

**HEBER CITY CORPORATION  
75 North Main Street  
Heber City, UT 84032  
Heber City Council Meeting**

**September 2, 2025**

**4:00 p.m. Work Meeting  
6:00 p.m. Regular Meeting**

**TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS**

**I. WORK MEETING - 4:00 P.M.**

1. Updating Utility Applications to Remove Rental Accounts (Mindy Kohler, Treasurer) - *30 min*
2. Ordinance 2025-08 repealing the Residential Commercial Overlay Zone (RC) and the Neighborhood Infill Overlay Zone (NIOZ) and replacing them with the Central Heber Overlay Zone (Tony Kohler, Community Development Director, John Janson, Planning Consultant) - *45 min*
3. C Street Initiative (Tony Kohler, Community Development Director) - *20 min*

**II. BREAK - 10 MIN**

**III. REGULAR MEETING - 6:00 P.M.**

1. Call to Order
2. Pledge of Allegiance (Heidi Franco, Mayor)
3. Prayer/Thought by Invitation (Yvonne Barney, Council Member)

**IV. AWARDS, RECOGNITION, and PROCLAMATIONS:**

1. Oath of Office for New Police Officer Kenzi Bishop
2. Mayor's Awards for Heber Valley Animal Services Team: Justin Hatch, Stella Shurtz, Holly Brown, and Troy Graser; City Arborist Parker Sweat; City Planner Jamie Baron; and Building Official Curt Davis

**V. CONFLICT OF INTEREST DISCLOSURE:**

**VI. PUBLIC COMMENTS: (3 min per person/20 min max)**

**VII. CONSENT AGENDA:**

1. August 19, 2025, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Ordinance 2025-23, Sports Court Fencing (Jamie Baron, Planning Manager) -

3. Ordinance 2025-20 Amending the Parking Code (Jeremy Cook, City Attorney )
4. Public Works Purchase of Sewer Vacuum Truck for \$508,421.13 (Preston Hicken)
5. Resolution 2025-14 Shift Differential for Hourly Administrative Staff (Cherie Ashe, Human Resources Manager)
6. Resolution 2025-15 Pay for Public Safety Personnel Designated to Work on-call (Cherie Ashe, Human Resources Manager)

**VIII. ACTION ITEMS:** (Council can discuss; table; continue; or approve items)

1. Ordinance 2025-08 repealing the Residential Commercial Overlay Zone (RC) and the Neighborhood Infill Overlay Zone (NIOZ) and replacing them with the Central Heber Overlay Zone (Tony Kohler, Community Development Director, John Janson, Planning Consultant) - *45 min*

**IX. COMMUNICATION:**

**X. CLOSED MEETING:** (As Needed)

**XI. ADJOURNMENT:**

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media. In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

Posted on August 28, 2025, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at [www.heberut.gov](http://www.heberut.gov), and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.



# Heber City Council Staff Report

<b>MEETING DATE:</b>	9/2/2025
<b>SUBJECT:</b>	Updating Utility Applications to Remove Rental Accounts
<b>RESPONSIBLE:</b>	Mindy Kohler
<b>DEPARTMENT:</b>	Administrative
<b>STRATEGIC RELEVANCE:</b>	Finance/Billing

## SUMMARY

Staff proposes an update to the City's utility application process by eliminating rental or tenant utility accounts and requiring all accounts to be held in the name of the property owner. This change is intended to reduce administrative burden, minimize unpaid account balances, and improve consistency in billing and collections.

## RECOMMENDATION

Staff recommends approval of updating the utility application process to require that all accounts remain in the property owner's name. This change will improve accountability, reduce delinquent balances, and streamline City operations.

### Alternative Recommendation

If the Council does not approve a full prohibition on rental accounts, staff recommends consideration of the following alternatives:

1. **Owner Responsibility for Rental Accounts:** Continue allowing rental utility accounts but establish by ordinance that the property owner is ultimately responsible for any unpaid balance, regardless of whether the account is in the renter's name.
2. **Deposit Requirement:** If the Council does not wish to hold owners responsible, require renters to provide a deposit equal to three months of average billing before service is initiated. This would provide some financial security to the City against unpaid balances, although it would not fully eliminate administrative and collection challenges.

Either option would reduce risk to the City compared to current practice but would not provide the same level of efficiency and accountability as requiring all accounts to be in the property owner's name.

## BACKGROUND

Historically, Heber City has allowed both property owners and renters to establish utility accounts. While this was intended to provide flexibility, it has resulted in significant administrative and financial challenges. Over the last five years, rental utility accounts have accumulated approximately \$55,000 in unpaid balances, the majority of which remains uncollected.

In addition, staff frequently face disputes between renters and property owners regarding responsibility for delinquent accounts, creating further inefficiency. On-call staff have also been dispatched during evenings and weekends to address service interruptions when new renters move into properties without established accounts.

Neighboring Utah municipalities have addressed this issue by requiring utility accounts to remain in the name of the property owner, ensuring accountability and streamlining billing and collections. This ordinance seeks to bring Heber City's policies in line with these practices.

## DISCUSSION

The proposed change addresses several recurring issues:

- **Administrative Burden:** Renters often fail to notify the City when moving out, leading to months of improper billing or disputes when charges are transferred back to owners. Conversely, renters sometimes fail to set up accounts at move-in, resulting in service shutoffs and additional administrative intervention.
- **Unpaid Balances:** Rental accounts have proven to be significantly more likely to result in unpaid debts. The City's ability to recover these debts through collections has been limited.
- **Operational Impacts:** On-call staff are frequently dispatched after hours to restore service for new tenants, creating overtime costs and service inefficiencies.

### Implementation Process:

To ensure a smooth transition, staff proposes the following steps:

1. **Notification Period:** Provide written notice to all current rental account holders and property owners at least 90 days in advance of the change.
2. **Account Conversion:** Work with property owners to transfer existing rental accounts into the property owner's name before the effective date.
3. **Policy Update:** Update the City's utility application forms, website, and public information materials to reflect the new requirement.
4. **Full Enforcement:** After the 90 day notice period, new utility service will only be initiated in the name of the property owner.

This phased implementation will minimize disruption to residents while ensuring full compliance with the new ordinance.

## **FISCAL IMPACT**

The City has absorbed losses of approximately \$55,000 over the last five years due to unpaid rental utility accounts. While the proposed change may increase administrative interactions with property owners, the long-term fiscal benefit is expected to be significant by reducing uncollectible balances and overtime costs incurred by on-call hours worked.

The alternative approaches (owner responsibility or deposit requirement) would help offset risk but are less effective than the primary recommendation.

## **CONCLUSION**

Eliminating rental utility accounts will reduce delinquent balances, minimize administrative disputes, and improve operational efficiency. Staff recommends updating the code to requiring utility accounts to remain in the name of the property owner.

## **ALTERNATIVES**

If the Council is not prepared to approve the full change, staff recommends either (1) holding property owners responsible for unpaid renter accounts, or (2) requiring a deposit equal to three months of billing for rental accounts.

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## **POTENTIAL MOTIONS**

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## **ACCOUNTABILITY**

**Department:** Administrative  
**Staff member:** Mindy Kohler, Treasurer

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## EXHIBITS

1. Rental Account Practices by City

How other cities in Northern Utah hand

City/Jurisdiction	Can Tenant Create an Account
JSSD/TCSSD	No
Midway	No
Park City	Conditional
American Fork	No
Orem	No
Vineyard	No
Pleasant Grove	No
Ogden	No
South Jordan	No
Spanish Fork	No
Sandy	No
Cedar Hills	Yes
Murray	Yes
South Weber	No
North Ogden	No

le utility accounts for rental properties.

Notes
Account must stay in the owners name, renter can pay the bill. Owner is responsible for balance
Account must stay in the owners name. Owner is responsible for balance
Owner must submit form. Owner is responsible for balance
Account stays in owner's name
Account stays in owner's name
Account stays in owner's name
Account stays in owner's name
Account stays in owner's name
Account stays in owner's name
Owner holds account, renter may receive a copy
Account stays in owner's name
Owner holds account, renter may receive a copy
Renters are allowed to hold account, landlord agreement from owner is required for each renter, owner is responsible for unpaid balance
Renters are allowed, must pay deposit equal to 3 months bills.
Account stays in owner's name
Account stays in owner's name. Policy changed in 2016.



# Heber City Council Staff Report

<b>MEETING DATE:</b>	9/2/2025
<b>SUBJECT:</b>	Ordinance 2025-08 repealing the Residential Commercial Overlay Zone (RC) and the Neighborhood Infill Overlay Zone (NIOZ) and replacing them with the Central Heber Overlay Zone
<b>RESPONSIBLE:</b>	Tony Kohler, John Janson
<b>DEPARTMENT:</b>	Planning
<b>STRATEGIC RELEVANCE:</b>	Community Development

## SUMMARY

After the Central Heber Vision was adopted last year, the City has been working on implementation. Already pieces of the Vision are underway. As part of that Vision, transitions from the commercial/mixed use downtown (the C-3 zone) area into the Central Neighborhoods and the possibility of creating infill options for the Central Neighborhoods became recommendations within the Vision. The draft Central Heber Overlay Zone, CHOZ, is intended to implement those parts of the Vision.

CHOZ includes two sub-districts. One sub-district, the Transition Corridor (TC) covers the transition areas located essentially in a north south direction east and west of the C-3 zone but also including the Midway Lane area, west to about 600 West. The second sub-district, the Central Neighborhoods (CN), covers the downtown existing neighborhoods generally in the R-2 and R-3 zones.

Part of the intent of the CHOZ is to provide a balance of rental and ownership opportunities in the Downtown area. Some of the options provide the potential for affordable housing that could be owner occupied. Some options are strictly rental situations, but longer term rentals.

The Council held a workshop where a PowerPoint presentation covered many of the aspects of the CHOZ. The intent of this staff report is to review the actual draft ordinance and discuss several issues that have arisen. This staff report covers the work session and the potential adoption in the regular meeting.

## RECOMMENDATION

New changes since your work session and regular meeting are in redline/strikeout in Exhibit 1. Staff recommends adopting Ordinance 2025-08, which adopts the CHOZ with those changes as shown in Exhibit 2 into a final CHOZ Draft for consideration by Council. Policy questions for Council include:

1. Is the CHOZ ready for adoption?
2. Should Council Adopt the CHOZ?

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## BACKGROUND

Envision Heber Phase 3, included the Vision for Central Heber, a grass roots process that created a series of recommendations for the Downtown area.

## DISCUSSION

Within the general CHOZ Overlay, there are two sub-districts: Central Neighborhoods for the neighborhoods, and the Transition Corridor District (east and west of Main Street and along Midway Lane). The intent of each district is as follows:

**Central Neighborhoods District (CND).** The Central Neighborhoods District, as part of the Central Heber Overlay Zone, has been established to allow for various forms of infill. These include flag lots, small lots, and certain missing middle housing types. The CND adds additional housing flexibility to the R-2 and R-3 zones in the Downtown area.

In general, additional uses are proposed, especially for various housing types. Some new housing concepts are proposed including, flag lots, smaller lots (based on your current infill ordinance), Subordinate Dwelling units (SDUs), and ADUs which are already allowed. SDUs are a new small lot concept which would allow for a detached ADU-like subdividable lot accessed by a permanent easement with a requirement for the owner to live in the new dwelling. Some spatial requirements have been made more flexible but all development types will accommodate needed easements for Public Works.

Design standards are based on the type of building being proposed.

**Transition Corridors District (TCD).** The Central Heber Vision suggests an additional mix of uses could be considered as a transition to the residential neighborhoods east and west of the Main Street area and along Midway Lane. The Transition Corridors District (TCD) has been established to promote limited uses with a mix consisting of residential and commercial uses. The mix of uses would allow for medium to higher density residential uses, with occasional corners for lower intensity commercial uses. The TCD has several suggested transitions as you get closer to the 200s. A portion of the TCD, between 150 West and 150 East, has been identified by the Central Heber Vision, as an area to be considered for rezoning to C-3 Commercial.

### CND and TCD housing and use options

Much of this discussion has been about creating the potential for affordable home ownership options and to provide additional rental opportunities for workforce housing. To explore the difference between the two sub-districts – see table 18.83.040

Some changes and issues have recently been discussed:

- Updated town house section (new graphic included) – suggest no more than 5 attached units and if the units do not face the street (are oriented away from the street), the end unit closest to the street has to face and be accessed from the street– Max of 5 total units in a project in the CND but no project size limitation in the TCD, just no more than 5 attached units in one building
- Double deep flag lots have been re-introduced including a graphic
- The safety requirements for Public Works and the Wasatch Fire District have been pulled together as a general set of requirements applicable to all new development. The Fire

Department's hose rule is quite restrictive for many of our deeper lots (150' to the midpoint at the rear of the building). Interior sprinkling requirements which create more flexibility, may need to occur more than anticipated.

- Driveways/accesses to development to the rear of an existing building have been reduced in width but, still accommodate Wasatch Fire District regulations. Length and the number of units served dictate width/access requirements. All of those requirements are now in one place – see 18.83.040 E (5)
- Flag lots, detached ADUs, and SDUs emphasize standards that make them subordinate to avoid the “neighbors in my backyard” issue and to increase potential affordability
- Previously dropped Mansion apartments from CND but a recent idea suggests dropping the duplexes and twin homes and replacing those with Mansion Apartments which would allow 2 through 4 units. This would mean a 2 unit Mansion Apartment has more standards which it needs to meet. State law changes have impacted creating design standards for duplexes, twin homes and single family dwellings. Current draft suggest dropping the duplexes and twin homes out of CHOZ.
- Staff suggests keeping the 35' height limit as a general standard but that is reduced for flag lots detached ADUs, and SDUs to 25'
- Issues have been raised about some of the building design requirements increasing costs of construction.
- Graphics have been updated
- Some housing types require permanent owner occupancy and others require longer term rentals. Alternatives are provided for the Council to consider for longer term rentals. PC suggested a year but that may be a bit too long – more discussion needed.
- Owner occupancy would be assured through a deed restriction that includes a notification to the City when the property changes hands.

## **FISCAL IMPACT**

None at this time.

## **CONCLUSION**

The CHOZ is intended to implement the Central Heber Vision.

## **ALTERNATIVES**

1. Approval as per the attached CHOZ draft
2. Approval with changes, as discussed in the meeting
3. Continuance for reasons determined in the meeting
4. Denial

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## **POTENTIAL MOTIONS**

### **Alternative 1 - Approval - Staff Recommended Option**

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I move to **approve Ordinance 2025-08** as presented, with the findings and conditions as presented in the conclusion above.

### **Alternative 2 - Approve as Amended**

I move to **approve Ordinance 2025-08** as amended, as follows.

### **Alternative 3 - Continue**

I move to **continue Ordinance 2025-08** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

### **Alternative 4 - Denial**

I move to **deny Ordinance 2025-08** with the following findings.

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## **ACCOUNTABILITY**

**Department:** Planning  
**Staff member:** Tony Kohler, Community Development Director

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## **EXHIBITS**

1. Ord 2025-08 CHOZ
2. Exhibit 1 Redline CHOZ 9-2-25
3. Exhibit 2 Final CHOZ 9-2-25

**ORDINANCE 2025-08**

**AN ORDINANCE REPEALLING THE RESIDENTIAL COMMERCIAL OVERLAY ZONE (RC) AND THE NEIGHBORHOOD INFILL OVERLAY ZONE (NIOZ) AND REPLACING THEM WITH THE CENTRAL HEBER OVERLAY ZONE (CHOZ).**

**WHEREAS**, Heber City’s General Plan, Envision Heber 2050, identifies a new vision for the Central Heber Area, including new opportunities for infill development, redevelopment and mixed use development;

**WHEREAS**, the Heber City Planning Commission hosted a workshop and public hearing for impacted property owners in Central Heber for the proposed new CHOZ; and

**WHEREAS**, on April 22, 2025, the Heber City Planning Commission provided a unanimous recommendation to the City Council for the adoption of the CHOZ;

**NOW, THEREFORE**, the City Council finds it consistent with the public interest and the City’s General Plan to adopt the CHOZ.

**BE IT ORDAINED** by the City Council of Heber City, Utah, the Zoning Map is hereby Amended to replace the RC Residential Commercial Overlay Zone and Neighborhood Infill Overlay Zone as shown in Exhibit A; Heber City Municipal Code, Chapter 18.50 RC Residential Commercial Overlay Zone and Chapter 18.83 Neighborhood Infill Overlay Zone, are hereby REPEALED and replaced with Chapter 18.83 Central Heber Overlay Zone (CHOZ), which is hereby ADOPTED as shown in Exhibit B;

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

To the extent that any ordinances, resolutions, or policies of Heber City materially conflict with the provisions of this Ordinance, they are hereby amended to comply with the provisions hereof.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 1<sup>st</sup> day of July, 2025.

**AYE                      NAY                      ABSENT                      ABSTAIN**

Aaron Cheatwood  
Michael Johnston  
Sid Ostergaard  
Scott Phillips

Yvonne Barney

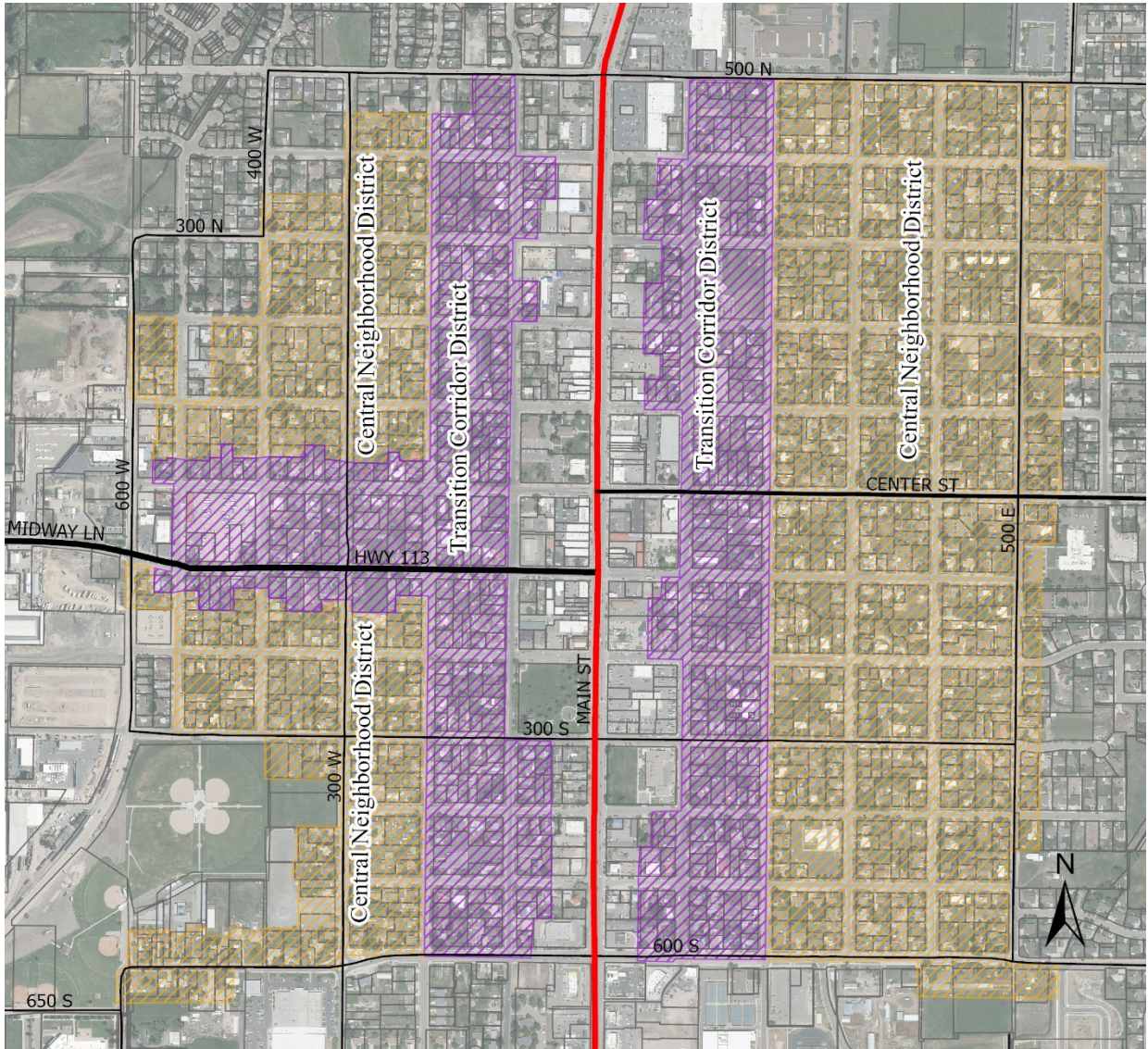
APPROVED:

\_\_\_\_\_  
Mayor Heidi Franco

ATTEST:

\_\_\_\_\_ Date: \_\_\_\_\_ RECORDER

**EXHIBIT A: CENTRAL HEBER OVERLAY ZONING MAP**



**EXHIBIT B: CHAPTER 18.83 CENTRAL HEBER OVERLAY ZONE**

## EXHIBIT 1

### 18.83 Central Heber Overlay Zone (CHOZ)

<b>18.83.010</b>	<b>Purpose</b>
<b>18.83.020</b>	<b>Permitted and Conditional Uses</b>
<b>18.83.030</b>	<b>Spatial Requirements</b>
<b>18.83.040</b>	<b>Building Typologies &amp; Design Requirements</b>
<b>18.83.050</b>	<b>Visual Screening</b>
<b>18.83.060</b>	<b>Definitions</b>
<b>18.83.070</b>	<b>Related Provisions</b>

#### 18.83.010 Purpose

To implement the Central Heber Vision of the General Plan, the Central Heber Overlay Zone (CHOZ) is hereby created to include two distinct land use districts. If the use of the Overlay is desired by an applicant, the uses and standards of this chapter shall apply.

- A. **Central Neighborhoods District (CND)** is established to allow for various low intensity forms of infill, combined with options to preserve historic homes. Infill options include certain missing middle housing types and historic building use flexibility.
- B. **Transition Corridors District (TCD)** is established to permit a moderate intensity mixture of residential and commercial uses. The TCD serves as a transition area from the C-3 Commercial Zone westward and eastward of Main Street to existing residential neighborhoods. The district also serves as a connecting land use from the C-3 Commercial Zone westward to the area containing the new high school, railroad and Southfield Park. The TCD promotes missing middle housing types, historic building use flexibility, mixed use buildings and lower intensity commercial uses. A portion of this area, located between 150 W/E to the C-3 Commercial Zone, has been identified by the General Plan as an area to be considered for rezoning to the C-3 Commercial Zone, in the future.

#### 18.83.020 Permitted and Conditional Uses

The underlying zone uses remain. The CHOZ includes additional uses and limitations as described below. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential district characteristics, the following uses are allowed the CHOZ:

##### A. Land Use Regulations Terms

P = PERMITTED USE (P) A site plan application is required with staff processing. Site plan applications are approved, when and if they meet the ordinance standards.

C = PLANNING COMMISSION CONDITIONAL USE REVIEW (C). A site plan application with Planning Commission review is required.

N = not allowed in the particular overlay area

- B. Within the Table, if a use is not specifically designated below, then it is prohibited, except as specified in the underlying zone.

All uses listed in the use table, that require a building permit shall also require a site plan application.

**Permitted and Conditional Use Chart**

**18.83.020.1**

<b>Land Use</b>	<b>CND</b>	<b>TCD</b>	<b>Limitations</b>
Residential attached units	P	P	See Section 18.83.040 for permitted building types per district. 5 or less units per building and project is limited to 5 units <a href="#">in the CND</a>
Residential attached units over 5 units	N	C	See Section 18.83.040 for permitted building types per district
Artist studios & live-work	N	P	
Office, Retail, Services and Secondhand Stores	N	P	<ul style="list-style-type: none"> <li>• Max 5000 sf footprint</li> <li>• See note 1 below</li> <li>• Tattoo parlors, tobacco shops, adult related businesses, pawn shops &amp; cannabis facilities are prohibited)</li> </ul>
Cafes/restaurants, bakery, outdoor dining	N	C	<ul style="list-style-type: none"> <li>• No drive-up windows</li> <li>• No fast food</li> <li>• See note 1 below</li> </ul>
Hotels	N	C	See note 1 below
Medical offices, clinics	N	P	See note 1 below
Institutional/Religious, Museums & Public Uses	C	P	
Fitness centers & gymnasiums	N	P	See note 1 below
Commercial day care	N	P	As regulated by State Law
Home occupations, home based pre-school, daycare and micro-school	P	P	As regulated by Section 18.68.609 & State Law
Public/Private schools	C	P	As regulated in State Law and Section 18.68.230. Size limitations may be imposed.
Signs	N	P	<ul style="list-style-type: none"> <li>• As regulated by Section 18.104</li> <li>• Further limited to one monument sign (max 15 square feet and 4' in height) with a rock/brick base, and one wall sign (max 24 square feet and 3' in height) or one projecting sign (as per the standards in 18.104)</li> </ul>

Note 1 - For the TCD, permitted only for properties fronting 100 South and for properties fronting 100 East and 100 West

**18.83.030 Spatial Standards**

A. The minimum spatial standards shall be as set forth in the underlying zone, with the addition of Small lots, Flag lots and SDUs, as described below.

- B. The maximum height of all principal structures shall be thirty-five feet and accessory buildings shall follow the requirements of the underlying zone.

