

Proposed Zoning Map and Zoning Ordinance Changes in Heber City

September 28, 2016

Dear Heber City Property Owner:

As you may be aware, over the past several months Heber City has been reviewing a new zoning map and new zoning ordinance to replace the current zoning map and zoning ordinance. If the proposed changes are enacted, most properties in the city will have a new zoning designation. The Heber City Planning Commission has reviewed the proposed zoning map and ordinance, and after considering recommendations from a subcommittee and public comments received at a Public Open House on March 23, 2016 and at a Public Hearing on March 31, 2016, have recommended the City Council consider adoption of the form based codes. The City Council has reviewed this recommendation, and has further modified the proposed form based code, based upon additional public input.

The Heber City Council has scheduled a Public Hearing on October 12, 2016 at 6pm in the Wasatch County Senior Citizen Center located at 465 East 1200 South to solicit additional public input on the revised draft of the form based code. This new draft is available on the city's website at <http://ci.heber.ut.us/departments/planning/formbasedcodes/index.html>, or a hard copy can be viewed at the Planning Department at 75 North Main Street. All members of the public are invited to attend the public hearing and comment on the proposed zoning map and ordinance. Any property owner opposed to the inclusion of their property in a proposed zoning district may submit a written objection to: Heber City Council, Attn: Form Based Code, 75 North Main Street, Heber City, UT 84032, by 6:00 pm on October 24, 2016. Your objections will be provided to the legislative body, the City Council. In a separate future meeting(s), date to be determined, the City Council will discuss the public hearing comments and objections, and vote whether or not to adopt the proposed Zoning Map and Zoning Ordinance as proposed or with further modification.

The current zoning ordinance was adopted in 1973. It is a Euclidian Use-Based Ordinance, where land is designated as single-use districts such as single-family residential, commercial, or industrial. The first use-based code was adopted in New York City in 1916, and most local governments throughout the US followed with the adoption of Euclidian zoning ordinances through the 1970's.

Since the 1990s, some communities in the US, including Utah, have been considering replacing their Euclidian Zoning Ordinances with Form Based Codes. Many argue that the Euclidian use separation results in a greater dependency on the automobile and contributes to increased traffic and air pollution, lack of neighborhood community, and an overall reduction in the quality of life for residents.

The proposed Heber City Zoning Map and Zoning Ordinance are a Form Based Code. A form-based code focuses on the physical form, such as building type and building character, building placement, parking placement and building architecture. More emphasis is given to the interaction between buildings and the adjoining public rights of way. Bicycles and pedestrians are incorporated into the planning of the transportation network. Form based codes pay more attention to walkable features such as narrower residential tree lined streets, buildings placed in front of parking, stronger parking and driveway regulation, and a mixture of land uses in higher intensity commercial areas, such as the downtown. These practices are intended to result in more cohesive neighborhoods that are active and walkable places. While form based codes primarily focus on the ultimate physical form of a building and how it relates to the street and adjacent buildings, they still regulate uses, but uses are no longer the primary focus of land use regulation.

Attached is a copy of the existing and proposed zoning maps, and tables summarizing the permitted uses within the existing and proposed zones. For more detailed information, review the entire proposed form-based code available at City Hall or on the city's website. If you need assistance in determining your property's existing and proposed new zoning designation, call the Heber City Planning Department at 435-654-4830.

