

Title 17

SUBDIVISIONS

Chapters:

17.04	General Provisions
17.06	Supplemental Subdivision Requirements.
17.08	Definitions
17.12	Recording
17.14	Requirement of Adequate Public Facilities
17.16	General Subdivision Procedures
17.18	Repealed by 2001-16
17.19	Industrial, Commercial Condominiums
17.20	Plans
17.24	Street Design Standards
17.28	Block Design Standards
17.32	Lot Design Standards
17.36	Large-scale Development
17.38	Commercial Developments
17.40	Improvements
17.44	Platting Requirements
17.48	General Subdivision Requirements
17.52	Guarantee of Performance
17.56	Costs and Charges
17.60	Variances
17.64	Amendments
17.68	Substantial Completion of Subdivisions

Chapter 17.04

General Provisions

Sections:

17.04.010 Title of Provisions.

17.04.020 Purpose and Intent.

17.04.030 Amendments to Subdivision Ordinance.

Section 17.04.010 Title of Provisions.

This title shall be entitled the "The Heber City Subdivision Ordinance" and may be so cited and pleaded. (Ord. 94-13, 1994; Ord. 201 §10.03.0100, 1974)

Section 17.04.020 Purpose and Intent.

- A. The purposes of this title shall be to:
1. Promote the health, safety, convenience, and general welfare of the present and future inhabitants of the city;
 2. Facilitate the transfer of land having accurate legal descriptions;
 3. Bring about the development of a more attractive and wholesome environment within and about the city;
 4. Establish the rights, duties, and responsibilities of subdividers with respect to land subdivision;
 5. Facilitate the implementation of the general plan.
- B. It is declared to be the public policy that these subdivision regulations shall be promulgated for the purpose of facilitating the platting of land and the construction and sale of dwellings rather than for the purpose of facilitating the sale of building lots only. (Ord. 94-13, 1994; Ord. 201 §03.0101, 1974)

Section 17.04.030 Amendments to Subdivision Ordinance.

- A. Amendments to this Subdivision Ordinance shall occur in accordance with §10-9a-602 of the Utah Code, as amended. Under these provisions, the Planning Commission shall prepare and recommend amendments to the Subdivision Ordinance following a public hearing reasonably noticed for at least ten (10) calendar days. In addition, a copy of said notice should also be specifically submitted to the City Manager, City Attorney, Chief of Police, Building Official, City Engineer, City Fire Official, and City Recorder, and must include notice to affected entities as required by the Utah State Code, at least ten (10) calendar days prior to the hearing for review and comments. No material change in or departure from the recommendation of the Planning Commission can be made after such public hearing unless the change or departure be submitted to the Planning Commission for its consideration and recommendations.
- B. The Planning commission recommendation will be forwarded to the City Council who will hold a public meeting reasonably noticed for at least 24 hours. Following the public meeting, the City Council may approve, amend and approve, or deny the recommendation of the Planning Commission. (Ord. 96-04B, 1996)
(2005-11, Amended, 10/06/2005; 2004-18, Amended, 07/01/2004)

Chapter 17.06

Supplemental Subdivision Requirements.

Sections:

17.06.010 Supplemental Subdivision Requirements for Subdivision Approval.

Section 17.06.010 Supplemental Subdivision Requirements for Subdivision Approval.

Any proposed subdivision developments applied for after June 2, 1994, shall be subject to such amendments as are adopted within the next six months by the Heber City Council. Once adopted, said amendments shall be retroactive to the effective date of this ordinance. Application to develop shall constitute an agreement to abide by all reasonable ordinances and regulations so imposed. (Ord. 94-09, 1994)

Chapter 17.08

Definitions

Sections:

- 17.08.010** **Generally.**
- 17.08.020** **Arterial Street.**
- 17.08.030** **Collector Street.**
- 17.08.035** **Subdivision, Twin Home.**
- 17.08.040** **Easement.**
- 17.08.050** **Final Plat.**
- 17.08.060** **Large-scale Development.**
- 17.08.070** **Metes and Bounds.**
- 17.08.080** **Minor Street.**
- 17.08.090** **Off-site Facilities.**
- 17.08.100** **On-site Facilities.**
- 17.08.110** **Over-size Facilities.**
- 17.08.120** **Preliminary Plan.**
- 17.08.130** **Subdivider.**
- 17.08.140** **Subdivision.**

Section 17.08.010 **Generally.**

For the purpose of this title, the definitions set out in this chapter shall apply. (Ord. 201 §10.03.0300, 1974)

Section 17.08.020 **Arterial Street.**

"Arterial street" means a street, existing or proposed, which serves, or is intended to serve, as a major traffic way and which is designated as an arterial street on the city major street plan. (Ord. 201 §03.0308, 1974)

Section 17.08.030 **Collector Street.**

"Collector street" means a street, existing or proposed, which is supplementary to an arterial street or which connects minor streets with significant traffic generators and which is shown as a collector street on the city's major street plan. (Ord. 201 §03.0309, 1974)

Section 17.08.035 **Subdivision, Twin Home.**

"Twin Home Subdivision" means a proposed subdivision of a two-unit building built upon one lot zoned as a twin home lot, creating two lots, each lot containing one unit of the two-unit building. Both lots on the proposed subdivision must correspond with the common wall, must abut a city street or road which has been accepted for maintenance, and must be physically accessible, or capable of being physically accessible, from the public street by conventional vehicles. (Ord. 95-04, 1995)
(Ord. No. 95-04, Enacted, 07/12/95)

Section 17.08.040 **Easement.**

"Easement" means the quantity of land set aside or over which a liberty, privilege or advantage, separate from the ownership of the land, is granted to the public or some particular person or part of the public. (Ord. 94-13, 1994; Ord. 201 §03.0307, 1974)

Section 17.08.050 Final Plat.

"Final plat" means a map or chart of the land division which has been accurately surveyed, and such survey marked on the ground, so that streets, alleys, blocks, lots and other divisions thereof can be identified. (Ord. 201 §03.0305, 1974)

Section 17.08.060 Large-scale Development.

"Large-scale development" means a tract of land which is planned, developed, and maintained as a single entity wherein the requirement applying to all buildings and improvements within the development are modified to conform to the approved plan. (Ord. 201 §03.0314, 1974)

Section 17.08.070 Metes and Bounds.

"Metes and bounds" means the description of a lot or parcel of land by courses and distances. (Ord. 201 §03.0302, 1974)

Section 17.08.080 Minor Street.

"Minor street" means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves, or is intended to serve, the local needs of a neighborhood. (Ord. 201 §03.0310, 1974)

Section 17.08.090 Off-site Facilities.

"Off-site facilities" means facilities designed or located so as to also serve other property outside of the boundaries of the subdivision, usually lying between the development and existing facilities. (Ord. 94-13, 1994; Ord. 201 §03.0312, 1974)

Section 17.08.100 On-site Facilities.

"On-site facilities" means facilities installed within or on the perimeter of the subdivision or development site. (Ord. 201 §03.0311, 1974)

Section 17.08.110 Over-size Facilities.

"Over-site facilities" means facilities with added capacity designed to serve other's property, in addition to the land within the boundaries of the subdivision or development site. (Ord. 201 §03.0313, 1974)

Section 17.08.120 Preliminary Plan.

"Preliminary plan" means a map or chart of a proposed land division. (Ord. 201 §03.0304, 1974)

Section 17.08.130 Subdivider.

"Subdivider" is any person or legal entity layout or making a land division for the purpose of sale, offering for sale, a gift, or selling for himself or others a subdivision or any part thereof. (Ord. 201 §03.0303, 1974)

Section 17.08.140 Subdivision.

A. "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions.

B. "Small subdivision" means a subdivision containing less than ten lots and conforming to all of the other conditions set forth in Section 17.12.010 of this title. (Ord. 94-13, 1994; Ord. 201 §03.0301, 1974)

Chapter 17.12

Recording

Sections:

17.12.010 Procedures - Exemptions - Required Signatures

Section 17.12.010 Procedures - Exemptions - Required Signatures

A. From the effective date of the ordinance codified in this title, no person shall subdivide any tract of land which is located wholly or in part within the city, nor shall any person sell, exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the above described territory, nor shall any person offer for recording any deed conveying a parcel of land or any interest therein, unless he has first had or caused to have made a plat thereof, which plat must be approved by the planning commission and city council and recorded in the office of the county recorder before such sale or exchange or purchase is effected. Approval of the final plat shall be obtained by complying with all of the requirements of this chapter; provided, however, that land may be subdivided and land may be sold without the necessity of recording a plat if all of the following conditions are met:

1. The subdivision contains less than ten lots;
2. A plan has been submitted to and approved in writing by the planning commission;
3. The subdivision is not transversed by the mapped lines of a proposed street shown on the comprehensive plan of the city, and does not require the dedication of any land for street or other public purposes;
4. Each lot in the subdivision meets the frontage, width, and area requirements of Title 18 of this code;
5. Requirements under Section 17.48.040 of this title are complied with.

