

**AN ORDINANCE TO ADOPT CHANGES TO THE RIVER HEIGHTS CITY CODE 10-11,
SENSITIVE AREA AND OTHER OVERLAY ZONES**

The River Heights City Planning Commission held a duly noticed public hearing on Tuesday, April 23, 2024, after which, the River Heights City Council adopted the following changes to the River Heights City Code.

TITLE 10

CHAPTER 11

SENSITIVE AREA AND OTHER OVERLAY ZONES

SECTION:

- 10-11-1: Intent
- 10-11-2: Flood Overlay Zone (OF)
- 10-11-3: Slope Overlay Zone (OS)
- 10-11-4: High Water Table Overlay Zone (OW)
- 10-11-5: Earthquake Fault Overlay Zone (OE)
- 10-11-6: Historic Landmark Overlay Zones for Properties located at: 594 South 400 East, and 660 East 400 South, and 420 South 500 East, (HL)

10-11-6: HISTORIC LANDMARK OVERLAY ZONES FOR PROPERTIES AT: 594 SOUTH 400 EAST, AND 660 EAST 400 SOUTH, AND 420 SOUTH 500 EAST

- A. ~~Declaration of Legislative Intent:~~ It is the intent of the City of River Heights to establish a Historical Landmark Overlay (HL) Zone at properties known as 594 South 400 East, and 660 East 400 South, and 420 South 500 East, River Heights, Utah.

These sites are 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 properties~~ located at 594 South 400 East, and 660 East 400 South, nor the current Parks, Recreation and Open Space Zone for 420 South 500 East, River Heights, Utah, but to allow an additional layering of zoning for the enhancement of a historical landmark within City limits.

Residential zoning regulations and Parks, Recreation and Open Space zoning regulations, respectively as applicable, supersede any additional Historical Landmark Zoning amendments created herein.

- B. Purpose: The Historic Landmark Overlay (HL) Zone is intended to support the revitalization and productive reuse of structures and sites that hold

historic, architectural, or cultural value, and which would otherwise be underutilized, dilapidated, or even demolished because the original use has become functionally obsolete. The city recognizes the importance of these significant landmarks and desires to provide a process to allow restoration and practical reuse while minimizing impacts to adjacent properties and avoiding the process of demolition and reconstruction.

The HL Zone designation is further intended for light commercial development that will relate to the residential neighborhood and will be compatible with residential character or historic value in nature.

C. Applicability: This overlay zone may be applied in any zoning district if each of the following criteria is met:

1. The structure is at least fifty (50) years old.
2. The site or structure has been designated as a local or national historic landmark, or the structure is found by the River Heights City Council ("City Council") to have retained its integrity by the following characteristics:
 - a. Excellent example of type or style;
 - b. Unaltered or only minor alterations or additions;
 - c. Individually eligible for the National Register of Historic Places, or
 - d. Known for its historical significance.
3. The building site, or structure would no longer be permitted under its current zoning designation with its present configuration including lot area, dimensional requirements, or off-street parking requirements, and the building, site, or structure could not easily be retrofitted to comply with existing criteria without variances, vacating rights-of-way, purchasing adjacent property, or removing portions of the existing building.

D. Restrictions of Zone Overlay: Because the retention of a historic building is a substantial benefit to the community, the approval of this overlay zone shall be bound to the existing historic site or structure being adaptively reused. If the site or structure is removed or destroyed, ~~the zoning of the property shall immediately revert to the surrounding zoning district which is currently Residential.~~ the HL overlay zone designation for that property shall become invalid and considered removed.

This Historical Landmark Zone is to be maintained in harmony with amenities of adjacent residential development and to protect the surrounding residences from noise, lights, fumes, pests, overcrowding, heavy traffic, and other problems which may arise from an inharmonious mix of commercial and residential uses.

