

ORDINANCE NO. 2022-13

AN ORDINANCE AMENDING SECTIONS 109 OF THE C-3 DESIGN STANDARDS, 109 OF THE C-2 AND C-4 DESIGN STANDARDS, 18.42.060 FURNISHINGS AND COMMON AREA, 18.68.075 SHIPPING CONTAINERS, AND ADOPTING SECTIONS 18.68.606 TEMPORARY USES AND STRUCTURES AND 18.108.120 SHIPPING CONTAINERS IN COMMERCIAL AND MIXED-USE ZONES

WHEREAS, the Heber City Council finds it in the public interest to amend the shipping container standards in commercial, mixed-use, and industrial zones to permit shipping containers as a conditional use and temporary use.

WHEREAS, the Heber City Council finds it in the public interest to adopt standards on temporary uses.

BE IT ORDAINED by the City Council of Heber City, Utah, that Sections 109 of the C-3 Design Standards, 109 of the C-2 and C-4 Design Standards, 18.42.060 Furnishings and Common Area, 18.68.075 Shipping Containers is **AMENDED** and Sections 18.68.606 Temporary Uses and Structures and 18.108.120 Shipping Containers in Commercial and mixed-Use Zones is **ADOPTED** as shown in Exhibit A.

This Ordinance shall take effect immediately upon passage.

ADOPTED and PASSED by the City Council of Heber City, Utah this 21st day of June, 2022, by the following vote:

	AYE	NAY
Council Member Rachel Kahler	<u>X</u>	_____
Council Member Ryan Stack	_____	<u>X</u>
Council Member Mike Johnston	<u>X</u>	_____
Council Member Yvonne Barney	<u>X</u>	_____
Council Member Scott Phillips	<u>X</u>	_____

APPROVED:



Heidi Franco
Mayor Heidi Franco

ATTEST:

Brena W. Cooke

Date: 6/21/2022

RECORDER

Date of First Recording: _____

Exhibit A

SECTION 109 – SITE FURNISHINGS:

Site Furnishings: Each development should incorporate site furnishings into the site such as a patio/seating area, pedestrian plaza with benches, window-shopping walkway, play areas, kiosk area, water feature, clock tower, sculpture, bike racks, public art, etc.

Trash Enclosures and Container: All trash areas shall be screened on all four sides by 6' high walls and be hidden from public view. The walls shall be constructed of a similar material and style to compliment the main building architecture and details. Screened "gates" shall provide access to trash removal services. Trash enclosure location shall be located for convenient accessibility by trash removal services.

Outdoor dining: Outdoor dining (sidewalk dining) is appropriate. Outdoor dining shall maintain at least a 4 foot clear path along street sidewalks and at least 7 feet of vertical clearance for umbrellas and awnings. The dining area should be separated from the public sidewalk with a barrier such as a fence or planter.

Outdoor Storage: All outdoor storage areas, including the use of shipping container storage, shall be bounded by a 6 foot sight obscuring fence similar in quality and design to the trash enclosure area. Optional evergreen shrubbery in front of this fence to provide a softening by way of landscaping.

SECTION 109 – OUTDOOR STORAGE & TRASH ENCLOSURES:

Outdoor Storage: Outdoor storage, loading and operations areas shall be attractively screened from adjacent parcels and streets. All outdoor storage areas shall be bounded by a eight foot (8') sight obscuring fence similar in quality and design to the trash enclosure area. Optional evergreen shrubbery in front of this fence to provide a softening by way of landscaping.

No semi trailers shall be allowed on the site for storage. Parked delivery trucks which idle or create fumes or noise between 10:00 p.m. and 6:00 a.m. shall be deemed a public nuisance.

Areas for the storage and sale of seasonal merchandise shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the colors on the building.

Outdoor display and storage shall not encroach on any portion of a walkway, drive aisles or required parking spaces. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 30 feet of any internal pedestrian way.

Trash Enclosures: All trash areas shall be screened on all four sides by 6' high walls and be hidden from public view. The walls shall be constructed of a similar material and style to compliment the main building architecture and details. Screened "gates" shall provide access to trash removal services. Trash enclosure location shall be located for convenient accessibility by trash removal services.

There shall be adequate trash containers in and around doors. Outdoor storage, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall site design. Views of these areas shall be visually screened from all property lines and separated from sidewalks and on-site pedestrian ways. Screening structures shall be made of the same materials as the principal structure.