These exceptions are intended to apply to the divisions of land into a small number of lots (up to nine inclusive), where all necessary streets have already been improved and deeded to the city, and where the frontage, width, and area of the lots meet the requirements of the zone in which the subdivision is located.

B. All large-scale subdivision plats and all lots or parcels created by small lot subdivision plats or by lot splits reflected in a certified survey, shall before taking effect and being placed of record in the Wasatch County Recorder's Office contain the following signatures: (a) the signature of a certified licensed land surveyor, (b) the signature of all parties owning any rights, title or interest in the property contained within the survey, (c) the signature of the Chairman of the Planning Commission, (d) the signature of the City Engineer, and (e) the signature of the Mayor, attested to by the City Recorder.

C. All small lot subdivisions and lot splits approved and/or recommended by the Planning Commission shall require the formal consent of the City Council shown by the signature of the Mayor and attested to by the City Recorder. (Ord. 2000-12, 2000; Ord. 201 §10.03.0200, 1974)
(2000-12, Amended, 06/15/2000)

Chapter 17.14

Requirement of Adequate Public Facilities

Sections:

17.14.010 Adequate Public Facilities Required.

17.14.020 Essential Public Facilities.

17.14.030 Procedures.

17.14.040 Level of Service Standards.

17.14.050 Adequate Public Facilities not Available.

Section 17.14.010 Adequate Public Facilities Required.

Adequate public facilities required to be available concurrent with subdivision approval.

From and after the effective date of this Amendment to the Heber City Subdivision Ordinance, no application for subdivision approval shall be granted, approved or issued unless the applicant has provided sufficient information to establish that adequate public facilities in the area affected by the proposed development will have sufficient capacity available at the adopted level of service standards to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat approval for the proposed development. (Ord. 94-02, 1994)

Section 17.14.020 Essential Public Facilities.

Essential public facilities to which this requirement will apply include the following:

- A. Culinary waterworks system, including quantity, quality, treatment, storage capacity, and transmission/distribution system capacity;
- B. Sanitary sewer and wastewater system, including outfall lines, laterals and collector lines;
- C. Storm water drainage, including flood control facilities;
- D. Street system, including streets, roads, highways, intersections and related transportation facilities;
- E. Recreational facilities, including parks.
- F. Secondary pressurized irrigation system, including quantity, quality, storage capacity, and transmission/distribution system capacity. (Ord. 94-13, 1994; Ord. 94-02, 1994)

Section 17.14.030 Procedures.

As part of the material submitted in support of an application for subdivision approval, the applicant shall submit sufficient information in order to demonstrate that adequate public facilities will be available at specified levels of service within a reasonable period of time following the issuance of subdivision plat approval for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth herein as they may, from time to time, be amended. The City Engineer, the Planning Commission and City Council may request additional information from the applicant to address the adequacy and availability of the public facilities referenced above as part of the subdivision approval process. (Ord. 94-02, 1994)

Section 17.14.040 Level of Service Standards.

The level of service standards by which the adequate public facilities requirement referenced herein shall be measured for each of the essential public facilities to which this requirement applies shall

be as established in the Heber City Standard Specifications as they may, from time to time, be amended. (Ord. 94-02, 1994)

Section 17.14.050 Adequate Public Facilities not Available.

If it is determined that adequate public facilities will not be available at specified levels of service within a reasonable period of time following the issuance of final subdivision plat approval, so as to assure that such services will be available at the time of occupancy of new development being proposed, the City Council, in the exercise of its discretion, shall review, evaluate and discuss with the applicant, the following alternatives and conditions in the order presented:

A. Allow the developer to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of development agreement, which may include, as deemed appropriate, provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.

B. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities;

C. Defer final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or,

D. Deny subdivision plat approval at the present time and require the applicant to reapply when adequate public facilities are available at adopted level of service standards. (Ord. 94-02, 1994)

Chapter 17.16

General Subdivision Procedures

Sections:

17.16.010 Required Procedures for Approval.

Section 17.16.010 Required Procedures for Approval.

The following steps or procedure must be followed in order to obtain approval of a subdivision:

A. **Staff Review**-Applicant provides planning staff with general project plan. Planning staff furnishes subdivider with platting requirements affecting the land. The following items will be discussed at this time:

1. Relationship of the proposal to the General Plan;
2. Zoning of the proposed development;
3. Utility considerations;
4. Roads and general transportation;
5. Flood zones and potential flood hazards;
6. Provisions for culinary and secondary water;
7. Capital improvement plans;
8. Other items deemed necessary by the planning staff.

B. **Concept Plan Submission.** Applicant prepares Concept Plan, makes application, pays fees, and submits concept plans at least 28 (twenty-eight) calendar days before the next regular Planning Commission meeting. This applies to concept plans for commercial, industrial, and multiple-unit residential. Applicant shall provide a minimum of fifteen (15) 11"x17" (or more as specified by Planning Staff) and three (3) 24"x36" minimum size copies of the concept plan with the application. Planning Staff shall deliver the copies to each Planning Commission member, engineering, public works, applicable utility agencies, school district, City fire official, postal service, police chief, City Manager, building official, UDOT (if applicable), County Council and Manager (if proposed development is on City border or requires annexation), and affected entities as required by Utah State Code;

C. **Concept Plan Approval.** The Planning Commission is the body that approves, disapproves, or requires modification of Concept Plan. Approval, disapproval or modification of the Concept Plan shall occur before the Preliminary Plan is allowed to be submitted. Prior to preliminary approval, the applicant shall be given an informal list of what the Planning Commission expects on the preliminary plans, including contour intervals and any special concerns. Concept approval does not guarantee final project approval;

D. **Preliminary Plan Submission.** Applicant prepares preliminary plan and environmental impact statement (see Section 17.20.020) and submits ten copies, makes application and pays fees at least twenty-eight (28) calendar days before the next regular meeting. Commercial projects are not required to submit Preliminary Plans;

E. **Preliminary Plan Approval.** The Planning Commission holds a public hearing reasonably noticed ten (10) calendar days prior to said hearing. Said notice shall be mailed or delivered to affected entities as required by Utah State Code, and posted not less than three (3) calendar days before the public hearing, upon the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passersby, or, in lieu of posting, notice may be addressed and mailed to each of the record owners of each adjacent parcel not less than three (3) calendar days before the public hearing. The Planning Commission reviews preliminary plan as per items discussed at concept approval and for compliance with the ordinance. Planning Commission then approves, disapproves, or approves plan with modifications. If approval is given at this time, the applicant shall be given a list which has been revised from the one given at the concept stage. This list shall pertain to items the Planning Commission expects on the final plans.

Heber City Municipal Code

Preliminary approval does not guarantee final subdivision approval;

F. **Final Plat Submission.** Applicant prepares and submits final plat, makes application, and pays fees at least 28 (twenty-eight) calendar days prior to the next regular meeting. Final plat shall consist of items required by the Planning Commission at preliminary stage and by this ordinance. Ten prints shall be submitted to the Planning staff. All commercial projects require the submission of a Final Plat for review and approval by the Planning Commission and City Council.

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

G. **Planning Commission Final Plat Approval.** The Planning Commission reviews final plan and approves final plat if it is complete and if all requirements from preliminary plan approval are met or disapproves it. The final plat shall be in substantial compliance with the plans approved at preliminary stage. Planning Commission approval does not guarantee final subdivision approval;

H. **City Council Final Plat Approval.** If approved or approved conditionally by Planning Commission, applicant submits final plat on mylar and six paper copies of final plat to the City Council for approval, along with bond or other assurances guaranteeing required improvements;

I. **Recordation of Final Plat.** Applicant records plat in office of County Recorder within one year and before selling or conveying any lots within the subdivision. Final plats not recorded within one year from approval by the City Council shall be null and void. One, one year extension may be granted by the City Council for special cases; however, if an extension is granted, the bond or other assurance shall be reevaluated and upgraded if necessary.