**General Spatial Requirements \***  
**Table 18.83.030.1**

Frontage	Min Front Setback	Min Rear Setback	Min Side Setback	Min Area & Depth	Max Height
All other buildings must meet the frontage requirements of the underlying zone	15 feet min from public right of way; 10 feet min for flag lots from PUE/access easement to any building	15 feet to property line	5 feet min to each side property line; 15 feet min from public right of way	As per the underlying zone or as specified in section 18.83.040 98 foot min depth for corner lots	<del>1.5 stories and</del> Not to exceed 25' max for flag lots, detached ADUs, townhouses, and SDUs; 35 foot max for all other primary buildings

\*Other standards may apply elsewhere in this code, such as 18.83.040

**18.83.040 Building Typologies & Design Requirements**

**Table of Permitted Building Types per District**  
**18.83.040.1**

Building Typology	CND	TCD
Small lot	P	N
Flag lot (s)	P	P
Subordinate Dwelling Unit (SDU)	P	P
Detached and Internal Accessory Dwelling Unit (ADUs)	P	P
Townhouses (small – no more than 5 attached units per building)	P	P
Townhouse complexes (more than one building)	N	C
Mansion style apartments/condominiums	<del>N</del> (alt "C") <u>C</u>	<del>C</del> <u>P</u>
Commercial Building	N	P
Mixed Use Building	N	P

- A. **Those who desire to convert homes**, lots or other buildings to commercial use or multi-family use shall maintain the required landscaping. No parking is allowed in the front yard.
- B. **Rooftops** may be used as garden type open space, and/or passive recreation space.
- C. **Utilities** normally found above ground are not required to be placed underground unless located directly adjacent to existing underground utilities. Curb, gutter, and sidewalk are not required except along and between 100 East and 100 West, where diagonal street parking is encouraged where it can be accommodated. Curb, gutter, and sidewalk shall also be required along current and proposed Collector Roads according to the current adopted Transportation Master Plan. Sidewalks or agreements to provide sidewalks in the future are required in all other locations where street frontage is disrupted.

D. All Rooftop Heating, Ventilating, and Air Conditioning equipment (**HVAC**) shall be enclosed or screened such that it is not readily recognizable as HVAC equipment in mixed use and commercial buildings.

E. **Special Standards** for certain uses and structures.

1. Non-residential uses shall not produce noise exceeding fifty-five (55) decibels as measured at the property line, vibration, fumes smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, electrical interference or other objectionable effects.
2. Where garages are built, they ~~shall be~~ **are suggested to** be wired for a minimum of 220 Volt for potential vehicle charging.
3. Temporary outdoor sales are allowed.
4. 10 foot wide dry utility easements shall be provided along the frontage of public and private rights of way. A determination of the best locations for utilities shall occur during the application process with an application requirement for a conceptual utility plan as part of that process. If utility boxes are needed, they shall not be placed in the clear view of an intersection or driveway.
5. All development proposed within this overlay is subject to the normal review processes of the City. The Wasatch Fire District shall review, provide comments/recommendations, and resolve any access and fire suppression related issues. As a general rule the Wasatch Fire District standards pertaining to Emergency Vehicle Access (EVA) are for homes located at a greater distance than 150' from a public right-of-way, as measured to the midpoint of all walls of the building, are as follows:

- a. Driveways less than 150' in length not classified as an EVA, shall meet the width and location requirements of the Heber City Standards and Specifications
- b. 1-3 Single Family Home(s)- Where a driveway, shared or unshared, serves no more than three (3) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 16 feet, exclusive of



- of shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.
- c. 4-5 Single Family Homes- Where a driveway, shared or unshared, serves no more than five (5) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 22 feet exclusive of shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.
- d. Fire Hydrants - Fire hydrants shall be within 600 feet of the structure's front door/garage, measured along the main roadway centerline and including the distance created by the EVA.

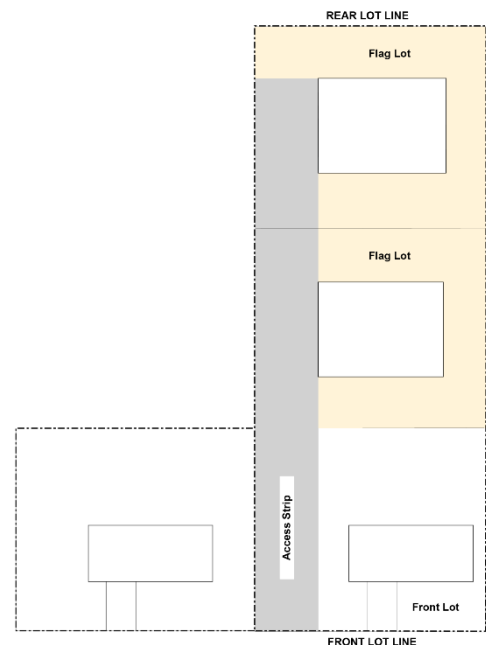
6. When located on private property, sewer, water, and irrigation shall be metered from the public ROW and distributed through the development as private ownership. Such extensions are not a City responsibility.
7. Stormwater runoff shall be contained on private property.
8. When rented, all housing types, except ADUs, shown in table 18.83.040.1 shall have a minimum lease period of 30 days. No short-term rentals are allowed. of one year (alt. 30 days, alt. 6 months).
9. Where owner occupancy is required, a deed restriction that runs with the land shall be recorded. The deed restriction shall include the City as a silent, non-financial partner to assure notification to the City of ownership changes.

**F. Small lots.** Smaller lots than the standard lot size required in the R-2 and R-3 zones are allowed as follows:

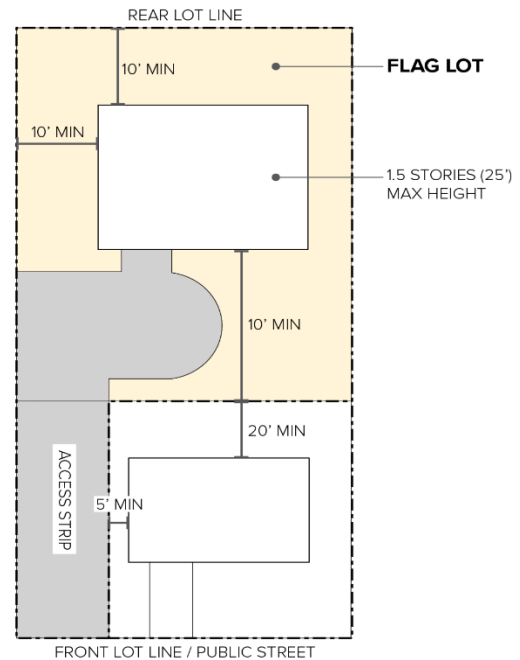
1. Such interior lots may have a width no less than 49' 40' at the front yard setback and if located on a corner, 56' 50' wide.
2. Any street facing garage shall be setback from the front face of the dwelling by at least ten feet.
3. Lots with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of six (6) feet.
4. A minimum lot size of 3,500 square feet is required.

**G. Flag lots.** Flag lots shall meet the following requirements. These requirements supersede the requirements for flag lots in Section 18.52.050:

1. Up to two (2) flag lots (plus the existing home) may be created from an existing parcel of property.
2. Homes shall not exceed 1.5-stories (25') 25' in height and 10' rear, front, and side yard minimums are required.
3. The existing home shall maintain a minimum of a 20' rear yard.
4. The flag lot (s) shall be used exclusively as an owner occupied single-family residential dwelling, documented through a deed restriction, as per E. (9) of this section. The flag lot includes the potential for one internal Accessory Dwelling Unit and shall be located to the rear of the original or front lot. If the dwelling on the front lot is torn down, any new dwelling shall face the adjacent street.



5. The main body of a flag lot, exclusive of the access strip, shall be no smaller than 50% of the required lot area in the zone in which it is located.
6. The existing front lot shall meet the required lot area, lot width, front yard, side and rear yard setback requirements for the governing zoning district in which it is located.
7. The access strip/driveway portion of a flag lot - see 18.83.040 E (5) and :
  - a. No driveway gates are allowed.
  - b. Shall front on a public street;
  - c. The address of the flag lot shall be clearly displayed for emergency identification purposes.

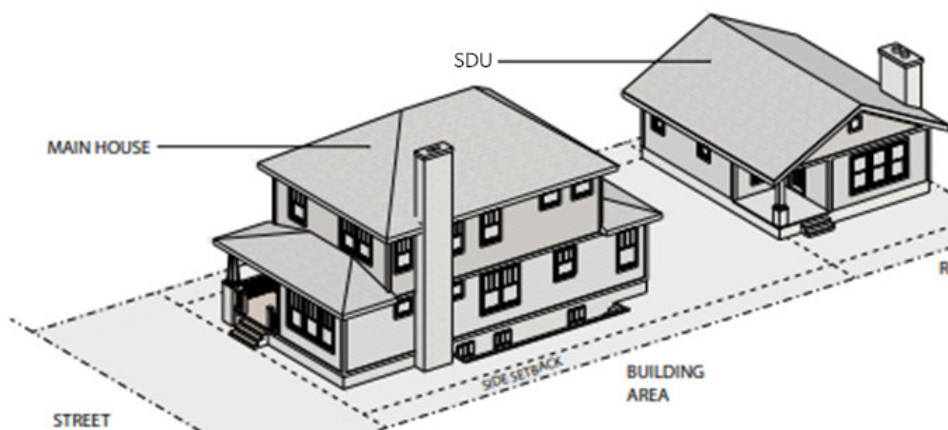


8. Where two flag lots are proposed behind a lot fronting on the public street, the middle lot may have a zero lot line using the property line adjacent to the furthest lot.
9. The access strip portion of a flag lot shall be platted as a contiguous portion of the flag lot(s) or as an easement, where the access strip is intended to be shared. The private access strip shall accommodate all utilities. Access strip maintenance shall be accomplished by the property owners in a recorded agreement.
10. The subdivision plat shall include an outline of the buildable area proposed for the home (s).
11. 2 parking spaces are required for each home, as well as a turnaround area to prevent the need to back out through the driveway/access strip.

## H. Subordinate Dwelling Units (SDU)

1. These ordinance provisions only apply to parcels or lots 5000 square feet and larger and located in the CHOZ. If an SDU can be located on a property, it is considered an additional voluntary benefit provided to the homeowner and therefore is subject to additional regulations.
2. A Permitted use application for a Subordinate Dwelling Unit (SDU) is required. Such applications shall show the footprint and height, materials/design of the SDU, the proposed lot, side yards, rear yards, the designated front yard, and the proposed permanent access easement. In addition, a subdivision plat and processing is required.
3. Standards: The following standards and conditions shall apply to all SDUs:
  - a. Location: A SDU shall only be allowed as part of, or in conjunction with, a single-household dwelling, and SDUs shall **contain no more than 1.5 stories (25') not exceed 25' in height and** shall have minimum side and rear yard of 5 feet or as allowed by Building Code standards. The front yard shall have a minimum of 10' unless adjacent to a street or alley, where 15' minimum is required.

- b. Number: A maximum of one SDU is allowed and only the original, existing dwelling may contain an additional internal ADU. The SDU shall not have an internal ADU.
  - c. Parking: At least one off-street parking stall shall be provided for the SDU. The required parking space may be a designated tandem space on the original lot as a permanent easement area. Parking spaces shall be identified on the subdivision plat. ~~In addition, the parking area shall include sufficient space for garbage cans and a mailbox clearly displaying the address of the SDU, adjacent to the public street. Mailboxes shall clearly display the address of the SDU.~~
  - d. The SDU shall be constructed with painted wood, composite wood-like appearing materials, brick or stone exteriors as well as a pitched roof, 3' by 12' minimum.
  - e. No SDU shall be allowed to be located further than 150' from the public street as measured to the midpoint at the rear of the SDU and measured as a pedestrian would walk from the street to the back of the home. All SDUs shall be within 600' of a fire hydrant, as measured to the midpoint at the rear wall of the SDU.
4. Size: An SDU shall be subordinate to the footprint of the original single-household dwelling. The SDU shall not have more than an eight hundred (800) square foot footprint. Basements are encouraged. If a garage is desired, it is not calculated as part of the 800 square foot footprint.
5. Lot Size and Frontage:
- a. The original home shall be located on a lot that is at least 5000 square feet and meet the setbacks as specified in this ordinance.
  - b. No frontage on a public street or alley is required for an SDU, but a walkable or drivable permanent access easement is required (see 10 below).
6. Foundation: The SDU shall be secured to a permanent concrete foundation in accordance with the International Building Code, as adopted and amended by the City.

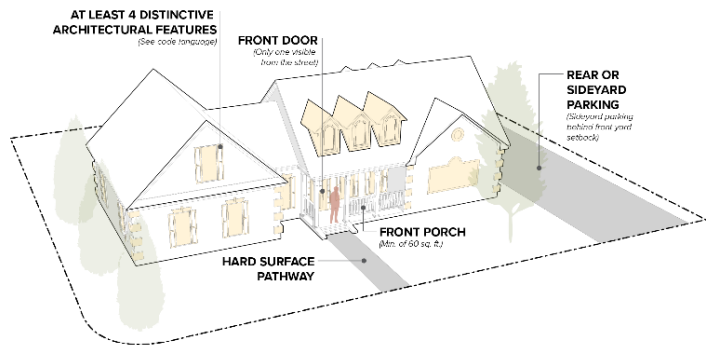


- 7. Occupants: The SDU shall be owner occupied exclusively by one household.
- 8. The SDU shall be permanently occupied by the owner. Owner occupancy shall be acknowledged through a deed restriction as per E. (9) of this section
- 9. The SDU shall have separate utilities from the original dwelling.

10. An SDU shall have a recorded permanent unobstructed access easement or a driveway. If the permanent access easement can only accommodate pedestrians, then the original lot shall accommodate the required one additional parking space. Such easements/walkable pathways/or drives shall be a minimum width of 5' and shall connect to the public street. The access shall be unobstructed, maintaining a clear path free of debris and impediments to access.
11. Accessory buildings shall meet the standards for accessory buildings in the existing zone. Accessory buildings shall be subordinate in height to the SDU. Once a front yard is designated, accessory buildings are not allowed in the front yard.
12. The front entry shall include a covered porch at least 6' deep and contain at least 60 square feet.

**I. Mansion Style Apartments/condominiums.**

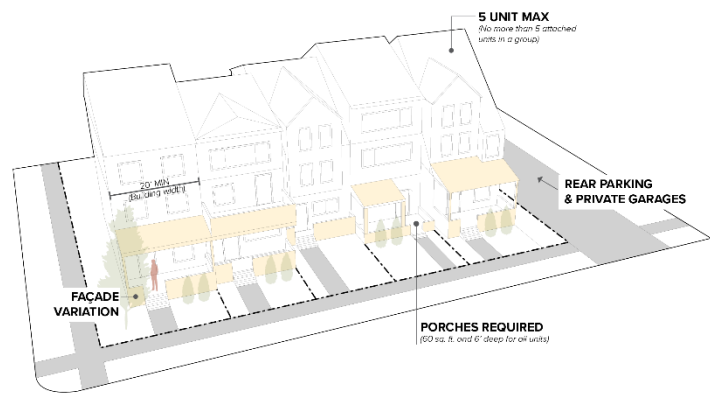
1. Shall be designed to resemble larger homes and shall only have one visible front door as viewed from the public street in the CND and no more than two in the TCD.
2. The front door area shall include a porch with a minimum of 60 square feet and a hard surfaced pathway to the street.
3. Parking shall be provided to rear or side beyond front yard setback.
4. Vinyl, aluminum and stucco wall surfaces are not allowed.
5. Mansion Style apartment/condominiums may accommodate 2 to ~~4~~5 units.
6. All Mansion Style apartment buildings shall include at least 4 distinctive architectural features from the following list (only one item from each numbered item below, as a minimum) and shall be incorporated in each building:
  - a. Ornamental details such as knee braces, exposed joists, decorative vents, window shutters.
  - b. Box or bay windows
  - c. Balconies with at least 50 square feet.
  - d. A minimum of 5 windows, 12 square foot minimum on the front façade.
  - e. A substantial/noticeable change of material applied to the front façade.
  - f. A substantial/noticeable change of color applied to the front façade.
  - g. A change of pattern that is substantial/noticeable on the façade (Example: changing brick work from face brick to a soldier course or basket weave pattern.)
  - h. Brick or stone along the front of the building, covering at least 25% of the front of the building.
  - i. Materials – brick, stone, wood, cement composite materials, and metal accents.



7. Separate utilities for each unit are required if condominium units are proposed.

**J. Townhouse.**

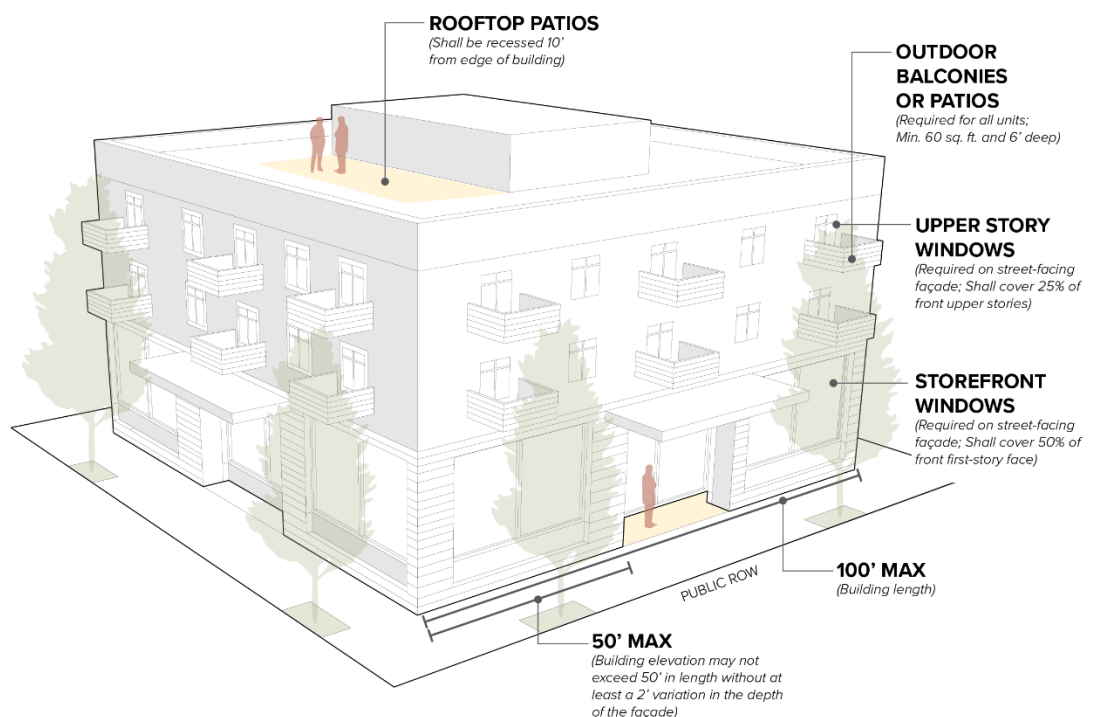
1. Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units in the TCD. If live work is included, such units shall not exceed 3000 square feet of business usage, not more than 50% of the floor, and no more than 5 employees.
2. If end units face the street, they shall address the street with a front door and a porch and include windows covering at least 25% of the façade for each floor.
3. Parking and private garages shall be located to the rear of the building allowing the primary façade to front a public street or public greenspace. Garages **shall are encouraged to** include the infrastructure for a 220 outlet capable of faster car charging.
4. Provide outdoor covered balconies or patios for 100% of the units at a minimum of 6 feet deep and 60 square feet each.
5. Building width shall be a minimum of 20'. Guest parking shall not include any driveway area that accesses a garage. No more than 5 attached units per building.
6. Setbacks for each unit shall be varied at least 2' feet where a development has more than 5 units.
7. Townhouse developments with **over 10 to 20** units shall include at least a play structure and a barbeque/seating area and one passive leisure space of at least 3000 square feet. **Projects with over 20 units are required to have 20% open space and amenities catered to the anticipated occupants. If the 20% does not exceed the 3000 square feet mentioned above, 3000 sq. ft. remains the minimum size of the recreational space.**
8. Separate utilities for each unit are required and may require easements for units that are distant from a public street.
9. Building heights shall not exceed **1.5 stories 25 feet** in the CND and 35 feet in the TCD.
10. An HOA is required.



**K. Mixed-use buildings.**

1. Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed to front a street. This building type may support office, retail, hotel/hospitality or residential uses mixed vertically.
2. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6 feet deep and 60 square feet each.
3. No wood burning fireplaces, stoves, appliances, or outdoor fire pits are allowed.

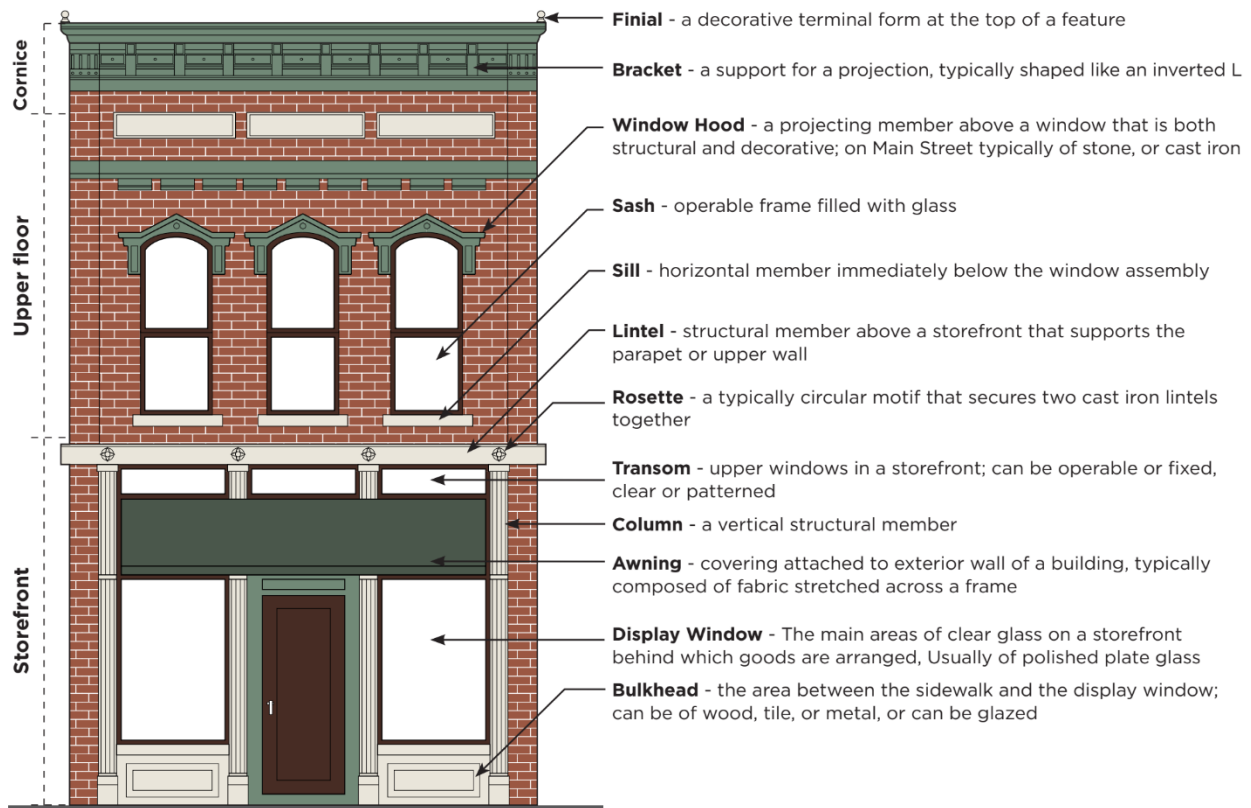
4. Provide indoor bike storage or bike lockers.
5. ~~Rooftop patios are allowed but amenities shall be recessed ten feet from the edge of the building.~~
6. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TCD shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.
7. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
8. 360 degree architectural consistency is required, utilizing earth toned colors.
9. No new building elevation may exceed 50 feet in length without at least a 2-foot variation in the depth of the façade along the public right of way and a 1-foot variation on other facades. Residential unit balconies shall not be interpreted to meet this requirement.
10. No single building shall exceed 100 feet of frontage along a street.
11. Parking shall be to the rear of the building.
12. Storefront windows (including bulkheads and transom windows) are required on the street facing façade and street facing windows shall cover a minimum of 50% of the front first story face and 25 percent of all upper stories.



## L. Commercial Buildings.

1. Minimum 2-story building with the primary use of office, retail, civic or commercial use.
2. All such buildings shall include at least 1 vehicle charging station per building.
3. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TCD shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.
4. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
5. 360 degree architectural consistency is required, utilizing earth toned colors.
6. Principal entrance shall face the street or be located on the corner of the building and recessed.
7. Front façade shall include a storefront type appearance (including bulkheads and transom windows) and include at least ~~two~~four additional features from the sketch below:

# ANATOMY OF A MAIN STREET BUILDING



## 18.83.050 Visual Screening

All commercial lots within the zone shall have a six-foot rear yard sight obscuring fence.

## 18.83.060 Definitions to be added

Driveway - Where vehicular access to a structure that is less than 150 feet measured from the main access road around the side to the middle of the rear of the home.

Emergency Vehicle Access (EVA) - where vehicular access to a structure is greater than 150 feet measured from the main access road around the side to the middle of the rear of the home Emergency Vehicle Access specifications are applicable.

## 18.83.070 Related Provisions

Chapter 18.12	Administration
Chapter 18.08	Definitions
Chapter 18.68	Supplementary Regulations
Chapter 18.108	Conditional Use Permits
Chapter 18.72	Off-Street Parking and Loading
Chapter 18.103	Sign Regulations
Chapter 18.78	Lighting
Chapter 18.174	Enforcement
Chapter 18.117	Subdivisions

## EXHIBIT 2

### 18.83 Central Heber Overlay Zone (CHOZ)

<b>18.83.010</b>	<b>Purpose</b>
<b>18.83.020</b>	<b>Permitted and Conditional Uses</b>
<b>18.83.030</b>	<b>Spatial Requirements</b>
<b>18.83.040</b>	<b>Building Typologies &amp; Design Requirements</b>
<b>18.83.050</b>	<b>Visual Screening</b>
<b>18.83.060</b>	<b>Definitions</b>
<b>18.83.070</b>	<b>Related Provisions</b>

#### 18.83.010 Purpose

To implement the Central Heber Vision of the General Plan, the Central Heber Overlay Zone (CHOZ) is hereby created to include two distinct land use districts. If the use of the Overlay is desired by an applicant, the uses and standards of this chapter shall apply.

- A. **Central Neighborhoods District (CND)** is established to allow for various low intensity forms of infill, combined with options to preserve historic homes. Infill options include certain missing middle housing types and historic building use flexibility.
- B. **Transition Corridors District (TCD)** is established to permit a moderate intensity mixture of residential and commercial uses. The TCD serves as a transition area from the C-3 Commercial Zone westward and eastward of Main Street to existing residential neighborhoods. The district also serves as a connecting land use from the C-3 Commercial Zone westward to the area containing the new high school, railroad and Southfield Park. The TCD promotes missing middle housing types, historic building use flexibility, mixed use buildings and lower intensity commercial uses. A portion of this area, located between 150 W/E to the C-3 Commercial Zone, has been identified by the General Plan as an area to be considered for rezoning to the C-3 Commercial Zone, in the future.

