

~~AN ORDINANCE AMENDING TITLE 17 AND TITLE 18 OF THE SUBDIVISION AND ZONING ORDINANCES OF HEBER CITY.~~

BE IT ORDAINED BY THE CITY COUNCIL OF HEBER CITY, UTAH, THAT THE FOLLOWING SECTIONS OF THE SUBDIVISION AND ZONING TITLES OF THE MUNICIPAL CODE OF HEBER CITY, BE AMENDED, REPEALED AND ADDED TO READ AS FOLLOWS:

1. Section 18.08.115, Flag Lot, is added to read: "Flag Lot" shall mean a site area that is characterized by a strip of land less than thirty-six feet wide, which provides access to the main portion of the site area from the street. Such strip of land shall be referred to as the "pole" of the flag lot.

2. Subparagraph A. of Section 18.08.630 relating to yards is amended to read:

A. "Front yard" means the minimum horizontal distance between the street front lot line and the front line of the building or any projection thereof, excluding non-enclosed steps. The main entrance (the main entrance shall not be an overhead garage door, door that enters the garage directly, or any similar door or entrance) to a single-family dwelling must be on the front side (side most parallel to the front lot line). On a corner lot, the front yard may be declared on either street. The address of a corner lot must be on the declared front;

3. Subsection 18.12.120 C.2.a. is repealed and 18.12.120 C.2.b. is renumbered to 18.12.120 C.2.a.

a. Transitional Uses. Uses which are permitted on either portion of the lot, which lot is divided by a zone boundary line or which is coterminous with a zone boundary line, may be permitted to extend to the entire lot, but not more than one hundred feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such use is granted, however, the board of adjustment must find that the comprehensive plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby.

4. Section 18.12.200 is added to read:

18.12.200 Small lots splits. Where a parcel of land at the time of adoption of the ordinance codified in this title is at least one and eight-tenths times as wide and one and eight-tenths times as large in area as required for a lot in the zone, the planning commission may permit the division of a parcel into two lots provided:

A. Such division will not cause undue concentration of buildings;

B. The characteristics of the zone in which the lot is located will be maintained;

C. In the opinion of the planning commission, values in the area will be safeguarded;

D. To meet and preserve the requirements of A, B, C the Planning Commission may impose certain restrictions. Those restrictions will constitute a covenant running with the land and shall be approved in writing by the owner and recorded against the property in the Wasatch County Recorder's Office.

5. Section 18.16.030 Regulations within zones generally, is amended to read:

Within each of the zones, the use, location, height and size of buildings and structure; the use of land and size of lots, yards, courts and other open spaces are regulated as set forth in this title, and no parcel less than ten contiguous acres shall be considered by the planning commission for approval as a density zoning subdivision.

6. The last paragraph of Section 18.16.050 is amended to read:

In the A-2 Zone, only single family dwellings are allowed and no density bonus is allowed except with public sewer. In the R-1 Zone, only single family detached dwellings are allowed. In the RA-2 Zone, only single family detached dwellings are allowed. In the R-2 Zone, only single family detached and two-family dwellings are allowed; however, at least 50% of the units in each proposed project phase in the R-2 Zone shall be single family detached dwellings. In the R-3 Zone, at least 30% of the dwelling units in each proposed project phase shall be single family detached dwellings and the remaining units may be placed in various building sizes and configurations. Maximum height restrictions for each zone shall apply.

And in Table 2 the minimum frontage in an R-3 Residential Zone is reduced from 65 feet to 50 feet.

7. Subsection A of Section 18.24.050 relating to setbacks in A-2 Zones is amended to read:

The following provisions apply in the A-2 Zone:

A. Front Setback. All buildings and structures shall be back at least thirty feet from the front lot line.

8. Section 18.48.080, Project Plan Approval, is repealed.

9. Subsections A, B & C in Section 18.52.050 R-1 Setbacks are amended to read as follows:

In the R-1 zone, the following setback requirements shall

apply:

A. Front Setback. All buildings and structures shall be set back at least thirty feet from the front lot line.

B. Side Setback. All dwellings shall be set back a minimum of ten feet from each side property line, except on corner lots. On corner lots, the side setback from any street shall not be less than thirty feet for main buildings.

C. 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 feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty feet.

10. Subsections 18.52.050 E, 18.56.050 E, 18.60.050 E, and 18.64.050 E relating to accessory buildings is added each to read:

Accessory Building Setbacks

A. Front Setback. No accessory buildings shall be placed or constructed within the area defined as front yard.

B. Side Setback. Accessory buildings shall be setback not less than three feet from the side property line, except that no side setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform Building Code. On corner lots, the setback from the side street shall not be less than 45 feet from the street property line.