Permitted Uses in Existing Zoning Districts

Zone	Permitted Uses
A-2 Agriculture	Agriculture; The raising, care and keeping of animals and fowl in unlimited numbers, except for hogs in numbers exceeding twenty-five head; Barns, corrals, pens, coops and feed storage buildings for the keeping of animals and fowl and the storage of farm products; One-family dwellings and buildings accessory thereto when located on lots containing at least five acres; Home occupations subject to Chapter 18.08 of this title; Vegetable and fruit packing and processing plants, farm machinery storage beds, fur farms, plant nurseries and animal hospitals; Day care nurseries which have been approved by the State Division of Health and the State Welfare Department; boys' ranches subject to approval of the State Welfare Department; Rest homes subject to approval of the county health department and the State Welfare Department; Public parks and playgrounds, hunting and fishing reserves, wildlife sanctuaries and arboretums; Residential subdivisions in which all lots contain at least 20 acres of land subject to the requirements set forth in Title 17 of this code; Kennels, riding academies, beehives and fisheries; Fences, walls and hedges and railroad tracks; Water reservoirs, ponds, dams, water pumping plants and pipelines, water facilities, public utility buildings and structures (except power plants), flood control structures, transmission lines, substations; also sewage treatment plants subject to review and approval of the State Division of Health; Temporary buildings and yards for the storage of construction materials and equipment incidental and accessory to construction of uses otherwise permitted in the zone. A permit shall be valid for not more than one year and shall not be renewable for more than two successive periods of time at the same location; Schools, churches, monasteries and similar institutions; Cemeteries, public and private, subject to the laws of the state, when approved by the board of adjustment; Golf courses containing at least ten acres. A golf club house may be permitted when part of a permitted golf course containing at least forty-five acres of land; Other uses ruled by the board of adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the A-2 agricultural zone; Nursery schools, family day care, mini-day care, and day care centers if they meet the conditions set forth in Chapter 18.86
RA-2 Residential Agriculture	Accessory signs not exceeding fifteen square feet in area pertaining to the sale of property or produce raised on the premises; also, nameplates not exceeding two hundred sixty-six square inches in area; Agriculture; Barns, corrals, pens, coops, shed and feed storage buildings for the keeping of animals and fowl and the storage of farm products, provided uses for the care and keeping of livestock and fowl are located at least one hundred feet distant from any existing dwelling and one hundred feet from the front property lines; also, small animal hospitals without outside runs; Cemeteries, public and private, subject to the laws of the state when approved by the board of adjustment; Rest homes; Farm machinery and farm products, storage sheds; Fences, walls and hedges and railroad tracks; Golf courses containing at least ten acres. Golf clubhouses may be permitted when part of a permitted golf course contains at least forty-five acres of land; Home occupations, subject to conditions set forth in Chapter 18.108 of this title, and nursery schools, family day care, mini-day care, and day care centers if they meet the conditions set forth in Chapter 18.86; One-family dwellings and buildings accessory thereto; The raising, care and keeping of farm animals and fowl for family use and consumption on parcels one-half (1/2) acre and larger. Animals shall be allowed on a point system. Each one-half (1/2) acre shall be allotted 50 points. Animals being kept will be given points as follows: Large animals such as horses, cows, llamas, pigs, or ostriches, but no more than 5 pigs shall be permitted for each parcel of property.--20 points per animal; medium animals such as sheep or goats, but not including pigs--10 points per animal; small animals such as chickens, geese, rabbits, pheasants or pigeons, but not including pigs --2 points. Schools, churches, public parks and playgrounds, arboretums and public buildings; Temporary buildings and yards for the storage of construction materials and equipment incidental and necessary to construction of uses otherwise permitted in the zone; Water reservoirs, ponds, dams, water pumping plants and pipelines, flood control structures, public utility buildings (except power plants), water wells, utility transmission lines and substations, sewage treatment plants subject to review and approval by the State Division of Health; Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the RA-2 residential-agricultural zone.