#### 18.83.020 Permitted and Conditional Uses

The underlying zone uses remain. The CHOZ includes additional uses and limitations as described below. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential district characteristics, the following uses are allowed the CHOZ:

##### A. Land Use Regulations Terms

P = PERMITTED USE (P) A site plan application is required with staff processing. Site plan applications are approved, when and if they meet the ordinance standards.

C = PLANNING COMMISSION CONDITIONAL USE REVIEW (C). A site plan application with Planning Commission review is required.

N = not allowed in the particular overlay area

- B. Within the Table, if a use is not specifically designated below, then it is prohibited, except as specified in the underlying zone.

All uses listed in the use table, that require a building permit shall also require a site plan application.

**Permitted and Conditional Use Chart**

**18.83.020.1**

<b>Land Use</b>	<b>CND</b>	<b>TCD</b>	<b>Limitations</b>
Residential attached units	P	P	See Section 18.83.040 for permitted building types per district. 5 or less units per building and project is limited to 5 units in the CND
Residential attached units over 5 units	N	C	See Section 18.83.040 for permitted building types per district
Artist studios & live-work	N	P	
Office, Retail, Services and Secondhand Stores	N	P	<ul style="list-style-type: none"> <li>• Max 5000 sf footprint</li> <li>• See note 1 below</li> <li>• Tattoo parlors, tobacco shops, adult related businesses, pawn shops &amp; cannabis facilities are prohibited)</li> </ul>
Cafes/restaurants, bakery, outdoor dining	N	C	<ul style="list-style-type: none"> <li>• No drive-up windows</li> <li>• No fast food</li> <li>• See note 1 below</li> </ul>
Hotels	N	C	See note 1 below
Medical offices, clinics	N	P	See note 1 below
Institutional/Religious, Museums & Public Uses	C	P	
Fitness centers & gymnasiums	N	P	See note 1 below
Commercial day care	N	P	As regulated by State Law
Home occupations, home based pre-school, daycare and micro-school	P	P	As regulated by Section 18.68.609 & State Law
Public/Private schools	C	P	As regulated in State Law and Section 18.68.230. Size limitations may be imposed.
Signs	N	P	<ul style="list-style-type: none"> <li>• As regulated by Section 18.104</li> <li>• Further limited to one monument sign (max 15 square feet and 4' in height) with a rock/brick base, and one wall sign (max 24 square feet and 3' in height) or one projecting sign (as per the standards in 18.104)</li> </ul>

Note 1 - For the TCD, permitted only for properties fronting 100 South and for properties fronting 100 East and 100 West

**18.83.030 Spatial Standards**

A. The minimum spatial standards shall be as set forth in the underlying zone, with the addition of Small lots, Flag lots and SDUs, as described below.

- B. The maximum height of all principal structures shall be thirty-five feet and accessory buildings shall follow the requirements of the underlying zone.

**General Spatial Requirements \***  
**Table 18.83.030.1**

Frontage	Min Front Setback	Min Rear Setback	Min Side Setback	Min Area & Depth	Max Height
All other buildings must meet the frontage requirements of the underlying zone	15 feet min from public right of way; 10 feet min for flag lots from PUE/access easement to any building	15 feet to property line	5 feet min to each side property line; 15 feet min from public right of way	As per the underlying zone or as specified in section 18.83.040 98 foot min depth for corner lots	Not to exceed 25' max for flag lots, detached ADUs, townhouses, and SDUs; 35 foot max for all other primary buildings

\*Other standards may apply elsewhere in this code, such as 18.83.040

**18.83.040 Building Typologies & Design Requirements**

**Table of Permitted Building Types per District**  
**18.83.040.1**

Building Typology	CND	TCD
Small lot	P	N
Flag lot (s)	P	P
Subordinate Dwelling Unit (SDU)	P	P
Detached and Internal Accessory Dwelling Unit (ADUs)	P	P
Townhouses (small – no more than 5 attached units per building)	P	P
Townhouse complexes (more than one building)	N	C
Mansion style apartments/condominiums	C	P
Commercial Building	N	P
Mixed Use Building	N	P

- A. **Those who desire to convert homes**, lots or other buildings to commercial use or multi-family use shall maintain the required landscaping. No parking is allowed in the front yard.
- B. **Rooftops** may be used as garden type open space, and/or passive recreation space.
- C. **Utilities** normally found above ground are not required to be placed underground unless located directly adjacent to existing underground utilities. Curb, gutter, and sidewalk are not required except along and between 100 East and 100 West, where diagonal street parking is encouraged where it can be accommodated. Curb, gutter, and sidewalk shall also be required along current and proposed Collector Roads according to the current adopted Transportation Master Plan. Sidewalks or agreements to provide sidewalks in the future are required in all other locations where street frontage is disrupted.

- D. All Rooftop Heating, Ventilating, and Air Conditioning equipment (**HVAC**) shall be enclosed or screened such that it is not readily recognizable as HVAC equipment in mixed use and commercial buildings.
- E. **Special Standards** for certain uses and structures.
1. Non-residential uses shall not produce noise exceeding fifty-five (55) decibels as measured at the property line, vibration, fumes smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, electrical interference or other objectionable effects.
  2. Where garages are built, they are suggested to be wired for a minimum of 220 Volt for potential vehicle charging.
  3. Temporary outdoor sales are allowed.
  4. 10 foot wide dry utility easements shall be provided along the frontage of public and private rights of way. A determination of the best locations for utilities shall occur during the application process with an application requirement for a conceptual utility plan as part of that process. If utility boxes are needed, they shall not be placed in the clear view of an intersection or driveway.
  5. All development proposed within this overlay is subject to the normal review processes of the City. The Wasatch Fire District shall review, provide comments/recommendations, and resolve any access and fire suppression related issues. As a general rule the Wasatch Fire District standards pertaining to Emergency Vehicle Access (EVA) are for homes located at a greater distance than 150' from a public right-of-way, as measured to the midpoint of all walls of the building, are as follows:

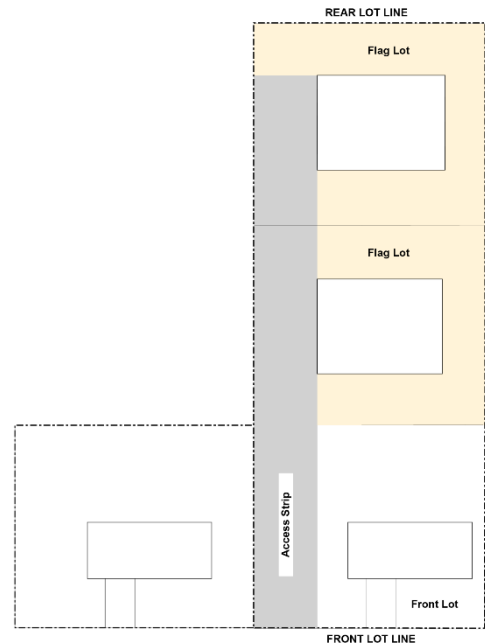
- a. Driveways less than 150' in length not classified as an EVA, shall meet the width and location requirements of the Heber City Standards and Specifications
- b. 1-3 Single Family Home(s)- Where a driveway, shared or unshared, serves no more than three (3) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 16 feet, exclusive of shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.



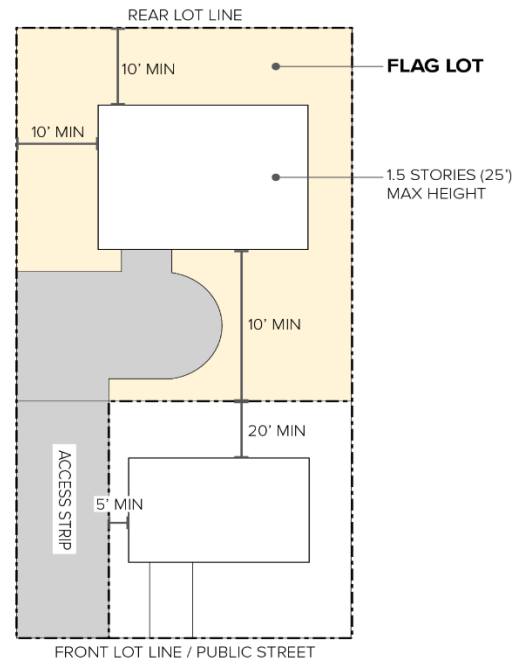
- c. 4-5 Single Family Homes- Where a driveway, shared or unshared, serves no more than five (5) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 22 feet exclusive of shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.
- d. Fire Hydrants - Fire hydrants shall be within 600 feet of the structure's front door/garage, measured along the main roadway centerline and including the distance created by the EVA.

6. When located on private property, sewer, water, and irrigation shall be metered from the public ROW and distributed through the development as private ownership. Such extensions are not a City responsibility.
  7. Stormwater runoff shall be contained on private property.
  8. When rented, all housing types, except ADUs, shown in table 18.83.040.1 shall have a minimum lease period of 30 days. No short-term rentals are allowed.
  9. Where owner occupancy is required, a deed restriction that runs with the land shall be recorded. The deed restriction shall assure notification to the City of ownership changes.
- F. **Small lots.** Smaller lots than the standard lot size required in the R-2 and R-3 zones are allowed as follows:
1. Such interior lots may have a width no less than 40' at the front yard setback and if located on a corner, 50' wide.
  2. Any street facing garage shall be setback from the front face of the dwelling by at least ten feet.
  3. Lots with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of six (6) feet.
  4. A minimum lot size of 3,500 square feet is required.
- G. **Flag lots.** Flag lots shall meet the following requirements. These requirements supersede the requirements for flag lots in Section 18.52.050:

1. Up to two (2) flag lots (plus the existing home) may be created from an existing parcel of property.
2. Homes shall not exceed 25' in height and 10' rear, front, and side yard minimums are required.
3. The existing home shall maintain a minimum of a 20' rear yard.
4. The flag lot (s) shall be used exclusively as an owner occupied single-family residential dwelling, documented through a deed restriction, as per E. (9) of this section. The flag lot includes the potential for one internal Accessory Dwelling Unit and shall be located to the rear of the original or front lot. If the dwelling on the front lot is torn down, any new dwelling shall face the adjacent street.



5. The main body of a flag lot, exclusive of the access strip, shall be no smaller than 50% of the required lot area in the zone in which it is located.
6. The existing front lot shall meet the required lot area, lot width, front yard, side and rear yard setback requirements for the governing zoning district in which it is located.
7. The access strip/driveway portion of a flag lot - see 18.83.040 E (5) and :
  - a. No driveway gates are allowed.
  - b. Shall front on a public street;
  - c. The address of the flag lot shall be clearly displayed for emergency identification purposes.

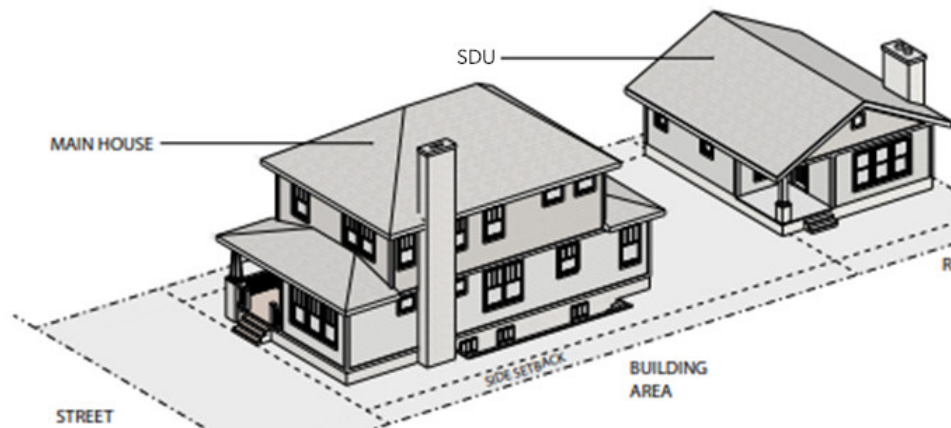


8. Where two flag lots are proposed behind a lot fronting on the public street, the middle lot may have a zero lot line using the property line adjacent to the furthest lot.
9. The access strip portion of a flag lot shall be platted as a contiguous portion of the flag lot(s) or as an easement, where the access strip is intended to be shared. The private access strip shall accommodate all utilities. Access strip maintenance shall be accomplished by the property owners in a recorded agreement.
10. The subdivision plat shall include an outline of the buildable area proposed for the home (s).
11. 2 parking spaces are required for each home, as well as a turnaround area to prevent the need to back out through the driveway/access strip.

#### H. Subordinate Dwelling Units (SDU)

1. These ordinance provisions only apply to parcels or lots 5000 square feet and larger and located in the CHOZ. If an SDU can be located on a property, it is considered an additional voluntary benefit provided to the homeowner and therefore is subject to additional regulations.
2. A Permitted use application for a Subordinate Dwelling Unit (SDU) is required. Such applications shall show the footprint and height, materials/design of the SDU, the proposed lot, side yards, rear yards, the designated front yard, and the proposed permanent access easement. In addition, a subdivision plat and processing is required.
3. Standards: The following standards and conditions shall apply to all SDUs:
  - a. Location: A SDU shall only be allowed as part of, or in conjunction with, a single-household dwelling, and SDUs shall not exceed 25' in height and shall have minimum side and rear yard of 5 feet or as allowed by Building Code standards. The front yard shall have a minimum of 10' unless adjacent to a street or alley, where 15' minimum is required.
  - b. Number: A maximum of one SDU is allowed and only the original, existing dwelling may contain an additional internal ADU. The SDU shall not have an internal ADU.

- c. Parking: At least one off-street parking stall shall be provided for the SDU. The required parking space may be a designated tandem space on the original lot as a permanent easement area. Parking spaces shall be identified on the subdivision plat. Mailboxes shall clearly display the address of the SDU.
  - d. The SDU shall be constructed with painted wood, composite wood-like appearing materials, brick or stone exteriors as well as a pitched roof, 3' by 12' minimum.
  - e. No SDU shall be allowed to be located further than 150' from the public street as measured to the midpoint at the rear of the SDU and measured as a pedestrian would walk from the street to the back of the home. All SDUs shall be within 600' of a fire hydrant, as measured to the midpoint at the rear wall of the SDU.
4. Size: An SDU shall be subordinate to the footprint of the original single-household dwelling. The SDU shall not have more than an eight hundred (800) square foot footprint. Basements are encouraged. If a garage is desired, it is not calculated as part of the 800 square foot footprint.
  5. Lot Size and Frontage:
    - a. The original home shall be located on a lot that is at least 5000 square feet and meet the setbacks as specified in this ordinance.
    - b. No frontage on a public street or alley is required for an SDU, but a walkable or drivable permanent access easement is required (see 10 below).
  6. Foundation: The SDU shall be secured to a permanent concrete foundation in accordance with the International Building Code, as adopted and amended by the City.



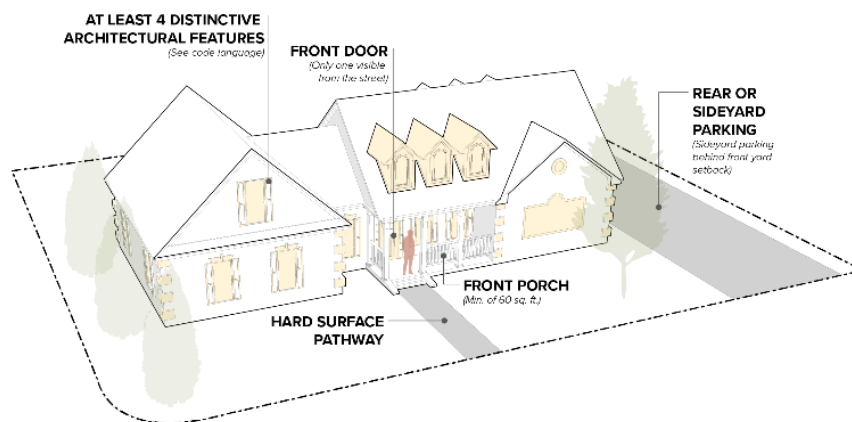
7. Occupants: The SDU shall be owner occupied exclusively by one household.
8. The SDU shall be permanently occupied by the owner. Owner occupancy shall be acknowledged through a deed restriction as per E. (9) of this section
9. The SDU shall have separate utilities from the original dwelling.
10. An SDU shall have a recorded permanent unobstructed access easement or a driveway. If the permanent access easement can only accommodate pedestrians, then the original lot shall accommodate the required one additional parking space. Such easements/walkable pathways/or drives shall be a minimum width of 5' and

shall connect to the public street. The access shall be unobstructed, maintaining a clear path free of debris and impediments to access.

11. Accessory buildings shall meet the standards for accessory buildings in the existing zone. Accessory buildings shall be subordinate in height to the SDU. Once a front yard is designated, accessory buildings are not allowed in the front yard.
12. The front entry shall include a covered porch at least 6' deep and contain at least 60 square feet.

**I. Mansion Style Apartments/condominiums.**

1. Shall be designed to resemble larger homes and shall only have one visible front door as viewed from the public street in the CND and no more than two in the TCD.
2. The front door area shall include a porch with a minimum of 60 square feet and a hard surfaced pathway to the street.
3. Parking shall be provided to rear or side beyond front yard setback.
4. Vinyl, aluminum and stucco wall surfaces are not allowed.
5. Mansion Style apartment/condominiums may accommodate 2 to 5 units.
6. All Mansion Style apartment buildings shall include at least 4 distinctive architectural features from the following list (only one item from each numbered item below, as a minimum) and shall be incorporated in each building:
  - a. Ornamental details such as knee braces, exposed joists, decorative vents, window shutters.
  - b. Box or bay windows
  - c. Balconies with at least 50 square feet.
  - d. A minimum of 5 windows, 12 square foot minimum on the front façade.
  - e. A substantial/noticeable change of material applied to the front façade.
  - f. A substantial/noticeable change of color applied to the front façade.
  - g. A change of pattern that is substantial/noticeable on the façade (Example:



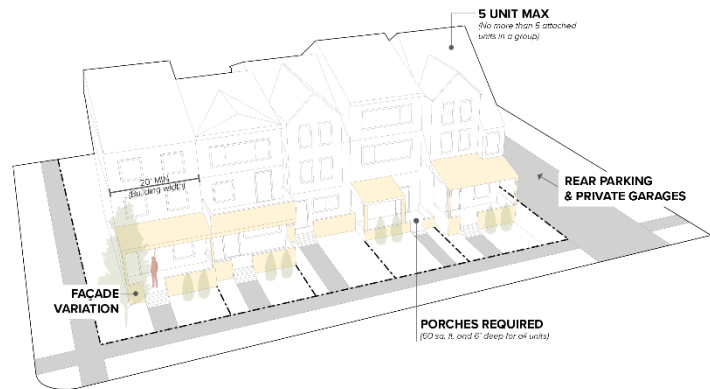
changing brick work from face brick to a soldier course or basket weave pattern.)

- h. Brick or stone along the front of the building, covering at least 25% of the front of the building.
- i. Materials – brick, stone, wood, cement composite materials, and metal accents.

7. Separate utilities for each unit are required if condominium units are proposed.

**J. Townhouse.**

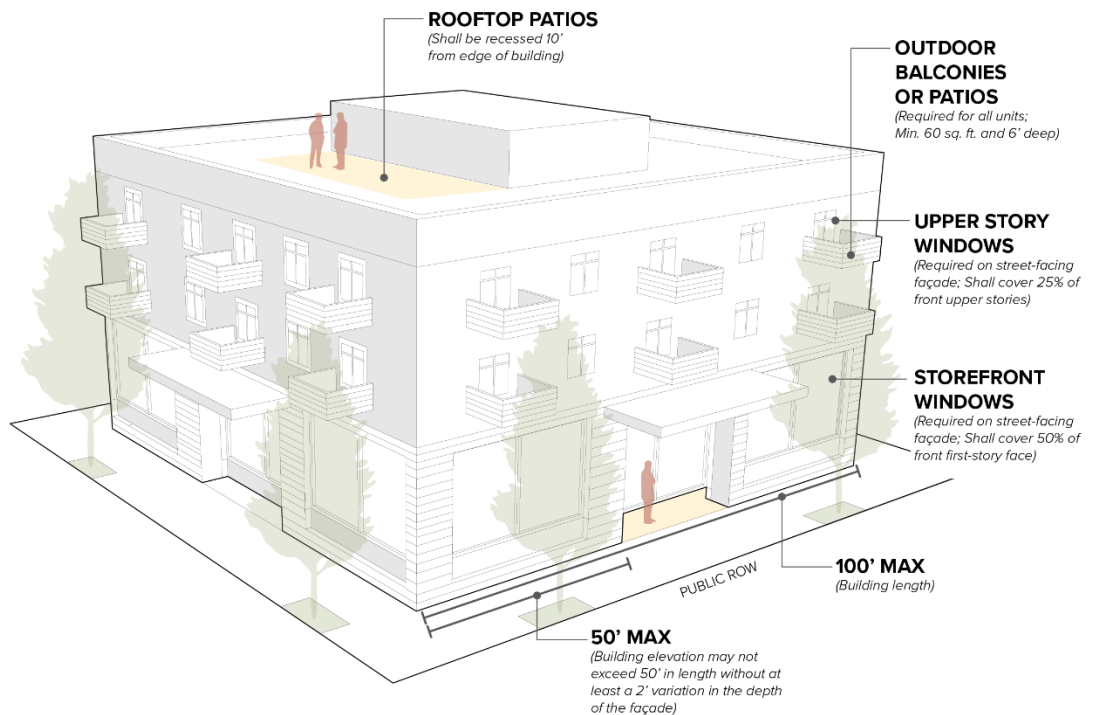
1. Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units in the TCD. If live work is included, such units shall not exceed 3000 square feet of business usage, not more than 50% of the floor, and no more than 5 employees.
2. If end units face the street, they shall address the street with a front door and a porch and include windows covering at least 25% of the façade for each floor.
3. Parking and private garages shall be located to the rear of the building allowing the primary façade to front a public street or public greenspace. Garages are encouraged to include the infrastructure for a 220 outlet capable of faster car charging.
4. Provide outdoor covered balconies or patios for 100% of the units at a minimum of 6 feet deep and 60 square feet each.
5. Building width shall be a minimum of 20'. Guest parking shall not include any driveway area that accesses a garage. No more than 5 attached units per building.
6. Setbacks for each unit shall be varied at least 2' feet where a development has more than 5 units.
7. Townhouse developments with 10 to 20 units shall include at least a play structure and a barbeque/seating area and one passive leisure space of at least 3000 square feet. Projects with over 20 units are required to have 20% open space and amenities catered to the anticipated occupants. If the 20% does not exceed the 3000 square feet mentioned above, 3000 sq. ft. remains the minimum size of the recreational space.
8. Separate utilities for each unit are required and may require easements for units that are distant from a public street.
9. Building heights shall not exceed 25 feet in the CND and 35 feet in the TCD.
10. An HOA is required.



**K. Mixed-use buildings.**

1. Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed to front a street. This building type may support office, retail, hotel/hospitality or residential uses mixed vertically.
2. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6 feet deep and 60 square feet each.
3. No wood burning fireplaces, stoves, appliances, or outdoor fire pits are allowed.
4. Provide indoor bike storage or bike lockers.

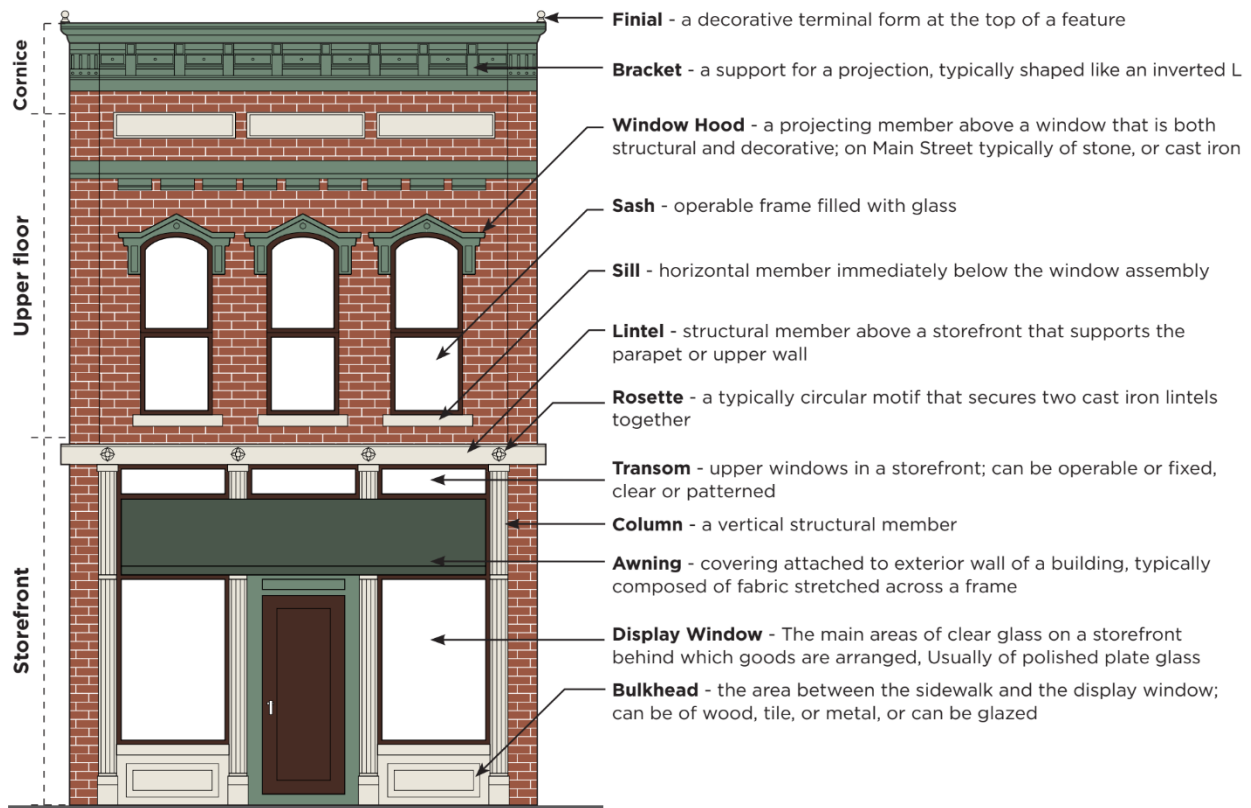
5. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TCD shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.
6. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
7. 360 degree architectural consistency is required, utilizing earth toned colors.
8. No new building elevation may exceed 50 feet in length without at least a 2-foot variation in the depth of the façade along the public right of way and a 1-foot variation on other facades. Residential unit balconies shall not be interpreted to meet this requirement.
9. No single building shall exceed 100 feet of frontage along a street.
10. Parking shall be to the rear of the building.
11. Storefront windows (including bulkheads and transom windows) are required on the street facing façade and street facing windows shall cover a minimum of 50% of the front first story face and 25 percent of all upper stories.



