

Ordinance \_\_ - 2021

AN ORDINANCE TO ADOPT CHANGES TO THE CITY CODE OF RIVER HEIGHTS,  
UTAH

The River Heights City Planning Commission held a duly noticed public hearing on Tuesday, \_\_\_\_\_ 2021, after which, the River Heights City Council adopted the following changes to the River Heights City Code.

**3-1-4:A.**

1. Home occupations which have the potential of an external impact greater than the impact of a normal residential use are required to obtain a CUP and (if granted) a city business license. (A business license fee may not be required. See 3-1-6) Impacts to the neighborhood will be evaluated in the following areas:
  - j. If an owner of the business doesn't reside in the home where business is conducted.

**3-1-4**

- B. No license required when operated only occasionally or by an individual under 18 years old.

**10-2-1: DEFINITIONS**

Barber shop: Men's hair stylist shop primarily engaged in cutting, trimming, and styling men's and boys' hair; and/or shaving and trimming men's beards.

Beauty Salon: Unisex styling shop primarily engaged in furnishing services in one or more of the following: (1) cutting, trimming, shampooing, coloring, waving, or styling hair; (2) providing facials; and (3) applying makeup.

Nail Salon: Primarily engaged in providing nail care services, such as manicures, pedicures, and nail extensions.

**10-3-10: AMENDMENTS**

- B. “. . . Upon approval of the petition, the planning commission shall certify its recommendations to the city council for its consideration as prescribed by state law. If request is rejected by the planning commission, the requestor may appeal to the city council.

**10-12-1:C.**

2. The planning commission shall gather facts concerning the nature of the use, types of activities, impacts, etc., and shall transmit its findings and recommendations to the ~~mayor~~ and city council, who shall amend the land use chart.

**10-14-2: OFF STREET RESIDENTIAL PARKING**

- D. Width: In residential zones, driveway approaches shall be not more than twenty-eight feet (28') in width and shall be a minimum of six feet (6') from property line; (1-2016, 3-22-16) (6-2016, 9-27-16)

TITLE 10

CHAPTER 10

RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE

SECTION:

- 10-10-1: Intent
- 10-10-2: Use Regulations
- 10-10-3: Special Provisions
- 10-10-4: Requirements

**10-10-1: INTENT AND PURPOSE**

A Residential Planned Unit Development (R-PUD) is an overlay rezone. The purpose of a R-PUD in an overlay zone is to encourage imaginative and efficient utilization of land, to develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. These areas keep their base zoning, with that zoning's standards, conditions, and restrictions. Applicants apply for the overlay to be applied, allowing them to receive the density outlined herein in exchange for public amenities, all while retaining the original zoning of the property. This is accomplished by providing greater flexibility in the location of buildings on the land, the creation and consolidation of open spaces, and the clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within River Heights City. R-PUD incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design, amenities, a well-planned circulation system, and attractive entrances as part of the design. The combination of all these elements is necessary for the development of a R-PUD. Because of the substantial public advantages of a planned unit development, it is the intent of this overlay zone to allow development hereunder where tracts suitable in size, location and character for the uses and structures proposed are planned and

developed as units for a unified and coordinated manner. In such circumstances, where municipal planning and private development may effectively proceed together, it is necessary and appropriate that there be requirements and regulations other than on a lot by lot or subdivision basis to provide flexibility and innovation in site planning and land use relationships while also ensuring substantial compliance with the intent, objectives and purposes of this title and the city's general plan.

### **10-10-2: SPECIAL PROVISIONS**

- A. A R-PUD may be applied on properties designated potential parcels of land located in River Heights.
- B. Minimum development site: The minimum total area for an R-PUD shall be 5 acres.
- C. Base Density: The base density of a PUD shall be based on the density of the underlying zone. Density of the base zone is based on Net Developable land. It shall be calculated as follows: 80% of the total acreage of the development divided by the minimum lot size of the underlying zone.
- D. The city council, upon recommendation of the planning commission, may determine the density bonus upon the city council's acceptance of the design options, as set forth below. The actual bonus awarded for each incentive shall be reflective of the effort made by the developer to meet the intent of the incentive and shall be determined by the city council and not exceed 20%.
  - 1. Additional open space-up to a maximum 10% bonus
  - 2. Pedestrian and bicycle circulation -up to maximum 5% bonus
  - 3. Additional amenities and improvements as determined by city council- up to a maximum of 5% bonus, including the requirements of the Fee in Lieu Substitutions for open space requirements in city code 10-7-10 paragraphs B, C and 10-7-11 with the exception of paragraphs B, E, F and I.3 in the Mixed Use Zone.
- E. The design of public streets within a PUD shall follow the applicable city standards for width of right of way and construction. All streets within a PUD, in a residential zone shall be public streets. (Exception would be private drive isle.)
- F. Within residential zones, PUDs should incorporate walking and biking trails and pathways for the use and enjoyment of residents. These trails and pathways may vary in width from five (5) to ten feet (10') depending on their intended use. Consideration shall be given for their connectivity or inclusion into the citywide network of trails identified in the city's general plan. Where appropriate, equal consideration for trails and pathways shall be given within residential zones.
- G. Non-residential uses shall be governed by the underlying zone.
- H. Individual private parking stalls and parking structures shall avoid direct access to public streets classified as collector in the River Heights transportation master plan. Driveways serving three (3) units or more may be allowed to access such streets, provided they are located a minimum of two hundred feet (200') from another driveway or public street, on a collector street, when measured from the centerline of the driveway to the centerline of another driveway or street.