J. **Curb, Gutter and Sidewalks.** Curb, gutter and sidewalks are required as per subdivision ordinance. (Ord. 2007-33, 2007; Ord. 97-04, 1997; Ord. 96-04B, 1996; Ord. 94-13, 1994; Ord. 201 §10.03.0400, 1974)

(2007-33, Amended, 09/06/2007; 2005-11, Amended, 10/06/2005; 2004-18, Amended, 07/01/2004; 98-18, Amended, 11/05/1998)

Chapter 17.19

Industrial, Commercial Condominiums

Sections:

17.19.010	Purpose
17.19.020	Definitions
17.19.030	Approval Required
17.19.040	Submission of Application
17.19.050	Review by the Planning Commission
17.19.060	City Council Final Approval
17.19.070	Unlawful to Sell or Lease

Section 17.19.010 Purpose

The scope of this ordinance is limited to industrial and commercial projects.

Utah State Code establishes condominiums as a form of subdivision and requires that all condominium projects be reviewed by the Planning Commission and the City Council.

(2004-04, Added, 02/19/2004)

Section 17.19.020 Definitions

For the purposes of this ordinance, the following definitions shall apply:

(1) "Condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

(2) "Condominium or Condominium Projects" shall mean a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed commercial or industrial buildings or structures, or otherwise are separately offered or proposed to be offered for sale. Condominium Project shall also mean the property when the context so requires.

(3) "Condominium Unit" shall mean a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference to a condominium unit includes both physical unit together with its appurtenant individual interest.

(4) "Conversion" shall mean a proposed change in the type of ownership of a parcel or parcels of land and/or existing structures from single ownership into a "condominium project" as herein defined with arrangements involving separate ownership of individual condominium units and joint collective ownership of common areas or facilities.

(5) "Declaration" shall mean a recorded declaration containing covenants, conditions, and restrictions relating to the condominium project, which shall be prepared in conformance with provisions of Section 57-8-10, Utah Code, as amended.

(2004-04, Added, 02/19/2004)

Section 17.19.030 Approval Required

Prior to the construction or conversion of any building or use as determined as a condominium, a survey map or project plan shall be submitted to and be approved by Heber City in conformance with the procedures, requirements, and standards contained within the Heber City Code and the requirements of the Utah Condominium Ownership Act.

(2004-04, Added, 02/19/2004)

Section 17.19.040 Submission of Application

The owner or developer of a proposed condominium project or conversion project shall file an application with the Planning Commission. Such application shall be accompanied by and be in accordance with the following:

A. The application or survey map shall be drawn to scale in accordance with the Heber City subdivision plan process and current Standards and Specifications as adopted by the City. Such survey map or application shall be prepared by a licensed engineer or architect and shall certify the final condominium plat.

B. The proposed project shall be at a scale no less than 1 inch equals 40 feet and shall designate the location of all buildings present, needed or proposed. Further, present and proposed street right of ways, utilities, irrigation ditches, common areas including the location of utility lines and easements, location of storage, parking, driveways, pedestrian ways, curb, gutters, walls, fences and landscaping.

C. The petitioner shall prepare and provide copies of the condominium declaration and bylaws or property owners organization.

D. Where conversions of existing buildings are proposed as part of the project, a property report containing information shall be submitted as part of the application together with a plan of all proposed improvements and repairs.

E. To assist the City in defraying the cost involved in the publication and review of a condominium project, a fee shall be submitted with the application in accordance with Heber City's fee schedule as adopted by the Heber City Council.

(2004-04, Added, 02/19/2004)

Section 17.19.050 Review by the Planning Commission

The Planning Commission shall review the proposed application and related documents to determine whether the project conforms with all appropriate requirements, Standards and Specifications of the City and is in conformance with the Utah Condominium Ownership Act.

A. If the Planning Commission finds that there are any violations to any of the applicable ordinances, building codes, or similar requirements, the Planning Commission may hold the application for the condominium project until such time that all violations have been corrected.

B. The proposed project shall be consistent with the International Fire Code and Adopted Building Codes.

C. The Planning Commission may require additional parking that shall be based on occupancy levels and proposed customer demand. But in no way shall it be less than what is required under the zoning district in which the project is proposed.

D. The Planning Commission may also require additional exits or driveways including the approval of shared driveways.

E. The Planning Commission may require additional open space and landscaping to assure appropriate buffering and compatibility with adjacent uses.

F. Each condominium unit shall be separately metered for gas and electricity.

G. Water meters shall be installed according to City Standards and Specifications at street right-of-ways.

H. All utilities and utility lines shall be placed within the public right-of-way. However, approved public easements may be permitted if the Planning Commission deems them essential for the feasibility of the project and the City Council approves said easement.

I. Each unit shall be provided with readily accessible individual shutoff valves, safety devices, or switches for water, gas and electrical services.

J. The Planning Commission may recommend to the City Council any condition which they deem appropriate. Such conditions may include corrections of violation of building, zoning, health, fire, or similar codes, appropriate amendments to declaration, bylaws or amendments to the record of survey

ma and project plan which may enhance or protest the environment of the project and the neighborhood in which it is located.

(2004-04, Added, 02/19/2004)

Section 17.19.060 City Council Final Approval

Upon receipt of the recommendations and findings of the Planning Commission, the City Council shall consider approval or denial of the proposed project. Approval of a condominium project shall remain in effect and expire pursuant to Section 17.16.010(I).

(2004-04, Added, 02/19/2004)

Section 17.19.070 Unlawful to Sell or Lease

It is unlawful for any person, firm, corporation, partnership, or association to sell, contract to sell, or to lease any unit of any condominium or any other portion thereof until final record of survey plats, in full compliance with the provisions of this Ordinance, have been certified and signed by the Mayor, the Planning Commission Chair, City Engineer and City Attorney, attested by the City Recorder and duly recorded in the Office of the County Recorder.

(2004-04, Added, 02/19/2004)

Chapter 17.20

Plans

Sections:

17.20.010 Concept Plans.

17.20.020 Preliminary Plans.

17.20.030 Final Construction-Plans & Final Plat.

Section 17.20.010 Concept Plans.

The Concept Plan shall show the proposed layout of the streets, lots, and other features in relation to the existing and planned streets within one-fourth mile of the subdivision. The plan shall be prepared at a scale of not smaller than one inch equals one hundred feet.

(Ord. 94-13, 1994; Ord. 201 §03.0501(1), 1974)

Section 17.20.020 Preliminary Plans.

The preliminary plan shall be drawn to a scale of one inch equals one hundred feet and shall show:

- A. The proposed name of the subdivision;
- B. Vicinity map--the location of the subdivision. Where the plan submitted covers only a part of the subdivider's tract, the planning commission may require the subdivider to prepare a preliminary plan covering all of the subdivider's tract before giving consideration to a preliminary plan covering only part of the tract;
- C. The names and addresses of the subdivider, the engineer, or surveyor of the subdivision, and the owner(s) of the land immediately adjoining the land to be subdivided;
- D. Information sufficient to locate accurately the property shown on the plan with reference to survey markers or monuments;
- E. Contour map at intervals required by the planning commission at concept approval;
- F. The boundary lines of the tract to be subdivided;
- G. The location, width, and other dimensions of all existing or platted streets and other important features such as watercourses, exceptional topography and buildings within the tract and within two hundred feet of the tract to be subdivided;
- H. Existing sanitary sewers, storm drains, culinary and secondary water supply mains, and bridges within the tract or within two hundred feet thereof;
- I. The location, width, and other dimensions of proposed streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public or to the occupants or owners of lots within the subdivision;
- J. Northpoint, scale and date;
- K. Statements regarding the anticipated density and number of dwelling units to be constructed on each lot.
- L. All easements of record shall be shown on the preliminary map;
- M. All lot numbers and bearings, distances, and curve data of all lot lines, street center lines, right-of-way lines, etc.
- N. The following shall be included with the preliminary plans:
 1. A title report for all lands proposed to be subdivided;
 2. Environmental Impact Statement. The environmental impact statement shall describe the impact which the development will likely have on the natural features of the area within the development and the immediate vicinity. Said statement shall also include a description of the measures

Heber City Municipal Code

that should be taken to lessen the occurrence of adverse conditions with respect to:

- a. Control of erosion within the subdivided area;
 - b. Reseeding of cuts and fills;
 - c. Provision for culinary and secondary water for the occupants of the subdivision;
 - d. Disposition of any geologic hazards or soil conditions which may cause injury to persons or injury or damage to improvements which may be constructed on the subdivision, such as buildings, water and sewer lines, and streets. This portion shall contain a geotechnical report, stamped by a licensed geotechnical engineer. The report shall give soil profiles, bearing strengths of soils, a design for building of road bases, and any other important and pertinent items discovered during the investigation;
 - e. Provision for the disposal of liquid wastes that will likely come from the occupants of the subdivision when it is fully developed;
 - f. Prevention and control of fire and control of dust;
 - g. Prevention of the accumulation of weeds and debris;
 - h. Prevention of the destruction of vegetation or else the establishing of new vegetation;
 - i. Disposal of surface water for a 25-year 24-hour storm and the disposition of all potential flood hazards as it relates to the protection of buildings for 100-year 24-hour storms.
 - j. A traffic study for the subdivision and all major streets within one-quarter mile.
3. "Will Serve" letters from all serving utilities. (Ord. 94-13, 1994; Ord. 201 §03.0501(2), 1974)

Section 17.20.030 Final Construction-Plans & Final Plat.