C. Rear Setback. Accessory buildings shall be setback not less than three feet from the rear property line, except that no rear setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform Building Code.

D. Separation from other Structures. Accessory buildings shall be a minimum of twelve feet from any dwelling or other main building, and not less than eight feet from any other building. The separation applies to structures on this or any adjacent property, except if the accessory building is located in the rear yard and the "other building" is in a separate yard, then the accessory building may be placed within three feet of the property line.

E. Accessory Building over Easements. Accessory buildings may be constructed over utility easements provided that all applicable public utility companies have in writing released the easement for such a purpose. These releases must accompany the building permit application.

F. Accessory Buildings in Side Yards. Accessory buildings other than garages may not be placed in a side yard unless approved by the Board of Adjustment which consent may be given after notice has been given to the adjoining property owner and the Board has determined that the same will not adversely affect the market value of the adjoining lot and will not be materially detrimental to the aesthetics of the neighborhood. The Board of Adjustment may attach such conditions to its consent as is deemed appropriate to preserve the market and aesthetic value.

G. Provisions for roof drainage. No roof eave shall extend over any property line and any roof that drains toward the adjoining property shall be set back at least three feet from the property line.

11. Section 18.56.050 is amended to read:

In the R-2 zone, the following setback requirements are applicable:

A. Front Setback. All buildings and structures shall be set back at least twenty feet from the front lot line.

B. Side Setback. All dwellings shall be set back so that the total of both side setbacks is not less than fourteen feet, with no side being closer than six feet, except on corner lots. On corner lots, the side setback from any street shall not be less than twenty feet for main buildings;

C. 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 twenty-five feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty feet.

D. All setbacks for density zoning developments shall be as set forth in 18.16.070.

12. Section 18.60.050 is amended to read:

In the R-3 zone, the following setback requirements are applicable:

A. Front Setback. All buildings and structures shall be set back at least twenty feet from the front lot line.

B. Side Setback. All dwellings shall be set back so that the total of both side setbacks is not less than ten feet, with no side being closer than four feet, except on corner lots. On corner lots, the side setback from any street shall not be less than twenty feet for main buildings.

C. 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 twenty feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty feet.

D. All setbacks for density zoning developments shall be as set forth in 18.16.070.

13. Subsection A of 18.64.050, RA-2 Setbacks is amended to read:

A. Front Setback. All buildings and structures shall be set back at least thirty feet from the front lot line.

B. Side Setback. All dwellings shall be set back a minimum of ten feet from each side property line, except on corner lots. On corner lots, the side setback from any street shall not be less than thirty feet for main buildings.

C. 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 feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty feet.

14. Subsection C of 18.84.020 relating to Two-family Dwelling Requirements is amended to read:

C. Required street improvements will be governed by Title 17 and such other provisions of the Heber City Municipal Code that are applicable.

15. Section 18.108.040 is repealed and has been moved to Section 18.12.200.

16. Section 18.68 .230. Flag Lots Permitted, is added to read:

The purpose of "Flag Lot" development is to allow the development of lots without dedicated frontage when it is impossible or impractical to develop the lot according to normal subdivision standards.

A. Requirements. Flag shaped lots may be created in any residential zone if all of the following requirements are met:

1. The lot shall have at least twenty feet of frontage on a dedicated street, which serves as access only to the subject lots or parcel and not any other property;
2. The pole portion of the lot shall be at least twenty feet in width and not more than one hundred twenty feet in length, and shall be deemed a private driveway and not a dedicated street;

3. The body of the lot shall meet the lot area and lot width requirements of the applicable zone (when calculating the width, depth, or area of a flag lot, the pole shall not be included);
4. The entire length of the pole of the lot shall be hard surfaced for a width of at least 18 feet (concrete, asphalt, or approved equal);
5. The pole shall not serve more than two lots;
6. Flag Lots shall be limited to single-family dwellings;
7. The minimum setbacks for the main buildings on a flag lot shall be defined as follows: The Setback from any given lot line shall be at least equal to the minimum required setback from that lot line on the main building on the adjacent property. (The plat shall delineate the total buildable area on each flag lot, according to the setback requirements);
8. The proposed flag lot shall not cause the block area in which it is contained to exceed the allowable density of the governing zone.

B. Accessory Buildings. Accessory buildings for flag lots are permitted under the same criteria as contained in each Residential Zone section.

17. Subparagraphs B, D, and F of Section 17.16.010 dealing with Required Procedures for Approval are amended to read:

B. Concept Plan Submission. Applicant prepares concept plan (see Section 17.20.010), makes application, pays fees, and submits concept plans at least 14 calendar days before the next regular planning commission work session meeting. Fourteen days prior to said meeting, the applicant shall provide and deliver copies of the concept plan to each planning commission member (7 copies), the planning staff (3 copies), the public works director, the mayor, one copy to each serving utility, the school district superintendent, the fire marshal, city engineer, postal service, police chief, and county commission (if proposed development is on city border or requires annexation) totaling about 25 copies.