R-1 Residential	Agriculture; Customary household pets, including but not limited to cats, dogs and canaries, but not including the breeding of dogs and cats for sale; Fences, walls and hedges which do not exceed six feet in height provided that no fence, wall or hedge shall exceed four feet in height within the required front or side yards that front on a street; Home occupations; One-family dwellings and the following accessory buildings and structures: Private garage and/or carport for the storage of automobiles owned by persons residing on the premises; Greenhouses for private use only; Private swimming pools; Pergolas and arbors; Public schools, public libraries, public parks, playgrounds, recreation buildings and churches, but not temporary revival tents or buildings; Temporary buildings and yards for the storage of materials and equipment incidental to the construction of dwellings and other permitted uses; provided, however, that a permit for such temporary building shall not be effective for more than one year. Nursery schools, family day care, mini-day care, and day care centers if they meet the conditions set forth in Chapter 18.86. The keeping of grazing animals as regulated by Section 18.68.135.
R-2 Residential	Any use permitted in the R-1 zone; Agriculture, and the keeping of grazing animals as regulated by Section 18.68.135. Neighborhood Infill homes as set forth in Chapter 18.83; Bed and Breakfast Homes when approved by the Planning Commission as set forth in this chapter.
R-3 Residential	Any use permitted in the R-2 residential use; Boardinghouses and rooming houses; Clinics and hospitals (also, signs for these facilities) as conditional uses when approved by the Planning Commission as set forth in Chapter 18.08.025 of this title. Clubs and lodges (nonprofit), not including those carried on primarily as a business
C-2 Commercial	Assembly of appliances from previously prepared parts; Auto body and fender shops, auto painting; Beer parlors and alcohol-dispensing establishments; Electrical appliance shops (wholesale); Engraving and printing establishments; Fraternity buildings, clubs, lodges; Funeral establishments, mortuaries and wedding chapels; Garages and used car lots; Gymnasium or physiculture establishments; Home occupations (board of adjustment approval not required); Hospitals; Motels, cafes, food drive-ins, offices; Office buildings, clinics and public utility buildings; Parking lots, commercial; Pawn shops; Recreation vehicle courts subject to requirements set forth in Chapter 18.96 of this title; Retail establishments and service enterprises; Revival tents, temporary; Schools and other public buildings; Secondhand stores; Service stations; On-premises signs; Stone and monument sales establishments; Taxidermy shops; Tire recapping with all activities inside a building; Utility buildings and public buildings; Wholesale establishments with stock on premises but excluding establishments whose principal activity is that of a storage warehouse; Other uses similar to the foregoing uses which are ruled by the board of adjustment to be in harmony with the intent of this zone; Nursery schools, family day care, mini-day care, and day care centers if they meet the conditions set forth in Chapter 18.86; One-family dwellings located one story above or below the ground floor level if (a) each dwelling unit contains at least 500 square feet of living space and (b) in addition to the parking required by Section 18.72 for the commercial portion of the building, at least one parking place is assigned to and available for each such dwelling unit (this provision, as to said individual units, supersedes section 18.72.020 N 1); The keeping of grazing animals as regulated by Section 18.68.135.
C-3 Commercial	Any use permitted in the C-2 commercial residential zone, except for recreational vehicle courts
C-4 Commercial	Any use permitted in the C-3 zone; Accessory buildings; Auction houses; Caretaker dwelling; Fences and walls; Hay, grain and livestock feed sales establishments; Manufacturing, compounding and processing; Motels, cafes and filling stations; Pasturing of animals; Plumbing shops, carpenter shops, hardware and retail lumber yards; Recreation vehicle courts subject to requirements in Chapter 18.92 of this title; Signs, accessory and non-accessory; Used car sales lots and farm equipment sales establishment; Warehouses, trucking and storage buildings; Welding and sheet metal shops; Other uses similar to those set out in this section which are interpreted by the board of adjustment to be in harmony with the intent of the C-4 zone.
I-1 Industrial	Accessory buildings and parking lots incidental and accessory to other permitted uses; Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock raising; Airport and associated activities; Earthmoving and equipment storage, gas and oil storage facilities, public buildings and public utility buildings, craft shops, and accessory signs; fences, walls and hedges; Manufacturing, compounding, processing, packaging, fabrication and warehousing of goods and materials, except the processing of animal byproducts and livestock feed yards, and except steel manufacturing plants, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke,