#### L. **Commercial Buildings.**

1. Minimum 2-story building with the primary use of office, retail, civic or commercial use.
2. All such buildings shall include at least 1 vehicle charging station per building.
3. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TCD shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.
4. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
5. 360 degree architectural consistency is required, utilizing earth toned colors.
6. Principal entrance shall face the street or be located on the corner of the building and recessed.
7. Front façade shall include a storefront type appearance (including bulkheads and transom windows) and include at least four additional features from the sketch below:

# ANATOMY OF A MAIN STREET BUILDING



## 18.83.050 Visual Screening

All commercial lots within the zone shall have a six-foot rear yard sight obscuring fence.

## 18.83.060 Definitions to be added

Driveway - Where vehicular access to a structure that is less than 150 feet measured from the main access road around the side to the middle of the rear of the home.

Emergency Vehicle Access (EVA) - where vehicular access to a structure is greater than 150 feet measured from the main access road around the side to the middle of the rear of the home Emergency Vehicle Access specifications are applicable.

## 18.83.070 Related Provisions

Chapter 18.12	Administration
Chapter 18.08	Definitions
Chapter 18.68	Supplementary Regulations
Chapter 18.108	Conditional Use Permits
Chapter 18.72	Off-Street Parking and Loading
Chapter 18.103	Sign Regulations
Chapter 18.78	Lighting
Chapter 18.174	Enforcement
Chapter 18.117	Subdivisions



# Heber City Council Staff Report

**MEETING DATE:** 9/2/2025  
**SUBJECT:** C Street Initiative  
**RESPONSIBLE:** Tony Kohler  
**DEPARTMENT:** Planning  
**STRATEGIC RELEVANCE:** Community Development

## SUMMARY

The purpose of this item is to obtain feedback on a potential strategy for implementing the vision for C Street, the pedestrian alley that runs north to south between 100 West and Main, and between Center Street and 200 South.

Policy questions include:

1. Should the City pursue a process similar to that outlined?
2. What changes would Council want to see in that process?

## RECOMMENDATION

Staff recommends Council discuss the proposed strategy and provide feedback on the proposal.

## BACKGROUND

The General Plan and Roger Brook's Downtown Plan identifies specific needs for the two block area, including:

- A mechanism to trigger and require the accommodation of C Street by redevelopment
- Specific architectural control along C Street, including materials, height and density
- Promoting specialized uses along C Street, such as specialized retail on the main floor, office and residential uses on upper floors
- Promoting specific branding unique to C Street
- A unified parking strategy for the two blocks
  - Parking fee-in-lieu
  - Central parking location
  - Strategy for ease of access to parking and C Street
- A strategy to promote historic building retention and renovation
- Development concepts and use concepts for public property
- Cross section for future C Street
- Plan View Concept of C Street and planned amenities
- Additional opportunities for the 2 block area that could be explored include

- 2 Block Master Plan, including land use, public amenity location and parking plan
- Concept for uncovering Lake Creek for use as a public amenity
- Pedestrian crossing concept for Center Street and 100 South
- Directional signs for public amenities and parking

## DISCUSSION

Staff is suggesting the City consider adopting a new Overlay Zone that applies only to the two-block area of the downtown. The underlying zone, the C-3 Commercial Zone, would remain in place and would be the applicable zone for all existing uses. Once a parcel changes use or adds additional square footage, the new Overlay Zone would apply new standards for the issues outlined above.

Staff suggests the process include the following.

1. A pending ordinance that prohibits additions or new buildings within the 2 block area for 6 months while the City pursues a new Overlay Zone.
2. Request for proposals (RFP) to the planning/design community to facilitate design charettes for the two blocks, specifically facilitated for business owners and property owners in the two block area. Deliverables would include a cross section of C Street, anticipated amenities for C Street, a conceptual master plan for the two blocks, and a historic building promotion policy to retain historic buildings along with redevelopment.
3. An outside firm would facilitate design charettes with property and business owners. Simultaneously, Staff (or the consultants) would facilitate discussions about parameters of a new Overlay Zone for the area. A steering committee would be formed that includes a mixture of owners, planning commission and staff to provide direction for the Overlay Zone and standards.
4. Staff or the consultants would draft a new Overlay Zone for the area and utilize the graphics/maps/concepts as part of the new Overlay Zone.
5. The City would host a workshop for the two blocks prior to holding a public hearing with the Planning Commission.
6. After the Planning Commission reviews and recommends the new Overlay Zone, Council would review and adopt the new Overlay Zone and alley standards.

This process would likely take 6 to 12 months.

Simultaneous or next steps after the Overlay Zone would be to conduct additional studies specific to the City's landholdings in the downtown, such as a public facilities plan, parking plan, use feasibility studies, design charettes, area plans and phase 1 and phase 2 environmental studies.

## FISCAL IMPACT

The City has \$30,000 allocated for annual code updates and \$30,000 for Envision Central Heber Zoning changes, totaling just under \$60,000 after recent CHOZ costs are accounted for. Staff would initially aim to have a consultant complete all the work; however, if the \$60,000 is not sufficient to complete the work, staff could potentially be in charge of drafting the text of the new Overlay Zone.

## CONCLUSION

There are enough significant needs for the two-block area for Heber City to initiate the hiring of design professionals to draft and consolidate current thinking into a comprehensive new Overlay Zone.

## ALTERNATIVES

N/A

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## POTENTIAL MOTIONS

N/A

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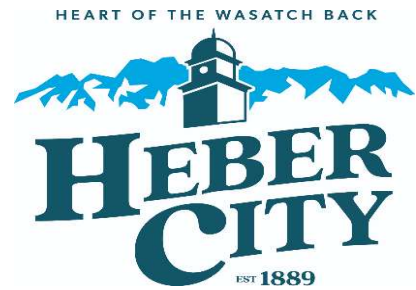
## ACCOUNTABILITY

**Department:** Planning  
**Staff member:** Tony Kohler, Community Development Director

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## EXHIBITS

None



## HEBER CITY COUNCIL STAFF REPORT

**MEETING DATE:** September 2, 2025

**SUBJECT:** Mayor's Awards to Heber Valley Animal Services, Parks, & Planning Department and Building Department Employees:

**Justin Hatch, Stella Shurtz, Holly Brown, Troy Graser, Parker Sweat, Jaime Baron, and Curt Davis**

**RESPONSIBLE:** Mayor Heidi Franco

**STRATEGIC RELEVANCE:** Necessary Administrative Item

### **NOMINATIONS:**

#### **From Chief Sever and Deputy Chief Russell:**

We want to recognize **Heber Valley Animal Services** for their commitment to animal care and their service to the community.

Heber Valley Animal Services has proudly operated as a no-kill shelter for 10 years. A no kill shelter requires that 90% or more of the animals entering the facility are saved through adoption, rescue, or return to their owners. While formal recognition from Best Friends Animal Society began in 2022, the shelter's dedication to this life-saving standard has been steadfast and impactful long before.

This achievement is accomplished through the collaborative efforts of partner organizations such as Paws for Life Utah, Best Friends, and Nuzzles, along with the dedicated shelter staff, volunteers, and the generous support of the community.

A recent example of their life-saving work involved a stray rabbit brought into the shelter with no use of its hind legs. Thanks to quick action and social media networking, a rescue group was found to take in the rabbit. Later diagnosed with a broken back, the animal was given a second chance at life, with the possibility of mobility through a specially designed wheelchair. This is just one of many examples of how Heber Valley Animal Services upholds its no-kill commitment.

The shelter also relies on community support, and donations ensure the animals receive proper medical care and comfort, while volunteers play an essential role in promoting adoptions and sharing the stories of the animals in their care.

Through these combined efforts, Heber Valley Animal Services continues to set the standard for compassionate, progressive animal welfare. Their work is not only commendable but serves as a model for other communities striving to protect and advocate for animals of all kinds.

**In recognition of their outstanding service, dedication to humane treatment, and commitment to maintaining no-kill status, we proudly recommend Justin Hatch, Stella Shurtz, Holly Brown, and Troy Graser for the Mayor's award.**

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**From Brandon Puett, Foreman for Parks, Cemetery, Trails & Open Space & Matthew Kennard, Public Works Director:**

**We would like to recommend Parker Sweat, City Arborist, for the Mayor's Award in recognition of his outstanding work on the landscaping of the roundabout at 550 East and Heritage Farms Parkway.**

This project had been long overdue and at a standstill when Parker joined the team. With only a few notes outlining the overall vision, he quickly developed a thoughtful design that highlighted the artwork's visibility from every angle. His plant selections reflected both management's preferences and the site's unique conditions, with a particular emphasis on water conservation.

In addition, Parker created and implemented a water-wise irrigation plan by integrating the existing system on Heritage Farms Parkway. Remarkably, he accomplished all of this within a single week, without cutting corners. The quality of his work not only enhanced the aesthetics of the roundabout but also ensures it can be easily maintained well into the future.

For these reasons, we respectfully recommend Parker Sweat for the Mayor's Award. If you agree with this nomination, we would like to present Parker with this award at a City Council meeting, so that the rest of the community can join in recognizing a job well done.



**From Tony Kohler, Community Development Director**

Mayor:

I would like to **nominate Jamie Baron and Curt Davis for a Mayor's award for their work and dedication in getting the band shell completed.** Without their hard work, this project could not have been completed. They found a way through extreme budgetary constraints, contractor constraints, design constraints, grant constraints, time constraints and many diverse opinions from Council, Staff and the Public, to get the bandshell completed. They had to take time from their already full schedules, to find a way to meet more often with stakeholders, property owners, and the contractor. And, each of them also worked after hours, before hours and over weekends to help get this project done. This project also required Jamie to learn new skills, as he had never been a project manager.

Thanks!

Tony

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Heber City Council Meeting**  
**AMENDED AGENDA**  
**August 19, 2025**

**DRAFT Minutes**

**4:00 p.m. Work Meeting**  
**6:00 p.m. Regular Meeting**

**I. WORK MEETING - 4:00 P.M.**

Mayor Franco called the meeting to order at 4:01 p.m. and welcomed everyone present.

**City Council Present:** Mayor Heidi Franco  
Council Member Yvonne Barney  
Council Member Aaron Cheatwood  
Council Member Mike Johnston  
Council Member Sid Ostergaard  
Council Member Scott Phillips

**Staff Present:** Assistant City Manager Mark Smedley  
Community Development Director Tony Kohler  
Planning Manager Jamie Baron  
City Engineer Russ Funk  
City Attorney Jeremy Cook  
City Recorder Trina Cooke  
Chief of Police Parker Sever  
Planner Jacob Roberts

**Staff Participating Remotely:** City Manager Matt Brower, Finance Director Sara Jane Nagel, Deputy City Recorder Robin Bond, Public Works Director Matthew Kennard, Engineer Kyle Turnbow, Planning Manager Jamie Baron, Planner Jacob Roberts, Human Resources Manager Cherie Ashe, and IT Director Anthon Beales.

**Also Present:** Greg Nelson, Ryan Dummer, Zach B, George Bennett, Cal Johnson, Zack Olsen, John Jansen, Willa Motley, Phil Jordan, Tori Broughton, Kent Shelton, Jason Glidden, C Moore, T Morales, John and Charlotte Scheid, Nick Lopez, Cassie Harrison, Shane Harrison, Craig Hancock, Naomi Kisen, Andrea Clayton, Kasey Plourde, Bill Stender, Wade Hansen, Sarah Avery, Andy Avery, Pat Sweeney, Jerry Duke, Joshua Jewkes, and others who did not sign in or whose handwriting was illegible.

**Also Attending Remotely:** (Names are shown as signed in online) Jamie Whittier, John, Ken Davis, Lori Rutland, Matt, Michael Glenn, Shane, Sheila Drasnoff, Andrea Clayton, B, Catherine, Christian, Clara Hatcher, D, Dwayne Giles, Gary Bush, Grace Doerfler KPCW, H, J F K, Jake H, Jami Hewlett, Jen, Jill Van Leeuwen, JS, Katie, Ken Davis, Kenneth Roberts, KJ, Myke Plourde, Nick Lopez, Norah Mclellan, PM, Ralph, Randall Williford, RP, S, SRH, and Zach Butterfield.

1. 100 West Design Follow-up (Russ Funk, City Engineer) - 45 min

City Engineer Russ Funk introduced Greg Nelson, Willa Motley, and Ryan Dummer with Horrocks Engineering. Mr. Nelson provided the 100 West road design project update including parking, landscaping, and safety measures as included in the attached meeting materials. Mr. Funk recalled the Council's initial goal to provide a walkable, safe street. He said the Council's priority had later shifted to maximize parking. Council further discussed their own visions and design suggestions for 100 West.

Horrocks staff shared the estimated cost to underground the power-lines between 100 South and 300 South along 100 West. Mr. Funk explained the need for Council direction in order to continue forward-motion with the project. Council Member Johnston felt the surrounding blocks needed to focus on parking.

2. Ordinance 2025-08 adopting the Central Heber Overlay Zone (CHOZ) (Tony Kohler, Community Development Director, John Janson, Planning Consultant) - 45 min

Community Development Director Tony Kohler provided background for the Central Heber Overlay Zone (CHOZ) project. Over the years, the intent of the zone had shifted to focus more on infill. He shared the public outreach efforts including workshops and public hearings held, to maximize public input and feedback. Council discussion regarding the proposed overlay zone included policy questions, deed restriction enforcement, flag lots for housing, and language within the proposed document. Mayor Franco asked to review certain policy questions such as who would oversee the proposed deed restrictions in certain areas.

3. Springs at Coyote Ridge Phase 5 (Jamie Baron, Planning Manager) - 20 min

Council Member Phillips disclosed that Legend Engineering was a client and he worked on their financial portfolio.

Calvin Johnson with Legend Engineering and Zack Olson with Thrive Development introduced themselves. Planning Manager Jamie Baron reviewed the commercial concept plan for the Springs at Coyote Ridge phase five, including town-homes, a public road, and office space, as attached to the meeting materials. He explained the applicants request to bring the Marelko property into the Springs at Coyote Ridge development zone and draft a development agreement with the City.

City Engineer Russ Funk described the benefit to the City of the completion of a through-road that this proposal would bring. Council discussed the roads, the design concept, potential uses, parking, and affordable housing.

**II. BREAK - 10 MIN**

**III. REGULAR MEETING - 6:00 P.M.**

1. Call to Order

Mayor Franco called the meeting to order at 6:30 p.m. and welcomed everyone present. The audio in the recording was muted for the first six and a half minutes of the Regular Meeting. The Call to Order, the Pledge of Allegiance, and the Prayer/Thought were the agenda items not captured.

2. Pledge of Allegiance (Sid Ostergaard, Council Member)

Mayor Franco led the recitation of the Pledge of Allegiance as Council Member Ostergaard was not present in person at the time.

3. Prayer/Thought by Invitation (Heidi Franco, Mayor)

Mayor Franco read a proclamation, as included in the meeting materials, to honor the fallen police officers from Tremonton, Utah, that had been killed in the line of duty the preceding weekend.

**IV. CONFLICT OF INTEREST DISCLOSURE:**

Council Member Phillips had previously disclosed during Work Meeting agenda item three that Legend Engineering was a client and he worked on their financial portfolio.

**V. PUBLIC HEARINGS: (Council May Take Action Following Public Comment and Upon Conclusion of the Public Hearing)**

1. Public Hearing for Ordinance 2025-18 Plourde Annexation (Jacob Roberts, Planner)

Planner Jacob Roberts reviewed the annexation process for the Plourde project and stated that the public hearing was one of the final steps toward completion of the annexation. The project intended to develop an event center for weddings and other gatherings near the Jordanelle Reservoir. He reviewed the details of the development agreement, shared renderings of the site plans, including building design, and described the intended conservation easement dedication, as attached to the meeting materials. Council explained the requirements involved with the dedication of a conservation easement and provided additional language suggestions for the agreement to indicate the 32-plus acre area would not be developed.

City Engineer Russ Funk asked to ensure there was a clause in the development agreement that required Fire Department inspection.

Mayor Franco opened the Public Hearing at 7:03 p.m. With no one from the public coming forward to comment, the Public Hearing was closed at 7:04 p.m.

**Moved:** Council Member Cheatwood moved to approve with the changes as discussed in Clause 8 regarding the open space dedication of a minimum 32 acres to be preserved.

**Second:** Council Member Phillips made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

#### VI. CONSENT AGENDA:

**Motion:** Council Member Phillips moved to approve the Consent Agenda.

**Second:** Council Member Cheatwood made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

1. Approval of August 5, 2025, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Ordinance 2025-22 Scheid Development Agreement (Jamie Baron, Planning Manager) - *20 min*

City Engineer Russ Funk recalled the 15-foot easement access requirement to allow access to a meter. Mr. Sheid shared that the school District had agreed to install a 15-foot gate for the City easement to access the utility meter.

#### VII. PUBLIC COMMENTS: (3 min per person/20 min max)

Mayor Franco opened the public comment period at 7:09 p.m.

Sarah Avery expressed her concern about the intersection between Mill Road and Old Mill Drive, also referred to as 980 East. It was a major thoroughway for three different schools and she felt it was a very dangerous intersection with cars speeding through at 40 to 50 miles per hour. With Timpanogos Middle School, Old Mill Elementary, and the Wasatch County High School, there were thousands of students, teachers, and residents using that intersection every morning and afternoon while school was in session. There was a four-way stop at two other nearby intersections on Mill Road and Ms. Avery felt there should be a four-way stop at that intersection as well.

Ms. Avery had emailed the Council in May about her daughter's near-death experience in an intersection. She had others share their experiences with her and the crossing guards had said they feared for their lives. She did not feel the flashing lights deterred anyone from speeding. Ms. Avery feared for the safety of the children and felt it was not a matter of "if" but "when". She hoped the Council would consider installing a four-way stop at the intersection.

Joshua Jewkes thanked the Council for the work they did for the community. He was disappointed with the citizen discourse online attacking one another and the Council in politics. He felt there were vicious comments and information circulating that was blatantly false. He hoped that the community would try to be more respectful going forward and felt they owed it to themselves to be better. There was no place for the type of comments out there in an election year. He did not have a solution but asked that the community try to change the level of discourse when it came to politics and he just wanted to put that request out there. He then shared that the Wasatch Community Foundation was holding its annual fundraiser dinner. It was the 25th anniversary of the Foundation. He invited Council and the community to attend and support the cause. Alicia Stockman would be performing and it would be a good time.

Bill Stender, with Big D Construction, stated they were doing several projects in the community. He said he was local and wished to work with the City.

With no one further coming forward to comment, the Public Comment period was closed at 7:19 p.m.

Council discussed the safety concerns of the intersection on Mill Road. City Engineer Russ Funk shared that he was aware of the safety concerns of the intersection. He noted it was a collector road intended to convey traffic and did not feel a four-way stop was not the answer to the safety concerns. He described the unintended consequences of four-way stops. He described the flashing lights intended to slow traffic during school commuting time and the crossing-guard training that had taken place to provide traffic expectation clarity. He explained the research he had been doing to implement additional safety for the intersection. He hoped to install overhead flashing lights at the location and add more warnings.

**Motion:** Council Member Barney moved to extend the public comment period to allow Ms. Avery to respond.

**Second:** Council Member Phillips made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The **Motion Passed Unanimously, 5-0.**

Sara Avery described the traffic backup during winter and further described the challenges of the intersection. The trees were inhibiting drivers sightline of the flashing lights. She still felt a four-way stop would help.

Mr. Funk agreed to return to Council to present additional safety solution recommendations for the intersection.

#### VIII. GENERAL BUSINESS ITEMS:

1. Utah Department of Transportation (UDOT) Environmental Impact Statement (EIS) Update for the Heber Valley Corridor (Craig Hancock) - *20 min*

Utah Department of Transportation (UDOT) representatives Craig Hancock and Naomi Kisen provided an update for the process of the ongoing Environmental Impact Statement (EIS) as included in the presentation attached to the meeting materials. The alignment of the bypass had been completed and the UDOT Engineers were working on defining the footprint. They were considering alternative routes for access from Midway and the Southfield Road neighborhoods. There was a protected flower, the Ute Lady Tress, that the study was required to seek out for three years. This was year three. He shared images of the proposed bypass route and the Midway and Southfield Road access options to the corridor. Council discussed the proposed bypass routes and suggested their preferences for alternatives.

Mr. Hancock shared the next steps for the public engagement process that would include a 45-day public comment period, a public hearing, and a question and answer session for the public.

2. Public Safety Report (Parker Sever, Chief of Police) - *10 min*

Chief of Police Parker Sever provided the Public Safety Report, including speed mitigating measures, new-hire officers, and the number of call-outs for crimes and assistance.

3. Update on Strategic Development Plan and Market Study for the Sunset Ridge Amphitheater at Jordanelle Ridge (Phil Jordan, Matt Brower, City Manager) - *10 min*

City Manager Matt Brower stated that the purpose of the agenda item was to discuss the Sunset Ridge Amphitheater planned to be constructed on 40-acres designated as the art district near the Utah Valley University (UVU) Wasatch Campus. He was asking for feedback from Council regarding the following three points:

1. Would Council support funding the project with PID (public infrastructure district) money?
2. Would Council support using PID funds for a market study and due diligence?
3. Two Council Members would need to be nominated to serve on a project committee.

Phil Jordan, present in the capacity of a private consultant, shared a presentation detailing the proposed Arts Center and Amphitheater project as included in the meeting materials. He listed goals for the strategic development plan for the amphitheater, including a market study, and a proposed seven-person Amphitheater Advisory Committee. Mr. Jordan shared a timeline for the project.

Council Member Phillips clarified that the PID was funded by the new homes constructed in the area. It was not a City tax. Consensus of Council majority was to move forward the PID funding for the project. Council Members Cheatwood and Ostergaard volunteered to serve on the committee. Council Member Johnston would be designated as an alternate.

**IX. ACTION ITEMS:** (Council can discuss; table; continue; or approve items)

1. Ordinance 2025-08 adopting the Central Heber Overlay Zone (CHOZ) (Tony Kohler, Community Development Director, John Janson, Planning Consultant)  
- 45 min

Council resumed discussion surrounding the Central Heber Overlay Zone (CHOZ) from the Work Meeting listing the changes they wished to see in regulations including: building height limits; design concept requirements; multi-unit structures; curb and gutter requirements; accessory dwelling units; garbage can location restrictions; flag lot guidelines; and mixed-use buildings rooftop amenities regulations.

**X. COMMUNICATION:**

Council Member Johnston asked for Council feedback regarding who served on the Housing Authority. He did not feel politicians should be the representatives sitting on the board and proposed a structural overhaul. He felt the Councils should have a liaison, or a non-voting member. He also felt it was important that all entities in the County contribute to the Housing Authority. Council Member Johnston felt the City should contribute to the Housing Authority board in the same manner it contributed to the library, recreation district, and the fire district.

Council Member Cheatwood asked for more honest campaigning from the incumbent candidates. He expressed concern with a business event that was to be hosted by the Mayor. He was concerned about a survey question distributed to the community. He challenged the three incumbent candidates that the posts for campaigns be clearly separated from City Council representative duties.

City Manager Matt Brower shared the following three items:

- Artists renderings of an eagle and nest for a roundabout art installation.
- The Columbarium ribbon cutting will be held on Friday, October 3, 2025. There would be a dedication plaque with former Parks and Cemetery Director Mark Rounds name listed on it. There would also be two plaques on the building to be unveiled.
- The Heber Leadership Academy class five would kick off on August 28, 2025. The date and time of the candidate forum October would be established then.

**XI. CLOSED MEETING: (As Needed)**

There was no Closed Meeting held.

**XII. ADJOURNMENT:**

**Motion:** Council Member Phillips made the motion to adjourn.

**Second:** Council Member Ostergaard made the second.

**Voting Yes:** Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

**Voting No:** None.

The meeting adjourned at 10:05 p.m.

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Trina Cooke, City Recorder



# Heber City Council Staff Report

**MEETING DATE:** 9/2/2025  
**SUBJECT:** Ordinance 2025-23, Sports Court Fencing  
**RESPONSIBLE:** Jamie Baron  
**DEPARTMENT:** Planning  
**STRATEGIC RELEVANCE:** Community and Economic Development

## SUMMARY

A code enforcement case in the city brought up the issue of fencing around sports courts. Council has asked staff to bring forward a code amendment to permit some fencing for sports courts. The proposal is to allow fences up to 10 feet high for the use of sports courts.

The Policy Questions are as follows:

1. Should the City permit 10 foot fences when used as part of a sports court?

## RECOMMENDATION

Planning Commission forwarded a positive recommendation on July 22, 2025. Staff is recommending adoption of Ord 2025-23, with the findings in the conclusion of the staff report.

## BACKGROUND

Code Enforcement received a complaint about a fence as it is taller than 6' in height. In the research of the complaint, staff identified that the fence is 10 feet tall on the end of a sports court. The fence is only along the edge of the sports court. The property owner approached City Council to consider changing the code to allow for up to a 10 foot fence to be used with a sports court. Council directed staff to bring forward a text amendment to address the issue.

The Planning Commission held a public hearing on July 22, 2025 and forwarded a positive recommendation of the text amendment as presented.