- E. Permitted Uses: There are no permitted uses for the HL Zone.
- F. Conditional Uses: All uses will be conditional uses and must be compatible with the general characteristics of the HL Zone. These Conditional Uses will run with the land and will be extinguished upon abandonment of the use of the HL zoning, or, upon the property reverting to the surrounding zoning district use. A conditional use permit will not be granted until site improvements and exterior building improvements (see S below) are completed.
- G. Allowed Uses Specific to 594 South 400 East, and 660 East 400 South:
1. Antique store and sales
 2. Art gallery and sales
 3. Barber, beauty, or manicure/pedicure shop
 4. Bicycle repair
 5. Book, stationary, office supply store, copy store
 6. Candy making shop
 7. Clothing and apparel store
 8. Computer goods, services, and repair
 9. Electrical appliance repair (light)
 10. Florist/garden shop
 11. Gift/handicraft store
 12. Jewelry design, fabrication, and sales
 13. Locksmith shop
 14. Massage, spa
 15. Museum
 16. Music instructional/sales
 17. Personal custom services, such as seamstress, shoe repair, tailor,
~~milliner~~, etc.
 18. Personal storage
 19. Photography studio/~~film processing/camera shop~~
 20. Professional/business offices. (A building for administrative, executive, professional, or similar organizations having only limited contact with the public, ~~provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal use.~~)
 21. Seasonal sales (Christmas trees) and services, when permitted by the property owner, not to exceed three (3) months in any calendar year and the obtaining of a River Heights City Business License. All stands, booths and structures associated with seasonal sales and services use shall be temporary and removable, not for public occupancy, and must be removed from the property at the completion of each year's seasonal use.
 22. ~~Shoe repair shop~~
 23. Wedding or event planning consulting
 24. Yoga, aerobic and dance studio

Uses will be strictly prohibited next to a residential zone that involve open storage of merchandise or equipment, trade or industry that is offensive or a

nuisance by reason of the emission of odor, smoke, gas, vibration or noise, obstructive lighting or uses.

H. Allowed Uses Specific to 420 South 500 East.

1. Art gallery and sales
2. Book, stationary, office supply store, copy store
3. Clothing and apparel store
4. Community/cultural center
5. Computer goods, services, and repair
6. Conference rooms/event space
7. Daycare/preschool
8. Drama theater/studio
9. Jewelry design, fabrication, and sales
10. Library
11. Massage, spa
12. Museum
13. Music instructional/sales
14. Photography studio
15. Professional/business offices. (A building for administrative, executive, professional, or similar organizations having only limited contact with the public.)
16. Religious meeting facility
17. School
18. Wedding or event planning consulting
19. Yoga, aerobic, and dance studio

I. Uses Not Permitted:

1. Agricultural manufacturing
2. Animal shelter, kennel, veterinary services, animal husbandry
3. Bed and breakfast inn
4. Body art
5. Brew pub/liquor sales
6. Car wash
7. ~~Clothing or apparel store~~
8. Commercial storage and warehousing
9. Correctional facility
10. Daycare for children, preschool (Not applicable to 420 South 500 East.)
11. Department ~~store~~ or discount store
12. Drama theater/studio (Not applicable to 420 South 500 East.)
13. Drug store/pharmaceuticals
14. Dry cleaner or laundromat
15. Entertainment, dancehall, or night club
16. Furniture or appliance store
17. Garage
18. Gas station, functional
19. General manufacturing (assembly, production, sales)
20. General vehicle/OHV/trailer/watercraft repair or services
21. Grocery ~~store~~, convenience store
22. Gun or archery sales, service, or repair
23. ~~Massage, reducing service~~

24. Hotel/motel, lodging, shelter
25. Human care services (foster home, elderly care, ~~daycare for children,~~
preschool)
26. Machine Shop or welding shop
27. Medical services/facilities/hospital
28. Mortuary
29. ~~Parking facilities~~
30. Pawn shop
31. Plumbing sales or service
32. ~~Produce stand~~
33. Radio or TV transmission station or ~~amateur radio facility~~
34. Recreational facility/sports and leisure time activities (Not applicable to
420 South 500 East.)
35. Religious meetings Facility (Not applicable to 420 South 500 East.)
36. Restaurant, cafeteria, fast food, mobile food truck (Not applicable at 420
South 500 East.)
37. School (Not applicable to 420 S 500 E.)
38. Self-service storage facility
39. Sexually orientated business
40. Tobacco sales
41. Transportation services
42. Vehicle sales, ~~vehicle parts sales, vehicle repairs service,~~ and tire sales
43. Wholesale sales or service
44. Wrecking/salvage yard