- A. The Final plat shall be drawn to a scale of one inch equals one hundred feet and shall show:
1. The name of the subdivision;
 2. Blocks for the names and stamps of the engineer and/or surveyor of the subdivision. An Owner's dedication block.
 3. Signature lines for the Mayor and City Council Members, City Recorder, Planning Commission Chairperson, City Fire Marshall, and Health Department Director.
 4. A boundary description. Also, all existing survey monuments and survey monuments to be installed with the construction of the subdivision shall be shown and properly labelled and referenced;
 5. Northpoint, scale and date;
 6. All easements of record shall be shown on the final plat;
 7. Street numbers and names;
 8. All lot numbers and situs addresses. Also, all bearings, distances, and curve data for all lot lines street center lines, right-of-way lines, etc.
 9. All public utility easements as required by the planning commission;
 10. A vicinity map showing the location of the subdivision in relationship to the city;
 11. Any notices to purchasers required by the planning commission;
- B. The following shall be included with the final plans:
1. An updated title report for all lands proposed to be subdivided;
 2. A revised Environmental Impact Statement if required by planning commission at preliminary approval;
 3. Tax clearance from county assessor;
 4. Five sets of engineering drawings, including typical street cross-sections, road,

Heber City Municipal Code

sewer, and other underground utility profiles and plans. Details showing the width and type of pavement. Location, size, and type of off-site and on-site water and sewer facilities and other improvements, such as sidewalks, curbs and gutters, parks, street lighting, and fire hydrants;

5. Record of survey map;
6. Checklist of all items discussed at preliminary approval. (Ord. 94-13, 1994)

Chapter 17.24

Street Design Standards

Sections:

- 17.24.010 Widths.**
- 17.24.020 Cul-de-sacs.**
- 17.24.030 Easements.**
- 17.24.040 Curves.**
- 17.24.050 Intersections.**
- 17.24.060 Grades.**
- 17.24.070 Curbs.**
- 17.24.080 Names.**
- 17.24.090 Dedications.**
- 17.24.100 Bridges and Culverts.**
- 17.24.110 Relations to Adjoining Street System.**
- 17.24.120 Cuts in Pavement.**
- 17.24.130 Subdivision--Single Cul-De-Sac--Ingress/Egress Requirements.**
- 17.24.140 Street Plan Approval.**

Section 17.24.010 Widths.

Arterial and collector streets shall conform to the width assigned on the major street plan wherever a subdivision falls in an area for which a major street plan has been adopted. For territory where such street plans have not been completed at the time the preliminary plan of the subdivision is submitted to the planning commission, street dedications shall be provided as follows:

1. Minor street dedications shall be a minimum width of sixty feet;
2. Collector street dedications shall have a minimum width of seventy-two feet;
3. Arterial street dedications shall have a minimum width of eighty-six feet or as shown on the major street plan, whichever is greater;
4. Minimum width of roadway wherever curb and gutters are installed (edge of pavement to edge of pavement) shall be as follows:
 - a. For minor or local streets, forty feet;
 - b. For collector streets, forty-four feet or conform to major street plan, whichever is greater;
 - c. For arterial streets, sixty feet or conform to arterial street plan, whichever is greater. (Ord 95-04, 1995; Ord. 94-13, 1994; Ord. 201 §03.0501(3)(a), 1974)

Section 17.24.020 Cul-de-sacs.

A publicly dedicated Cul-de-sac shall have a right-of way width of at least 60 feet; shall have a length of not in excess of 800 feet; shall be terminated by a right-of-way turnaround of not less than 80 feet in diameter; and shall be identified as such by appropriate signage within 20 feet of the entrance thereof, measured from the frontage street property line. Surface water must drain away from the turnaround - exception: where surface water cannot be drained along a street away from the turnaround due to the grade, a necessary catch basin and drainage easement shall be provided. Cul-de-sacs will only be approved as permitted by Section 17.24.130. (Ord. 2000-26, 2000; Ord. 94-13, 1994; Ord. 93-07, 1993; Ord. 201 §03.0501(3)(b), 1974)
(2000-26, Amended, 12/07/2000)

Section 17.24.030 Easements.

Easements of not less than ten feet on rear lot lines, side lines, and front lines will be required where deemed necessary by serving utility companies for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of sewer mains or similar utilities. (Ord. 94-13, 1994; Ord. 90-14, 1990, Ord. 201 §03.0501(3)(c), 1974)

Section 17.24.040 Curves.

A. Reverse curves shall have a tangent of at least one hundred feet unless, in the opinion of the planning commission, such is not necessary.

B. Two curves in the same direction shall be separated by a tangent of at best two hundred feet except that the planning commission may authorize a tangent of less than two hundred feet where it can be shown that no appreciable traffic hazard will result therefrom.

C. Where the street lines within a block deflect from each other at any one point more than ten degrees, there should be a connecting curve. The radius of the curve for the inner street line shall be not less than three hundred fifty feet for arterial streets, two hundred fifty feet for collector streets, and one hundred feet for minor streets. (Ord. 201 §03.0501(3)(d), (g), 1974)

Section 17.24.050 Intersections.

Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the arterial or collector streets at an angle of not less than eighty degrees for a distance of at least one hundred feet. Offsets across streets in street alignment between ten feet and one hundred fifty feet shall be prohibited. (Ord. 201 §03.0501(3)(e), 1974)

Section 17.24.060 Grades.

Minimum street grades of 0.3 percent will be required and a maximum grade of ten percent will be allowed, except that the planning commission shall have the power to allow a steeper or lesser grade when, in the opinion of the planning commission, the best development of the land is thereby secured. (Ord. 201 §03.0501(3)(f), 1974)

Section 17.24.070 Curbs.

Curbs at all intersections shall be rounded with curves having a minimum radius of twenty feet. Property lines at street intersections shall be rounded with a curve where necessary. (Ord. 201 §03.0501(3)(h), 1974)

Section 17.24.080 Names.

New street names shall not duplicate those names already existing. A street obviously a continuation of another already in existence shall bear the same name. All streets shall be designated by number if straight and running North and South or East and West. Such streets may also be designated by name. All other streets shall be named. All street designations shall be approved by the Planning Commission. Number and name (if named) shall be signed and said signing shall be discernable from the street. (Ord. 94-13, 1994; Ord. 93-07, 1993; Ord. 201 §03.0501(3)(i), 1974)

Section 17.24.090 Dedications.

All streets shall be dedicated for public use, except in large-scale developments. The dedication of half streets in any subdivision is prohibited except on the borders of the subdivision. (Ord. 201 §03.0501(3)(j), 1974)

Section 17.24.100 Bridges and Culverts.

All bridges and culverts shall be constructed to support gross vehicle weight of twenty-six thousand pounds. (Ord. 201 §03.0501(3)(k), 1974)

Section 17.24.110 Relations to Adjoining Street System.

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas for their proper protection (where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless variations are deemed necessary by the planning commission. Where the planning commission determines that it is desirable to provide for street access to adjoining property in order to provide an orderly development of a street system, proposed streets shall be extended by dedication to the boundary of such property. (Ord. 201 §03.0501(3)(1), 1974)

Section 17.24.120 Cuts in Pavement.

No cuts shall be made in street pavement for at least five years after hardsurfacing without planning commission approval, except in cases when public safety is at risk. Curbs and gutters, sidewalks, and the treatment of drainage courses shall comply with standard specifications as adopted by the city and administrated by the planning commission. (Ord. 94-13, 1994; Ord. 201 §03.0501(3) (m), 1974)

Section 17.24.130 Subdivision--Single Cul-De-Sac--Ingress/Egress Requirements.