	noise, dust, odor, etc.; Retail commercial uses and cafes; however, no retail commercial transaction nor business may be conducted within a storage shed. Scenic railroads and railroad maintenance yards; Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health; Commercial storage sheds; however, no commercial transaction nor business may be conducted within any storage shed. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the I-1 Industrial Zone.
I-2 Industrial	Accessory buildings and parking lots incidental and accessory to other permitted uses; Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock raising; Airport and associated activities; Earthmoving and equipment storage, gas and oil storage facilities, public buildings and public utility buildings, craft shops, and accessory signs; Fences, walls and hedges; Manufacturing, compounding, processing, packaging, fabrication, storage and warehousing of goods and materials, except the processing of animal byproducts and livestock feed yards, and except steel manufacturing plants, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke, noise, dust, odor, etc.; Retail commercial uses and cafes; however, no retail commercial transaction nor business may be conducted within a storage shed. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health; Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities); Office, business, professional or research; Printing, publishing and allied industries; Marketing, Telemarketing, and Advertising Services; Communications - including radio and television broadcasting, telephone company offices, recording and sound studios, motion picture studio; Data Processing Services; Recycling facilities when enclosed by a security fence and screened with sight obscuring fencing and/or evergreen landscaping along public street right of ways; Automotive & Equipment Repair; Hotels, subject to Planning Commission approval of height, proximity, and use restrictions; Other uses similar to the foregoing uses which are ruled by the Planning Commission to be in harmony with the intent of this zone.
M&BP Manufacturing & Business Park	Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities); Corporate Headquarters not principally dealing with onsite sales. Manufacturing, processing, and fabricating establishments, except those in which explosives or other dangerous materials are used; Communications - including radio and television broadcasting (studios only), telephone company offices, recording and sound studios, motion picture studio; Data Processing Services; Other uses similar to the foregoing uses which are ruled by the Planning Commission to be in harmony with the intent of this zone. An Accessory Apartment for the use of employees only. Such apartment shall be for temporary use such as inclement weather or late working situations. The apartment shall not be used as a rental or for long-term use for employees, owners, or anyone else. Fitness, recreation and event centers. The keeping of grazing animals as regulated by Section 18.68.135.
MURCZ Mixed Use Residential Commercial	Department, discount and food stores; Stores selling general merchandise furniture, electronics, appliances and home furnishings, baby supplies, jewelry, toys, video games, pet supplies, floral, garden and patio products, hair salon, apparel, footwear, sewing supplies, sporting goods, health and beauty products, prescription drugs, books, videos, media, copies, photography, art and office supplies, stationary, hobbies and crafts, auto and equipment parts, hardware lumber and home improvement supplies; Restaurants, private clubs and eating establishments; Offices, clinics, schools, day care facilities and public buildings; Banking or financial institutions; Entertainment and recreation uses; Miscellaneous retail sales; Mixed use residential-commercial development, including retirement and residential development, attached and detached multi-family and single family dwellings, condominium and townhouse developments, apartments, and planned unit developments, all subject to the residential standards in Section 18.42.100; Engraving and printing establishments; Fitness centers; Funeral establishments, mortuaries and wedding chapels; Automobile sales; Gymnasium or physiculture establishments; Home occupations (Board of Adjustment approval not required); Hospitals; Hotels, inns, which may include a restaurant and conference meeting rooms, motels, cafes, food drive-ins, and reception centers; Office buildings, medical, optical and dental offices and clinics; Parking lots, commercial; Retail establishments and service enterprises; Secondhand stores; Convenience service stations, auto parts sales and service and repair facilities, car wash and detail shops; On-premises signs; Wholesale establishments with stock on premises but excluding establishments whose principal activity is that of a storage warehouse; Other uses similar to the foregoing uses which are ruled by the Board of Adjustment to be in harmony with the intent of this Zone; The keeping of grazing animals as regulated by Section 18.68.135.
