

ORDINANCE NO. 2021-32

AN ORDINANCE AMENDING CHAPTER 18.108 CONDITIONAL USES AND AMENDING AND ADOPTING OTHER PARTICULAR SECTIONS OF THE ZONING ORDINANCE TO BE CONSISTENT WITH THAT CHAPTER.

BE IT ORDAINED by the City Council of Heber City, Utah, Chapter 18.108 is amended to read as follows:

Chapter 18.108 - CONDITIONAL USES

- 18.108.010 - Purpose.
- 18.108.020 - Conditional use permit required
- 18.108.030 - Application requirements—Fee.
- 18.108.040 - Application review.
- 18.108.050 - Approval/denial authority.
- 18.108.060 - Standards for approval.
- 18.108.070 - Appeals.
- 18.108.080 - Preliminary and final approval of conditional use applications.
- 18.108.090 - Standards for Specific Conditional Uses
- 18.108.100 - Revocation of conditional use permits.

18.108.010 - Purpose.

The purpose of this chapter is to provide for a reasonable application, review, and approval process for land uses that are specified as "conditional," such that proposed new land uses meet City ordinances, Federal and State Law, and are properly integrated into the community through the imposition of conditions, based on standards, intended to mitigate the reasonably anticipated detrimental effects of a particular conditional use. Conditional uses shall be approved on a case-by-case basis provided the applicant adequately demonstrates that the reasonably anticipated detrimental effects of the proposed use can be mitigated through the imposition of reasonable conditions, based on standards in the City ordinances.

18.108.020 - Conditional use permit required

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where the use is located or elsewhere in this title.

18.108.030 - Application requirements—Fee.

Only when the following elements are satisfied is a conditional use application deemed complete:

- A. An application for a conditional use permit shall be made by the property owner or certified agent thereof in writing upon the form(s) designated by the director or director's designee.
- B. Accompanying Documents. Each application shall include: to-scale site plans, architectural elevations, landscape plans, sign plans, and engineering specifications,

unless waived by the director or director's designee. Such plans may be conceptual but shall provide reasonable accuracy and specifications to allow for full understanding, pending finalization after Planning Commission approval.

- C. Fee. The initial application fee for any conditional use permit, as provided for in this code, shall be paid. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
- D. Complete Applications. Only applications deemed complete by the City staff will be processed. Complete applications include appropriate application forms and signatures as required in A above, the required associated drawings, as required in B above, and such drawings shall meet City standards unless a waiver is being sought as part of the application.

18.108.040 - Application review.

- A. The director or the director's designee shall administer an application review procedure in which the proposed use and the proposed site development plan are evaluated for compliance with all applicable ordinances and codes and for reasonably anticipated detrimental effects.
- B. The application review procedure shall contain the following components:
 - 1. Referral of the application to all affected entities;
 - 2. A review of the proposed site plan, and associated documents for compliance with applicable sections of the zoning ordinance;
 - 3. A review of the proposed use and site plan to ascertain potential reasonably anticipated detrimental effects and whether conditions based on standards can be imposed to mitigate those effects.
- C. The application review procedure may include the following:
 - 1. Referral of the application to governmental or regulating entities for recommendations;
 - 2. A pre-application meeting, in which preliminary site plans are reviewed and discussed prior to finished plans being submitted for review;
 - 3. An on-site review of the proposal by the director, director's designee or staff;
 - 4. A requirement that the applicant submit impact studies or other technical studies regarding grading, drainage, traffic, geologic hazards, noise, sensitive lands, and environmental contamination.
- D. The director, director's designee or staff shall present a review, summary, and recommendation to the Planning Commission after having provided the applicant with a copy as required by State law. The recommendation shall remain part of the public record.

18.108.050 - Approval/denial authority.

The Planning Commission has the authority to approve or approve with conditions, based on standards, all conditional use applications. Denial of an application shall only be considered if there are no conditions that can be imposed to mitigate the reasonably anticipated detrimental effects of the use. All conditional uses are presumed to be compatible in the zone and compatible with the intent of the General Plan.

- A. Planning Commission Approval.
 - 1. The Planning Commission shall review and approve with conditions, continue, or deny, if no reasonable mitigation can be determined, each application during a public meeting.

