

Heber City Municipal Government

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POWER BOARD, FIRE BOARD

COUNCILMAN

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WATER, SEWER,
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ORDINANCE NO. 202

An Ordinance amending Ordinance No. 199 to correct language in various sections of said Ordinance as heretofore published.

BE IT ORDAINED BY THE CITY COUNCIL OF HEBER CITY as follows:

SECTION I: That section 02.0400 of Ordinance No. 199 be amended to read as follows:

"In interpreting and applying this Ordinance, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except as specifically herein provided, it is not intended by the adoption of this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this Ordinance to interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided, however, that in cases in which this Ordinance imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this Ordinance shall control."

SECTION II: Ordinance No. 199 shall be amended to include a Section No. 02.0618 as follows:

Concessions in Public Parks and Playgrounds

Concessions, including but not limited to amusement devices, recreational buildings, and refreshment stands, shall be permitted on a public part or playground when approved by the City Council.

SECTION III: Section 020621 of Ordinance No. 199 shall be amended in paragraph 15 to read as follows:

15. Retail stores, and personal service shops and other business buildings not specifically mentioned elsewhere in this sub-section shall have parking space at the rate of five (5) spaces per one thousand (1000) square feet of floor area, except that in any zone designated as central commercial zone, parking space may be reduced to three (3) spaces per 1000 sq. ft. of floor space.

SECTION IV: Section 02.0902 of Ordinance No. 199 shall be amended to add a subparagraph "H" to read as follows:

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Rest homes subject to approval of the County Health Department and the State Welfare Department.

SECTION V: Section 0912.02 (B) of Ordinance No. 199 shall be amended to read as follows:

Office buildings, clinics, public utility buildings.

SECTION VI: Section 02.0933.02 (F) of Ordinance No. 199 shall be amended to read as follows:

Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock.

SECTION VII: Section 02.0950.02 (B) of Ordinance No. 199 shall be amended to read as follows:

Planned unit developments subject to the requirements and conditions set forth in Section 02.1000 of this ordinance relating to large scale developments.

SECTION VIII: Section 02.0950.05 (C) of Ordinance No. 199 shall be amended to read as follows:

Rear setback--for interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty (30) feet. Accessory buildings on interior lots shall be set back not less than ten (10) feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two (2) hours or more. For corner lots, all dwellings and other main building shall be set back from the rear property line a distance of at least thirty (30) feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty (20) feet. Accessory buildings on corner lots shall be set back from the rear property line a distance of not less than three (3) feet.

SECTION IX: Section 02.0954.02 of Ordinance No. 199 shall be amended to eliminate subparagraph D.

SECTION X: Section 02.0956 of Ordinance 199 shall be amended to read as follows:

The objective in establishing the R-3 Residential Zone is to provide appropriate locations within the City for high density residential development. In general this zone is located in the central part of the city, adjacent to commercial areas where the impace if vehicular travel and parking is consonant with adjacent use of land, and where multiple dwellings can best be supplied with necessary public facilities. This zone is characterized by more compact development and somewhat higher volumes of traffic than is characteristic of the R-1 and R-2 zones.

Representative of the uses within the R-3 Zone are one, two, three, and four-family dwellings and apartment houses, and related community facilities. However, commercial and industrial uses are prohibited therein.

Owners and developers of property should bear in mind that primacy is given to multiple family dwellings boarding houses, rest homes and other high density residential uses, and should develop and maintain their property in recognition thereof.

In order to accomplish the objectives and purposes of this ordinance, and to promote the characteristics of this Zone the following regulations shall apply in the R-3 Residential Zone.

SECTION XI: Section 02.1109 of Ordinance No. 199 is hereby amended to read as follows:

A. It shall be the duty of the zoning administrator to inspect or cause to be inspected all buildings in the course of construction or repair. He shall enforce all of the provisions of this Ordinance, entering actions in the courts when necessary; and his failure to do so shall not legalize any act in violation of such provisions.

B. Upon appeal to the board of adjustment of any matters on which said board is required to pass, the zoning administrator shall forthwith transmit all papers, records, and other pertinent data pertaining to the appeal of said board of adjustment as required by the terms of this Ordinance. The zoning administrator shall also refer matters to the planning commission and governing body as set forth in this Ordinance.

SECTION XII: Section 02.1006.03 (B-15) of Ordinance No. 199 shall be amended to read as follows:

Preliminary subdivision plan if appropriate showing layout of all proposed lots.

SECTION XIII: Section 02.1006.03 (B) to add subparagraph 16 as follows:

Proposed circulation pattern including private and public streets and pedestrian paths.

SECTION XIV: Section 02.1110 of Ordinance No. 199 shall be amended to read as follows:

There is hereby created a board of adjustment which shall consist of five (5) member, each to be appointed by the governing body for a term of five (5) years, provided that the terms of the members of the first board so appointed shall be such that the term of one member shall expire each year. One member but not more than one member of the planning commission shall be a member of the board of adjustment. Any member may be removed for cause by the governing body upon written charges and after a public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term has not been completed.

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SECTION XV: Section 02.1112 (B-2) of Ordinance No. 199 shall be amended to read as follows:

Special circumstances attached to the property covered by the application that do not apply to other property in the same zone.

SECTION XVI: Section 02.1112 of Ordinance No. 199 shall be amended to add a subsection 3 of Section B to read as follows:

That because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

SECTION XVII: Section 02.1123 (B) of Ordinance No. 199 shall be amended to read as follows:

The Governing Body has held a public hearing on the proposed amendment at least fifteen (15) days notice of the time and place of which has been published in a newspaper of general circulation in the municipality or has been posted in three public places as required by law.

This Ordinance shall take effect and be enforced on and after its passage and publication.

Passed by the City Council this 19th day of March, 1974.