PC Planned Community	Customary household pets, including but not limited to cats, dogs, and other domestic animals, but shall not include livestock, poultry, or customary barnyard animals or the breeding of animals for sale; Golf Courses containing at least 9-holes, and may have golf course facilities and maintenance facilities and areas, golf clubhouse, pro-shop, restaurants, and related activities; Home Occupations; One-family dwellings and the following accessory buildings and structures: Private garage for the storage of automobiles owned by persons residing on the premises. Accessory Structure (subject to provisions of Section 18.61.040); Open space, parks, recreation areas, trails. Multifamily Dwellings, including two-unit through four-unit dwellings; Retreat Lodge not to exceed more than 100 rooms, allowing a restaurant and other associated facilities and commercial uses; Schools (public or private) on a minimum 2 acre site, with minimum setbacks of 30 feet on front, 100 feet on rear and two 60 foot side setbacks (from building) and all parking wholly occurring within site. Spas, Fitness Centers, Conference Facilities. Commercial Uses (including restaurant) accessory to and/or supporting a permitted use and located within the same building or lot or parcel, however, gas stations or convenience stores are prohibited. Temporary sales and construction offices, meeting Planned Community Design Guidelines, shall be permitted during construction. Worship facilities on a minimum 2 acre site, maximum 5 acre site, with minimum setbacks of 30 feet on front and rear and two 10 foot side setbacks, and all parking wholly occurring within site. Senior Centers. Recreation Facilities. Research and Development. The keeping of grazing animals as regulated by Section 18.68.135.
PCMU Planned Community Mixed Use	Apartment, Row House, Duplex, Townhouse, Single Family Cottage, Single Family Detached, Mixed Use, Live Work Unit, Flat, Accessory Unit, Hotel, Office, Open Air Building, Retail Building, Restaurant, Kiosk, Bus Shelter, Public Art, Library, Theater, Museum, Outdoor Auditorium, Parking Structure, Playground, Religious Assembly, Greenhouse, gasoline, automobile service, fire station police station, cemetery, funeral home, medical clinic, high school, elementary school, childcare center, electric substation
RC Residential Commercial Overlay Zone	Single Family Residential Use; Bed and Breakfast Inns; Music and Dance Studios; Office use, such as: attorneys, public accountants, architects, real estate and land development and doctors' offices; Craft and Curio Shops; Photography Shops and related uses; Business and Computer Schools; Home Occupations - see code for conditions and limitations; Travel Agencies; Utility Office; Nursery schools, family day care, mini-day care, and day care centers if they meet the conditions set forth in Chapter 18.86.
CMP Corporate Medical Park	Office, business, professional or research; Bank or financial institution; Day care/preschool center; Facilities for the furnishing of meals and sale of refreshments and personal convenience items to the employees or visitors of such establishments, and located within the building served; Medical, optical and dental laboratories; Optometrist and/or oculist located within an office building; Pharmacy located within an office building; Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety days upon completion of construction and thirty days after notice, the buildings will be removed by the City at the expense of the owner; Hotels, Motels and Inns, which may include a restaurant and conference meeting rooms; Laboratory which may include scientific research, investigation, testing or experimentation including prototype product development or incidental pilot plants; Medical Offices; Medical supplies assembly; Private educational institution; Fitness centers; Private schools related to research and development; Public and quasi-public uses; Radio and/or television station; Restaurant, excluding fast food drive-through or take-out services; and, Retail commercial uses accessory to and/or supporting a permitted use or conditional use and located within the same building or lot or parcel. Other uses of similar intensity to the above, as determined by the Planning Commission, which have been found by the Planning Commission to be consistent with the Master Plan and the Purpose Statement of this Ordinance. The keeping of grazing animals as regulated by Section 18.68.135.