2. The Planning Commission's decision shall be based on information presented through the public meeting process, including: the materials submitted by the applicant, information provided by reviewing agencies, the recommendation of the director or director's designee, and interested parties/affected entities.
3. The director or director's designee shall issue a final approval letter, subsequent to Planning Commission approval, detailing the conditions imposed and standards of the ordinances as applied to the conditional use.
4. If the applicant fails to meet all conditions of approval within twelve months of the Planning Commission's decision, the application is deemed denied. A twelve-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee.
5. A Planning Commission decision shall be made on a complete conditional use application within a reasonable time frame, not to exceed ninety days, from the date the complete conditional use application is first reviewed by the Planning Commission. The Planning Commission is authorized to review and take action on an application as outlined in Section 18.108.040 after having notified the applicant of the meeting date.
6. Failure by the applicant to provide information that has been requested by the Planning Commission, or the director or director's designee to resolve conflicts with the standards in Section 18.108.060 may result in an application being considered incomplete or denied.

B. Decision. Each conditional use application shall be:

1. Approved if the proposed use, including the manner and design in which a property is proposed for development, complies with the standards for approval outlined in Section 18.108.060; or
2. Approved with conditions if the anticipated detrimental effects of the use, including the manner and design in which the property is proposed for development, can be mitigated with the imposition of reasonable conditions to bring about compliance with the standards outlined in Section 18.108.060; or
3. Denied if the anticipated detrimental effects of the proposed use cannot be mitigated with the imposition of reasonable conditions of approval to bring about compliance with the standards outlined in Section 18.108.060.

18.108.060 - Standards for approval.

All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. The Planning Commission and staff, in their review capacity, may impose site plan modifications and conditions to mitigate the reasonably anticipated detrimental effects of a conditional use. All conditional uses shall meet the following standards:

- A. The proposed conditional use shall comply with City ordinances, Federal, State Law, as applicable to the site where the conditional use will be located.
- B. Substantial mitigation of reasonably anticipated detrimental effects arising from the conditional use, including, but not limited to:
 1. Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as

- compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.
2. Detrimental effects on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.
 3. Detrimental effects on connectivity and safety for pedestrians and bicyclists.
 4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
 5. Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, sensitive lands, environmental health hazards, or wetlands, as determined by City Engineer, City geologist and other qualified specialists.
 6. Detrimental effects of modifications to or installation of signs and exterior lighting that conflict with neighborhood compatibility.
 7. Detrimental effects arising from incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
 8. Detrimental effects on the tax base and property values.
 9. Detrimental effects on the current level of economy in governmental expenditures.
 10. Detrimental effects on emergency fire service and emergency vehicle access.
 11. Detrimental effects on usable open space.
 12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

18.108.070 - Appeals.

Any adversely affected person shall have the right to appeal to the Appeal Authority any decision rendered by the Planning Commission, the director or director's designee, by filing in writing, stating the reasons for the appeal with the Appeal Authority, within ten days following the date upon which the decision is made, pursuant to Chapter 18.12.120. Appeals to the Appeal Authority shall be made on a form available through the Planning Department and shall comply with the following procedures:

- A. Upon scheduling a hearing date, the land use hearing officer shall notify the Planning Director at least two weeks prior to the meeting to allow preparation of the record.
- B. The Planning Director shall prepare a copy of the record of the proceedings and decision being appealed for presentation to the Appeal Authority.
- C. The Appeal Authority shall review the record, and may not accept or consider any evidence outside the record unless the evidence was offered to and was excluded by the Planning Commission, the director or director's designee, and the Appeal Authority determines that it was improperly excluded.

- D. The Appeal Authority shall review the Planning Commission's or the Planning Department's actions to determine whether the decision was arbitrary, capricious, or illegal.
- E. The filing of an appeal does not automatically stay the decision; however, the Appeal Authority has the authority to stay the decision while the appeal is pending.
- F. After review of the record and written and oral argument on both sides, the Appeal Authority may affirm, reverse, alter, or remand to the Planning Commission, the director or director's designee for further review and consideration the action taken by the Planning Commission, the director or director's designee.