D. Preliminary Plan Submission. Applicant prepares preliminary plan and environmental impact statement (see Section 17.20.020) and submits ten copies, makes application and pays fees to the planning commission at least 21 calendar days before the next regular meeting. Commercial projects are not required to submit Preliminary Plans.

F. Final Plat Submission. Applicant prepares and submits

final plat, makes application, and pays fees at least 21 calendar days prior to the next regular meeting. Final plat shall consist of items required by the Planning Commission at preliminary stage and by this ordinance. Ten prints shall be submitted to the planning staff. All commercial projects require the submission of a Final Plat for review and approval by the Planning Commission and City Council.

Exception: On a single commercial building, built in an approved development or on a lot of record, the zoning administrator and city engineer may give final approval based on direction from the Planning Commission given at the time of concept approval.

18. Section 17.48.040 Small Subdivisions is amended to read:

17.48.040 Small Subdivisions

A. Whenever a small subdivision meeting the conditions as set forth in section 17.12.010 of this chapter is proposed, a preliminary plan conforming to the requirements for preliminary plans as set forth in Section 17.20.020 shall be prepared and submitted to the planning commission for approval at least 14 days prior to the planning commission meeting. Before preparing and submitting the plans, the applicant shall meet with the planning and engineering departments to determine if any of the requirements set forth in 17.20.020 are not necessary to be submitted to the planning commission in order for it to make an educated decision. Staff will base its determination on the site conditions as well as surrounding conditions.

B. Before the planning commission shall approve any such plan, all improvements required under Section 17.40.010 shall have been installed or assurances given to the city that the improvements will be installed without cost to the City as set forth in Chapter 17.52.

Exception: The applicant may petition for and the Planning Commission may, upon recommendation from the planning and engineering departments, waive any of the required improvements in 17.50.010 excluding 17.40.010 A 1 (Potable Water), A 2 (water and Sewer Mains and Laterals), A 3 (Fire Hydrants), B 2 (hard-surfacing of streets) and C (Utilities--except the Cable Television requirement may be waived). In determining whether or not to waive said requirements, consideration shall be given to conditions on site, conditions surrounding the site, the availability of improvements in the area, the practicality of constructing said improvements, the respective Capital Improvements Plans for each improvement, and whether or not the waiver(s) substantially affect the General Plan of the City. A financial hardship shall not be considered by the planning commission as reason to grant a waiver.

19. Section 18.56.030 relating to the Area Requirements in the R-2 zone is amended to read as follows:

A. A building site area of not less than 8,000 square feet shall be provided and maintained for each one-family or two-family dwelling and uses accessory thereto developed under traditional zoning and 6,000 square feet under density zoning.

20. Section 18.60.040 relating to the R-3 Zone is amended to read as follows:

The minimum width of any building site (a) for a one-family dwelling or other main building in the R-3 zone shall be sixty-five lineal feet, measured at a distance of thirty feet back from the front lot line and (b) for a two family dwelling is 80 lineal feet.

21. Subsection B relating to 18.60.030 area requirements is amended to read as follows:

B. Under traditional zoning development, two-family dwellings shall have a building site area of at least 6,500 square feet. Under density zoning, two-family dwelling units and larger shall have no minimum lot sizes, but shall require approval of the proposed sizes by the Planning Commission at concept approval - see 17.20; however, in no case shall the number of dwelling units exceed the maximum density of the R-3 Zone.

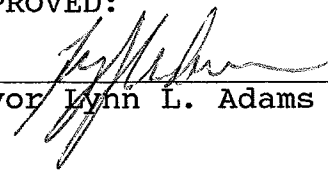
22. Subsection 18.84.020 I. is amended to read as follows:

I. The minimum width of any two-family building site shall be 98 lineal feet in an R-2 Zone and 80 lineal feet in an R-3 Zone for two-family homes and 98 feet for three-plex and on up.

This ordinance shall take effect and be in force from and after its adoption and publication.

ADOPTED AND PASSED by the City Council of Heber City, Utah, this 5 day of November, 1998, by the following vote:

	AYE	NAY
Councilman Bob Morris	<u>X</u>	_____
Councilman Terry Wm. Lange	<u>X</u>	_____
Councilman H. John Rogers	<u>X</u>	_____
Councilman Jerry W. Smith	<u>X</u>	_____
Councilman Robert J. Lucking	<u>X</u>	_____

APPROVED:


Mayor Lynn L. Adams

ATTEST:

Paulette Sherbon

RECORDER

(Seal)

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