Because of the need for snow and solid waste removal cul-de-sacs will not be permitted within a subdivision unless approved by the Planning Commission. The opening of a cul-de-sac must face on a street which provides at least two separate ingress-egress roadways to and from the subdivision. In order for a cul-de-sac to be approved it must be shown and the Planning Commission must find the following:

- (a) that the use of the cul-de-sac is necessary to effectively utilize the parcel of land, and
- (b) that there exists topographical, hydrological or unique configurations that justify the use of a cul-de-sac.

See Section 17.24.020 for signage, dimensions, and drainage requirements. (Ord. 2000-26, 2000; Ord. 94-13, 1994; Ord. 93-07, 1993)
(2000-26, Amended, 12/07/2000)

Section 17.24.140 Street Plan Approval.

A subdivision will not be approved if it conflicts with the General Street Plan. A subdivision shall not be platted over any strip of land which is shown on the General street Plan as an existing or potential collector or arterial street. (Ord. 2000-26, 2000)
(2000-26, Added, 12/07/2000)

Chapter 17.28

Block Design Standards

Sections:

17.28.010 Length.

17.28.020 Width.

Section 17.28.010 Length.

The maximum length of blocks shall be eight hundred feet and the minimum length of blocks shall be four hundred feet. The planning commission may approve a variance to this requirement if deemed necessary when the natural contour of the land makes this requirement unsafe or not practical. (Ord. 94-13, 1994; Ord. 201 §03.0501(4) (a), 1974)

Section 17.28.020 Width.

The width of blocks shall be sufficient to allow two tiers of lots. The planning commission may approve a variance to this requirement if deemed necessary when the natural contour of the land makes this requirement unsafe or not practical. (Ord 94-13, 1994; Ord. 201 §03.0501(4)(b), 1974)

Chapter 17.32

Lot Design Standards

Sections:

17.32.010 Building Sites.

17.32.020 Lot Sizes.

17.32.030 Lots Must Abut on Public Streets.

17.32.040 Corner Lots.

17.32.050 Parts of Lots.

17.32.060 Divided Lots.

Section 17.32.010 Building Sites.

The lot arrangement, design and shape shall be such that lots will provide a compact body of land for buildings and be properly related to topography and conform to requirements set forth in this title. Lots shall not contain peculiarly shaped elongations, solely to provide necessary square footage, which would be unusable for normal purposes. (Ord. 201 §03.0501(5)(a), 1974)

Section 17.32.020 Lot Sizes.

All lots shown on the subdivision plat must conform to the minimum requirements of Title 18 of this code for the zone in which the subdivision is located, except when approved by the planning commission and city council as a large-scale development. (Ord. 201 §03.0501(5)(b), 1974)

Section 17.32.030 Lots Must Abut on Public Streets.

Each lot shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated street which if sixty feet wide, or more, except when approved by the planning commission and city council as a large scale development. Interior lots having frontage on two streets shall be prohibited, except where topographic conditions make such design desirable. (Ord. 201 §03.0501(5)(c), 1974)

Section 17.32.040 Corner Lots.

Corner lots shall have dimensions sufficient for the maintenance of required building setback lines on both streets along with sufficient area to comply with area requirements of Title 18 of this title. (Ord. 201 §03.0501(5)(d), 1974)

Section 17.32.050 Parts of Lots.

All remnants of lots below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots, rather than be allowed to remain as usable parcels. (Ord. 201 §03.0501(5)(e), 1974)

Section 17.32.060 Divided Lots.

Where the land contained within one lot is divided into two or more parcels in separate ownership, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified

Heber City Municipal Code

to the planning commission by the subdivider. Thereafter, no lot in the subdivision shall be partitioned.
(Ord. 201 §03.0501(5)(f), 1974)

Chapter 17.36

Large-scale Development

Sections:

17.36.010 Compliance with Zoning Provisions.

17.36.020 Costs and Charges.

Section 17.36.010 Compliance with Zoning Provisions.

Where a subdivision is in the form of a large-scale development, all plans and development in connection therewith shall be made to comply with the requirements for large-scale developments as set forth in Title 18 of this code. Wherever conflict occurs between the regulations contained in this title and the regulations contained in Title 18 of this code the most restrictive regulation shall govern. (Ord. 201 §03.0501(61, 1974)

Section 17.36.020 Costs and Charges.

When a subdivision is in the form of a large-scale development all costs and charges in connection therewith shall be the responsibility of the subdivider and shall be made to comply with the requirements for large-scale developments as set forth in Title 18 of this code. (Ord. 201 §03.0504, 1974)

Chapter 17.38

Commercial Developments

Sections:

- 17.38.010** **Submission and Approval Process.**
- 17.38.020** **Compliance with Zoning Provisions.**
- 17.38.030** **Improvements.**
- 17.38.040** **Landscape Requirements.**
- 17.38.050** **Design Requirements.**
- 17.38.060** **Additional and Special Requirements and Incentives.**
- 17.38.070** **Platting Requirements.**
- 17.38.080** **Supplementary Requirements.**
- 17.38.090** **Guarantees of Performance.**
- 17.38.100** **Costs and Charges.**

Section 17.38.010 **Submission and Approval Process.**

All applications for commercial development approval are required to follow the submission, review, and approval process found in Chapter 17.16 and Chapter 17.20 herein, even in the circumstance where no subdivision is created by the development proposal, except that commercial projects are not required to submit a Preliminary Plan. Commercial Development shall mean any nonresidential development building greater than 1,000 total square feet, including but not limited to public, commercial, industrial and non-profit organization buildings or facilities. Exception: public buildings under 1,000 square feet are exempt. Each commercial project will be required to submit a Concept Plan and a Final Plat. This requirement is intended to provide adequate project review in a manner consistent with other Heber City review processes.

The Concept Plan for a commercial development should include sufficient information about the project to allow the Planning Commission to complete a thorough review of the proposed project. Because the nature of each commercial project is different, consultation with planning staff will help each applicant to prepare the Concept Plan. If properly completed, the Concept Plan may be used as the Final Plat for a commercial project.

Exception to this Subdivision Ordinance for commercial development are limited to the following:

- A. More than one structure may be placed on a commercial parcel if the setback and all other requirements are satisfied.
- B. The owner of commercial property does not need to provide a name for the commercial development.
- C. Other requirements, which can be clearly demonstrated by the applicant, which are not applicable to commercial development.

In addition to the requirements listed above, all commercial developments within Heber City are subject to Chapter 17.14 Adequate Public Facilities, herein.

Each commercial development shall satisfy all applicable requirements of this Subdivision Ordinance, also known as Title 17 of the Heber City Code, and the Heber City Zoning Ordinance, also known as Title 18 of the Heber City Code.

As with all Ordinances of Heber City, if this Chapter is found to be in conflict with any other Heber City Ordinance or Resolution, the stricter of the two shall apply. Likewise, if any portion of this Chapter is found to be unlawful or invalid by a court of law, that section alone shall be removed and the remaining sections of this Chapter shall remain in effect.

D. Commercial Concept Approval becomes null and void if not acted upon within six (6) months of its approval, and Commercial Final Approval becomes null and void if not acted upon within

one year of its approval. Either Concept or Final Approvals may receive one extension upon written permission by the Planning Commission. The duration of the extension for Concept Approval shall not exceed six (6) months. The duration of the extension for Final Approval shall not exceed twelve (12) months. (Ord. 2003-11, 2003; Ord. 96-04B, 1996)
(2003-11, Amended, 08/21/2003; 2003-04, Amended, 04/03/2003)

Section 17.38.020 Compliance with Zoning Provisions.

All applications for commercial development are required to satisfy the applicable requirements found in the Heber City Zoning Ordinance, also know as Title 18 of the Heber City Code. Of particular note for commercial developments are Chapter 18.72, Off-Street Parking, Chapter 18.76, Landscaping, and Chapter 18.104, Signs. (Ord. 96-04B, 1996)

Section 17.38.030 Improvements.

Improvements required for commercial developments shall be consistent with Chapter 17.40 herein. In addition to these requirements, all applications for commercial development will be required to submit all necessary information to determine the effect that approval of the project will have upon the transportation system of Heber City and what actions the city will need to impose, if any, in order to create, or maintain, a safe and efficient transportation system. (Ord. 96-04B, 1996)

Section 17.38.040 Landscape Requirements.

Each application for commercial development approval shall satisfy the requirements found in Chapter 18.76 of the Zoning Ordinance, also known as Title 18 of the Heber City Code, and the following requirements.

All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at no less than twenty (20) feet on center, on average, and shall have no less than a two (2) inch caliper, except that no trees shall be planted within forty-five (45) feet of an intersection clear view area. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.

All ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be irrigated sufficiently. Shrubs, flower beds, decorative rocks, and other appropriate landscaping is highly encouraged.