Permitted Uses in Proposed Zoning Districts

New Zone	Permitted Uses
RC Residential Community	residential (yard building), assembly (i.e. churches), transit stations, police and fire stations, schools, open space, home occupations, agriculture & small farm animals
RC-2 Residential Community-2	residential (yard building, mansion building), live/work unit, assembly (i.e. churches), transit stations, police and fire stations, schools, open space, home occupations, agriculture & small farm animals
RC-3 Residential Community-3	residential (yard building, row building, mansion building), live/work unit, assembly (i.e. churches), transit stations, police and fire stations, schools, open space, home occupations, agriculture & small farm animals, parking lot
MUR Mixed Use Retail	upper story residential, hotel & inn, live/work units, residential care, assembly, transit station, hospital & clinic, library/museum/post office, police and fire, school, general retail, outdoor sales lot, local service, general service, vehicle service, office, craftsman industrial, parking structure, open space, home occupation, agriculture & small farm animals, parking lot
Mixed Use Airport	hotel & inn, assembly, transit station, hospital & clinic, library/museum/post office, police & fire, general retail, outdoor sales lot, local service, general service, vehicle service, agriculture & livestock, office, craftsman industrial, manufacturing industrial & airport uses, commercial storage facilities, parking structure, utility & infrastructure, open space, home occupation, agriculture & small farm animals, outdoor storage of goods, parking lot
DC Downtown Corridor	residential in upper stories, hotel & inn, live/work units, residential care, assembly, transit station, hospital & clinic, library/museum/post office, police & fire, school, general retail, local service, general service, office, craftsman industrial, parking structure, open space, home occupation, parking lot
Downtown Village	residential (row, yard, mansion), hotel & inn, live/work units, residential care, assembly, transit station, hospital & clinic, library/museum/post office, police & fire, school, general retail, local service, office, craftsman industrial, parking structure, open space, home occupation, parking lot.
PCMU	apartment, row house, duplex, townhouse, single family cottage, single family detached, mixed use, live work unit, flat, accessory unit, hotel, office, open air building, retail building, restaurant, kiosk, bus shelter, public art, library, theater, museum, outdoor auditorium, parking structure, playground, religious assembly, greenhouse, gasoline, automobile service, fire station police station, cemetery, funeral home, medical clinic, high school, elementary school, childcare center, electric substation
Manufacturing & Business Park	research services, corporate headquarters, manufacturing, processing, and fabricating establishments, communications, telephone company offices, recording and sound studios, motion picture studio, data processing services, accessory apartment for the use of employees only, fitness, recreation and event centers, the keeping of grazing animals.
HDC Historic Downtown Core	residential in upper stories, hotel & Inn, live/work units, residential care, assembly, transit station, hospital & clinic, library/museum/post office, police & fire, general retail, outdoor sales lot, local service, office, craftsman industrial, parking structure, open space, home occupation, parking lot
PFR Public Facilities and Recreation	residential (row and yard buildings), hotel & inn, live/work units, residential care, assembly, transit station, hospital & clinic, library/museum/post office, police & fire, school, retail, local service, general service, agriculture & livestock, office, craftsman industrial, parking structure, utility & infrastructure, open space, home occupation, agriculture & small farm animals, parking lot
NS Neighborhood Support Overlay	residential (live/work unit, row, yard, mansion, adaptive reuse), neighborhood support

Definitions of Residential Building Terms

Live Work Units. Live Work is an integrated residence and work space (located on the ground floor), occupied and utilized by a single household that has been designed or structurally modified to accommodate joint residential occupancy and work activity.

Mansion Style Building. The Mansion Style is a primarily residential building containing apartment units, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear and side yards with preferred access at the rear property line by an alley. The Mansion Style Building can be utilized to add variety to the available housing stock within Heber City and its residential neighborhoods, while also being context appropriate in scale, architectural character, site layout, etc. This building type shall be perceived as a single family residence, through materials, massing, entrance locations and projections and roof line.