### **10-10-3: REGULATIONS**

The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this title: Multiple-family dwellings (should not exceed four (4) units per structure), patio homes, single-family attached, single-family that are conventional dwellings, or

manufactured homes. Up to 35% of the units may be approved for multi-family dwellings. (Ord., 1-22-2002).

#### **10-10-4: REQUIREMENTS**

- A. Minimum Area: The minimum area that may be considered for a planned unit development shall be five (5) acres.
- B. Plats Required: All planned unit developments shall require a preliminary plat and final plat.
- C. R-PUDs must comply with requirements of River Heights Subdivision Ordinances.
- D. Site Plan required: Application shall be accompanied by architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses: The use or uses, dimensions, sketch elevations, and General locations of proposed dwellings and other structures.
- E. Architectural Design Standards for multi-family dwellings: All new buildings must incorporate a defined architecture style. A recognized architectural style shall be one which is recognized by design professionals as having basis in classical, historical or academic architectural design styles. The following elements shall be incorporated into the design of each building:
  - 1. Primarily durable, materials including stucco, brick, fiber cement, decorative block or other materials as approved by City Council.
  - 2. For buildings over 1 story, vertical separation elements to differentiate levels. These may include Chang of materials, dormers, cornices, or other elements, as approved by City Council.
  - 3. Architectural wall variation between units to differentiate dwellings. These may include, vertical articulation, variation of materials or other elements, as approved by City Council.
- F. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, proposed parking, ingress, and egress. Proposed circulation pattern including private driveways, public and private streets, and pedestrian and bicycle paths.
- G. Modifications and Conditions May be Imposed: The planning commission and city council may impose modifications and conditions in consideration of factors, such as size and location, street capacities of the area, ingress and egress to adjoining streets, internal traffic, signs and lighting, building bulk and location, including residential density, coverage, and open space characteristics as stated in River Heights Subdivision Ordinances.
- H. That the proponents intend to start construction within one (1) year of the approval of the project and any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four (4) years from the date construction begins.
- I. That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.
- J. Proposed R-PUD adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300-foot width of open space including a landscaped Buffer as defined within this chapter.

- K. R-PUDs shall provide a minimum open area for residents and/or occupants of such development. Open space shall be land areas that are not occupied by buildings, structures, parking areas (including private driveways), streets or alleys. Said open space shall be devoted to landscaping, preservation of natural features, open pavilions, and recreational areas. Required "base" open space areas shall be contiguous, not a collection of remnants.
- L. Areas with natural features worthy of preservation, which are not buildable, such as canyons or slopes, ridgelines, wetlands, stream or creek corridors, utility corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas. The base open space requirement for zones R-8 through R-12 will be 25% of developable land, with a minimum of quarter acre per acre set aside for open space.
- M. The open space should be large enough for the use of all residents of the project or the general public. Such spaces, minimum of a half acre, should include improvements such as playgrounds, pathways, pavilions, play courts, and areas of significant native vegetation. Specific improvements shall be approved by the City Council.
- N. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 6 features.
- O. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed.
- P. A maintenance plan which defines the responsible parties for all open space areas and amenities shall be provided and incorporated into the development agreement.

**10-11-6: HISTORIC LANDMARK OVERLAY ZONES FOR PROPERTIES AT:  
594 SOUTH 400 EAST, RIVER HEIGHTS, UT 84321, AND 660 E 400 SOUTH,  
 RIVER HEIGHTS, UT 84321**

- A. Declaration of Legislative Intent: It is the intent of the City of River Heights, the River Heights Planning Commission, and the River Heights City Council to establish a Historical Landmark Overlay Zone (HL) at properties known as: 594 South 400 East, River Heights, Utah 84321 and 660 E 400 South, River Heights, UT 84321. These sites are ~~is~~ not to conflict with the atmosphere of the surrounding residential neighborhood nor bring about noxious or nuisance activities.  
 This declaration is *not* to replace the current Residential zoning for the buildings located at 594 South 400 East, River Heights, Utah 84321 and 660 E 400 South, River Heights, UT 84321, but to allow an additional layering of zoning for the enhancement of a historical landmark within City limits.  
 Residential zoning regulations supersede any additional Historical Landmark Zoning amendments created herein.
- G. Allowed Uses:  
21. Barber Shop, Beauty Shop, or Manicure/Pedicure Shop
- H. Uses Not Permitted:  
~~3. Barber Shop, Beauty Shop, or Manicure/Pedicure Shop~~

- M. Residential Uses: The business owner/tenant/manager is allowed to reside in the structure if the structure meets the definition of a single-family residential dwelling unit and is located on a lot at least 8,000 square feet in size. The buildings located at 594 South 400 East, River Heights, Utah 84321 and 660 East 400 South, River Heights, Utah 84321 may be occupied as a single-family dwelling in the event the Historical Landmark Overlay (HL) zone is terminated.
- R. Site Plan Review Required
1. Concurrent with any request to rezone property to the Historic Landmark (HL) Overlay Zone, a preliminary project plan shall be submitted to the Planning and Zoning Commission for review and recommendation to by the City Council. Said preliminary project plan shall be drawn to scale and shall contain the following information:
- S. Building and Architectural Standards:
1. For property located at 594 South 400 East, River Heights, Utah 84321:The building shall have an architectural style and exterior finish similar to that of the original Sinclair Gas Station built in the 1950's.
  2. For property located at 660 East 400 South, River Heights, Utah 84321: Exterior finishes shall be stucco, masonry, stone, or architectural grade metal siding. No building shall be finished with vinyl or metal siding only. Vinyl or metal siding may be used as an appropriate supplementary finish material in combination with masonry or stone. Murals or super graphics shall be specifically approved. The City Council shall be the approval agency in determining architectural style.