforming in Heber City, the same will apply.
- 2. A nonconforming building or structure occupied by a nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake, or other calamity or act of God, or the public enemy, may be restored. The occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion with the ordinances of Heber City within two (2) years.
- 3. The occupancy of a building by a nonconforming use, existing on the effective date of the ordinance codified in this Title, may be continued.
- 4. Vacancy of Building & Ceasing Use
 - a. A vacant building may be occupied by a use for which the building or structure was used, designed or intended, if so occupied within a period of three hundred sixty-five (365) calendar days after the use became nonconforming.
 - b. However, a building or portion thereof occupied by a nonconforming use which is, or hereafter becomes, vacant and remains unoccupied by such nonconforming use for a continuous period in excess of three hundred sixty-five (365) calendar days, shall not be thereafter occupied except by a use which conforms to the use of the zone in which it is

located.

5. Should a nonconforming use of land be ceased for a period in excess of three hundred sixty-five (365) calendar days, any future use of such land authorized nonconforming use is expressly prohibited.
6. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.
7. The burden of proof for proving the extent or the existence of any nonconforming use, structure, etc., shall be the responsibility of the property owner or the petitioner.

4. Nonconforming Site Characteristics.

- (1) Intent. To establish regulations for the continuation of site characteristics, such as curb cut quantity, signage, parking, landscaping, or other non-structural, physical characteristics of a site, that was legally constructed or installed prior to the approval or amendment of this code, but that cannot be created under the provisions of this code.
- (2) Restrictions to Continuation. A nonconforming site characteristic may continue based upon the following conditions.
 - (a) 10% Percent Exception. A site characteristic is not considered nonconforming if the size of the nonconformance is 10% or less of this code's requirement.
 - (b) Change in Associated Use. The right to continue shall be terminated if the associated use changes or changes in intensity through such additions as an increase in the dwelling units, gross floor area, or capacity by 15% or more.
 - (i) Single or individual business signs within a multiple business center are exempt from this standard. A new tenant is permitted to install an individual business sign even if the signage on the lot as a whole is nonconforming, provided that the new sign does not increase the lot's nonconformance.
 - (c) Change in Associated Structure. The right to continue shall be terminated if the associated structure is altered to increase its gross floor area by 15% or more.
 - (d) Abandonment. The right to continue shall be terminated if the associated Use or structure, conforming or not, is abandoned for a period of 12 consecutive months.

10.5 Definitions.

1. Graphics.

The graphics, tables, and text utilized throughout this code are regulatory. In case of a conflict, text shall control over tables and graphics and tables shall control graphics.

2. Defined Terms.

For the purposes of this code, the following terms shall have the

following meanings.

- (1) **Animal.** All non-human members of the animal kingdom, including domestic and livestock species.
- (2) **Applicant.** The owner of a subject property or the authorized representative of the owner on which a land development application is being made.
- (3) **Block.** The aggregate of lots, passages, lanes, and alleys bounded on all sides by streets.
- (4) **Block Depth.** A block measurement that is the horizontal distance between the front property line on a block face and the front property line of the parallel or approximately parallel block face.
- (5) **Block Ends.** The lots located on the end of a block; these lots are often larger than the lots in the interior of the block or those at the opposite end of the block and can be located on a more intense street type. They are typically more suitable for more intensive development, such as multiple family or mixed use development.
- (6) **Block Face.** The aggregate of all the building facades on one side of a block.
- (7) **Block Length.** A block measurement that is the horizontal distance along the front property lines of the lots comprising the block.
- (8) **Build-to-Zone.** An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a property line. The zone dictates the minimum and maximum distance a structure may be placed from a property line. Refer to Figure 10.5 (2) Build-to Zone vs. Setback Line.
- (9) **Building Type.** A structure defined by the combination of configuration, form, and function. Refer to 5.0 Building Types for more information and the list of permitted Building Types.
- (10) **City Planner or Designee.** The Heber City Planner, or a person that is designated to make decisions by the City Planner.
- (11) **Courtyard.** An outdoor area enclosed by a building on at least two sides and is open to the sky.
- (12) **Coverage, Building.** The percentage of a lot developed with a principal or accessory structure.
- (13) **Critical Root Zone.** Also referred to as drip line. The area of soil and roots within the radius beneath the tree's canopy, within the dripline, or within a circular area of soil and roots with a radius out from the trunk a distance of 1.5 feet for every inch of the tree's width (measured at 4.5 feet above the mean grade of the tree's trunk, noted as diameter breast height or DBH throughout this code).
- (14) **Dedication.** The intentional appropriation of land by the owner to the City for public use and/or ownership.
- (15) **Density.** The number of dwelling units located in an area of land, usually denoted as units per acre.
- (16) **Dwelling Unit.** A room or group of rooms connected together that