18.108.080 - Preliminary and final approval of conditional use applications.

- A. Unless otherwise designated, a Planning Commission decision approving a conditional use application shall be a preliminary approval of the application.
- B. Except as specified in subsection C of this section, the planning director is authorized to grant final approval of conditional use applications after all of the conditions and requirements of the preliminary approval which are necessary for the final approval have been identified. Final approval of a conditional use application shall be in the form of an agreement letter to the applicant which, together with the approved site plan if required, shall constitute the conditional use permit.
- C. The Planning Commission may require as a condition of preliminary approval that a conditional use application be brought before the Planning Commission for consideration of final approval.

18.108.090 Standards for Specific Conditional Uses

The following uses are conditional but shall meet these additional standards and/or conditions to receive approval:

- A. Utility Buildings and Structures.** Water, sewer and electric buildings and structures may be constructed in all zones as a conditional use subject to the following conditions:
 - 1. Protect environmental quality
 - 2. Noise mitigation
 - 3. Health and safety
 - 4. Surrounding property values
 - 5. Residential amenities
 - 6. Visual impacts

- B. Moved Buildings.** Buildings moved within the city which building has had prior use, are conditional uses and subject to the following standards:
 - 1. Certification by a structural engineer that the structure is sound enough to be moved.
 - 2. The building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved;
 - 3. That the building is in conformity with the quality of buildings existing in the area into which it is proposed to be moved;
 - 4. That said building and the lot on which the building is to be located will conform to the requirements of this title and other applicable codes, ordinances and regulations;
 - 5. The location of the moved building on the lot does not in any substantial way adversely affect buildings or uses in abutting properties;

6. Landscaping, walkways and masonry work about the premises and the required dedications and improvements for streets and facilities and buildings shall be provided in conformity with the standards of the city;
7. That a bond or other assurance has been posted as a guarantee that the building and grounds will be improved before the building is occupied to City standards and that the vacated site will be restored to a safe and slightly condition. The amount of the bond or other assurance shall be at least equal to the cost of employing a contractor to make the improvements to the buildings and premises; and
8. The requirements of this chapter shall also apply to the moving of manufactured homes and similar movable structures, except when being moved into a mobile home park.

18.108.100 - Revocation of conditional use permits.

A conditional use permit may be revoked by the Planning Commission upon a finding of failure to comply with the terms and conditions of the original permit or for any violation of this title occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a hearing shall be held by the Planning Commission. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the hearing.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.68.609 Home Occupations is adopted to read as follows:

18.68.609 Home Occupations

- A. Purpose: The purpose of this section is to permit the establishment of home occupations in all zoning districts in a manner that is compatible with the district in which they are located, with minimal negative impacts to surrounding residential areas. Home occupations are intended to promote local and sustainable economic growth and development.
- B. The zoning administrator or its designee may grant a permit for a home occupation subject to the following conditions:
 1. The home occupation shall be carried on offsite or entirely within a building onsite;
 2. The business licensee must reside at the site that contains the business. Short-term rental occupants (those found in nightly rentals, hotels, motels, bed & breakfast, Air BnB, etc.), do not qualify for a license for a home occupation;
 3. Signs used in conjunction with a home occupation shall not be illuminated and shall not exceed one sign that is no more than 2 square feet in area;
 4. The home occupation shall not involve the use of any yard space or carport space for storage or other business related activities, unless specifically stored within a trailer or a building;
 5. No commercial vehicles shall be used onsite 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. Deliveries shall not be made to or from the site between the hours of 10:00 pm and 7:00 A.M.;

