

ORDINANCE NO. 2001- 16

AN ORDINANCE REPEALING SECTIONS 17.18 "TWIN HOME SUBDIVISIONS," 18.64.020 N "TWO FAMILY DWELLINGS" IN RA-2 ZONE, AND CHAPTER 18.84 "TWO-FAMILY AND MULTIPLE FAMILY DWELLING," AND AMENDING SECTIONS 18.08.180 D "MULTI-FAMILY DWELLING", 18.08.180 F "TWO-FAMILY DWELLING", 18.56.010A "OBJECTIVES AND CHARACTERISTICS" OF R-2 ZONE, 18.56.020C "TWO-FAMILY DWELLING" PERMITTED USES IN R-2 ZONE, 18.56.030A "AREA REQUIREMENTS" IN R-2 ZONE FOR TWO-FAMILY DWELLINGS, 18.60.010B&C "OBJECTIVES AND CHARACTERISTICS" OF R-3 ZONE, 18.60.020E "MULTIPLE DWELLINGS" PERMITTED USES IN R-3 ZONE, 18.60.030B "AREA REQUIREMENTS" FOR TWO-FAMILY AND MULTI-FAMILY DWELLINGS IN R-3 ZONE, AND ADOPTING SECTION 18.85 COTTAGE HOME OVERLAY DISTRICT AND APARTMENTS OF THE HEBER CITY MUNICIPAL CODE.

BE IT ORDAINED BY THE HEBER CITY COUNCIL THAT SECTION 18.85 COTTAGE OVERLAY DISTRICT BE ADOPTED TO READ AS FOLLOWS:

18.85.010 Introduction - Cottage Homes

Cottage homes shall only be allowed in the Cottage Home Overlay District. No permit for a cottage home shall be granted unless the proposed Cottage home meets the limitations and density of the Cottage Home Overlay District and the underlying zoning district in which it is to be located. Compliance with the provisions of this chapter does not excuse the developer from the applicable requirements of the Heber City Code and Standards and Specifications.

18.85.020 Purpose.

The purpose of the Cottage Home Overlay District is to provide increased flexibility and compatibility of infill housing with existing neighborhoods. Cottage units will naturally blend with existing housing because they are more compatible than traditional infill housing types.

18.85.030 Cottage Homes Defined.

Cottage Home shall be defined as a single family detached dwelling located on a cottage home lot which has been approved by the City Council through the Cottage Home Overlay District through the subdivision process. The lot is modified to facilitate a side yard with a driveway to required rear parking.

Cottage Home Lot shall be defined as two lots approved by the City Council within the Cottage Home Overlay District that are derived from an existing vacant lot that is at least 98 feet wide and 11000 square feet.

18.85.040 Area and Frontage Regulations.

- A. The minimum Cottage Home housing lot size shall be no less than five thousand five hundred (5,500') square feet.
- B. The minimum lot width for any Cottage Home dwelling shall not be less than forty-nine feet (49') at the front yard setback line.

18.85.050 Yard Regulations.

- A. Cottage Homes are required to have a minimum ten foot (10') side yard with a drive to required rear parking and another side yard, a minimum of six feet (6'), except for corner lots, the side yard adjacent to the street must be a minimum of twenty feet (20').
- B. There shall be a minimum of two foot (2') open space for shrubs and landscaping between the drive and the property line.

18.85.060 Height Regulations.

The height regulations, required in the zone in which the Cottage Home permit has been granted, shall apply.

18.85.070 Density Analysis.

The density allowed in the zone, in which the Cottage Home permit has been granted, shall apply. Each cottage home subdivision shall be separated a distance of 300 hundred feet from another cottage home subdivision.

18.85.080 Design Requirements.

- A. Cottage Home fascia shall be a minimum (6") in width. All roof soffits shall be a minimum 18 inches wide.
- B. Cottage Homes, if desired, may have covered front porches with a minimum depth of three feet (3') and a minimum widths of five feet (5').
- C. No reflective roofing materials will be accepted on Cottage Homes. Formed and rolled metal shingles are acceptable.
- D. Each cottage dwelling shall have a minimum roof pitch of 6 vertical to 12 horizontal.

18.85.090 Garage and Parking Requirements.

- A. Cottage Home parking requires two (2) off street parking spaces per unit within a detached garage, which shall be placed in the rear of the dwelling; with or without a covered walkway, as identified on the site plan. Garages shall contain at least 400 square feet and be built with a foundation and hard surfaced floor.
- B. Detached Garages for Cottage Homes shall be placed a minimum of twenty feet (20') from the rear of the dwelling and may be permitted a minimum of three feet (3') from the side property lines, unless otherwise provided for in the uniform building code. In no case shall garages be

attached to the rear of the dwelling, except corner lots, where garages may be attached to the rear of the dwelling. Garages must be located a minimum of ten (10') from the rear property line unless otherwise provided for in the building code.