## DISCUSSION

### Current Code

#### 18.68.120 Heights Of Fences And Walls

A. Fences and Walls in Residential Zones. No fence or wall shall be constructed to a height greater than four (4) feet in any front yard. Any fence or wall along a side yard or rear yard shall be not be constructed to a height greater than six (6) feet. However, a fence along a side or a rear property line of a residential lot, which side or rear property line borders a non-residential zone, may be constructed to the height allowed in the non-residential zone. The "thirty foot" setback may be reduced to the front wall line for legally non-conforming homes which are closer than thirty feet to the street right-of-way line.

### Sports Courts

Sport Courts include but are not limited to, tennis, basketball, and pickle ball courts. With the sports, it is typical to see some sort of fencing or netting that maintain the balls within the sport court. Some examples that are around the City would Valley Hills Park and Southfield Park.



Proposed Code Change

### **18.68.120 Heights Of Fences And Walls**

E. Sports Courts, in all zones, may have fencing or netting not to exceed ten (10) feet in height. Such fencing and netting shall be black in color, transparent, and not extend beyond the area or extent of the Sports Court.

### **FISCAL IMPACT**

N/A

### **CONCLUSION**

The purpose of the ordinance is to allow 10 foot fencing and netting for Sports Courts to allow for private property owners to keep balls and equipment within the sports court and protect surrounding properties. Staff is recommending the Council adopt Ord 2025-23 the following findings:

Findings

1. The proposed text amendment is consistent with the General Plan.
2. The proposed text amendment would allow property owners to protect surrounding property owners and maintain sports equipment within their own property.
3. The Planning Commission held a public hearing on July 22, 2025.
4. The Planning Commission forwarded a positive recommendation on July 22, 2025.

## ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

---

## POTENTIAL MOTIONS

### Approval - Staff Recommended Option

I move to **approve Ordinance 2025-23** as presented, with the findings and conditions as outlined in the conclusion of the staff report.

---

## ACCOUNTABILITY

**Department:** Planning  
**Staff member:** Jamie Baron, Planning Manager

---

## EXHIBITS

1. Ord 2025-23 Sports Court Fencing
2. Sports Court Fencing Code

**ORDINANCE NO. 2025-23**

**AN ORDINANCE MODIFYING THE PERMITTED HEIGHT OF FENCING ASSOCIATED WITH SPORTS COURTS.**

WHEREAS, there is an increase deemed for private sports courts in the city.

WHEREAS, The City Council finds that it is in the public interest to permit taller fencing and netting around sports courts to maintain personal property within the sports courts and to protect surrounding properties from potential damage or conflicts related to sports courts.

BE IT ORDAINED by the City Council of Heber City, Utah, that Section 18.68.120 Heights Of Fences And Walls is AMENDED, as described in Exhibit A.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

	AYE	NAY	ABSENT	ABSTAIN
Yvonne Barney	_____	_____	_____	_____
Aaron Cheatwood	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Sid Ostergaard	_____	_____	_____	_____
D. Scott Phillips	_____	_____	_____	_____

APPROVED:

\_\_\_\_\_  
Mayor Heidi Franco

ATTEST:

\_\_\_\_\_ Date: \_\_\_\_\_

RECORDER

# Exhibit A

**18.68.120 Heights Of Fences And Walls**

A. Fences and Walls in Residential Zones. No fence or wall shall be constructed to a height greater than four (4) feet in any front yard. Any fence or wall along a side yard or rear yard shall be not be constructed to a height greater than six (6) feet. However, a fence along a side or a rear property line of a residential lot, which side or rear property line borders a non-residential zone, may be constructed to the height allowed in the non-residential zone. The "thirty foot" setback may be reduced to the front wall line for legally non-conforming homes which are closer than thirty feet to the street right-of-way line.

1. New subdivisions must have Covenants, Conditions, and Restrictions for the subdivision approved by the City through the subdivision process and recorded with the subdivision plat, addressing standardized fence height, materials, and color for fences constructed within the subdivision.

B. Fences and Walls in Non-Residential Zones. No fence or wall shall be constructed to a height of greater than eight (8) feet in any non-residential zone. The permitted fencing materials for non-residential zones are as follows:

Zone	Barbed or Razor Wire	Chain Link	Vinyl	Wood	Decorative Metal
C-3	N	N	N	P	P
C-2	N	N	N	P	P
C-4	N	N	N	P	P
MURC	N	N	C	P	P
NVOZ	N	N	C	P	P
MBP	P	P	P	P	P
I-1	P	P	P	P	P
I-2	P	P	P	P	P
CMP	N	N	P	P	P

(P) Permitted (N) Not Permitted (C) Conditional **Conditions:** Welded Wire is only permitted when used with another permitted material in the applicable zone. Field Fence is only permitted for properties with an agricultural use or in keeping of grazing animals. CMU Block must be split face, honed, or covered with a decorative veneer. Vinyl, where conditional, is only permitted for residential uses. \* **Where these provisions conflict with individual zones, the stricter shall apply.**

C. The provisions of 18.68.150 shall apply to all fences on all corner lots.

D. Outdoor swimming pools shall be completely enclosed by a six (6) foot tall fence.

E. Sports Courts, in all zones, may have fencing or netting not to exceed ten (10) feet in height. Such fencing and netting shall be black in color, transparent, and not extend beyond the area or extent of the Sports Court.

**FE.** All private fences, regardless of fence height or property zoning classification, shall be constructed upon private property and not within the street right-of-way.

**GF.** No fence shall be constructed near any driveway which would interfere with the visibility triangle required in Section 18.68.155.

**HG.** Fences and walls may be extended to eight (8) feet in height with the top two (2) feet constructed of barb-wire in the following institutional use areas: around culinary wells and springs, pump houses, airport, sewer facilities and electrical transmission and telecommunication facilities. When institutional fences are adjacent to residential zones, residential fences immediately adjacent to an institutional fence may be extended to eight (8) feet in height. However, no part of an institutional fence may hang over a residential lot

**IH.** Any fence constructed on top of or along a retaining wall, which is legitimately retaining, shall have their regulated height measured from the highest point of the top of the retaining wall. However, any fence constructed within a driveway visibility triangle or street visibility triangle as regulated by Section 18.68.155 and 18.68.150 shall not exceed the height limits for those respective code sections, with such height measured along street grade for street visibility triangles and driveway grade for driveway visibility triangles.

**IJ.** All fences constructed prior to May 19, 2011, which conform to Sections 18.68.155 and 18.68.150, shall be considered legal.



# Heber City Council Staff Report

**MEETING DATE:** 9/2/2025  
**SUBJECT:** Ordinance 2025-20 Amending the Parking Code  
**RESPONSIBLE:** Jeremy Cook  
**DEPARTMENT:** Administrative  
**STRATEGIC RELEVANCE:**

## SUMMARY

Heber City currently restricts parking of vehicles or trailers with a combined length of over 20 feet in any residential zone, except for certain exceptions. The restriction has caused enforcement issues because numerous personal or non-commercial trucks are over 20 feet in length. Heber City code enforcement requested that the prohibition on personal vehicles over 20 feet be removed to avoid any issues. However, removal of the entire section also removed the restrictions on parking of certain commercial vehicles on residential streets. Therefore, the definition of commercial vehicle was amended to include any commercial vehicles or trailers over 26 feet or 12,000 pounds, and the prohibition on those vehicles was amended to only restrict the vehicles from parking on residential streets overnight.

## RECOMMENDATION

Staff recommends approval of Ordinance 2025-20

## BACKGROUND

## DISCUSSION

The proposed amendments clean-up prior changes to the parking code that added restrictions on both commercial vehicles and recreational vehicles and trailers that were intended to remove the need to have a restriction on all vehicles over 20 feet.

## FISCAL IMPACT

None

## CONCLUSION

The proposed changes better define the limitations on parking of commercial vehicles and remove the unintended prohibition on parking personal use vehicles over 20 feet on residential roads.

## ALTERNATIVES

1. Approve as proposed
  2. Approve as amended
  3. Continue
  4. Deny
- 

## POTENTIAL MOTIONS

### Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the **item** as presented, with the findings and conditions as presented in the conclusion above.

### Alternative 2 - Approve as Amended

I move to **approve** the **item** as amended, as follows.

### Alternative 3 - Continue

I move to **continue** the **item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

### Alternative 4 - Denial

I move to **deny** the **item** with the following findings.

---

## ACCOUNTABILITY

**Department:** Administrative  
**Staff member:** Jeremy Cook, City Attorney

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## EXHIBITS

1. Ordinance 2025-20 - Parking Regulations - 4905-4276-7967 - 1

**ORDINANCE NO. 2025-20**

**AN ORDINANCE AMENDING STREET PARKING REGULATIONS FOR LARGE TRUCKS AND COMMERCIAL VEHICLES IN RESIDENTIAL ZONES**

**WHEREAS**, Heber City owns and maintains numerous streets within the City; and

**WHEREAS**, the City has an interest in regulating parking on public roads;

**WHEREAS**, the City Council wishes to amend the City’s parking regulations related to large trucks and commercial vehicles in residential zones.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Heber City as follows:

Sections 10.16.005, 10.16.070, and 10.16.080 of the Heber City Municipal Code are amended as set forth in Exhibit A.

This Ordinance shall take effect immediately upon passage.

**PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Yvonne Barney	_____	_____	_____	_____
Council Member Aaron Cheatwood	_____	_____	_____	_____
Council Member Mike Johnston	_____	_____	_____	_____
Council Member Sid Ostergaard	_____	_____	_____	_____
Council Member Scott Phillips	_____	_____	_____	_____

APPROVED:

\_\_\_\_\_  
Mayor Heidi Franco

ATTEST:

\_\_\_\_\_  
Date: \_\_\_\_\_

RECORDER

## **EXHIBIT A**

### **10.16.005 Definitions**

A. "Agricultural vehicle" means a vehicular unit used primarily for the transporting of any farm commodity to or from a farm or the use directly in agricultural production. An agricultural vehicle does not include vehicles that do not directly support farming operations such as personal use vehicles.

~~B. "Commercial vehicle" means a truck, trailer, semi-tractor, semi-trailer, motorcoach or motor vehicle exceeding a rated capacity of two and one-half tons, used or maintained for the transportation of persons, property or materials that operates:~~

~~1. As a carrier for hire, compensation, or profit; or 2. As a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.~~

B. "Commercial vehicle" means a truck, trailer, semi-tractor, semi-trailer, motorcoach or motor vehicle with either a combined length of over 26 feet, or a combined weight of over twelve thousand (12,000) pounds, and is used or maintained: (1) as a carrier for hire, compensation, or profit; or (2) to store or transport equipment, goods or property in furtherance of a commercial enterprise.

C. "Food cart" or "food truck" shall have the meaning set forth in Heber City Code 5.04.160.

D. "Front yard" means any property extending across the full width of a lot from the front line of the lot to the nearest wall of the main building situated on the lot, including, but not limited to, landscaping, and driveway(s).

E. "Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use that is either self-propelled or pulled by another vehicle. "Recreational vehicle" includes:

1. A travel trailer; 2. A camping trailer; 3. A motor home; and 4. A fifth wheel trailer.

### **10.16.070 Prohibited On-Street Parking**

A. Unless an individual has been issued a special parking permit, it is unlawful to park or store any:

1. Recreational vehicle, off-highway vehicle or trailer on any public street within a residential zone of the city for longer than 36 hours within any seven-day period. Any boats, trailers or other items that are intended to be towed by a vehicle must remain attached to the vehicle, and no persons may occupy any recreational vehicle overnight;

2. Dumpster, construction equipment, farm equipment or inoperable vehicle on any public street within a residential zone of the city;

3. Agricultural vehicle, recreational vehicle, boat, or trailer within the front yard area (excluding a paved or gravel driveway or RV pad) of any residential zone of the city;
4. Commercial vehicle on any public street within a residential zone between the hours of 10:00 p.m. and 5:00 a.m.;
5. Commercial vehicle on any public street for a period exceeding two hours;~~;~~ ~~or~~
6. Commercial vehicle on any lot or parcel within any residential zone of the city;~~;~~ or
7. Any food truck or food cart in any residential zone, except as provided for in Heber City Code 5.04.160.

B. This section shall not restrict the following:

1. Parking or stopping of a city vehicle, city equipment, law enforcement vehicle, emergency vehicle, or a vehicle owned and/or operated by a public utility, or vehicles or equipment owned by contractors of such parties.
2. Temporary parking of vehicles actively used to deliver building supplies and landscape materials to a property.
3. Temporary parking of moving trucks or other vehicles being used to deliver or remove household furniture, appliances or accessories to or from a specific residence or building.
4. Parking of a vehicle or trailer for a period of less than 24 hours if the vehicle is actively involved in permitted construction, landscaping, or other work on a specific residence or building.

**10.16.080 Large Trucks In Residential Zones**

Except as provided herein, it shall be unlawful to park on a public street in any residential zone in the City any vehicle or trailer having an overall length of twenty feet (20') or more or any combination of vehicles and trailers having an overall combined length of twenty feet (20') or more. This section shall not apply, however, under the following circumstances:

1. ~~When the vehicle is a school bus and is parked solely for the purpose of loading or unloading passengers.~~
2. ~~When the vehicle is being used to deliver or remove household furniture or accessories to or from a specific residence or building.~~
3. ~~When the vehicle is actively involved in permitted construction, landscaping, or other work on a specific residence or building.~~
4. ~~When the vehicle is a trailer being loaded or unloaded.~~
5. ~~When there is an emergency requiring the parking of a vehicle at a particular location.~~



# Heber City Council Staff Report

**MEETING DATE:** 9/2/2025  
**SUBJECT:** Public Works Purchase of Sewer Vacuum Truck \$508,421.13  
**RESPONSIBLE:** Preston Hicken  
**DEPARTMENT:** Public Works  
**STRATEGIC RELEVANCE:** City Maintenance

---

## SUMMARY

Multiple vacuum trucks were demoed and evaluated, and the VACALL truck consistently demonstrated superior performance and functionality. Based on these results, staff determined that the VACALL truck will best meet the operational needs of Heber City and serve as the most appropriate replacement for the existing 2013 unit currently in use.

## RECOMMENDATION

After careful evaluation, staff recommends the purchase of a VACALL truck through the state contract.

---

## BACKGROUND

This selection is based on the vehicle's proven quality, durability, and design. The VACALL model offers greater user-friendliness, simpler operation, and reduced maintenance and upkeep costs compared to other models we reviewed. Its mechanical design also allows for more efficient servicing, minimizing long-term operating expenses.

## DISCUSSION

## FISCAL IMPACT

The cost of the equipment is \$508,421.13. See Exhibit A.

## CONCLUSION

Purchasing through the state contract ensures competitive pricing, compliance with procurement requirements, and cost savings for the City.

## ALTERNATIVES

1. Approve as proposed
  2. Approve as amended
  3. Continue
  4. Deny
- 

## POTENTIAL MOTIONS

### Alternative 1 - Approval - Staff Recommended Option

I move to **approve the item** as presented, with the findings and conditions as presented in the conclusion above.

### Alternative 2 - Approve as Amended

I move to **approve the item** as amended, as follows.

### Alternative 3 - Continue

I move to **continue the item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

### Alternative 4 - Denial

I move to **deny the item** with the following findings.

---

## ACCOUNTABILITY

**Department:** Public Works

**Staff member:**

---

## EXHIBITS

1. Exhibit A: Vacall Truck Purchase Quote/Invoice



**AJVR 1015**

**Quote Date:** 2/21/2025

**Quote:** 25345

**PWO:**

**Sales Order:**

**Estimated Ship Date:** April 2026

**Buyer:** Neverest Equipment Company  
6681 Colorado Blvd, Unit 5  
Commerce City, CO 80022  
USA

**Ship To:** Neverest Equipment Company  
6681 Colorado Blvd, Unit 5  
Commerce City, CO 80022  
USA

**Customer:** Heber City

**Customer PO:**

**Supplied By:** Customer

**Chassis Description:** Non-Standard Chassis - Customer Supplied

**Chassis Make:** Freightliner

**Chassis Model:** 114SD Plus

**Chassis Year:** 2026

**Chassis VIN#:**

**GVW:** 66,000

**Chassis Arrival Date:** January 10, 2026

**Chassis Paint Code:** L0006EY White Elite EY ; 14405143

**Spec Code:** BoC Toolbox 211" CA

**HP:** 455HP

**Vacall Part#:** \_\_\_\_\_

**Transmission:** Allison 4000 RDS Automatic 6-Speed

**Engine Model:** Cummins X12 455 HP

Model	Quantity	Description
AJVR 1015	1	10 CUBIC YARD/1500 GALLON REAR BOOM AND HOSE REEL
<b>Chassis</b>		
_____	1	Electric Back Up Alarm
_____	1	Fenders
_____	1	Mud Flaps Behind Rear Tires
_____	1	Rear Dot Under Ride Protection (Bumper)
_____	1	Factory Mounting Tandem Axle
_____	1	Tow Hooks - Rear
<b>Paint</b>		
_____	1	Powder Coat Subframe, Power Frame, Hose Reel Mount And Base, And Exhaust Silencer Black
_____	1	Air/Water Separator Exterior Only Powder Coated Black
_____	1	Debris Tank Galvanized With The Supreme Finish
VA75023042	1	Installation, Decal Kit - Red "VACALL" Logos
VA75023038	1	Installation, Decal Kit - White "VACALL" Logos
14405143	1	Powder Coat Unit Gradall STD White Dupont N0006 Pt#14405143 (Excludes Cab / Chassis)
<b>Power Module</b>		
_____	1	Direct Drive For Vacuum Pump
_____	1	Hydraulic Temp / Level Sight Eye
_____	1	Shut-Off Valve(S) On Suction Side
_____	1	Transfer Case
_____	1	Variable Volume 2.7 Cir Hydraulic Piston Pump Direct Mounted To Tc For Hydraulic Functions
_____	1	Hydrostatic Drive For Water Pump Flows To 85gpm@2000psi ( 115 HP Max )
_____	1	Platform And Steps On Power Frame
_____	1	Transfer Case Remote Sight Glass And Fill
<b>Debris Tank</b>		
_____	1	Single Hoist Cylinder
_____	1	Stainless Steel Float Ball Shut-Off
_____	1	Tailgate Power Up / Down, Hydraulic Locks
_____	1	Single Debris Body Safety Prop
_____	1	Single Rear Door Safety Prop
_____	1	Low Profile
_____	1	Carbon Steel Splash Shield
_____	1	Ground Level Grease Fitting For Float Level Indicator (Not Used With Recycler Option)
_____	1	Ground Level Grease Fitting For Hoist Cylinder

1	Aluminum Alligator Nozzle - 6" X 3'
1	Hearing Protection w 2-way coms set of 2
1	PDI

<b>Total Machine &amp; Attachment Net Price:</b>	\$493,578.00
<b>3.00% 2026 Price Increase Adjustment:</b>	\$14,843.13
<b>1 Year Standard Warranty</b>	\$0.00

**Total Net Price:** \$508,421.13

**Terms:**

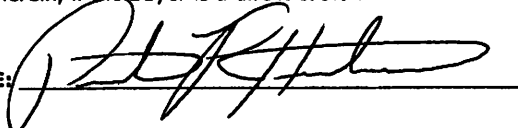
Standard Warranty: **Module:** 1 Year. **Debris Body:** Untreated Steel or Weathering Steel - 1 Year. **Water Tank:** Polypropylene - 1 Year, Aluminum - Lifetime. **Corrosion** 5 Years.

Standard shipping terms are EXW - Ex Works Factory - (EX3) - New Philadelphia, Ohio (Unless Otherwise Noted)  
Customer is responsible for freight charges. Freight charges will be added to invoice at time of shipment unless other arrangements have been made.

**Note: The above quote is valid until 3/23/2025**

**Model Specs:**

Buyer agrees that by signing this Machine Quote and Order it has agreed to purchase the equipment and/or parts and attachments identified herein and has read and agreed to either: (i) Gradall's terms and conditions in a validly executed dealer agreement if the Buyer is an authorized dealer or (ii) Gradall's Standard Terms and Conditions of Sale located at <https://www.giquote.com/terms> which are hereby incorporated by reference with the same force and effect as though fully set forth herein, if the Buyer is a direct customer.

NAME: 

DATE SIGNED: 8-26-2025

Print Generated by Gradall Industries, LLC Printed By: Brian Balchumas on 8/26/2025



# Heber City Council Staff Report

<b>MEETING DATE:</b>	9/2/2025
<b>SUBJECT:</b>	Resolution 2025-14 Shift Differential for Hourly Administrative Staff
<b>RESPONSIBLE:</b>	Cherie Ashe
<b>DEPARTMENT:</b>	Human Resources
<b>STRATEGIC RELEVANCE:</b>	In an effort to create internal equity within Heber City departments and support employee work/life balance, nonexempt (hourly) administrative staff who are required to work during mandatory meetings and City functions outside of regular business hours shall be eligible for the existing shift differential rate of pay, currently exclusive to the Public Safety and Public Works departments.

## SUMMARY

Expanding the current Shift Differential policy to include other departments outside Public Safety and Public Works, and acknowledging the less desirable shift by increasing the regular rate of pay during the meeting or event hours.

## RECOMMENDATION

Expand the shift differential policy to include administrative staff required at mandatory meetings like City Council, and Boards & Commissions meetings, as well as any Leadership Retreats or events conducted outside of Monday through Thursday from 7:30 am to 6:00 pm.

## BACKGROUND

The Shift Differential policy would include other mandatory employees who are nonexempt and required to attend. If approved, the employee would earn their hourly rate plus twenty percent during the meeting/event time. Both departments of Public Safety and Public Works compensate their staff members who work Swing Shifts and Graveyard Shifts. These positions have typically been front-line Police and Utility Maintenance Operators, working during less desirable hours, aka, after regular business hours.

## DISCUSSION

City Council meetings are biweekly, with a City Recorder or designee required to attend and participate. The Shift Differential would apply from 6:00 pm to the end of the meeting. Likewise, the Planning Commission and other commissions also require the presence of nonexempt administrative staff who would generate a higher rate of pay for the duration of the meeting.

## FISCAL IMPACT

Primarily, nonexempt staff who are required to attend a meeting or event outside of regular office hours would receive their regular rate of pay plus 20% of that rate. This includes, but is not limited to, City Council meetings, Boards and Commissions meetings, and other mandatory events after 6:00 pm, before 7:30 am, as well as typical nonworking days, Friday, Saturday, and Sunday.

For example, if Administrative Assistant A has a regular rate of pay of \$10 hourly, during the meeting or required function, their rate of pay would be \$12 to help offset some inconvenience and disruption to their life outside of work.

## CONCLUSION

To support more employees who are required to attend functions outside of regular office hours and remain consistent with other departments, the expansion of the Shift Differential should be approved.

## ALTERNATIVES

Alternatives: Continue the current practice of a regular rate of pay only, and if applicable, overtime after forty hours on weeks without holidays. On weeks with observed holidays, only hours worked are considered eligible for overtime.

---

## POTENTIAL MOTIONS

Approve

---

## ACCOUNTABILITY

**Department:** Human Resources  
**Staff member:** Cherie Ashe, Human Resources Manager

---

## EXHIBITS

1. 07.01.25 Admin Shift Differential
2. 2025-14 Resolution Admin Wage Differential



Policy Title: Shift Differential for City Council Meeting Attendance

Effective Date: Monday, July 21, 2025

Applies To: Nonexempt Administrative Employees

### **I. Purpose**

This policy establishes compensation guidelines for nonexempt administrative employees, including the City Recorder, Deputy City Recorder, and their designees, who are required to attend City Council meetings outside of standard business hours. The intent is to acknowledge the additional time commitment required for attending these meetings and to ensure compliance with the Fair Labor Standards Act (FLSA).

### **II. Definitions**

Regular Working Hours:

The City's standard administrative schedule is generally Monday through Thursday, 7:30 a.m. to 6:00 p.m., or as otherwise defined in the employee's work schedule.

City Council Meetings:

Officially scheduled meetings of the Heber City Council, including regular, special, emergency, or work meetings that occur outside of an employee's regular working hours.

Shift Differential:

A premium paid in addition to the employee's base hourly wage for hours worked attending a City Council meeting outside of regular working hours.

Overtime:

Hours worked by a nonexempt employee in excess of 40 hours in a designated workweek are to be compensated at 1.5 times the employee's regular rate, including shift differential earnings, as required by the Fair Labor Standards Act 'FLSA'. Heber City's work week for all staff is Monday through Sunday.

### **III. Policy Provisions**

Eligibility

This policy applies to nonexempt administrative employees who are:

- Assigned or required by their department director to attend City Council meetings outside of their regularly scheduled work hours; and
- Actively participating in or providing support services (e.g., minute taking, technical assistance, records management, setup/cleanup) for the duration of the meeting.

Shift Differential Rate

Eligible employees shall receive a shift differential of 1.5 times their regular rate per hour for all hours worked at a City Council meeting that occurs outside of their regular work schedule. The 1.5 multiplier is the same as the current 'Graveyard' shift in Heber City's timekeeper and payroll system.



## Overtime Compliance

If the total regular hours worked in the workweek, including meeting attendance, exceed 40 hours, the employee will be compensated at an overtime rate of 1.5 times their blended rate of pay, which includes shift differential earnings. Overtime must be approved in advance unless the meeting attendance is mandatory.

## Timekeeping and Approval

- Employees must accurately record time worked before, during, and after City Council meetings in the City's timekeeping system.
- Supervisors must verify and approve all qualifying hours and ensure appropriate pay codes are used.
- The Finance Department will monitor compliance and apply appropriate overtime or differential calculations during payroll processing.

## Exceptions

This policy does not apply to:

- Exempt employees under the FLSA, department heads, whose compensation presumably accounts for extended or flexible hours;
- Voluntary attendance at meetings not required by a supervisor;
- Remote observation of meetings without assigned duties.

## Review & Modification

This policy will be reviewed periodically by Human Resources, the Personnel Committee, and the City Manager and may be amended to reflect operational needs, legal changes, or budget considerations.

**RESOLUTION NO. 2025-14**

A RESOLUTION ADOPTING UPDATES TO THE HEBER CITY PERSONNEL POLICY

**WHEREAS**, the Heber City Personnel Policy establishes policies and procedures for City employees;

**WHEREAS**, The Personnel Policy Committee supports expanding the shift differential rates for less desirable shifts and after-hours work for nonexempt Administrative Staff;

**WHEREAS**, the proposed changes expand the use of the Shift Differential to Administrative staff for required work outside of business hours;

**WHEREAS**, the City Council finds that the proposed changes to the Personnel Policy are beneficial to the administrative employees required to participate and support City business outside of regular business hours;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Heber City, Utah, that the Heber City Council adopts the shift differential for administrative staff

This Resolution shall take effect and be in force beginning the fiscal year 2026 and after its adoption and publication.