6. Each site is permitted to park on the premises one commercial vehicle that has a rated capacity not to exceed one ton and one trailer not exceeding a length of 27 feet, excluding the tongue, provided:
 - a. Materials and equipment shall not be stored outside of the vehicle/ trailer;
 - b. The vehicle/trailer shall not be parked upon the street right of way or between the street and home; and
 - c. The vehicle/trailer must be well maintained;
7. The home occupation shall be clearly incidental to the primary use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling or alter the residential character of the surrounding neighborhood;
8. The home occupation activity shall be conducted entirely within the home or an enclosed accessory building or garage. The total permissible square footage to be used for the home occupation shall not exceed twenty-five percent of the total ground floor square footage of the house, or one room, whichever is greater. Where an accessory building or garage is used, no more than twenty-five percent of the total ground floor square footage of the house or six hundred square feet in area, whichever is less, shall be devoted to the home occupation;
9. The home occupation shall be registered with the proper licensing agencies or departments;
10. In the opinion of the zoning administrator, the physical appearance, traffic and other activities incidental to the home occupation shall not be contrary to the objectives and characteristics of the zone in which the home occupation is located;
11. The home occupation shall 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;
12. In connection with the operation of the home occupation, it shall not be permitted:
 - a. to have exterior displays or a display of goods visible from the outside,
 - b. to produce offensive noise (not to exceed fifty-five (55) decibels), vibration, fumes, smoke, gas, light, dust or other particulate matter, odor, heat, humidity, glare, magnetic or electrical interference or other objectionable impacts extending beyond the property line of the lot where the occupation is located,
 - a. to involve more than three people (total of employees and clients) being at the home at any one time due to the home occupation, except those members of the family living in the home. An unlimited number of employees may be employed offsite; or
 - b. to occupy on-street parking beyond the extent of the property's street frontage;
13. Home occupations involving visitations from pedestrian or vehicular traffic shall only be conducted between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.
14. The following businesses, regardless of their conformance with the standards for Home Occupations, are prohibited:
 - a. Auto repairs;
 - b. Welding shops or machine shops;
 - c. Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in 1 individual's arms);
 - d. Industrial assembly;
 - e. Truck hauling;
 - f. Kennels; and
 - g. Stables.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.60.020 Permitted Uses [of the R-3 Zone] is amended to read as follows:

18.60.020 Permitted Uses

The following uses shall be permitted in the R-3 residential zone:

- A. Any use permitted in the R-2 residential use;
- B. Boardinghouses and rooming houses;
- C. Clinics and hospitals (also, signs for these facilities), which shall meet the following standards:
 - 1. Applicants for a hospital or clinic shall follow the requirements for approval as stated in Title 17 for other commercial developments.
 - 2. In addition to the Title 17 requirements, the clinics and hospitals shall comply with the following:
 - a. Site size. No clinic shall be placed on a site less than one-half (1/2) acre; no hospital shall be built on a site less than four (4) acres.
 - b. Parking. Parking shall meet the requirements of 18.72 Off-Street Parking and Loading.
 - c. Hospitals and Clinics may be erected to any height provided the building is set back from required building setback lines a distance of at least one foot for each additional foot over a height of 35 feet.
- D. Clubs and lodges (nonprofit), not including those carried on primarily as a business

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.68.610 Bed and Breakfast Homes and Boarding Houses, Lodging Houses and Rooming Houses is adopted to read as follows:

18.68.610 Bed and Breakfast Homes and Boarding Houses, Lodging Houses, and Rooming Houses

- A. Subject to the provisions contained herein, Bed And Breakfast Homes and Boarding Houses, Lodging Houses, And Rooming Houses shall be approved by the Planning Department as permitted uses as per the standards set for in this Section 18.108.034.
- B. When a Boarding Housing, Lodging Housing or Rooming Housing is permitted within a particular zone, the following standards shall apply:
 - 1. Such facilities shall not shall not exceed eight guest rooms.
 - 2. Each facility shall be modified to meet all building, zoning, fire, health and other applicable regulations.
 - 3. Each facility must be and remain the primary residence of the owner. If employees may be hired in conjunction with the facility; however, the employees shall not be allowed to reside at the residence. A letter attesting that the owner(s) will occupy the said facility, except for bona fide temporary absences, shall be submitted to the Planning Department.
 - 4. Parking shall be off the street, hard surfaced, and provided at a rate of one space per tenant plus two spaces for the residing owner(s). Off-street parking spaces may be

provided in tandem. Off-street parking shall not exceed 40% (forty percent) of any required setback area adjacent to a public street.