18.85.100 Landscaping Requirements.

- A. Cottage Homes shall have a minimum of two feet (2') landscaped or shrub area between the property line and the driveway to the rear.
- B. Cottage Homes shall supply a landscaped plan or plot plan in conformance with Chapter 18.76 Landscaping.
- C. Cottage Homes shall provide at least two, one & one-half (1 & 1.5) plus inch caliper trees and thirty-five (35) square feet of shrubbery per unit.

18.85.110 Floor Plan with Front and Side Elevation Requirements.

Site plans for a building permit for a cottage home shall show required landscaping, the total square footage calculations for the dwellings, and landscape areas.

BE IT FURTHER ORDAINED BY THE HEBER CITY COUNCIL THAT SECTION 18.85 APARTMENTS BE ADOPTED TO READ AS FOLLOWS:

18.85.120 Purpose Statement, Apartments.

This section is intended to provide general regulations for apartment housing at a scale and manner within the City that encourage developments that incorporate creative architectural designs, innovative and attractive landscaped areas, well maintained and managed apartment complexes and amenities that meet the needs of prospective tenants while contributing to the development project. This section shall regulate all proposed Apartment dwelling housing proposed within Heber City.

18.85.130 Apartment Defined

Apartment means a building containing three or more separate dwelling units each of which is designed for and occupied by one family.

18.85.140 Approval Process.

- A. Apartments in Heber City are approved as a conditional use permit by the planning commission. Construction or modification of any apartment development shall follow the procedures stated herein.
- B. All requests for approval of Apartments shall be accompanied with a plot plan showing the following:
 - (1) The location of all proposed and existing building(s);
 - (2) The location of required open space;

- (3) The location of driveways and off-street parking;
 - (4) A landscaping plan;
 - (5) The location of curb and gutters and walkways;
 - (6) The location of fire hydrants;
 - (7) Front and side elevations of buildings to be constructed.
- C. Before final approval by the planning commission a bond or cash in the amount of one hundred ten percent (110%) of the estimated costs to provide all required landscaping, hard-surfacing and curb and gutter and shall first be posted with the city clerk.
- D. A water and sewer hookup fee shall be paid for each dwelling unit.
- E. The location and adequacy of all sewage, water and fire protection facilities shall be first reviewed and approved by the city engineer.
- F. A development agreement between the City and the petitioner shall be required for a project's approval.

18.85.150 Attachment of Reasonable Conditions.

The Planning Commission may attach reasonable conditions or requirements to the granting of a conditional permit. Consistent with Chapter 18.108 Conditional Uses, a time limit of one year shall be attached to the exercise or non-exercise of any grant or approval, unless specifically extended by an action of the Planning Commission.

18.85.160 Lot Standards.

- A. Apartments must be conditional uses allowed in the zone.
- B. The required minimum area for an Apartment project is two (2) acres. In no case shall the number of apartments exceed the maximum density of single family dwellings allowed in the R-3 Zone.
- C. The minimum frontage along a public street for an apartment development shall be ninety-eight (98') linear feet.
- D. There shall be no existing apartment dwellings within a radius of three hundred (300') feet, measured from the property line of the existing dwellings to the property line of the proposed dwellings. This section is designed to lessen congestion created by apartment dwellings.

18.85.170 Parking and Access Standards.

- A. There shall be no parking in the required front or side yard setbacks. Within the required setback area from the street, there shall be only paved walks, driveways, lawns and landscaping. In the side setbacks measured from the property line inward, there shall be only lawns and landscaping.
- B. There shall be provided three (3) off-street parking spaces per dwelling unit. Each space shall be a minimum of nine (9') feet by twenty (20') feet. Aisle width serving parking areas shall be as follows: Twelve-foot aisles for one-way lanes serving thirty-degree (30) and forty-five-degree (45) parking; twenty-two-foot (22') aisles for two-way lanes serving perpendicular parking. All parking areas must be paved with a year-round surface of asphalt or concrete and adequately drained.

- C. There shall be required curb, gutters, and sidewalks along each street right-of way. Construction shall meet the city standards for location and construction.
- D. Driveways from the street to all parking areas shall be a minimum width of twenty(20') feet for two-way traffic and twelve feet in width for one-way traffic.
- E. Each apartment development shall provide a paved parking surface, enclosed with a sight obscuring fence at six feet (6') in height, for the storage of recreational vehicles. This area shall be developed at a minimum ratio of one hundred (100') square feet per unit. The City may waive this requirement by requiring, as a condition of the final development plan, that no recreational vehicle be parked or stored within the apartment development.