**ADOPTED AND PASSED** by the City Council of Heber City, Utah, this day of September, 2025. This Resolution shall become effective upon adoption and passage by the City Council.

HEBER CITY  
A Utah Municipal Corporation

\_\_\_\_\_  
Heidi Franco, Mayor

ATTEST:

\_\_\_\_\_  
Trina Cooke, City Recorder

(city seal)



# Heber City Council Staff Report

<b>MEETING DATE:</b>	9/2/2025
<b>SUBJECT:</b>	Resolution 2025-15 Pay for Public Safety Personnel Designated to Work on-call
<b>RESPONSIBLE:</b>	Cherie Ashe
<b>DEPARTMENT:</b>	Human Resources
<b>STRATEGIC RELEVANCE:</b>	<p>To remain transparent in internal practices and comply with the Fair Labor Standards Act (FLSA), On-Call pay shall be paid to Public Safety Police Officers required to be available, within proximity to a one-hour response time, and ready for duty, regardless of whether an actual 'call out' for an incident occurs. According to the Wage and Hour Division, if an employee is required to remain available and ready to respond to a potential call, regardless of whether they are actually called out, the time is compensable if there are constraints on the employee's freedom. On-call time and Waiting Time require compensation if</p> <p>Restrictions are in place on activities such as travel, attending events, and consuming alcohol.</p> <p>Required to stay within a short distance, limiting the officer's ability to use free time.</p> <p>Significantly disrupts personal time.</p> <p><a href="https://www.dol.gov/whd">https://www.dol.gov/whd</a>  <a href="#">On-Call compensable time</a></p>

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## SUMMARY

Both Public Works responders and Public Safety Officers must designate individuals to be on-call in the event of an emergency. On-call pay is provided to Public Works responders but not to Public Safety Detectives unless actually called out. The rate is determined by the average hourly pay of the responders assigned to stay on-call for unexpected situations that need help. The wage account 105411 is the Police Salaries & Wages line of the budget. These on-call hours would be charged to this wage account. The average wage for a non-exempt Police Officer is \$41.49 hourly, multiplied by possible on-call hours, is less than \$20,000 annually.

## RECOMMENDATION

Expanding the on-call pay policy to include the designated Public Safety staff required to respond to an emergency is my recommendation.

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## BACKGROUND

Heber City Public Safety should compensate on-call staff who are required to respond within one hour, in accordance with the Public Works on-call policy. Currently, on-call Public Safety Officers do not receive compensation for their on-call status unless actually called out. Five detectives rotate the on-call shift on a weekly basis, and they are required to be ready and available to respond within one hour of being called. Historically, Heber City has compensated on-call Public Safety Officers at their regular rate of pay only if called out. The on-call waiting time may result in limited activities and restricted travel since they must be ready in the event of an emergency. It is recommended that Heber City extend the on-call policy to include both Public Safety Officers and Public Works responders, rather than limiting it exclusively to Public Works responders.

## DISCUSSION

Heber City should offer on-call compensation to Public Safety staff in the same way it does for Public Works on-call employees.

## FISCAL IMPACT

The pay rate for this calculation is based on each on-call individual's average hourly rate, determined annually for the on-call period.

## CONCLUSION

To maintain consistency and accuracy, Heber City Public Safety shall adopt the Public Works on-call policy for staff designated to be on-call.

## ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

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## POTENTIAL MOTIONS

### Alternative 1 - Approval - Staff Recommended Option

I move to **approve the item** as presented, with the findings and conditions as presented in the conclusion above.

### Alternative 2 - Approve as Amended

I move to **approve the item** as amended, as follows.

### Alternative 3 - Continue

I move to **continue the item** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

### Alternative 4 - Denial

I move to **deny the item** with the following findings.

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## ACCOUNTABILITY

**Department:** Human Resources  
**Staff member:** Cherie Ashe, Human Resources Manager

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## EXHIBITS

1. On-Call Pay Policy
2. 2025-15 Resolution Public Safety On-Call Pay

Section 13.18 – On-Call Policy: **Police / Public Works / Animal Control**

A. To ensure timely response to emergencies, law enforcement matters, and other unscheduled work, the Police Department's Investigation Division, the Public Works Department, and the Animal Control Department shall each designate an on-call representative available during non-working hours to provide necessary assistance.

B. The Public Works Director and the Chief of Police shall be responsible for scheduling on-call coverage based on the operational needs of their respective departments. The designated on-call employee must carry a city-issued cell phone and be able to respond to an incident within one (1) hour.

C. On-call compensation shall be determined by the Chief of Police or the Public Works Director, subject to approval by the City Manager. Compensation for weekend and holiday monitoring of the City's culinary water system is included in the weekly on-call pay rate.

D. If an incident requires the presence of more than one employee for health or safety reasons, the on-call representative is responsible for contacting additional personnel as needed to resolve the situation.

### Section 13.18 On-Call Policy-Public Works/Animal Control

A. In order to properly handle emergencies and other non-scheduled workloads, the Public Works Department and the Animal Control Department will be required to designate an on-call person who can be contacted during non-working hours to provide the necessary assistance.

B. The Public Works director and the Chief of Police will be responsible for scheduling this position on a weekly rotating basis for their individual departments .. This person will be required to carry a cell phone.

C. . The on-call person shall be compensated for a minimum of 2 hours of overtime. Compensation for the monitoring of the City culinary water system on weekends and holidays is included in the weekly on-call compensation amount.

D. If called out and the situation requires more than one person to be present for health and safety purposes, it is the responsibility of the on-call person to contact those individuals necessary to assist in correcting the situation.

**RESOLUTION NO. 2025-14**

A RESOLUTION ADOPTING UPDATES TO THE HEBER CITY PERSONNEL POLICY

**WHEREAS**, the Heber City Personnel Policy establishes policies and procedures for City employees;

**WHEREAS**, The Personnel Policy Committee supports expanding the On-Call rate of pay for Police Officers required to be on-call regardless of a callout;

**WHEREAS**, the proposed change expands the use of On-Call pay to include time restricting the Officer's ability to use time freely at their discretion;

**WHEREAS**, the City Council finds that the proposed expansion of On-Call pay to include Officers required to remain on call.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Heber City, Utah, that the Heber City Council adopts the On-Call pay rate for sworn officers.

This Resolution shall take effect and be in force beginning immediately after its adoption and publication.

**ADOPTED AND PASSED** by the City Council of Heber City, Utah, this day of September, 2025. This Resolution shall become effective upon adoption and passage by the City Council.

HEBER CITY  
A Utah Municipal Corporation

\_\_\_\_\_  
Heidi Franco, Mayor

ATTEST:

\_\_\_\_\_  
Trina Cooke, City Recorder

(city seal)



# Heber City Council Staff Report

<b>MEETING DATE:</b>	9/2/2025
<b>SUBJECT:</b>	Ordinance 2025-08 repealing the Residential Commercial Overlay Zone (RC) and the Neighborhood Infill Overlay Zone (NIOZ) and replacing them with the Central Heber Overlay Zone
<b>RESPONSIBLE:</b>	Tony Kohler, John Janson
<b>DEPARTMENT:</b>	Planning
<b>STRATEGIC RELEVANCE:</b>	Community Development

## SUMMARY

After the Central Heber Vision was adopted last year, the City has been working on implementation. Already pieces of the Vision are underway. As part of that Vision, transitions from the commercial/mixed use downtown (the C-3 zone) area into the Central Neighborhoods and the possibility of creating infill options for the Central Neighborhoods became recommendations within the Vision. The draft Central Heber Overlay Zone, CHOZ, is intended to implement those parts of the Vision.

CHOZ includes two sub-districts. One sub-district, the Transition Corridor (TC) covers the transition areas located essentially in a north south direction east and west of the C-3 zone but also including the Midway Lane area, west to about 600 West. The second sub-district, the Central Neighborhoods (CN), covers the downtown existing neighborhoods generally in the R-2 and R-3 zones.

Part of the intent of the CHOZ is to provide a balance of rental and ownership opportunities in the Downtown area. Some of the options provide the potential for affordable housing that could be owner occupied. Some options are strictly rental situations, but longer term rentals.

The Council held a workshop where a PowerPoint presentation covered many of the aspects of the CHOZ. The intent of this staff report is to review the actual draft ordinance and discuss several issues that have arisen. This staff report covers the work session and the potential adoption in the regular meeting.

## RECOMMENDATION

New changes since your work session and regular meeting are in redline/strikeout in Exhibit 1. Staff recommends adopting Ordinance 2025-08, which adopts the CHOZ with those changes as shown in Exhibit 2 into a final CHOZ Draft for consideration by Council. Policy questions for Council include:

1. Is the CHOZ ready for adoption?
2. Should Council Adopt the CHOZ?

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## BACKGROUND

Envision Heber Phase 3, included the Vision for Central Heber, a grass roots process that created a series of recommendations for the Downtown area.

## DISCUSSION

Within the general CHOZ Overlay, there are two sub-districts: Central Neighborhoods for the neighborhoods, and the Transition Corridor District (east and west of Main Street and along Midway Lane). The intent of each district is as follows:

**Central Neighborhoods District (CND).** The Central Neighborhoods District, as part of the Central Heber Overlay Zone, has been established to allow for various forms of infill. These include flag lots, small lots, and certain missing middle housing types. The CND adds additional housing flexibility to the R-2 and R-3 zones in the Downtown area.

In general, additional uses are proposed, especially for various housing types. Some new housing concepts are proposed including, flag lots, smaller lots (based on your current infill ordinance), Subordinate Dwelling units (SDUs), and ADUs which are already allowed. SDUs are a new small lot concept which would allow for a detached ADU-like subdividable lot accessed by a permanent easement with a requirement for the owner to live in the new dwelling. Some spatial requirements have been made more flexible but all development types will accommodate needed easements for Public Works.

Design standards are based on the type of building being proposed.

**Transition Corridors District (TCD).** The Central Heber Vision suggests an additional mix of uses could be considered as a transition to the residential neighborhoods east and west of the Main Street area and along Midway Lane. The Transition Corridors District (TCD) has been established to promote limited uses with a mix consisting of residential and commercial uses. The mix of uses would allow for medium to higher density residential uses, with occasional corners for lower intensity commercial uses. The TCD has several suggested transitions as you get closer to the 200s. A portion of the TCD, between 150 West and 150 East, has been identified by the Central Heber Vision, as an area to be considered for rezoning to C-3 Commercial.

### CND and TCD housing and use options

Much of this discussion has been about creating the potential for affordable home ownership options and to provide additional rental opportunities for workforce housing. To explore the difference between the two sub-districts – see table 18.83.040

Some changes and issues have recently been discussed:

- Updated town house section (new graphic included) – suggest no more than 5 attached units and if the units do not face the street (are oriented away from the street), the end unit closest to the street has to face and be accessed from the street– Max of 5 total units in a project in the CND but no project size limitation in the TCD, just no more than 5 attached units in one building
- Double deep flag lots have been re-introduced including a graphic
- The safety requirements for Public Works and the Wasatch Fire District have been pulled together as a general set of requirements applicable to all new development. The Fire

Department's hose rule is quite restrictive for many of our deeper lots (150' to the midpoint at the rear of the building). Interior sprinkling requirements which create more flexibility, may need to occur more than anticipated.

- Driveways/accesses to development to the rear of an existing building have been reduced in width but, still accommodate Wasatch Fire District regulations. Length and the number of units served dictate width/access requirements. All of those requirements are now in one place – see 18.83.040 E (5)
- Flag lots, detached ADUs, and SDUs emphasize standards that make them subordinate to avoid the “neighbors in my backyard” issue and to increase potential affordability
- Previously dropped Mansion apartments from CND but a recent idea suggests dropping the duplexes and twin homes and replacing those with Mansion Apartments which would allow 2 through 4 units. This would mean a 2 unit Mansion Apartment has more standards which it needs to meet. State law changes have impacted creating design standards for duplexes, twin homes and single family dwellings. Current draft suggest dropping the duplexes and twin homes out of CHOZ.
- Staff suggests keeping the 35' height limit as a general standard but that is reduced for flag lots detached ADUs, and SDUs to 25'
- Issues have been raised about some of the building design requirements increasing costs of construction.
- Graphics have been updated
- Some housing types require permanent owner occupancy and others require longer term rentals. Alternatives are provided for the Council to consider for longer term rentals. PC suggested a year but that may be a bit too long – more discussion needed.
- Owner occupancy would be assured through a deed restriction that includes a notification to the City when the property changes hands.

## **FISCAL IMPACT**

None at this time.

## **CONCLUSION**

The CHOZ is intended to implement the Central Heber Vision.

## **ALTERNATIVES**

1. Approval as per the attached CHOZ draft
2. Approval with changes, as discussed in the meeting
3. Continuance for reasons determined in the meeting
4. Denial

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## **POTENTIAL MOTIONS**

### **Alternative 1 - Approval - Staff Recommended Option**

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I move to **approve Ordinance 2025-08** as presented, with the findings and conditions as presented in the conclusion above.

### **Alternative 2 - Approve as Amended**

I move to **approve Ordinance 2025-08** as amended, as follows.

### **Alternative 3 - Continue**

I move to **continue Ordinance 2025-08** to another meeting on [DATE], with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

### **Alternative 4 - Denial**

I move to **deny Ordinance 2025-08** with the following findings.

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## **ACCOUNTABILITY**

**Department:** Planning  
**Staff member:** Tony Kohler, Community Development Director

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## **EXHIBITS**

1. Ord 2025-08 CHOZ
2. Exhibit 1 Redline CHOZ 9-2-25
3. Exhibit 2 Final CHOZ 9-2-25



Yvonne Barney

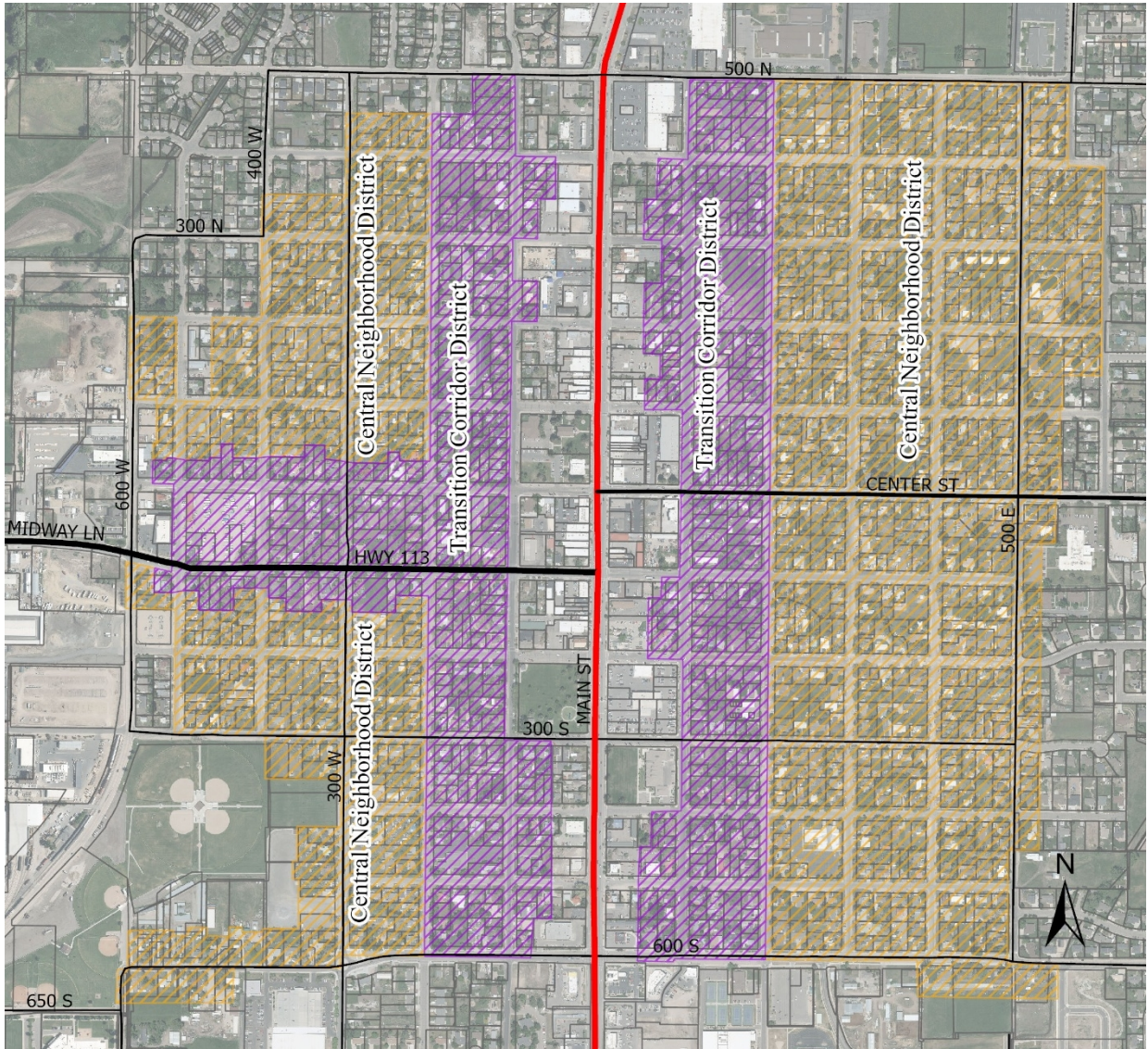
APPROVED:

\_\_\_\_\_  
Mayor Heidi Franco

ATTEST:

\_\_\_\_\_ Date: \_\_\_\_\_ RECORDER

**EXHIBIT A: CENTRAL HEBER OVERLAY ZONING MAP**



**EXHIBIT B: CHAPTER 18.83 CENTRAL HEBER OVERLAY ZONE**

## EXHIBIT 1

### 18.83 Central Heber Overlay Zone (CHOZ)

<b>18.83.010</b>	<b>Purpose</b>
<b>18.83.020</b>	<b>Permitted and Conditional Uses</b>
<b>18.83.030</b>	<b>Spatial Requirements</b>
<b>18.83.040</b>	<b>Building Typologies &amp; Design Requirements</b>
<b>18.83.050</b>	<b>Visual Screening</b>
<b>18.83.060</b>	<b>Definitions</b>
<b>18.83.070</b>	<b>Related Provisions</b>

#### 18.83.010 Purpose

To implement the Central Heber Vision of the General Plan, the Central Heber Overlay Zone (CHOZ) is hereby created to include two distinct land use districts. If the use of the Overlay is desired by an applicant, the uses and standards of this chapter shall apply.

- A. **Central Neighborhoods District (CND)** is established to allow for various low intensity forms of infill, combined with options to preserve historic homes. Infill options include certain missing middle housing types and historic building use flexibility.
- B. **Transition Corridors District (TCD)** is established to permit a moderate intensity mixture of residential and commercial uses. The TCD serves as a transition area from the C-3 Commercial Zone westward and eastward of Main Street to existing residential neighborhoods. The district also serves as a connecting land use from the C-3 Commercial Zone westward to the area containing the new high school, railroad and Southfield Park. The TCD promotes missing middle housing types, historic building use flexibility, mixed use buildings and lower intensity commercial uses. A portion of this area, located between 150 W/E to the C-3 Commercial Zone, has been identified by the General Plan as an area to be considered for rezoning to the C-3 Commercial Zone, in the future.

#### 18.83.020 Permitted and Conditional Uses

The underlying zone uses remain. The CHOZ includes additional uses and limitations as described below. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential district characteristics, the following uses are allowed the CHOZ:

##### A. Land Use Regulations Terms

P = PERMITTED USE (P) A site plan application is required with staff processing. Site plan applications are approved, when and if they meet the ordinance standards.

C = PLANNING COMMISSION CONDITIONAL USE REVIEW (C). A site plan application with Planning Commission review is required.

N = not allowed in the particular overlay area

- B. Within the Table, if a use is not specifically designated below, then it is prohibited, except as specified in the underlying zone.

All uses listed in the use table, that require a building permit shall also require a site plan application.

**Permitted and Conditional Use Chart**

**18.83.020.1**

<b>Land Use</b>	<b>CND</b>	<b>TCD</b>	<b>Limitations</b>
Residential attached units	P	P	See Section 18.83.040 for permitted building types per district. 5 or less units per building and project is limited to 5 units <a href="#">in the CND</a>
Residential attached units over 5 units	N	C	See Section 18.83.040 for permitted building types per district
Artist studios & live-work	N	P	
Office, Retail, Services and Secondhand Stores	N	P	<ul style="list-style-type: none"> <li>• Max 5000 sf footprint</li> <li>• See note 1 below</li> <li>• Tattoo parlors, tobacco shops, adult related businesses, pawn shops &amp; cannabis facilities are prohibited)</li> </ul>
Cafes/restaurants, bakery, outdoor dining	N	C	<ul style="list-style-type: none"> <li>• No drive-up windows</li> <li>• No fast food</li> <li>• See note 1 below</li> </ul>
Hotels	N	C	See note 1 below
Medical offices, clinics	N	P	See note 1 below
Institutional/Religious, Museums & Public Uses	C	P	
Fitness centers & gymnasiums	N	P	See note 1 below
Commercial day care	N	P	As regulated by State Law
Home occupations, home based pre-school, daycare and micro-school	P	P	As regulated by Section 18.68.609 & State Law
Public/Private schools	C	P	As regulated in State Law and Section 18.68.230. Size limitations may be imposed.
Signs	N	P	<ul style="list-style-type: none"> <li>• As regulated by Section 18.104</li> <li>• Further limited to one monument sign (max 15 square feet and 4' in height) with a rock/brick base, and one wall sign (max 24 square feet and 3' in height) or one projecting sign (as per the standards in 18.104)</li> </ul>

Note 1 - For the TCD, permitted only for properties fronting 100 South and for properties fronting 100 East and 100 West

**18.83.030 Spatial Standards**

- A. The minimum spatial standards shall be as set forth in the underlying zone, with the addition of Small lots, Flag lots and SDUs, as described below.

- B. The maximum height of all principal structures shall be thirty-five feet and accessory buildings shall follow the requirements of the underlying zone.

**General Spatial Requirements \***

**Table 18.83.030.1**

Frontage	Min Front Setback	Min Rear Setback	Min Side Setback	Min Area & Depth	Max Height
All other buildings must meet the frontage requirements of the underlying zone	15 feet min from public right of way; 10 feet min for flag lots from PUE/access easement to any building	15 feet to property line	5 feet min to each side property line; 15 feet min from public right of way	As per the underlying zone or as specified in section 18.83.040 98 foot min depth for corner lots	<del>1.5 stories and</del> Not to exceed 25' max for flag lots, detached ADUs, townhouses, and SDUs; 35 foot max for all other primary buildings

\*Other standards may apply elsewhere in this code, such as 18.83.040

**18.83.040 Building Typologies & Design Requirements**

**Table of Permitted Building Types per District**

**18.83.040.1**

Building Typology	CND	TCD
Small lot	P	N
Flag lot (s)	P	P
Subordinate Dwelling Unit (SDU)	P	P
Detached and Internal Accessory Dwelling Unit (ADUs)	P	P
Townhouses (small – no more than 5 attached units per building)	P	P
Townhouse complexes (more than one building)	N	C
Mansion style apartments/condominiums	<del>N</del> (alt "C") <u>C</u>	<del>C</del> <u>P</u>
Commercial Building	N	P
Mixed Use Building	N	P

- A. **Those who desire to convert homes**, lots or other buildings to commercial use or multi-family use shall maintain the required landscaping. No parking is allowed in the front yard.
- B. **Rooftops** may be used as garden type open space, and/or passive recreation space.
- C. **Utilities** normally found above ground are not required to be placed underground unless located directly adjacent to existing underground utilities. Curb, gutter, and sidewalk are not required except along and between 100 East and 100 West, where diagonal street parking is encouraged where it can be accommodated. Curb, gutter, and sidewalk shall also be required along current and proposed Collector Roads according to the current adopted Transportation Master Plan. Sidewalks or agreements to provide sidewalks in the future are required in all other locations where street frontage is disrupted.

D. All Rooftop Heating, Ventilating, and Air Conditioning equipment (**HVAC**) shall be enclosed or screened such that it is not readily recognizable as HVAC equipment in mixed use and commercial buildings.

E. **Special Standards** for certain uses and structures.

1. Non-residential uses shall not produce noise exceeding fifty-five (55) decibels as measured at the property line, vibration, fumes smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, electrical interference or other objectionable effects.
2. Where garages are built, they ~~shall be~~ are suggested to be wired for a minimum of 220 Volt for potential vehicle charging.
3. Temporary outdoor sales are allowed.
4. 10 foot wide dry utility easements shall be provided along the frontage of public and private rights of way. A determination of the best locations for utilities shall occur during the application process with an application requirement for a conceptual utility plan as part of that process. If utility boxes are needed, they shall not be placed in the clear view of an intersection or driveway.
5. All development proposed within this overlay is subject to the normal review processes of the City. The Wasatch Fire District shall review, provide comments/recommendations, and resolve any access and fire suppression related issues. As a general rule the Wasatch Fire District standards pertaining to Emergency Vehicle Access (EVA) are for homes located at a greater distance than 150' from a public right-of-way, as measured to the midpoint of all walls of the building, are as follows:

- a. Driveways less than 150' in length not classified as an EVA, shall meet the width and location requirements of the Heber City Standards and Specifications
- b. 1-3 Single Family Home(s)- Where a driveway, shared or unshared, serves no more than three (3) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 16 feet, exclusive of



- of shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.
- c. 4-5 Single Family Homes- Where a driveway, shared or unshared, serves no more than five (5) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 22 feet exclusive of shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.
- d. Fire Hydrants - Fire hydrants shall be within 600 feet of the structure's front door/garage, measured along the main roadway centerline and including the distance created by the EVA.