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- include facilities for living, sleeping, cooking, and eating that are arranged, designed, or intended to be used as living quarters for one family, whether owner occupied, rented, or leased.
- (17) **Easement.** A legal interest in land, granted by the owner to another person or entity, which allows for the use of all or a portion of the owner's land for such purposes as access or placement of utilities.
- (18) **Eave.** The edge of a pitched roof; it typically overhangs beyond the side of a building.
- (19) **Entrance Type.** The permitted treatment types of the ground floor Facade of a Building Type. Refer to Section 5.0 for more information and a list of permitted Entrance Types.
- (20) **Expression Line.** An architectural feature. A decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior facade or a building typically utilized to delineate floors or stories of a building.
- (21) **Facade.** The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front property line.
- (22) **Family.** Family is defined as the following.
- (a) "Family" means an individual or two (2) or more persons related by blood, marriage, or adoption, living together as a single dwelling unit and maintaining a common household. Relation by blood, marriage, or adoption is limited to the children (including foster and custodial children) of the primary companion couple or individual residing within the dwelling, and the extended relations, which includes parents, grandparents, great-grandparents, grandchildren, great-grandchildren, uncles and aunts, brothers and sisters, first cousins and immediate nieces and nephews of the primary companion couple or individual residing within the dwelling. A "family" may include two, but not more than two, non-related persons living as guests with the residing family. The term "family" shall not be construed to mean a group of unrelated individuals, a fraternity, club, or institutional group. The number of extended relations and unrelated guests residing with the family shall be limited to a maximum of six (6) persons, and in no case shall the number of extended relations and unrelated guests exceed one per 600 square feet of finished habitable floor space of the dwelling. Finished habitable floor space does not include a garage or any area that has been constructed without a building permit.
- (23) **Grade.** The average level of the finished surface of the ground story adjacent to the exterior walls of a building.
- (24) **Gross Floor Area.** The sum of all areas of a building, including accessory storage areas or closets within sales spaces, working spaces, or living spaces and any basement floor area used for retailing activities, the production or processing of goods, or business offices. It shall not include attic space having headroom
- (25) **Impervious Surface.** Also referred to as impervious material. Any hard surface, man-made area that does not absorb water, including building roofs, sidewalks, parking, driveways, and other paved surfaces.
- (26) **Landscape Area.** Area on a lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.
- (27) **Lot.** Also referred to as parcel. A plot of land intended to be separately owned, developed, or otherwise used as a unit. Refer to Figure 10.5 (1) Lots.
- (28) **Lot, Corner.** A parcel of land abutting at least two vehicular rights-of-way, excluding an alley, at their intersection. Refer to Figure 10.5 (1) Lots.
- (29) **Lot, Flag.** A parcel of land having its only access to the adjacent vehicular right-of-way, excluding an alley, through a narrow strip of land. Refer to Figure 10.5 (1) Lots.
- (30) **Lot, Interior.** A parcel of land abutting a vehicular Right-of-Way, excluding an Alley, along one (1) Property Line; surrounded by Lots along the remaining Property Lines.
- (31) **Lot, Through.** Also referred to as a double frontage lot. An interior lot having frontage on two approximately parallel vehicular rights-of-way, excluding an alley. Refer to Figure 10.5 (1) Lots.
- (32) **Lot Area.** The computed area contained within the property lines; it is typically denoted in square feet or acres.
- (33) **Lot Depth.** The smallest horizontal distance between the Front and Rear Property Lines measured approximately parallel to the Corner and/or Side Property Line. Refer to Figure 10.5 (1) Lots.
- (34) **Lot Frontage.** The horizontal distance between the Side Property Lines, measured at the Front Property Lines. Refer to Figure 10.5 (1) Lots.
- (35) **Nonconformance.** A structure, use, lot, or site characteristic that was legally constructed or operated prior to the effective date of or Amendment to this code, but that cannot be constructed, platted, or operated after the effective date of or Amendment to this code.
- (36) **Occupied Space.** Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.
- (37) **Open Space Type.** The permitted and regulated types of open spaces in this code. Refer to 6.0 Open Space Types for more information and a list of the permitted types.
- (38) **Open Water.** A pond, lake, reservoir, or other water feature with the water surface fully exposed.
- (39) **Owner.** The legal or beneficial title-holder of land or holder of a written option or contract to purchase the land.
- (40) **Pedestrianway.** A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