All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.

Each applicant for commercial development shall submit a complete and detailed landscaping plan for review by the Planning Commission concurrently with submission of other documents for review by the Planning Commission.

All landscaped areas shall be maintained on a regular basis and be kept neat and clean. If the Zoning Administrator determines the maintenance requirement has not been satisfied, the Zoning Administrator shall notify the property owner. The Zoning Administrator will detail the lack of maintenance and inform the owner that a continued lack of maintenance will warrant issuance of a Class C misdemeanor charge against the property owner under the authority of the Utah Code §10-9-1003 and Chapter 17.68 herein. (Ord. 96-04B, 1996)

Section 17.38.050 Design Requirements.

In addition to the requirements of the Heber City Subdivision and Zoning Ordinances, the following design requirements shall apply to each commercial development approved under this Chapter.

Heber City Municipal Code

A. TRASH STORAGE. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area.

B. TRASH COLLECTION AREAS. All trash collection areas shall be designed to be compatible with the proposed project.

C. LIMITED ACCESS. Generally speaking, commercial zones in Heber City are located in areas with a higher potential for traffic congestion. Therefore, access to commercial developments shall be limited to the extent possible in order to maintain traffic flow. Access should be addressed in an appropriate manner in accordance with section 17.38.030 herein.

D. COMPATIBILITY. The Planning Commission may make recommendations to the applicant in order to improve compatibility with surrounding development. This requirement is intended to ensure future compatibility with the subject proposal as well, and should be viewed in that manner by each applicant. If changes to the anticipated structure are made, these changes should be submitted to the Zoning Administrator at the earliest possible date. The Zoning Administrator will determine whether the changes need to be reviewed by the Planning Commission.

E. ADOPTION OF DESIGN CRITERIA. The March 2006 Heber City Design Compatibility Criteria for Commercial Development in the "Historic" Commercial C-3 Zone, attached as Exhibit A, is adopted herein by reference. Copies of the Heber City Design Criteria shall be on file in the City Recorder's Office for the use and examination of the public.

1. APPLICABILITY. General. Where, in any specific case, differences between the Heber City Design Compatibility Criteria for the C-3 Zone and the adopted Building Codes specify different materials, methods of construction or other requirements, the specific requirements of the Building Code shall be applicable.

F. ADOPTION OF DESIGN CRITERIA. The November, 2006, Heber City Commercial Districts: C-2 and C-4 Zones Design Standards and Guidelines, attached as Exhibit A, is adopted herein by reference. Copies of the Heber City C-2 and C-4 Design Standards and Guidelines shall be on file in the City Recorder's Office for the use and examination of the public.

1. APPLICABILITY. Where, in any specific case, differences between the Heber City C-2 and C-4 Zone Design Standards and Guidelines and the adopted Building Codes specify different materials, methods of construction or other requirements, the specific requirements of the Building Code shall be applicable. (Ord. 2001-13, 2001; Ord. 96-04B, 1996) (2006-29, Amended, 11/16/2006; 2006-13, Amended, 06/15/2006; 2001-13, Adopted, 08/16/2001)

Section 17.38.060 Additional and Special Requirements and Incentives.

The following requirements are supplemental to the other requirements of this Chapter and are intended to address more specific commercial development concerns.

A. INGRESS and EGRESS. Each commercial development is required to incorporate two points of ingress and egress to the proposed development. The ingress and egress shall be consistent to Chapter 17.24.130 herein. In addition to Chapter 17.24.130, no point of ingress and/or egress shall be located closer than one hundred (100) feet from another point of ingress and/or egress along the same public street. This requirement may be waived by the Planning Commission if necessary and appropriate.

B. STORAGE and WAREHOUSE DEVELOPMENTS. All storage doors, entrances into storage and warehousing areas, and parking in storage and warehouse developments shall be internally located and not located on a public street. Internal streets should be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed by the Heber City Fire Marshall and must meet this requirement, as evidenced by a letter from the Fire Marshall. It is the responsibility of the applicant to demonstrate that adequate traffic flow can be accomplished.

Heber City acknowledges the need for adequate security in these types of developments. However, provisions should be made which allow authorized access for public safety employees into these developments for public and personal safety. This includes access to entrance codes, electronic

opening devices, lock combinations, and the like.

All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. These fences should be kept in good repair. Fencing other than chain link which is similar in design to other structures within the development is highly desirable. The rear sides of buildings which provide adequate security may satisfy this requirement.

C. DENSITY INCENTIVES. Storage and warehouse developments which provide design features that enhance the aesthetic appearance of the project are entitled to consideration of an increase in the density of the project. Density incentives shall be as follows:

1. Developments which provide fencing that is not chain link and use materials compatible with the materials and colors used in the construction of the structures within the development, or are constructed from wood or other attractive material, as determined by the Planning Commission, are entitled to a ten (10) percent increase in total project density. The rear sides of buildings which provide adequate security may be used for this purpose.

2. Developments which provide multi-pitched roof lines through the use of dormers and gables, or the like, whether real or false facade shall be entitled to a ten (10) percent increase in total project density. In order to qualify for a density bonus under this paragraph, the structure must contain a break in pitch, which is roughly perpendicular to the roof line, at intervals of not more than forty (40) lineal feet of vertical roof line.

3. Developments which use natural materials and colors such as brick (not intended to be defined as cinder block), wood siding, stucco, or other attractive materials as found acceptable to the Planning Commission in the construction of all structure(s) in the commercial development which face onto public streets shall be entitled to a ten (10) percent increase in total project density.

These incentives are provided in order to encourage a higher standard of development. If the Planning Commission determines that a project is not enhanced positively through the efforts of a developer to obtain a density incentive, the Planning Commission may reduce the percentage, or deny the increase in total project density.

Each of the incentives are exclusive of the other. Therefore, an applicant may receive a total of thirty (30) percent increased project density. (Ord. 96-04B, 1996)

Section 17.38.070 Platting Requirements.

All commercial developments must prepare a final plat in accordance with Chapter 17.44 herein. In addition to the requirements of Chapter 17.44, commercial developments shall include with the plat the approved landscaping plan, and traffic information in accordance with Chapter 17.38.030 herein shall be submitted in a form capable of being recorded in the office of the Wasatch County Recorder.

In the case of storage and warehouse developments, if a density incentive was approved, information pertaining to the incentive and all conditions relating thereto shall also be submitted in a form capable of being recorded in the office of the Wasatch County Recorder. (Ord. 96-04B, 1996)

Section 17.38.080 Supplementary Requirements.

Each of the following requirements are supplementary to this part. They constitute requirements for Chapter 17.38 only and are adopted under Chapter 17.06 of this Title. Each of these supplementary requirements must be satisfied prior to approval of an application for commercial development.

A. LAYOUT OF BUILDINGS. Unlike other developments approved under this Title, commercial developments may have more than one main structure per parcel. In such cases the applicant shall provide a project master plan to the Planning Commission indicating the location and size of each proposed structure. Additionally, the project master plan shall indicate accessory buildings, if any. Each structure in the commercial development is required to satisfy the building permit requirements of Title 18.12.

Heber City Municipal Code

B. **SETBACKS.** Setback requirements in commercial zones may be flexible, but must be approved by the Planning Commission. The Planning Commission shall consider impacts on adjacent parcels, traffic, pedestrian access, landscaping and other relevant issues when recommending setback requirements.

C. **SURFACE WATER DRAINAGE.** Surface water from roof tops, parking lots or irrigation ditches shall not be allowed to drain onto adjacent lots or streets except after written agreement between the parties involved.

D. **FUTURE DEVELOPMENT.** Whenever a front or side yard is required for a building which abuts on a proposed street which has not been constructed but which has been designated by the Planning Commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

E. **CONCESSIONS.** Concessions, including but not limited to amusement devices, recreational buildings or refreshment stands, shall be required to obtain approval from the Planning Commission and purchase a business license prior to operating such a business on any commercial site. Such operations may be denied by the Planning Commission if deemed inappropriate due to location, hazard, appearance, etc.

F. **SOLID WASTE AND SEWAGE.** Each commercial development shall be reviewed by the Solid Waste Department for recommended solid waste disposal. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the Health Department before a building permit is issued.

G. **GASOLINE PUMP ISLAND LOCATION.** Gasoline pump islands shall be set back not less than fifteen (15) feet from any street line to which the pump island is parallel and not less than twelve (12) feet from any residential zone boundary line. If the pump island is set in an angle to the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps set closer than twelve (12) feet from any street lines, not closer than ten (10) feet from any side or rear property line. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy-five (75) by one hundred (100) feet in size. Canopies over pump islands may extend to within five (5) feet of the property lines.