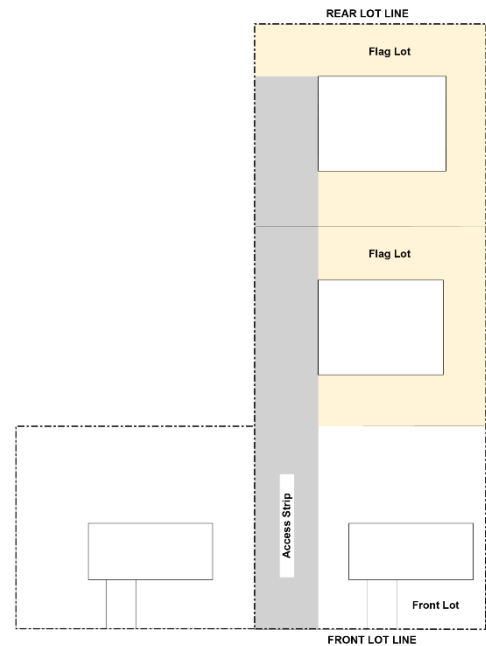
6. When located on private property, sewer, water, and irrigation shall be metered from the public ROW and distributed through the development as private ownership. Such extensions are not a City responsibility.
7. Stormwater runoff shall be contained on private property.
8. When rented, all housing types, except ADUs, shown in table 18.83.040.1 shall have a minimum lease period of 30 days. No short-term rentals are allowed. of one year (alt. 30 days, alt. 6 months).
9. Where owner occupancy is required, a deed restriction that runs with the land shall be recorded. The deed restriction shall include the City as a silent, non-financial partner to assure notification to the City of ownership changes.

**F. Small lots.** Smaller lots than the standard lot size required in the R-2 and R-3 zones are allowed as follows:

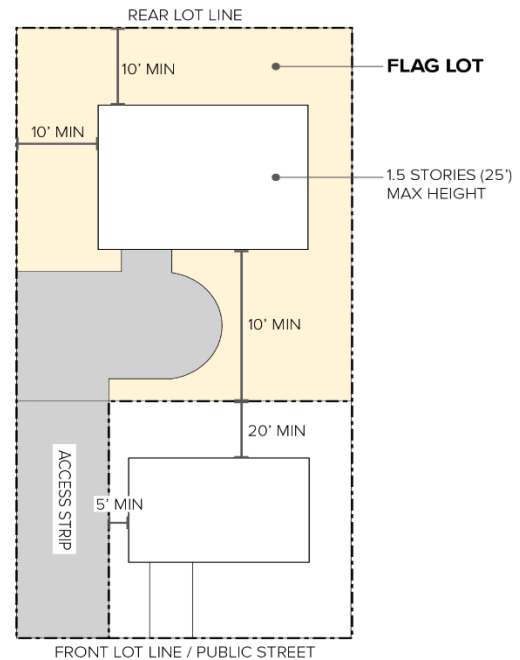
1. Such interior lots may have a width no less than 49' 40' at the front yard setback and if located on a corner, 56' 50' wide.
2. Any street facing garage shall be setback from the front face of the dwelling by at least ten feet.
3. Lots with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of six (6) feet.
4. A minimum lot size of 3,500 square feet is required.

**G. Flag lots.** Flag lots shall meet the following requirements. These requirements supersede the requirements for flag lots in Section 18.52.050:

1. Up to two (2) flag lots (plus the existing home) may be created from an existing parcel of property.
2. Homes shall not exceed 1.5-stories (25') 25' in height and 10' rear, front, and side yard minimums are required.
3. The existing home shall maintain a minimum of a 20' rear yard.
4. The flag lot (s) shall be used exclusively as an owner occupied single-family residential dwelling, documented through a deed restriction, as per E. (9) of this section. The flag lot includes the potential for one internal Accessory Dwelling Unit and shall be located to the rear of the original or front lot. If the dwelling on the front lot is torn down, any new dwelling shall face the adjacent street.



5. The main body of a flag lot, exclusive of the access strip, shall be no smaller than 50% of the required lot area in the zone in which it is located.
6. The existing front lot shall meet the required lot area, lot width, front yard, side and rear yard setback requirements for the governing zoning district in which it is located.
7. The access strip/driveway portion of a flag lot - see 18.83.040 E (5) and :
  - a. No driveway gates are allowed.
  - b. Shall front on a public street;
  - c. The address of the flag lot shall be clearly displayed for emergency identification purposes.

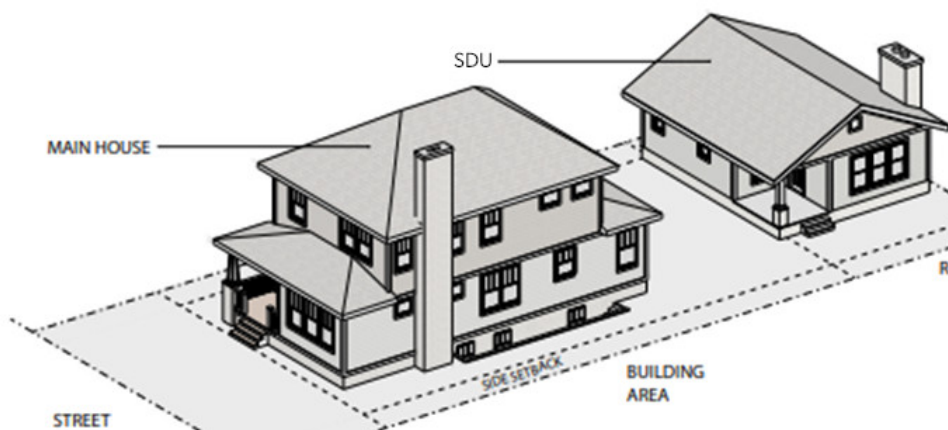


8. Where two flag lots are proposed behind a lot fronting on the public street, the middle lot may have a zero lot line using the property line adjacent to the furthest lot.
9. The access strip portion of a flag lot shall be platted as a contiguous portion of the flag lot(s) or as an easement, where the access strip is intended to be shared. The private access strip shall accommodate all utilities. Access strip maintenance shall be accomplished by the property owners in a recorded agreement.
10. The subdivision plat shall include an outline of the buildable area proposed for the home (s).
11. 2 parking spaces are required for each home, as well as a turnaround area to prevent the need to back out through the driveway/access strip.

## H. Subordinate Dwelling Units (SDU)

1. These ordinance provisions only apply to parcels or lots 5000 square feet and larger and located in the CHOZ. If an SDU can be located on a property, it is considered an additional voluntary benefit provided to the homeowner and therefore is subject to additional regulations.
2. A Permitted use application for a Subordinate Dwelling Unit (SDU) is required. Such applications shall show the footprint and height, materials/design of the SDU, the proposed lot, side yards, rear yards, the designated front yard, and the proposed permanent access easement. In addition, a subdivision plat and processing is required.
3. Standards: The following standards and conditions shall apply to all SDUs:
  - a. Location: A SDU shall only be allowed as part of, or in conjunction with, a single-household dwelling, and SDUs shall **contain no more than 1.5 stories (25') not exceed 25' in height and** shall have minimum side and rear yard of 5 feet or as allowed by Building Code standards. The front yard shall have a minimum of 10' unless adjacent to a street or alley, where 15' minimum is required.

- b. Number: A maximum of one SDU is allowed and only the original, existing dwelling may contain an additional internal ADU. The SDU shall not have an internal ADU.
  - c. Parking: At least one off-street parking stall shall be provided for the SDU. The required parking space may be a designated tandem space on the original lot as a permanent easement area. Parking spaces shall be identified on the subdivision plat. ~~In addition, the parking area shall include sufficient space for garbage cans and a mailbox clearly displaying the address of the SDU, adjacent to the public street. Mailboxes shall clearly display the address of the SDU.~~
  - d. The SDU shall be constructed with painted wood, composite wood-like appearing materials, brick or stone exteriors as well as a pitched roof, 3' by 12' minimum.
  - e. No SDU shall be allowed to be located further than 150' from the public street as measured to the midpoint at the rear of the SDU and measured as a pedestrian would walk from the street to the back of the home. All SDUs shall be within 600' of a fire hydrant, as measured to the midpoint at the rear wall of the SDU.
4. Size: An SDU shall be subordinate to the footprint of the original single-household dwelling. The SDU shall not have more than an eight hundred (800) square foot footprint. Basements are encouraged. If a garage is desired, it is not calculated as part of the 800 square foot footprint.
5. Lot Size and Frontage:
- a. The original home shall be located on a lot that is at least 5000 square feet and meet the setbacks as specified in this ordinance.
  - b. No frontage on a public street or alley is required for an SDU, but a walkable or drivable permanent access easement is required (see 10 below).
6. Foundation: The SDU shall be secured to a permanent concrete foundation in accordance with the International Building Code, as adopted and amended by the City.

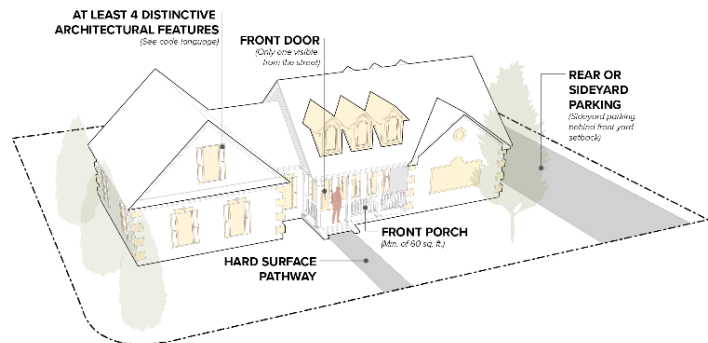


- 7. Occupants: The SDU shall be owner occupied exclusively by one household.
- 8. The SDU shall be permanently occupied by the owner. Owner occupancy shall be acknowledged through a deed restriction as per E. (9) of this section
- 9. The SDU shall have separate utilities from the original dwelling.

10. An SDU shall have a recorded permanent unobstructed access easement or a driveway. If the permanent access easement can only accommodate pedestrians, then the original lot shall accommodate the required one additional parking space. Such easements/walkable pathways/or drives shall be a minimum width of 5' and shall connect to the public street. The access shall be unobstructed, maintaining a clear path free of debris and impediments to access.
11. Accessory buildings shall meet the standards for accessory buildings in the existing zone. Accessory buildings shall be subordinate in height to the SDU. Once a front yard is designated, accessory buildings are not allowed in the front yard.
12. The front entry shall include a covered porch at least 6' deep and contain at least 60 square feet.

**I. Mansion Style Apartments/condominiums.**

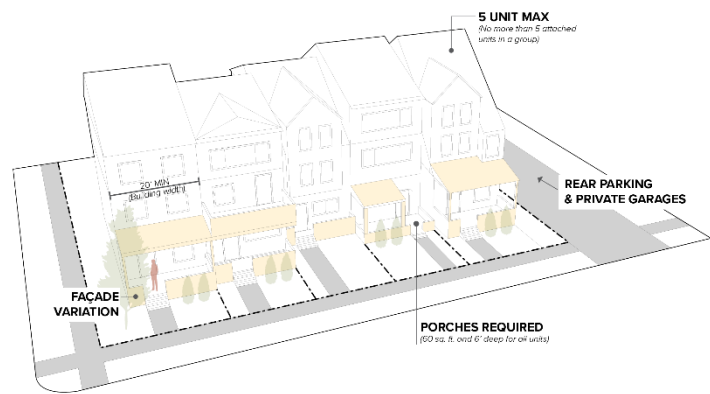
1. Shall be designed to resemble larger homes and shall only have one visible front door as viewed from the public street in the CND and no more than two in the TCD.
2. The front door area shall include a porch with a minimum of 60 square feet and a hard surfaced pathway to the street.
3. Parking shall be provided to rear or side beyond front yard setback.
4. Vinyl, aluminum and stucco wall surfaces are not allowed.
5. Mansion Style apartment/condominiums may accommodate 2 to **4.5** units.
6. All Mansion Style apartment buildings shall include at least 4 distinctive architectural features from the following list (only one item from each numbered item below, as a minimum) and shall be incorporated in each building:
  - a. Ornamental details such as knee braces, exposed joists, decorative vents, window shutters.
  - b. Box or bay windows
  - c. Balconies with at least 50 square feet.
  - d. A minimum of 5 windows, 12 square foot minimum on the front façade.
  - e. A substantial/noticeable change of material applied to the front façade.
  - f. A substantial/noticeable change of color applied to the front façade.
  - g. A change of pattern that is substantial/noticeable on the façade (Example: changing brick work from face brick to a soldier course or basket weave pattern.)
  - h. Brick or stone along the front of the building, covering at least 25% of the front of the building.
  - i. Materials – brick, stone, wood, cement composite materials, and metal accents.



7. Separate utilities for each unit are required if condominium units are proposed.

**J. Townhouse.**

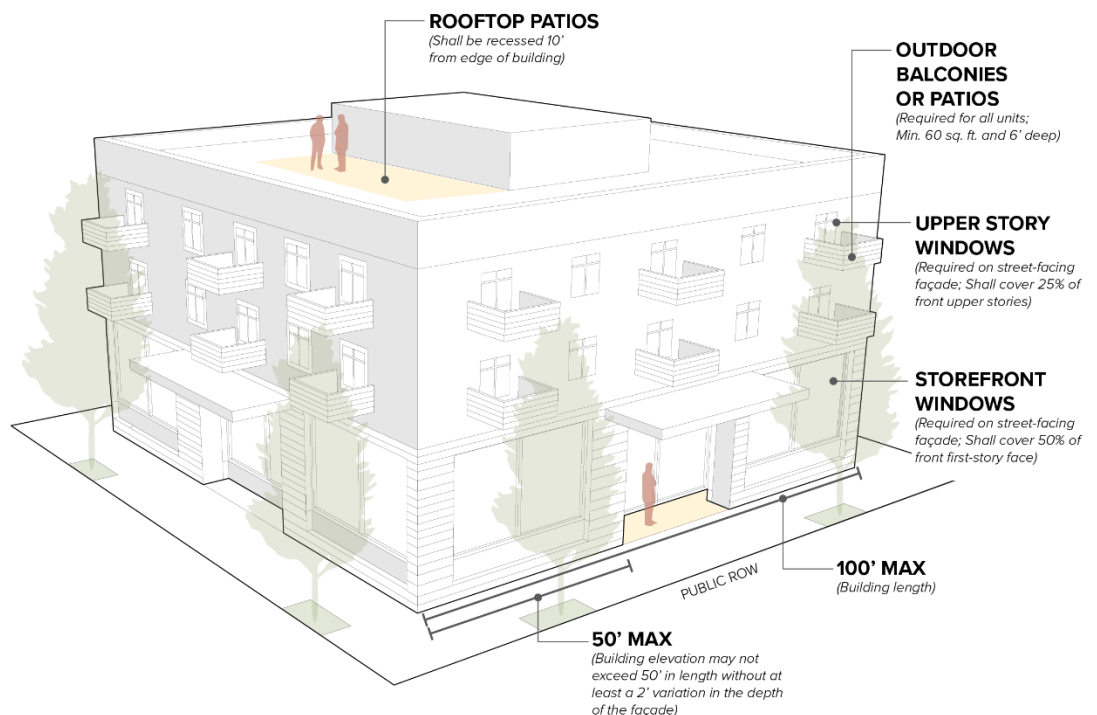
1. Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units in the TCD. If live work is included, such units shall not exceed 3000 square feet of business usage, not more than 50% of the floor, and no more than 5 employees.
2. If end units face the street, they shall address the street with a front door and a porch and include windows covering at least 25% of the façade for each floor.
3. Parking and private garages shall be located to the rear of the building allowing the primary façade to front a public street or public greenspace. Garages **shall are encouraged to** include the infrastructure for a 220 outlet capable of faster car charging.
4. Provide outdoor covered balconies or patios for 100% of the units at a minimum of 6 feet deep and 60 square feet each.
5. Building width shall be a minimum of 20'. Guest parking shall not include any driveway area that accesses a garage. No more than 5 attached units per building.
6. Setbacks for each unit shall be varied at least 2' feet where a development has more than 5 units.
7. Townhouse developments with **over 10 to 20** units shall include at least a play structure and a barbeque/seating area and one passive leisure space of at least 3000 square feet. **Projects with over 20 units are required to have 20% open space and amenities catered to the anticipated occupants. If the 20% does not exceed the 3000 square feet mentioned above, 3000 sq. ft. remains the minimum size of the recreational space.**
8. Separate utilities for each unit are required and may require easements for units that are distant from a public street.
9. Building heights shall not exceed **1.5 stories 25 feet** in the CND and 35 feet in the TCD.
10. An HOA is required.



### K. Mixed-use buildings.

1. Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed to front a street. This building type may support office, retail, hotel/hospitality or residential uses mixed vertically.
2. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6 feet deep and 60 square feet each.
3. No wood burning fireplaces, stoves, appliances, or outdoor fire pits are allowed.

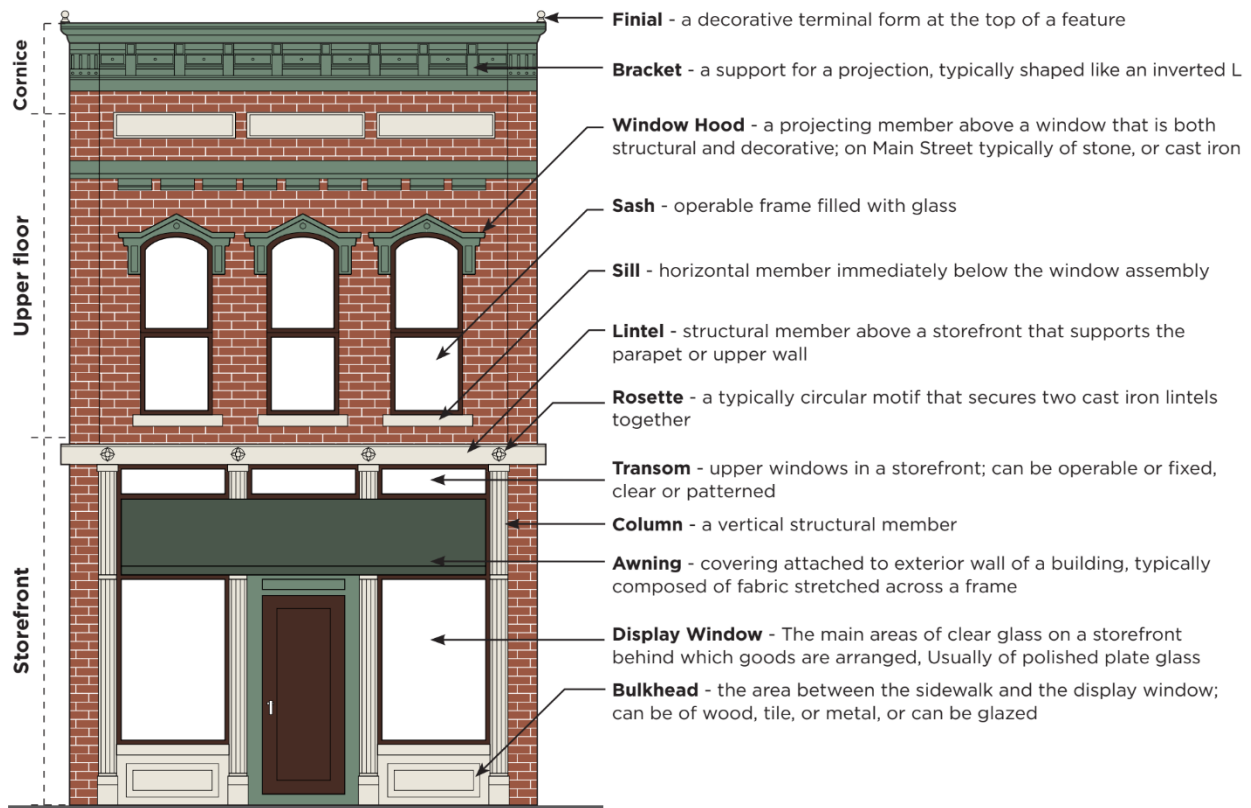
4. Provide indoor bike storage or bike lockers.
5. ~~Rooftop patios are allowed but amenities shall be recessed ten feet from the edge of the building.~~
6. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TCD shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.
7. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
8. 360 degree architectural consistency is required, utilizing earth toned colors.
9. No new building elevation may exceed 50 feet in length without at least a 2-foot variation in the depth of the façade along the public right of way and a 1-foot variation on other facades. Residential unit balconies shall not be interpreted to meet this requirement.
10. No single building shall exceed 100 feet of frontage along a street.
11. Parking shall be to the rear of the building.
12. Storefront windows (including bulkheads and transom windows) are required on the street facing façade and street facing windows shall cover a minimum of 50% of the front first story face and 25 percent of all upper stories.



## L. Commercial Buildings.

1. Minimum 2-story building with the primary use of office, retail, civic or commercial use.
2. All such buildings shall include at least 1 vehicle charging station per building.
3. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TCD shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.
4. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
5. 360 degree architectural consistency is required, utilizing earth toned colors.
6. Principal entrance shall face the street or be located on the corner of the building and recessed.
7. Front façade shall include a storefront type appearance (including bulkheads and transom windows) and include at least ~~two~~four additional features from the sketch below:

# ANATOMY OF A MAIN STREET BUILDING



## 18.83.050 Visual Screening

All commercial lots within the zone shall have a six-foot rear yard sight obscuring fence.

## 18.83.060 Definitions to be added

Driveway - Where vehicular access to a structure that is less than 150 feet measured from the main access road around the side to the middle of the rear of the home.

Emergency Vehicle Access (EVA) - where vehicular access to a structure is greater than 150 feet measured from the main access road around the side to the middle of the rear of the home Emergency Vehicle Access specifications are applicable.

## 18.83.070 Related Provisions

Chapter 18.12	Administration
Chapter 18.08	Definitions
Chapter 18.68	Supplementary Regulations
Chapter 18.108	Conditional Use Permits
Chapter 18.72	Off-Street Parking and Loading
Chapter 18.103	Sign Regulations
Chapter 18.78	Lighting
Chapter 18.174	Enforcement
Chapter 18.117	Subdivisions

## EXHIBIT 2

### 18.83 Central Heber Overlay Zone (CHOZ)

<b>18.83.010</b>	<b>Purpose</b>
<b>18.83.020</b>	<b>Permitted and Conditional Uses</b>
<b>18.83.030</b>	<b>Spatial Requirements</b>
<b>18.83.040</b>	<b>Building Typologies &amp; Design Requirements</b>
<b>18.83.050</b>	<b>Visual Screening</b>
<b>18.83.060</b>	<b>Definitions</b>
<b>18.83.070</b>	<b>Related Provisions</b>

#### 18.83.010 Purpose

To implement the Central Heber Vision of the General Plan, the Central Heber Overlay Zone (CHOZ) is hereby created to include two distinct land use districts. If the use of the Overlay is desired by an applicant, the uses and standards of this chapter shall apply.

- A. **Central Neighborhoods District (CND)** is established to allow for various low intensity forms of infill, combined with options to preserve historic homes. Infill options include certain missing middle housing types and historic building use flexibility.
- B. **Transition Corridors District (TCD)** is established to permit a moderate intensity mixture of residential and commercial uses. The TCD serves as a transition area from the C-3 Commercial Zone westward and eastward of Main Street to existing residential neighborhoods. The district also serves as a connecting land use from the C-3 Commercial Zone westward to the area containing the new high school, railroad and Southfield Park. The TCD promotes missing middle housing types, historic building use flexibility, mixed use buildings and lower intensity commercial uses. A portion of this area, located between 150 W/E to the C-3 Commercial Zone, has been identified by the General Plan as an area to be considered for rezoning to the C-3 Commercial Zone, in the future.

#### 18.83.020 Permitted and Conditional Uses

The underlying zone uses remain. The CHOZ includes additional uses and limitations as described below. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential district characteristics, the following uses are allowed the CHOZ:

##### A. Land Use Regulations Terms

P = PERMITTED USE (P) A site plan application is required with staff processing. Site plan applications are approved, when and if they meet the ordinance standards.

C = PLANNING COMMISSION CONDITIONAL USE REVIEW (C). A site plan application with Planning Commission review is required.

N = not allowed in the particular overlay area

- B. Within the Table, if a use is not specifically designated below, then it is prohibited, except as specified in the underlying zone.

All uses listed in the use table, that require a building permit shall also require a site plan application.

**Permitted and Conditional Use Chart**

**18.83.020.1**

<b>Land Use</b>	<b>CND</b>	<b>TCD</b>	<b>Limitations</b>
Residential attached units	P	P	See Section 18.83.040 for permitted building types per district. 5 or less units per building and project is limited to 5 units in the CND
Residential attached units over 5 units	N	C	See Section 18.83.040 for permitted building types per district
Artist studios & live-work	N	P	
Office, Retail, Services and Secondhand Stores	N	P	<ul style="list-style-type: none"> <li>• Max 5000 sf footprint</li> <li>• See note 1 below</li> <li>• Tattoo parlors, tobacco shops, adult related businesses, pawn shops &amp; cannabis facilities are prohibited)</li> </ul>
Cafes/restaurants, bakery, outdoor dining	N	C	<ul style="list-style-type: none"> <li>• No drive-up windows</li> <li>• No fast food</li> <li>• See note 1 below</li> </ul>
Hotels	N	C	See note 1 below
Medical offices, clinics	N	P	See note 1 below
Institutional/Religious, Museums & Public Uses	C	P	
Fitness centers & gymnasiums	N	P	See note 1 below
Commercial day care	N	P	As regulated by State Law
Home occupations, home based pre-school, daycare and micro-school	P	P	As regulated by Section 18.68.609 & State Law
Public/Private schools	C	P	As regulated in State Law and Section 18.68.230. Size limitations may be imposed.
Signs	N	P	<ul style="list-style-type: none"> <li>• As regulated by Section 18.104</li> <li>• Further limited to one monument sign (max 15 square feet and 4' in height) with a rock/brick base, and one wall sign (max 24 square feet and 3' in height) or one projecting sign (as per the standards in 18.104)</li> </ul>

Note 1 - For the TCD, permitted only for properties fronting 100 South and for properties fronting 100 East and 100 West

**18.83.030 Spatial Standards**

- A. The minimum spatial standards shall be as set forth in the underlying zone, with the addition of Small lots, Flag lots and SDUs, as described below.

- B. The maximum height of all principal structures shall be thirty-five feet and accessory buildings shall follow the requirements of the underlying zone.