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- (41) **Pervious Surface.** Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.
- (42) **Plat.** A map or chart of a division and/or combination of lots.
- (43) **Primary Façade.** The façade facing the street from which the building derives its street address.
- (44) **Primary Street.** A major corridor that receives priority over other streets in terms of setting front property lines and locating building entrances.
- (45) **Property Line.** Also referred to as lot line. A boundary line of a parcel of land or lot. Refer to Figure 10.5 (1) Lots.
- (46) **Property Line, Corner.** A boundary of a lot that is approximately perpendicular to the front property line and is directly adjacent to a public Right-of-Way, other than an alley or railroad. Refer to Figure 10.5 (1) Lots.
- (47) **Property Line, Front.** The boundary abutting a right-of-way, other than an Alley, from which the required setback or build-to zone is measured, with the following exceptions.
- (a) Corner and Through Lots that abut a Primary Street shall have the front property line on that Primary Street.
 - (b) Corner and Through Lots that abut two Primary Streets or do not abut a Primary Street shall utilize the orientation of the two directly adjacent lots, or shall have the front property line determined by the City Planner or Designee.
- (48) **Property Line, Rear.** The boundary of a lot that is approximately parallel to the front property line; this line separates lots from one another or separates a lot from an alley. Refer to Figure 10.5 (1) Lots.
- (49) **Property Line, Side.** The boundary of a lot that is approximately perpendicular to the front and rear property lines; it is not adjacent to the public right-of-way. Refer to Figure 10.5 (1) Lots.
- (50) **Right-of-Way.** Land dedicated or utilized for a Street Type, trail, pedestrianway, utility, railroad, or other similar purpose.
- (51) **Roof Type.** The detail at the top of a building that finishes a Façade, including a pitch roof with various permitted slopes and a parapet. Refer to 5.10 for more information and a list of the permitted Roof Types.
- (52) **Scale.** The relative size of a building, street, sign, or other element of the built environment.
- (53) **Semi-Pervious Surface.** Also referred to as semi-pervious material. A material that allows for at least 40% absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.
- (54) **Setback.** The horizontal distance from a property line inward, beyond which a structure may be placed. Structures or other impervious surfaces are not permitted within a setback, unless specifically permitted in this code. Refer to Figure 10.5 (2) Build-to Zone vs. Setback Line.
- (55) **Sign.** An object, device, or structure used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by such means as words, letters, figures, images, designs, symbols, or colors. Flags or emblems of any nation, state, city, or organization; works of art which in no way identify a product; and athletic field score boards are not considered signs.
- (56) **Solar Reflectance Index (SRI).** A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.
- (57) **Story.** A habitable level within a building measured from finished floor to finished floor.
- (58) **Story, Ground.** Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner façades, excluding basements or cellars.
- (59) **Story, Half.** A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.
- (60) **Story, Upper.** Also referred to as upper floor. The floors located above the ground story of a building.
- (61) **Street Face.** The facade of a building that faces a public right-of-way.
- (62) **Street Frontage.** Also refer to lot frontage. The portion of a building or lot directly adjacent to a vehicular right-of-way.
- (63) **Street Type.** The permitted and regulated types of streets in this code. Refer to 2.0 Street Types for more information and a list of the permitted Street Types.
- (64) **Streetwall.** The vertical plane created by building façades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.
- (65) **Structure, Accessory.** The general term for a subordinate structure detached from, but located on the same Lot as the Principal Structure; it may or may not be inhabitable.
- (66) **Structure, Principal.** Also referred to as the principal building. A building that contains the dominant Use of the Lot. It is typically located toward the front of the Lot in the front Build-to Zone or behind the Front Yard Setback.
- (67) **Swale.** A low lying, naturally planted area with gradual slopes that facilitate the transport, absorption, and/or filtration of stormwater.
- (68) **Tree Canopy.** The uppermost area of spreading branches and leaves of a tree.
- (69) **Tree Canopy Coverage.** The area of ground covered or shaded by a tree's canopy, measured in square feet.
- (70) **Use.** Also referred to as land use. A purpose or activity that may

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occur within a building or a lot.