H. **MOTOR VEHICLE ACCESS.** Access to all buildings in a commercial project shall be controlled as follows:

1. Each driveway shall be not more than thirty (30) feet in width in any commercial or industrial zone measured at right angles to centerline of the driveway. On corner lots, no driveway shall be closer than fifty (50) feet to the point of intersection of the front property line which abuts upon a street.

2. Each commercial development shall install curb and gutter to facilitate surface drainage.

I. **POLLUTION PREVENTION.** Any use which emits or discharges gases, fumes, dust, glare, noise, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited.

J. Each commercial development shall present a plan for public utilities and services. These plans may be reviewed by utility providers for recommendations.

K. Each commercial development shall satisfy the parking requirements found in Title 18.72 for the appropriate zone.

L. Each commercial development shall satisfy all applicable requirements of both the Subdivision (Title 17) and Zoning (Title 18) Ordinance of Heber City. (Ord. 96-04B, 1996)

Section 17.38.090 Guarantees of Performance.

Heber City Municipal Code

All commercial projects are subject to the guarantees of performance requirements listed in Chapter 17.52 herein. (Ord. 96-04B, 1996)

Section 17.38.100 Costs and Charges.

All commercial projects are subject to the fee schedule listed in Chapter 17.56 herein. However, review fees under section 17.56.015 for commercial projects shall be as follows: Concept Plat \$75; Final Plat \$75 + \$25 per acre. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the Standard performance bond to insure the payment of the cost of inspection.

All other costs, fees, and charges shall be consistent with Chapter 17.52 herein. (Ord. 96-04B, 1996)

Chapter 17.40

Improvements

Sections:

17.40.010 Requirements.

Section 17.40.010 Requirements.

The following improvements shall be installed in all subdivisions. A subdivider may post a bond or other assurance satisfactory to the city council. The purpose of the bond or other assurance is to ensure installation of the required improvements within two years from the date of approval without cost to the city. The improvements shall include:

- A. Water, Sewer, Solid Waste:
 - 1. A potable water supply in amounts and manner as required under Section 17.28.030 of this chapter in accordance with the State Board of Health Standards;
 - 2. The installation of water and sewer mains and water and sewer laterals to each lot property line shall be required in accordance with city standards as directed by the planning commission;
 - 3. The installation of fire hydrants in accordance with city standards as directed by the city fire marshal and planning commission;
 - 4. Solid waste disposal facilities shall be provided in accordance with city standards.
 - 5. Secondary pressurized irrigation system in accordance with city standards as directed by the planning commission.
- B. Streets:
 - 1. The grading and graveling of all streets and the installation of all required culverts in accordance with city standards as directed by the planning commission;
 - 2. The hard-surfacing of all streets in accordance with city standards as directed by the planning commission;
 - 3. Curbs and gutters and sidewalks in accordance with City standards.
- C. Utilities. Electric, cable television, natural gas, and telephone lines shall be installed as directed by the planning commission. These utilities shall be located underground except when the subdivider can show the planning commission that underground lines are not feasible.
- D. Survey Monuments. The installation of survey monuments in accordance with city standards as directed by the planning commission.
- E. Environmental Hazards. Environmental hazards must be eliminated as required by the planning commission as follows:
 - 1. Cut and fill slopes must be covered with topsoil and reseeded;
 - 2. Location of streets and buildings on unstable soil shall be prohibited;
 - 3. Surface water shall be confined to the subdivision or shall be drained into natural channels in a manner that will prevent the soil within and outside of the subdivision from eroding;
 - 4. Natural drainage channels shall be adequately taken into account in laying out the subdivision;
 - 5. Other environmental hazards must also be eliminated or adequately handled as directed by the planning commission.
- F. Street lighting shall be installed as per city standards as directed by the planning commission. (Ord. 94-13, 1994; Ord. 93-07, 1993; Ord. 201 §03.0502, 1974)

Chapter 17.44

Platting Requirements

Sections:

17.44.010 Preparation.

17.44.020 Material.

17.44.030 Content.

Section 17.44.010 Preparation.

A final plat shall be prepared for all subdivisions except as noted in Section 17.12.010 of this chapter. (Ord. 201 §03.0600(1)(a), 1974)

Section 17.44.020 Material.

The plat shall be shown on mylar or linen material and shall conform to city standards as directed by the planning commission. Details and workmanship shall be neat, clean cut and readable. (Ord. 201 §03.0600(1)(b), 1974)

Section 17.44.030 Content.

Final plat shall be as required in Section 17.20.030 of this title. (Ord. 94-13, 1994; Ord. 201 §03.0600 (1)(c), 1974)

Chapter 17.48

General Subdivision Requirements

Sections:

- 17.48.010 School Sites--Public Spaces.**
- 17.48.020 Private Roads and Driveways--Construction and Maintenance.**
- 17.48.030 Water Supply and Storage.**
- 17.48.040 Small Subdivisions.**
- 17.48.050 Work to be done by Engineer or Surveyor.**
- 17.48.060 Continuity of Dead-End Streets.**
- 17.48.070 Protection of Scenic Features.**
- 17.48.080 Repealed.**

Section 17.48.010 School Sites--Public Spaces.

In subdividing property, consideration should be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the comprehensive plan. Any provision for such open spaces shall be indicated on the preliminary plan in order that it may be determined in what manner such areas will be dedicated to, or acquired by the appropriate agency. (Ord. 201 §03.0801, 1974)

Section 17.48.020 Private Roads and Driveways--Construction and Maintenance.

- A. The city shall not open, grade, pave, or perform any maintenance work on any private or undedicated street or alley, and the city shall refrain from laying utility lines in any street which has not:
 - 1. Been accepted by the city as a public street or alley; or
 - 2. Which has not received the approval of the city council as part of a final plat of a subdivision, unless an easement is granted therefor.
- B. The city shall not accept nor maintain a street or other public way unless said street has been accepted by the city council as a public street and the street has been constructed in accordance with city standards. (Ord. 201 §03.0802, 1974)

Section 17.48.030 Water Supply and Storage.

All lots within the subdivision shall be served by an approved central water system consisting of both a culinary water system and a secondary pressurized irrigation system. The subdivider shall submit proof that the proposed culinary water source and distribution system are capable of providing at least four hundred gallons per dwelling unit per day for indoor uses plus the amount of water required to provide fire protection as per city standards. Where water is to be used for lawn sprinkling and other outside uses, the subdivider shall submit proof the proposed secondary water source and distribution system are capable of providing at least four hundred gallons per dwelling unit per day, but not less the amount required to adequately irrigate all lands to be landscaped within the development, as determined by the city engineer. (Ord. 94-13, 1994; Ord. 201 §03.0804, 1974)

Section 17.48.040 Small Subdivisions.

- A. Whenever a small subdivision meeting the conditions as set forth in Section 17.12.010 of this chapter is proposed, a preliminary plan conforming to the requirements for preliminary plans as set forth in Section 17.20.020 shall be prepared and submitted to the planning commission for approval at least 28 (twenty-eight) days prior to the Planning Commission meeting. Before preparing and submitting

the plans, the applicant shall meet with the Planning and Engineering departments to determine if any of the requirements set forth in 17.20.020 are not necessary to be submitted to the Planning Commission in order for it to make an educated decision. Staff will base its determination on the site conditions as well as surrounding conditions.

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

Exception: The applicant may petition for and the Planning Commission may, upon recommendation from the Planning and Engineering Departments, waive any of the required improvements in 17.40.010 excluding 17.40.010 A1 (Potable Water), A2 (water and sewer mains and laterals), A3 (fire hydrants), B2 (hard-surfacing of streets) and C (utilities--except the Cable Television requirement may be waived). In determining whether or not to waive said requirements, consideration shall be given to conditions on site, conditions surrounding the site, the availability of improvements in the area, the practicality of constructing said improvements, the respective capital improvements plans for each improvement, and whether or not the waiver(s) substantially affect the General Plan of the City. A financial hardship shall not be considered by the Planning Commission as reason to grant a waiver. (Ord. 2007-33, 2007; Ord. 98-18, 1998; Ord. 201 §03.0805, 1974) (2007-33, Amended, 09/06/2007; 98-18, Amended, 11/05/1998)

Section 17.48.050 Work to be done by Engineer or Surveyor.

All engineering work or surveying of property must be done by or under direction of a registered professional engineer or land surveyor registered in the state. (Ord. 201 §03.0806, 1974)

Section 17.48.060 Continuity of Dead-End Streets.