The Planning Commission reserves the right to deny any Conditional Use permit, not listed herein, which is deemed detrimental to the safety and health of the citizens of River Heights, Utah. The Planning Commission may impose conditions that may mitigate concerns of adjacent residents.

- J. ~~Classification of New and Unlisted Uses; Procedure (Title 10, Chapter 12, B-
City Code 10-12-1:C.): Should the Zoning Administrator and the Building
Inspector~~ determine that a type or form of land use which an applicant is seeking to locate in the city does not appear as a permitted or conditional use, he or she shall refer the request to the Planning Commission which shall determine the appropriate classification as follows:
 1. Should the Planning Commission determine that the new or unlisted use for all intents and purposes, is listed under another name or category, they shall so inform the Zoning Administrator ~~and/or Building Inspector~~ to proceed accordingly; or
 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.
- K. Hours of Operation: Use of the building *open to the public* shall be limited to: Seven (7) o'clock a.m. until ten (10) o'clock p.m., Monday through Sunday.
- L. Additions and Site Development Requirements: Any site development,

including proposed additions to the existing historic site, building or structure shall be reviewed by the City Council as part of their design review process and shall comply with the following requirements:

1. Any addition shall not exceed 25% of the existing structure's building footprint.
 2. Owner/Applicant to follow Site Plan Review procedures as outlined in City Code 10-8-2
 3. Structures in the HL Zone must adhere to:
 - a. ~~Existing~~ Residential setback, height, and fencing regulations (City Code 10-12-2, A, Table 2)
 - b. ~~Existing~~ The Outdoor Lighting ~~regulations~~ Ordinance, (City Code 9-3)
 - c. ~~Existing~~ The Signs Ordinance, (City Code 10-16)
- M. Design Review and Approval: Proposals for this overlay zone shall be submitted as both a zone change and design review to be heard by the Planning Commission and City Council. It is the responsibility of the City Council to approve or disapprove such zone change and design review.
- N. Residential Uses: The business owner/tenant/manager is allowed to reside in the structure if the structure is in a residential zone, meets the definition of a single-family residential dwelling unit and is located on a lot at least 8,000 square feet in size.
- O. Other Requirements
1. Uses Within Building: All uses established in the HL Zone, including storage, shall be conducted entirely within a fully enclosed building
 2. Landscaping: The following landscaping provisions shall apply in the HL Zone:
 - a. Yards: The front and side yard areas adjacent to a public street shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials. The landscaping plan shall be approved by the City Council as to type, size and amount of landscaping.
 - b. Plantings: Plantings in front setbacks may not impede the vision of traffic.
 - c. Parking Areas: Parking areas shall be landscaped around the periphery and at the end of parking rows in accordance with the landscaping plan approved as part of the project plan approval procedure.

3. The yards around the building shall be kept free of junk, debris, refuse, weeds, and other flammable material.

P. Trash and Storage

1. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored upon the property. Outside storage of commercial goods or materials is expressly prohibited.
2. Daily trash materials must be stored within an enclosed building or within an enclosure surrounded by a fence not less than four feet (4') in height within the required setbacks and not visible from any public right of way.

Q. Walls, Fences and Screening

1. All mechanical equipment (i.e. air conditioners, fans, pumps, etc.) shall be located within, or on the side of the building, or on the roof with parapet walls. Any mechanical equipment located on the outside of the building must have a visual/noise barrier (masonry wall or landscaping) that completely surrounds the equipment and extends at least one foot (1'-0") above the equipment.
2. All merchandise, equipment, and other materials (except for seasonal items sold on a temporary basis such as nursery stock, Christmas trees) shall be stored within an enclosed building or shall be stored within an opaque or sight obscuring fenced area.