- (71) **Use, Accessory.** A use customarily, incidental, and subordinate to the principal use or structure and located on the same lot with such principal use or structure.
- (72) **Use, Principal.** The specific, primary purpose for which a lot or building is utilized.
- (73) **Use, Special.** A use that may not be appropriate in certain locations based on the potential negative impacts associated with the use and requires approval of a Special Use Permit.
- (74) **Visible Basement.** A half story partially below grade and partially exposed above with required transparency on the street facade.
- (75) **Water Body.** A body of water, such as a river, pond, or lake that may be man-made or naturally occurring.
- (76) **Yard.** The space on a lot which is unoccupied and unobstructed from the ground to the sky by the principal structure. Lots without a structure do not have yard designations. Refer to Figure 10.5 (3) Yards.
- (77) **Yard, Corner Side.** A yard extending from the corner side building facade along a corner side property line between the front yard and rear property line.
- (78) **Yard, Front.** A yard extending from the front facade of the principal structure along the full length of the front property line, between the side property lines or side and corner side property lines. Figure 10.5 (3) Yards.
- (79) **Yard, Rear.** A yard extending from the rear building facade along the rear property line between the side yards or, on a corner lot, the corner side and side yards. Figure 10.5 (3) Yards.
- (80) **Yard, Side.** A yard extending from the side building facade along a side property line between the front yard and rear property line. Figure 10.5 (3) Yards.
- (81) **Zoning District.** A designation given to each lot within the city that dictates the standards for development on that Lot. Refer to 3.0 Districts & Overlay Subdistricts for more information and 4.0 Uses for a list of permitted land uses. Districts & Overlay Subdistricts for more information and 4.0 Uses for a list of permitted land uses.



Figure 10.5 (1). Lots.

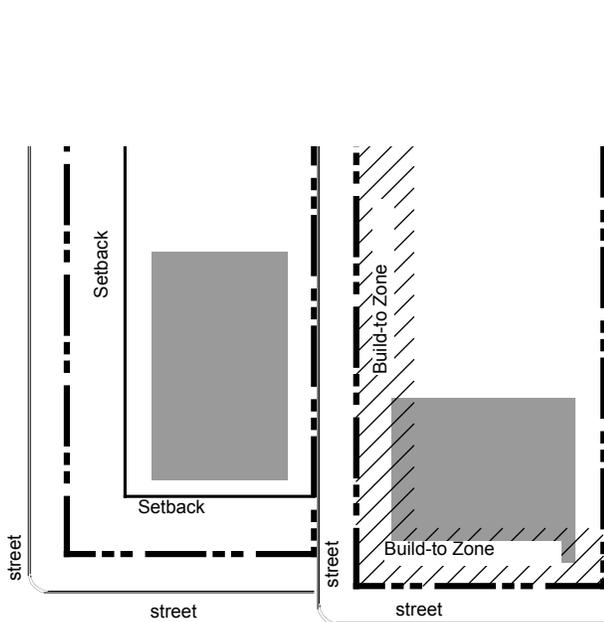


Figure 10.5 (2). Setback Line vs. Build-to-Zone.

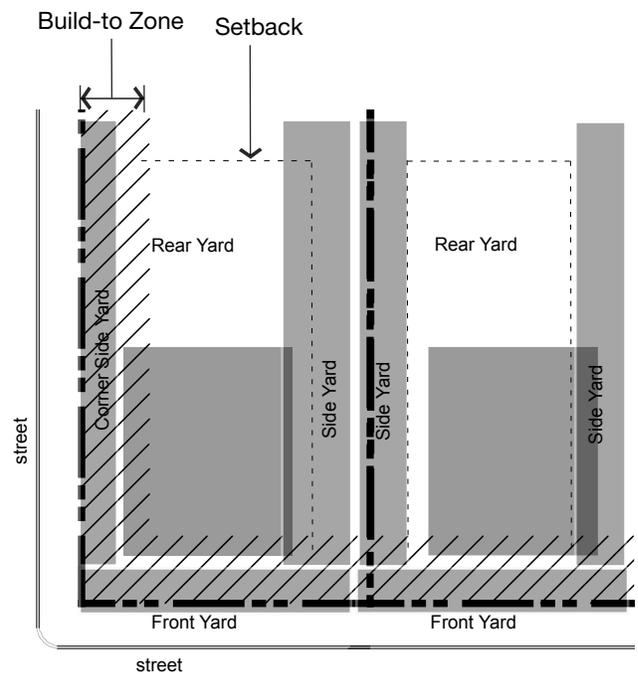


Figure 10.5 (3). Yards.

11.0 Appendix

DRAFT
May 12, 2016

11.0 Appendix

Mixed-Use Residential Commercial Zone

Manufacturing & Business Park

Planned Community Mixed-Use District (to be included by Heber City)

Planned Community (to be included by Heber City)