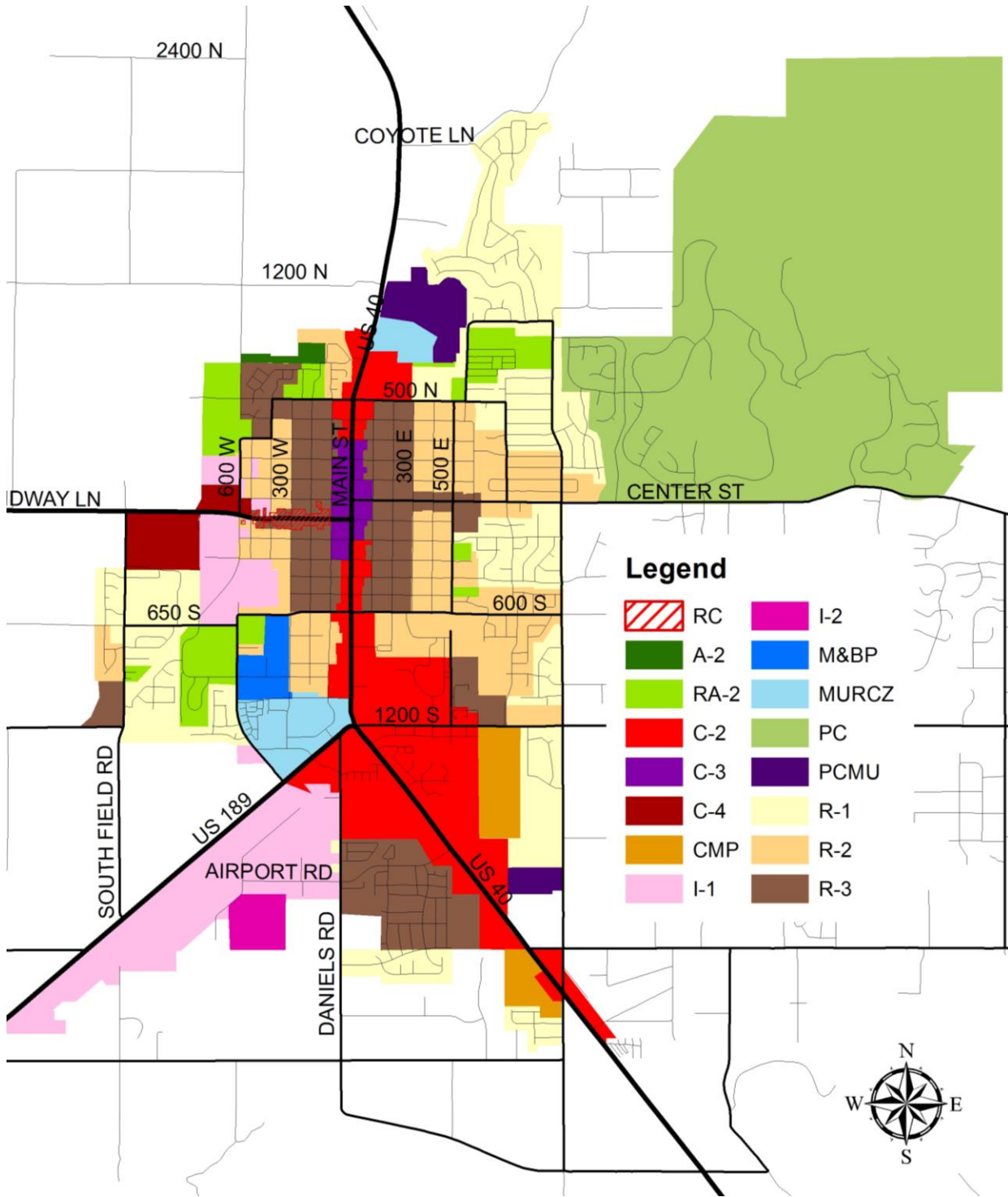
Row Building (aka townhome). The Row Building is a building typically comprised of multiple vertical units, each with its own entrance to the street. This Building Type may be organized as townhouses or row houses, or it could also incorporate live/work units where uses are permitted. Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.



Yard Building (aka detached single family dwelling). The Yard Building is a mainly residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear only with preferred access from an alley (front facing garages, carports, and all other parking surfaces and structures permitted shall be set back a minimum of 4' from the primary facade, and 30' from front property line). The Yard Building can be utilized in newly developing locations or for infill development within the existing fabric of the traditional residential neighborhoods.



Current Heber City Zoning Map



Proposed Heber City Zoning Map