R. Parking

1. Specific to 594 South 400 East and 660 East 400 South: No more than six (6) vehicles may be on the premises at one time.
2. Specific to 420 South 500 East: Restricted to city-owned parking areas and streets adjacent to the city park.
3. All parking spaces shall be paved with asphaltic cement or concrete and shall have paved access from a public street.

S. Site Plan Review Required

1. Concurrent with any request to rezone property to the HL Zone, a preliminary project plan shall be submitted to the Planning Commission for review and recommendation to the City Council. Said preliminary project plan shall be drawn to scale and shall contain the following information:
 - a. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses.
 - b. The location of all parking spaces, driveways, and points of vehicular

ingress and egress.

- c. A conceptual signage plan showing the location and size of typical signs.
 - d. A conceptual landscaping plan showing planting materials to be used together with the location of fences, walls, hedges, and decorative materials.
 - e. Preliminary elevations of the building showing the general appearance and types of exterior materials to be used.
2. All final plans must be approved by the City Council after a formal recommendation from the Planning Commission. It is the intent that structures in the HL Zone have a historical or residential appearance.
 3. Upon approval of a final site plan by the City Council, no building or uses of land other than those depicted on such plan shall be permitted.
 4. ~~Any~~ Failure to submit a final project plan within one (1) year from date of submission of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void.
 5. All remodeling of historical buildings must be completed within one (1) year from the date the final approval plan is signed by the City Council.

T. Building and Architectural Standards:

1. For property located at 594 South 400 East: The building shall have an architectural style and exterior finish similar to that of the original Sinclair Gas Station built in the 1950's.

In keeping with the "Sinclair Gas Station" theme, 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. The base color shall be light/white tones. Accent colors shall be green and red. Murals or super graphics shall be specifically approved. The City Council shall be the approval agency in determining architectural style.

2. For property located at 660 East 400 South, River Heights, Utah: The building shall have an architectural style and exterior finish like that of the original Olson and Davis Construction Company building built in the 1950's. In keeping with the existing "Olson and Davis Construction Company" theme, exterior finishes are to be masonry. No vinyl siding material is to be used on any portion of the building. Metal siding is allowed for repair or replacement of metal siding existing as of date of this ordinance. The existing original red brick front façade is to remain intact along with the tile caps on the roof line. The red brick front façade on the north side of the building shall be restored to match the backside

of the bricks of the same area. Exterior doors, windows and light fixtures are to match the 1950's historical time period. Vinyl exterior doors and windows are not allowed. Murals, super graphics, and signage shall be specifically approved by the City Council.

Roofing material shall be corrugated or standing seam metal.

Signage placed on the face of the building shall match the "Olson and Davis Construction Company" period signage of the 1950's. Additional signage for the business occupying the building may be on a blade sign that compliments the period architecture and complies with the city sign ordinance.

The City Council shall be the approval agency in determining any additional architectural style modifications.

3. For property located at 420 South 500 East: Maintain red brick historical appearance.
- U. Restrictions of Zoning: Because of the retention and integrity of the building and being a substantial benefit to the community, the approval of this HL zone shall be bound to the existing site or structure being adaptively reused. If the site or structures are removed or totally destroyed by fire, flood, winds, or an act of God, ~~the zoning of the property shall immediately revert to the surrounding zoning district~~ HL overlay zone designation for the property shall become invalid and considered removed.
 - V. Reversionary Clause: Should the property become vacant, or its use does not comply with the HL Zone for a period of two (2) years or more, then ~~the property shall automatically revert to the existing surrounding zoning without further notice.~~ HL overlay zone designation for the property shall become invalid and considered removed.
 - W. Supplementary Regulations: Uses within this zone shall also comply with the applicable requirements set forth in the provisions of the land use ordinance.

Adopted and effective this 2nd day of July 2024.

Jason Thompson, Mayor

Attest:

Sheila Lind, Recorder