18.42.060 Furnishings And Common Area

- D. Outdoor Storage, Trash, and Loading Zones. The following standards shall be required to reduce the impacts of outdoor storage, and loading zones and operation areas on adjacent land uses:
1. Outdoor storage, trash, loading and operation areas shall be attractively screened from adjacent parcels and streets. All outdoor storage areas shall be bounded by a six-foot (6') sight-obscuring fence similar in quality and design to the trash enclosure area. Evergreen shrubbery shall be placed in front of this fence to provide a softening effect.
 2. No semi-trailers shall be allowed on the site for storage. Parked delivery trucks which idle or create fumes or noise between 10:00 p.m. and 6:00 a.m. shall be deemed a public nuisance.
 3. Areas for the storage and sale of merchandise shall be permanently defined and screened with walls and/or fences that conform to the materials, colors and design of the principal structure. Seasonal sales shall be allowed on sidewalks and in parking areas with the prior approval of the City Planning Department.
 4. Outdoor display and storage shall not encroach on any portion of a walkway, drive aisles or required parking spaces. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 30 feet of any internal pedestrian way.
 5. Areas for truck parking and loading shall be screened by a combination of structures and evergreen landscaping to minimize visibility from adjacent streets and residential district lines
 6. Outdoor storage, loading and operation areas shall be attractively screened from adjacent parcels and streets.
 7. Outdoor storage, trash collection and/or compaction, loading or other such uses shall be located in the rear of the lot. If, because of lot configuration, the City Engineer determines that such placement is not feasible, then the side yard may be used.
 8. Outdoor storage, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall site design. Views of these areas shall be visually screened from all property lines and separated from sidewalks and on-site pedestrian ways. Screening structures shall be made of the same materials as the principal structure.
 9. There shall be adequate trash containers in and around doors.
 10. Storage of all merchandise, material and products shall be carried on within a building or within an area enclosed with a sight-obscuring fence or wall except for vehicles in running order.
 11. All trash areas shall be screened on all four sides by 6' high walls and be hidden from public view. The walls shall be constructed of a similar material and style to compliment the main building architecture and details. Screened "gates" shall provide access to trash removal services. Trash enclosures shall be located for convenient accessibility by trash removal services.

18.68.075 Shipping Containers

- A. Shipping Container shall mean "A large metal box used for the transportation of goods".
- B. The keeping of shipping containers is prohibited in all residential zones.
1. Exceptions. A shipping container may be located on a residential property when:
 - a. The container is being used to store personal property in conjunction with a move to or from said property, not to exceed 2 weeks; or
 - b. The container is being used for the storage of construction equipment with an active building permit.

- C. Shipping containers may be kept in Commercial and Mixed-Use zones upon the approval of a Conditional Use Permit consistent with Section 18.108.120, or a Temporary Use Permit consistent with 18.68.606.
- D. Shipping Containers may be kept in Manufacturing and Industrial zones when the following standards are met.
 - 1. Containers shall not be placed with a required setback or landscaping area.
 - 2. Containers shall not be placed between a building and the street.
- E. In no case shall any containers be stacked.
- F. In no case shall any containers be placed in the public right of way.

18.68.606 Temporary Uses and Structures

- A. Uses and structures may be permitted for a period of time outlined in this section, with no use or structure exceeding six (6) months.
- B. Permit. A temporary use permit is required for all temporary uses and structures.
 - 1. Permit applications shall be submitted to the Planning Department and include the following:
 - a. Proposed use and time frame of use or structure.
 - b. Site plan outlining the size and location of the use or structure and any required parking and site improvements.
 - 2. Temporary use permits are reviewed and approved the Planning Department.
 - 3. Certain uses may require a building permit in addition to the temporary use permit.
- C. Uses and structures not listed in this section are not permitted as temporary uses or structures.
- D. The following uses and structures are permitted on a temporary basis upon compliance with the standards associated with the use or structure.
 - 1. Shipping Containers
 - a. Containers in the C-2, C-3, C-4, MURCZ, and RC zones may be permitted as a temporary use for no more than ninety (90) days. No more than 2 permits may be granted for the same parcels per calendar year. Durations longer than ninety (90) days require a Conditional Use Permit as outlined in Chapter 18.108 of this Title.
 - b. Containers may only be kept in commercial portions of developments with the Mixed-Use zones.
 - c. Containers shall not be placed within a required setback or landscaping area.
 - d. Containers shall not be placed between a building and the street.
 - e. Containers shall be screened from the view of the public right of way by being placed behind a building or within a screened outdoor storage area meeting the outdoor storage standards of the underlying zone.
 - f. Containers shall not be placed in the public right of way.
 - 2. Construction Office
 - a. Construction Offices may be permitted as a temporary use in any zone.
 - b. Structures shall not be placed in any right of way that has been dedicated and accepted by the City, or open for public use.
 - c. A temporary use permit may be extended when associated with a commercial building permit.
 - d. Separate permits may be obtained for developments with multiple phases.
 - e. All temporary offices shall be removed within fourteen (14) days of the issuance of a Certificate of Occupancy or acceptance of the public infrastructure of the associated phase of a subdivision or development.
 - 3. Onsite Real Estate Sales Office

- a. Onsite Sales Offices may be permitted as a temporary use in residential zones. Sales Offices located within a model home do not require a temporary use permit.
- b. Sales Offices shall be placed on private property.
- c. An off street parking area adjacent to the sales office shall be provided. Said parking area shall be constructed of compacted gravel or road base and provide for a minimum of 3 parking spaces.
- d. All sales offices shall be accessible to persons with disabilities.
- e. Sales Offices shall be removed upon the establishment of a sales office within a model home, clubhouse, or other permanent structure.

18.108.120 Shipping Containers in Commercial and Mixed-Use Zones

Shipping containers may be kept in Commercial and Mixed-Use zones upon compliance with the standards outlined in Section 18.108.060 and the following:

- A. Containers may only be kept in commercial portions of developments with the Mixed-Use zones.
- B. Containers shall not be placed within a required setback or landscaping area.
- C. Containers shall not be placed between a building and the street.
- D. Containers shall not occupy any required parking stalls.
- E. Containers shall be screened from the view of the public right of way, by being placed behind a building or within a screened outdoor storage area meeting the outdoor storage standards of the underlying zone, or colored to complement the main structure.
- F. Any storage of off-site inventory or materials not pertaining to the business on the property on which the container is located, is prohibited.