5. Construction and alterations of facilities shall not alter the residential character of the dwelling.
6. All facilities must collect and pay any applicable Transient Room Tax, Sales tax, and City Business License fees.
7. No more than one person may occupy any guest room within an approved facility.
8. High-quality landscaping of the entire property is required. Solid fencing may be required to screen parking areas and utility areas.
9. All provided exterior lighting shall meet the requirements of Chapter 18.78 Lighting.
10. A site plan showing parking, buildings, landscaping and screening, building elevations and lighting shall be submitted to the Planning Department to illustrate compliance with this section.

C. When a Bed and Breakfast Inn is permitted within a particular zone, the following standards shall apply:

1. All facilities shall operate with a current city business license and collect Transient Room Taxes and Sales Taxes.
2. The number of guest rooms will be determined by the applicant's ability to provide acceptable parking and mitigate neighborhood impacts; however, no facility shall exceed ten (10) guestrooms.
3. Guest rooms are only available for overnight rental, with maximum continuous stay of fourteen nights.
4. No more than two persons may occupy any guest bedroom.
5. Food may only be served to residents, employees, lodgers, and guests of overnight lodgers.
6. Any retail use shall be incidental to the lodging use (i.e. gift shop) and shall not occupy more than twenty-five percent of the total floor area of the main floor and in no event more than three hundred square feet of floor area;
7. No cooking facilities are permitted in the guest bedrooms. A kitchenette with a small sink, small fridge, and microwave (no stove, oven, dishwasher) is permitted. However, a suite may have a separate kitchen that is not located within a bedroom.
8. An owner or manager shall live on the property, or there shall be 24-hour on-site management during guest rental nights.
9. Employees may be hired for cooking, cleaning, maintenance, and management of the Inn.
10. Alcoholic beverages shall not be sold or provided in a Bed and Breakfast. Guests may provide their own beverages, if desired.
11. Parking is required at the rate of at least one space per rented bedroom, plus two spaces for owner/manager. Off-street parking spaces may be provided in tandem. Parking is permitted to be off-site or along the property's available street frontage. All on-street parking shall be built to adopted city road standards for either diagonal or parallel on-street parking. Off-street parking shall not exceed 40% (forty percent) of any required setback area adjacent to a public street.
12. High-quality landscaping of the entire property is required. A landscaping plan shall be submitted to the city planning department for review, comment, and approval. Solid fencing may be required to screen parking areas and utility areas.
13. All provided exterior lighting shall meet the requirements of Chapter 18.78 Lighting.
14. One identification sign may be placed on an ornamental wall or free standing monument sign, with said sign not exceeding 24 square feet in area. If illuminated, only

hooded downward facing spot lighting is allowed. Free-standing signs shall not exceed five (5) feet in height above natural grade.

15. Construction and alterations of facilities shall not alter the residential character of the dwelling.
16. A site plan showing parking, buildings, landscaping and screening, building elevations and lighting shall be submitted to the Planning Department to illustrate compliance with this section.
17. Bed & Breakfast Inns that are located within the R-1 Residential Zone shall front upon a Collector or Arterial Street as identified on the Heber City Transportation Plan, and shall be restricted to such Streets.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.68.015 Frontage for Dwellings is adopted to read as follows:

18.68.015 Frontage for Dwellings

Except as otherwise provided for in this title, at least one side of lot used as a dwelling site shall abut upon a street which has been designated or dedicated to the public for street purposes and the length of such abutting side measured at the setback line shall be at least as great as the width required for dwelling sites in the zone in which such building site is located.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.04.080 Uses Not Expressly Permitted are Prohibited is adopted to read as follows:

18.04.080 Uses Not Expressly Permitted are Prohibited

Uses of land which are not expressly permitted within a zone are expressly prohibited therein.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.109.005 Flood Protection is adopted to read as follows:

18.109.005 Flood Protection

No building or structure shall be constructed except as provided for in the Sensitive Lands Ordinance, 17.34, from the centerline of any natural stream, unless mitigated by engineering controls and signed off by a Professional Engineer, however, no building or structure shall be constructed within the stream channel. A greater setback distance and special construction standards may be required by other provisions within this chapter or as specified in the Sensitive Lands Ordinance.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.68.611 Accessory Dwelling Units (ADUs) is adopted to read as follows:

Section 18.68.611 Accessory Dwelling Units (ADUs)

The zoning administrator may grant a permit for an Accessory Dwelling Unit subject to the following conditions:

- A. No more than one ADU may be permitted accompanying each Single Family Detached.
- B. Either the ADU or the principal residence shall be occupied by the owner of the property except for temporary bona fide absences.
- C. ADUs are permitted only in owner-occupied single-family dwellings or owner-occupied Single Family Detached.
- D. There shall be no external evidence of occupancy by more than one family. The ADU shall be clearly incidental to the primary use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling.
- E. Each unit shall have the same address as the main structure. Homes with an ADU may designate mail to its renters by Apartment Number, to wit, Apartment #1 or Apartment #2.
- F. A Single Family Detached with an ADU shall provide at least two (2) off-street parking spaces for the principal dwelling, and at least one (1) off-street parking space for the ADU.
 - 1. The required ADU off-street parking spaces are required to be hard surfaced with concrete or asphalt.
 - 2. Garage or car port spaces do count as approved spaces.
 - 3. Required ADU parking stalls may be located within a front, rear or side yard setback area, provided such placement does not displace required landscaping.
- G. A Single Family Detached with an ADU shall have one but no more than two (2) meters for each water, and gas service. Each meter shall be in the property owner's name. There shall only be one (1) electric meter per building.
- H. All construction and remodeling to accommodate the ADU shall be in accordance with both the International Residential and Building Codes, as amended, in effect at the time of construction or remodeling.
- I. Landscaping:
 - 1. The lot on which the ADU is located shall have a landscaped yard in accordance with Chapter 18.76.020.
 - 2. The lot on which the ADU is located shall have street trees in accordance with Chapter 12.20.
- J. ADU size requirements are:
 - 1. Minimum size: no minimum size.
 - 2. Maximum size: no maximum size for ADUs located within a main building; ADUs located within an accessory building shall not exceed 1,500 square feet and shall comply with Section 18.68.060.
- K. ADUs must include the following:
 - 1. A kitchen separate from the main dwelling.
 - 2. Sanitation facilities (full bathroom) separate from the main dwelling.
- L. A person desiring an ADU shall:
 - 1. Obtain a Building Permit from the City and include the following in addition to standard submittal requirements for a permit:
 - a. Site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings or additions, dimensions from buildings or additions to property line, and the location of parking stalls, and utility meters.
 - b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.
 - 2. For ADUs that are rented, obtain a City business license. ADUs licensed within the City may be inspected annually as part of the business license renewal for compliance

with building, fire, and health codes by any appropriate department of the City or other governmental agency to ensure compliance with building, fire and health and safety codes. No ADU shall be approved without all such required inspections and approval of the City Building Department. ADUs that were constructed legally previous to the adoption of this Code shall meet the building and safety codes required at the time of construction. No ADU business license shall be granted without providing evidence of a Certificate of Occupancy.

- 3. Record Notice of Compliance Agreement at time of building permit application and/or business licensure.
- M. Prior Uses: No ADU existing prior to the enactment of this Section shall be "grandfathered", or considered legal solely because they were previously used as such.
- N. Other Apartments Prohibited: There shall be no other type of accessory apartment allowed except as provided in this Section. Any portion of a home or dwelling unit that has been sectioned off so that any occupant in the dwelling does not have access to any portion of the home, and contains separate living quarters and/or a kitchen, regardless of the relationship of the occupants, shall be prohibited unless it meets all of the requirements and standards of this Section, and an application has been made pursuant to the requirements and conditions of this Section.
- O. Decisions of the zoning administrator not to issue a permit for an ADU are appealable to the Appeal Authority.
- P. The ownership of an ADU shall not be separated from a principal dwelling.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 7th day of September 2021.

	AYE	NAY	ABSENT	ABSTAIN
Heidi Franco	_____	<u>X</u>	_____	_____
Wayne Hardman	<u>X</u>	_____	_____	_____
Rachel Kahler	<u>X</u>	_____	_____	_____
Michael Johnston	<u>X</u>	_____	_____	_____
Ryan Stack	<u>X</u>	_____	_____	_____

APPROVED:

Kelleen L. Potter
 Mayor Kelleen L. Potter

ATTEST:

Trina W. Cook Date: 9/7/2021
 RECORDER