18.85.180 Architecture.

- A. The developer shall design and build apartments that are architecturally and aesthetically pleasing. Such design may include multi-level variant roof designs and contours, gables, decorative windows and doors, bay windows, offset entries, decorative stairs, etc. Buildings shall be clustered, leaving large open areas for innovative landscaping.
- B. No Apartment dwellings shall be built more than two (2) stories above ground level.
- C. The floor area of any dwelling unit shall not be less than six hundred (600) square feet.
- D. The front and side elevations shall have at least thirty percent (30%) of the first floor of the buildings exterior finishing materials of either brick, stone, manufactured stone, or a combination of these materials.
- E. All outside storage areas and all solid waste receptacles which are not located within a building, shall be enclosed on at least three (3) sides with the same materials as used on the exterior of the main building(s).

18.85.190 Landscaping.

- A. A twenty foot (20') burmed landscaped strip of grass and two inch caliper trees shall be placed between parking spaces on any dedicated City street. The trees shall be placed at the discretion of the landscape architect however, the minimum number of trees shall be equal to one (1) tree for every twenty-five (25') feet of the burmed landscaping strip.
- B. At least thirty percent (30%) of the lot, excluding the required front and side setbacks, shall be provided for open space. All open space shall be landscaped.

BE IT FURTHER ORDAINED THAT SECTIONS 17.18, 18.64.020N, AND 18.84 BE REPEALED BY THE CITY COUNCIL OF HEBER CITY, UTAH, AND THAT SECTIONS 18.08.180 D, 18.08.180 F, 18.56.010A, 18.56.020C, 18.56.030A, 18.60.010B&C, 18.60.020E, AND 18.60.030B OF THE HEBER CITY MUNICIPAL CODE BE AMENDED TO READ AS FOLLOWS:

18.08.180 D "APARTMENT" MEANS A BUILDING CONTAINING THREE OR MORE SEPARATE DWELLING UNITS EACH OF WHICH IS DESIGNED FOR OR OCCUPIED BY ONE FAMILY".

18.08.180 F "Cottage Home" shall be defined as a single family detached dwelling which has been

modified to facilitate a side yard with a driveway to required rear parking.

18.56.010 A.

A. The objective in establishing the R-2 residential zone is to provide a residential environment within the city which is characterized by smaller lots and somewhat denser residential environment than is characteristic of the R-1 residential zone. Nevertheless, this zone is characterized by spacious yards and other residential amenities adequate to maintain desirable residential conditions. The principal uses permitted in this zone shall be one-family and cottage homes and certain other public facilities needed to promote and maintain stable residential neighborhoods.

Section 18.56.020 C.

C. Cottage Homes as set forth in Chapter 18.85;

Section 18.56.030 A.

A. An area of not less than 8,000 square feet shall be provided and maintained for each one-family dwelling. Cottage Homes shall meet the area requirements of Chapter 18.85.

Section 18.60.010 B and C.

B. Representative of the uses within the R-3 zone are one-family, cottage homes, and apartment houses and related community facilities; however, commercial and industrial uses are prohibited therein.

C. Owners and developers of property should bear in mind that primacy is given to cottage homes, apartments, and care centers and should develop and maintain their property in recognition thereof.

Section 18.60.020 E.

E. Apartments when approved by the Planning Commission as set forth in Chapter 18.85 of this title.

Section 18.60.030 B.

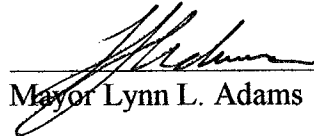
B. Cottage Homes and Apartments shall meet the area requirements of Chapter 18.85.

This ordinance shall take effect and be in force from and after all the following steps have been completed: (a) its adoption, (b) a copy is deposited in the office of the City Recorder, (c) a short summary of it is been published in the Wasatch Wave and (d) a complete copy has been posted in three public places within Heber City.

ADOPTED AND PASSED by the City Council of Heber City, Utah this 20 day of December, 2001, by the following vote:


	AYE	NAY
Councilman Terry Wm. Lange	<u> </u>	<u> Y </u>
Councilman Jerry W. Smith	<u> X </u>	<u> </u>
Councilman Vaun Shelton	<u> X </u>	<u> </u>
Councilman David R. Phillips	<u> </u>	<u> X </u>
Councilman Patricia Thompson	<u> X </u>	<u> </u>

APPROVED:



Mayor Lynn L. Adams

ATTEST:



RECORDER
(Seal)

Date of First

Publishing: March 13, 2002