Whenever a proposed subdivision has a street which terminates against private property of an individual, other than the subdivider, a strip of land at least one foot wide across the entire end of the subdivider's proposed street and on the subdivider's property, must be platted as a lot, and said lot shall be deeded to the city as a lot in the proposed subdivision for future street purposes. (Ord. 201 §03.0807, 1974)

Section 17.48.070 Protection of Scenic Features.

Where natural or scenic features and/or historic community assets exist, such features or community assets shall be safeguarded by dedication to a public or private agency. (Ord. 201 §03.0808, 1974)

Section 17.48.080 Repealed.

Chapter 17.52

Guarantee of Performance

Sections:

17.52.010 Type and Amount.

17.52.020 Duration.

17.52.030 Default.

17.52.040 Final Inspection and Release.

Section 17.52.010 Type and Amount.

The type of guarantee shall be in the form of an escrow account, cash bond, performance bond, or other assurance equal to the cost of the required improvements, plus ten percent as determined by the planning commission plus the estimated cost of inspection services. The subdivider shall furnish an estimate of the cost of constructing the required improvements. Said estimate shall be prepared by an engineer registered to practice in the state and approved by the planning commission. See Section 17.56.015 for the manner in which estimated inspection fees will be set. (Ord. 94-13, 1994; Ord. 201 §03.0701, 1974)

Section 17.52.020 Duration.

A. The duration of the assurance required in 17.52.010 shall be for two years from the date of approval of the final plat of the subdivision by the city council.

B. An extension of time may be granted by the city council upon application by the subdivider, provided such application is submitted at least sixty days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the assurance. (Ord. 94-13, 1994; Ord. 201 §03.0702, 1974)

Section 17.52.030 Default.

In the event the subdivider becomes in default or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the final plat by the city council or to pay all liens in connection therewith the city council shall declare the bond or other assurance forfeited and the city may install or cause the required improvements to be installed, using the proceeds from the sale of the bonds or other assurance to defray the expense thereof. The subdivider will remain financially responsible for any deficiency. (Ord. 94-13, 1994; Ord. 201 §03.0703, 1974)

Section 17.52.040 Final Inspection and Release.

The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work or not less than ten days prior to the release date of the bond, the planning commission or authorized representative shall make a preliminary inspection of the improvements and shall submit a report to the city council setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the city council shall release the bond upon the subdivider providing a separate maintenance bond; otherwise, the performance bond will be released one year thereafter if no quality defects exist. If the condition of materials or workmanship show unusual depreciation or do not comply with the standards of the city, or if any outstanding liens are not paid, the city council will declare the subdivider in default. (Ord. 94-13, 1994; Ord. 201 §03.0704, 1974)

Chapter 17.56

Costs and Charges

Sections:

17.56.010 Schedule.

17.56.015 Fee Schedule for Proposed Developments.

Section 17.56.010 Schedule.

Costs and charges in connection with the planning and development of subdivisions in the city shall be shared between the subdivider and the city according to the following schedule:

<u>Plan or Facility</u>	<u>Subdivider</u>	<u>City</u>
Concept Plan	100%	0%
Preliminary Plan	100%	0%
Final Plat Plans	100%	0%
Easements and rights-of-way, on-site and off-site	100%	0%
Grading and draining streets on-site	100%	0%
Grading and draining streets off-site	Special negotiations with the City Council	
Bridges and culverts	100%	0%
Street paving on-site	100%	0%
Street paving off-site	Special negotiations with the City Council	
Curb and gutter and curb cuts	100%	0%
Sidewalks	100%	0%
Street signs	100%	0%
Water Storage	0% if existing tanks	

Heber City Municipal Code

	can serve development; Special negotiations with the City Council if not	
Water Supply Water shares to supply the amount of water required in Section 17.48.030	100%	0%
Water mains and laterals up to and including 10" diameter	100%	0%
Sewer mains and laterals up to and including 10" diameter	100%	0%
Oversize Water and sewer mains	Special negotiation with the City Council	
Street lighting easements and rights-of-ways and fixtures	100%	0%
Street lighting maintenance and electricity expenses	0%	100%
Electric utilities	100%	0%
Parks	100%	0%
Monuments	100%	0%
Canal and flood channel protection	Special negotiations with the city council	
Elimination of environmental hazards (Ord. 94-13, 1994; Ord. 223 §1, 1978; Ord. 201 §03.0503, 1974)	100%	0%

Section 17.56.015 Fee Schedule for Proposed Developments.

Heber City Municipal Code

The Planning Commission shall charge a fee to cover the costs of platting proposed annexations, subdivisions, planned unit developments, manufactured home parks, and recreational vehicle parks in Heber City.

A. The fees charged shall be as follows:

1. Subdivisions: Concept plat \$250; Preliminary plat \$200 + \$25 per lot; Final plat \$200 + \$25 per lot. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the standard performance bond to insure the payment of the cost of inspection. The preliminary inspection fee or fund shall be set at the rate of 5.0% for the first two hundred thousand dollars, plus 2.0% for additional cost up to one million dollars, and 1% thereafter, of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees).

2. Manufactured Home Parks: Preliminary plat \$200 + \$10 per lot; Final plat - \$200 + \$10 per lot. In addition, the developer shall pay for all engineering review fees and upon final plat approval the estimated inspection fee shall be escrowed with the City or added to the performance bond. The deposit or bond to cover the cost of inspection services shall be calculated as follows: 5.0% for the first two hundred thousand dollars, plus 2.0% for additional cost up to one million dollars, and 1% thereafter, of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees).

3. Recreational Vehicle Parks: Preliminary plat \$100 + \$5 per pad; Final plat \$100 + \$5 per pad. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the standard performance bond to insure the payment of the cost of the engineering inspection services. The preliminary inspection fund or fee shall be: 5.0% for the first two hundred thousand dollars, plus 2.0% for additional cost up to one million dollars, and 1% thereafter, of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees).

B. In addition to the above fees, the developer shall pay for all engineering review fees, on-site inspection fees, and all costs related to preparation and filing of mylar.

C. The above fees are estimates of the average costs involved in preparing, reviewing and inspecting a proposed development. If costs for plan review, studies, inspection, or other costs exceed the above fee, the developer is responsible for the additional costs. Thus, any surplus shall be refunded to developer and the developer shall be responsible for any deficiency. The filing of an application shall constitute consent to pay said inspection fees.

D. Fees paid pursuant to this section are non-refundable except for any unused portion of deposited inspection fee. (Ord. 94-13, 1994; Ord. 92-01, 1992)

Chapter 17.60

Variances

Sections:

17.60.010 Criteria for Approval.

Section 17.60.010 Criteria for Approval.

Where, because of topographical or other extreme physical conditions peculiar to the site, the strict adherence to the requirements contained in this title or adopted pursuant to this title would cause unnecessary hardship, the planning commission may recommend and the city council may grant a variance from said requirements. Any variance shall be authorized by the city council only after receiving the recommendation of the planning commission and upon the finding that such variance is justified and can be made without destroying the intent of these provisions. Variances granted under this section shall be limited to issues of design and layout only. No variance shall be authorized which would constitute a waiver of the improvement requirements for streets, water supply and facilities, sewage disposal, and solid wastes disposal. (Ord. 94-13, 1994; Ord. 201 §03.0810, 1974)

Chapter 17.64

Amendments

Sections:

17.64.010 Criteria for Approval.

Section 17.64.010 Criteria for Approval.

Before approving a preliminary plan for a final plat of a subdivision, the planning commission may require amendments or modification of the plan if it finds that:

- A. The layout of the subdivision does not conform to acceptable standards of design as set forth in this title;
- B. The subdivision is not provided with adequate ingress or egress;
- C. The subdivision contains geologic, soil, water, or other hazards which could be detrimental to the subdivision, surrounding area, or to the city;
- D. The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in this chapter. Such amendments or modifications shall be sufficient in all cases to correct the inadequacies so that the subdivision will conform to the requirements of this chapter. (Ord. 201 §03.0811, 1974)

Chapter 17.68

Substantial Completion of Subdivisions

Sections:

17.68.10 Substantial Completion of Subdivisions Required before the Issuance of Building Permits and Approvals for Occupancy

Section 17.68.10 Substantial Completion of Subdivisions Required before the Issuance of Building Permits and Approvals for Occupancy

Building permits and approvals for occupancy will only be issued pursuant to the provisions of Sections 15.04.040 and 15.04.050. (Ord. 99-05, 1999)
(Manual, Adopted , 05/07/1999)