**General Spatial Requirements \***  
**Table 18.83.030.1**

Frontage	Min Front Setback	Min Rear Setback	Min Side Setback	Min Area & Depth	Max Height
All other buildings must meet the frontage requirements of the underlying zone	15 feet min from public right of way; 10 feet min for flag lots from PUE/access easement to any building	15 feet to property line	5 feet min to each side property line; 15 feet min from public right of way	As per the underlying zone or as specified in section 18.83.040 98 foot min depth for corner lots	Not to exceed 25' max for flag lots, detached ADUs, townhouses, and SDUs; 35 foot max for all other primary buildings

\*Other standards may apply elsewhere in this code, such as 18.83.040

**18.83.040 Building Typologies & Design Requirements**

**Table of Permitted Building Types per District**  
**18.83.040.1**

Building Typology	CND	TCD
Small lot	P	N
Flag lot (s)	P	P
Subordinate Dwelling Unit (SDU)	P	P
Detached and Internal Accessory Dwelling Unit (ADUs)	P	P
Townhouses (small – no more than 5 attached units per building)	P	P
Townhouse complexes (more than one building)	N	C
Mansion style apartments/condominiums	C	P
Commercial Building	N	P
Mixed Use Building	N	P

- A. **Those who desire to convert homes**, lots or other buildings to commercial use or multi-family use shall maintain the required landscaping. No parking is allowed in the front yard.
- B. **Rooftops** may be used as garden type open space, and/or passive recreation space.
- C. **Utilities** normally found above ground are not required to be placed underground unless located directly adjacent to existing underground utilities. Curb, gutter, and sidewalk are not required except along and between 100 East and 100 West, where diagonal street parking is encouraged where it can be accommodated. Curb, gutter, and sidewalk shall also be required along current and proposed Collector Roads according to the current adopted Transportation Master Plan. Sidewalks or agreements to provide sidewalks in the future are required in all other locations where street frontage is disrupted.

- D. All Rooftop Heating, Ventilating, and Air Conditioning equipment (**HVAC**) shall be enclosed or screened such that it is not readily recognizable as HVAC equipment in mixed use and commercial buildings.
- E. **Special Standards** for certain uses and structures.
1. Non-residential uses shall not produce noise exceeding fifty-five (55) decibels as measured at the property line, vibration, fumes smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, electrical interference or other objectionable effects.
  2. Where garages are built, they are suggested to be wired for a minimum of 220 Volt for potential vehicle charging.
  3. Temporary outdoor sales are allowed.
  4. 10 foot wide dry utility easements shall be provided along the frontage of public and private rights of way. A determination of the best locations for utilities shall occur during the application process with an application requirement for a conceptual utility plan as part of that process. If utility boxes are needed, they shall not be placed in the clear view of an intersection or driveway.
  5. All development proposed within this overlay is subject to the normal review processes of the City. The Wasatch Fire District shall review, provide comments/recommendations, and resolve any access and fire suppression related issues. As a general rule the Wasatch Fire District standards pertaining to Emergency Vehicle Access (EVA) are for homes located at a greater distance than 150' from a public right-of-way, as measured to the midpoint of all walls of the building, are as follows:

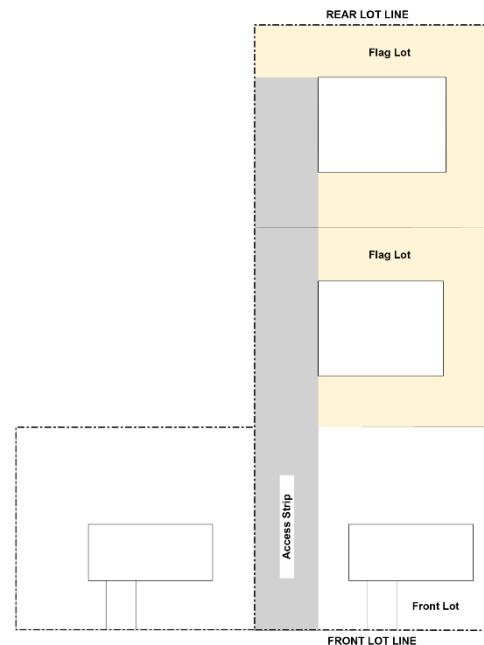
- a. Driveways less than 150' in length not classified as an EVA, shall meet the width and location requirements of the Heber City Standards and Specifications
- b. 1-3 Single Family Home(s)- Where a driveway, shared or unshared, serves no more than three (3) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 16 feet, exclusive of shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.



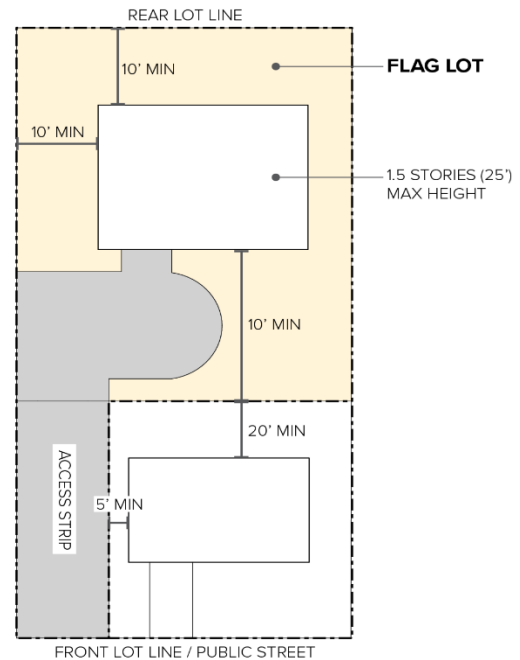
- c. 4-5 Single Family Homes- Where a driveway, shared or unshared, serves no more than five (5) dwelling units, not including accessory structures, and is defined as an EVA, the EVA shall provide a paved minimum unobstructed width of 22 feet exclusive of shoulders and a minimum unobstructed height of 13 feet 6 inches. EVAs shall provide Wasatch Fire District approved turnarounds.
- d. Fire Hydrants - Fire hydrants shall be within 600 feet of the structure's front door/garage, measured along the main roadway centerline and including the distance created by the EVA.

6. When located on private property, sewer, water, and irrigation shall be metered from the public ROW and distributed through the development as private ownership. Such extensions are not a City responsibility.
  7. Stormwater runoff shall be contained on private property.
  8. When rented, all housing types, except ADUs, shown in table 18.83.040.1 shall have a minimum lease period of 30 days. No short-term rentals are allowed.
  9. Where owner occupancy is required, a deed restriction that runs with the land shall be recorded. The deed restriction shall assure notification to the City of ownership changes.
- F. **Small lots.** Smaller lots than the standard lot size required in the R-2 and R-3 zones are allowed as follows:
1. Such interior lots may have a width no less than 40' at the front yard setback and if located on a corner, 50' wide.
  2. Any street facing garage shall be setback from the front face of the dwelling by at least ten feet.
  3. Lots with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of six (6) feet.
  4. A minimum lot size of 3,500 square feet is required.
- G. **Flag lots.** Flag lots shall meet the following requirements. These requirements supersede the requirements for flag lots in Section 18.52.050:

1. Up to two (2) flag lots (plus the existing home) may be created from an existing parcel of property.
2. Homes shall not exceed 25' in height and 10' rear, front, and side yard minimums are required.
3. The existing home shall maintain a minimum of a 20' rear yard.
4. The flag lot (s) shall be used exclusively as an owner occupied single-family residential dwelling, documented through a deed restriction, as per E. (9) of this section. The flag lot includes the potential for one internal Accessory Dwelling Unit and shall be located to the rear of the original or front lot. If the dwelling on the front lot is torn down, any new dwelling shall face the adjacent street.



5. The main body of a flag lot, exclusive of the access strip, shall be no smaller than 50% of the required lot area in the zone in which it is located.
6. The existing front lot shall meet the required lot area, lot width, front yard, side and rear yard setback requirements for the governing zoning district in which it is located.
7. The access strip/driveway portion of a flag lot - see 18.83.040 E (5) and :
  - a. No driveway gates are allowed.
  - b. Shall front on a public street;
  - c. The address of the flag lot shall be clearly displayed for emergency identification purposes.

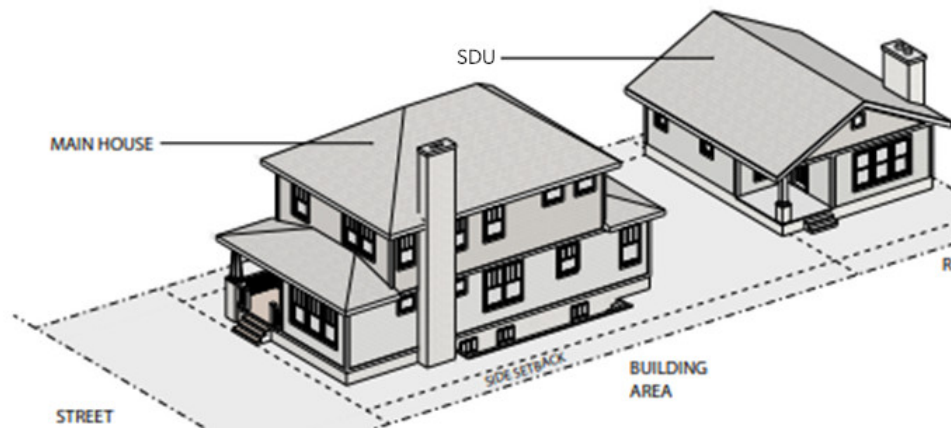


8. Where two flag lots are proposed behind a lot fronting on the public street, the middle lot may have a zero lot line using the property line adjacent to the furthest lot.
9. The access strip portion of a flag lot shall be platted as a contiguous portion of the flag lot(s) or as an easement, where the access strip is intended to be shared. The private access strip shall accommodate all utilities. Access strip maintenance shall be accomplished by the property owners in a recorded agreement.
10. The subdivision plat shall include an outline of the buildable area proposed for the home (s).
11. 2 parking spaces are required for each home, as well as a turnaround area to prevent the need to back out through the driveway/access strip.

#### H. Subordinate Dwelling Units (SDU)

1. These ordinance provisions only apply to parcels or lots 5000 square feet and larger and located in the CHOZ. If an SDU can be located on a property, it is considered an additional voluntary benefit provided to the homeowner and therefore is subject to additional regulations.
2. A Permitted use application for a Subordinate Dwelling Unit (SDU) is required. Such applications shall show the footprint and height, materials/design of the SDU, the proposed lot, side yards, rear yards, the designated front yard, and the proposed permanent access easement. In addition, a subdivision plat and processing is required.
3. Standards: The following standards and conditions shall apply to all SDUs:
  - a. Location: A SDU shall only be allowed as part of, or in conjunction with, a single-household dwelling, and SDUs shall not exceed 25' in height and shall have minimum side and rear yard of 5 feet or as allowed by Building Code standards. The front yard shall have a minimum of 10' unless adjacent to a street or alley, where 15' minimum is required.
  - b. Number: A maximum of one SDU is allowed and only the original, existing dwelling may contain an additional internal ADU. The SDU shall not have an internal ADU.

- c. Parking: At least one off-street parking stall shall be provided for the SDU. The required parking space may be a designated tandem space on the original lot as a permanent easement area. Parking spaces shall be identified on the subdivision plat. Mailboxes shall clearly display the address of the SDU.
  - d. The SDU shall be constructed with painted wood, composite wood-like appearing materials, brick or stone exteriors as well as a pitched roof, 3' by 12' minimum.
  - e. No SDU shall be allowed to be located further than 150' from the public street as measured to the midpoint at the rear of the SDU and measured as a pedestrian would walk from the street to the back of the home. All SDUs shall be within 600' of a fire hydrant, as measured to the midpoint at the rear wall of the SDU.
4. Size: An SDU shall be subordinate to the footprint of the original single-household dwelling. The SDU shall not have more than an eight hundred (800) square foot footprint. Basements are encouraged. If a garage is desired, it is not calculated as part of the 800 square foot footprint.
  5. Lot Size and Frontage:
    - a. The original home shall be located on a lot that is at least 5000 square feet and meet the setbacks as specified in this ordinance.
    - b. No frontage on a public street or alley is required for an SDU, but a walkable or drivable permanent access easement is required (see 10 below).
  6. Foundation: The SDU shall be secured to a permanent concrete foundation in accordance with the International Building Code, as adopted and amended by the City.



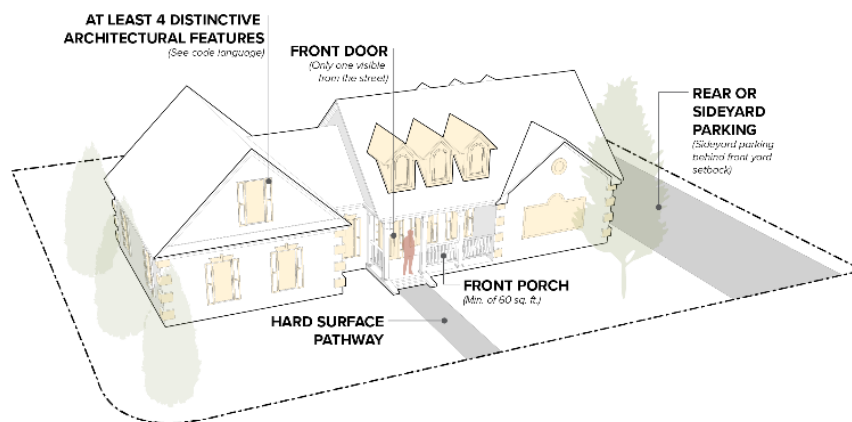
7. Occupants: The SDU shall be owner occupied exclusively by one household.
8. The SDU shall be permanently occupied by the owner. Owner occupancy shall be acknowledged through a deed restriction as per E. (9) of this section
9. The SDU shall have separate utilities from the original dwelling.
10. An SDU shall have a recorded permanent unobstructed access easement or a driveway. If the permanent access easement can only accommodate pedestrians, then the original lot shall accommodate the required one additional parking space. Such easements/walkable pathways/or drives shall be a minimum width of 5' and

shall connect to the public street. The access shall be unobstructed, maintaining a clear path free of debris and impediments to access.

11. Accessory buildings shall meet the standards for accessory buildings in the existing zone. Accessory buildings shall be subordinate in height to the SDU. Once a front yard is designated, accessory buildings are not allowed in the front yard.
12. The front entry shall include a covered porch at least 6' deep and contain at least 60 square feet.

**I. Mansion Style Apartments/condominiums.**

1. Shall be designed to resemble larger homes and shall only have one visible front door as viewed from the public street in the CND and no more than two in the TCD.
2. The front door area shall include a porch with a minimum of 60 square feet and a hard surfaced pathway to the street.
3. Parking shall be provided to rear or side beyond front yard setback.
4. Vinyl, aluminum and stucco wall surfaces are not allowed.
5. Mansion Style apartment/condominiums may accommodate 2 to 5 units.
6. All Mansion Style apartment buildings shall include at least 4 distinctive architectural features from the following list (only one item from each numbered item below, as a minimum) and shall be incorporated in each building:
  - a. Ornamental details such as knee braces, exposed joists, decorative vents, window shutters.
  - b. Box or bay windows
  - c. Balconies with at least 50 square feet.
  - d. A minimum of 5 windows, 12 square foot minimum on the front façade.
  - e. A substantial/noticeable change of material applied to the front façade.
  - f. A substantial/noticeable change of color applied to the front façade.
  - g. A change of pattern that is substantial/noticeable on the façade (Example:



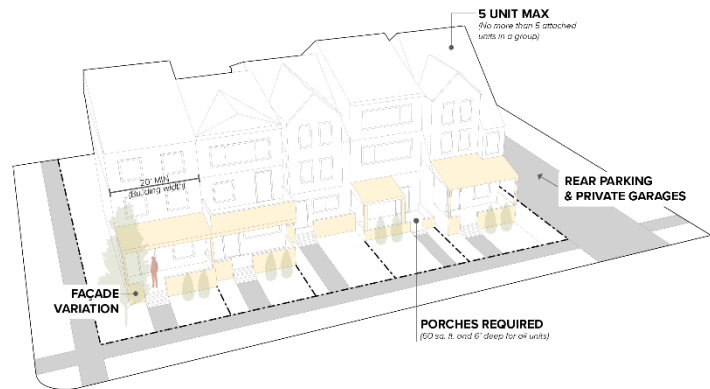
changing brick work from face brick to a soldier course or basket weave pattern.)

- h. Brick or stone along the front of the building, covering at least 25% of the front of the building.
- i. Materials – brick, stone, wood, cement composite materials, and metal accents.

7. Separate utilities for each unit are required if condominium units are proposed.

**J. Townhouse.**

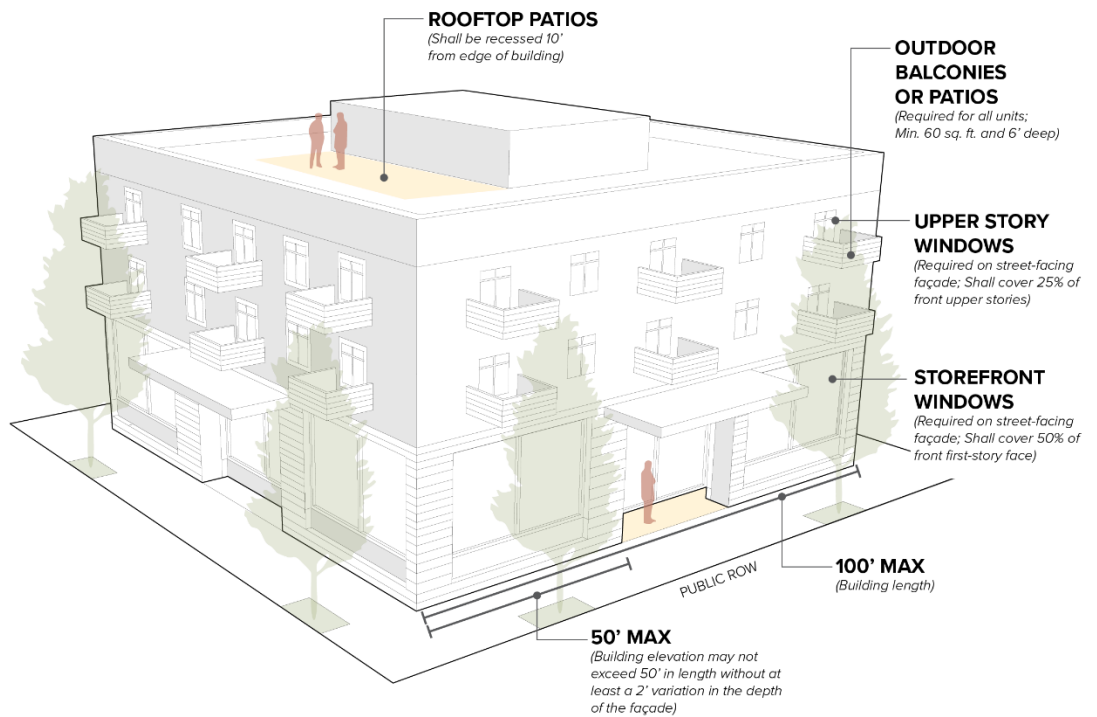
1. Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units in the TCD. If live work is included, such units shall not exceed 3000 square feet of business usage, not more than 50% of the floor, and no more than 5 employees.
2. If end units face the street, they shall address the street with a front door and a porch and include windows covering at least 25% of the façade for each floor.
3. Parking and private garages shall be located to the rear of the building allowing the primary façade to front a public street or public greenspace. Garages are encouraged to include the infrastructure for a 220 outlet capable of faster car charging.
4. Provide outdoor covered balconies or patios for 100% of the units at a minimum of 6 feet deep and 60 square feet each.
5. Building width shall be a minimum of 20'. Guest parking shall not include any driveway area that accesses a garage. No more than 5 attached units per building.
6. Setbacks for each unit shall be varied at least 2' feet where a development has more than 5 units.
7. Townhouse developments with 10 to 20 units shall include at least a play structure and a barbeque/seating area and one passive leisure space of at least 3000 square feet. Projects with over 20 units are required to have 20% open space and amenities catered to the anticipated occupants. If the 20% does not exceed the 3000 square feet mentioned above, 3000 sq. ft. remains the minimum size of the recreational space.
8. Separate utilities for each unit are required and may require easements for units that are distant from a public street.
9. Building heights shall not exceed 25 feet in the CND and 35 feet in the TCD.
10. An HOA is required.



**K. Mixed-use buildings.**

1. Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed to front a street. This building type may support office, retail, hotel/hospitality or residential uses mixed vertically.
2. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6 feet deep and 60 square feet each.
3. No wood burning fireplaces, stoves, appliances, or outdoor fire pits are allowed.
4. Provide indoor bike storage or bike lockers.

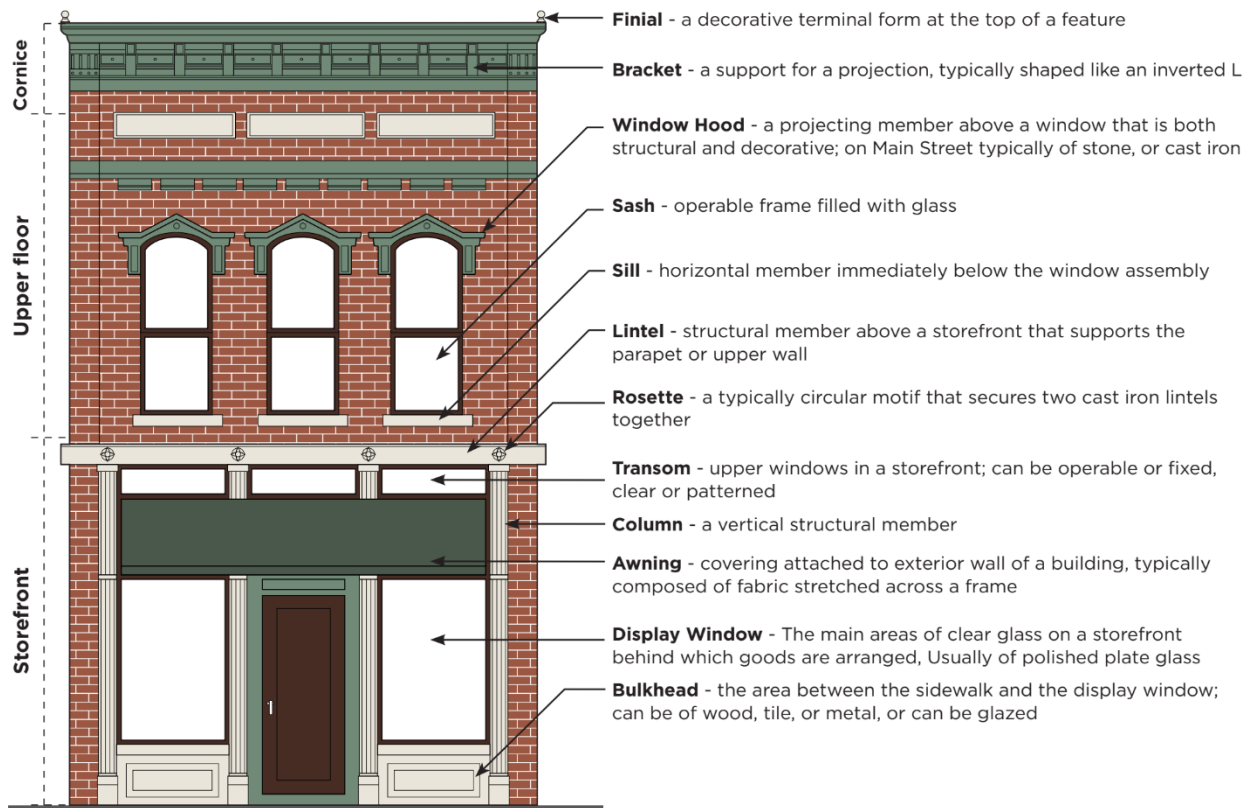
5. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TCD shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.
6. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
7. 360 degree architectural consistency is required, utilizing earth toned colors.
8. No new building elevation may exceed 50 feet in length without at least a 2-foot variation in the depth of the façade along the public right of way and a 1-foot variation on other facades. Residential unit balconies shall not be interpreted to meet this requirement.
9. No single building shall exceed 100 feet of frontage along a street.
10. Parking shall be to the rear of the building.
11. Storefront windows (including bulkheads and transom windows) are required on the street facing façade and street facing windows shall cover a minimum of 50% of the front first story face and 25 percent of all upper stories.



#### L. **Commercial Buildings.**

1. Minimum 2-story building with the primary use of office, retail, civic or commercial use.
2. All such buildings shall include at least 1 vehicle charging station per building.
3. Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are required. Roughhewn, exposed wood beams, columns and supports are required for all facades facing a street. New development in the TCD shall incorporate common, locally found materials such as granite, stone, sandstone, wood, and brick as part of the first floor of each building for at least 75% of the first floor, excluding the windows.
4. All stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, but may be used on second and above stories if additional scoring provides a brick-like appearance. Other materials may be considered, by the Planning Director for soffits, or as accents or unique architectural features. Twenty-five year guaranteed architectural shingles or other longer-lasting materials are required for sloped roofs.
5. 360 degree architectural consistency is required, utilizing earth toned colors.
6. Principal entrance shall face the street or be located on the corner of the building and recessed.
7. Front façade shall include a storefront type appearance (including bulkheads and transom windows) and include at least four additional features from the sketch below:

# ANATOMY OF A MAIN STREET BUILDING



## 18.83.050 Visual Screening

All commercial lots within the zone shall have a six-foot rear yard sight obscuring fence.

## 18.83.060 Definitions to be added

Driveway - Where vehicular access to a structure that is less than 150 feet measured from the main access road around the side to the middle of the rear of the home.

Emergency Vehicle Access (EVA) - where vehicular access to a structure is greater than 150 feet measured from the main access road around the side to the middle of the rear of the home Emergency Vehicle Access specifications are applicable.

## 18.83.070 Related Provisions

Chapter 18.12	Administration
Chapter 18.08	Definitions
Chapter 18.68	Supplementary Regulations
Chapter 18.108	Conditional Use Permits
Chapter 18.72	Off-Street Parking and Loading
Chapter 18.103	Sign Regulations
Chapter 18.78	Lighting
Chapter 18.174	Enforcement
Chapter 18.117	Subdivisions