

HEBER CITY NOTICE

YOU
are invited!

FORM BASED CODE Public Hearing

Oct. 12th

6:00 pm

WASATCH SENIOR
CITIZENS CENTER

465 EAST 1200 SOUTH

The LATEST FORM BASED
CODE (FBC) ZONING
PROPOSAL is available on
the city's website at:
<http://ci.heber.ut.us/departments/planning/formbasedcodes/index.html>

**Hard copies
available for review
at the Planning
Department, 75
North Main Street.

ALL MEMBERS OF THE
PUBLIC are invited to
attend the public
hearing and
comment on the
proposed zoning
map and code.

Objection Deadline: 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.

GENERAL COMPARISONS BETWEEN CURRENT ZONING & PROPOSED FORM BASED CODE ZONING:

***See Maps after this chart to compare your Street & current zone, to the Proposed Form Based Code Zone.**

To review the permitted uses in existing zones, see the Heber City website at
<https://heber.municipalcodeonline.com/book?type=ordinances#name=Preface> and
<http://ci.heber.ut.us/departments/planning/formbasedcodes/index.html>

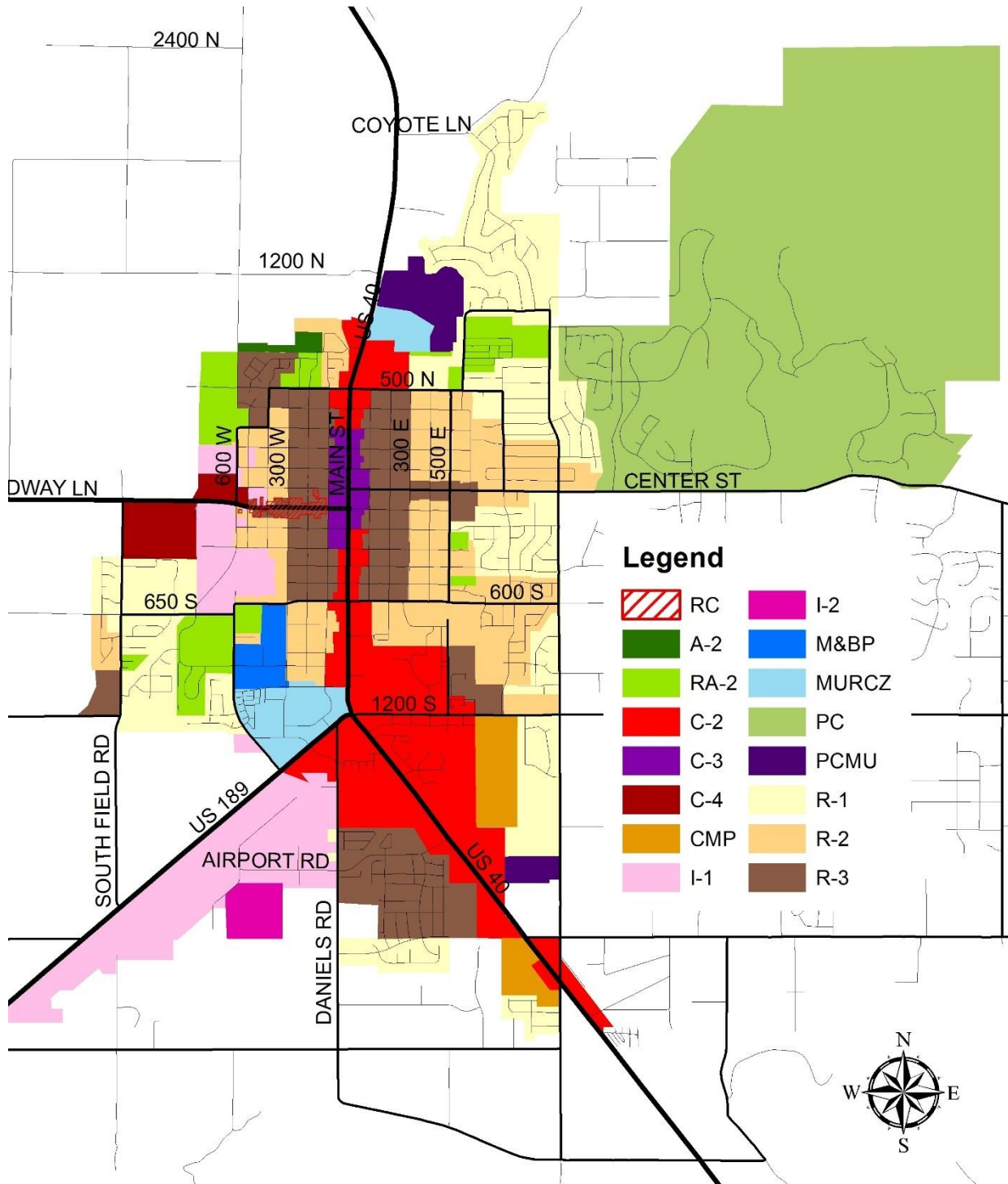
****If you need assistance** in determining your property's existing and proposed new zoning, call the Heber City Planning Department at 435-654-4830.

CURRENT ZONES:	CHANGED TO PROPOSED FBC ZONES:	PROPOSED USES:
R-1 Residential	<i>RC – Residential Community* or</i>	residential (yard buildings), assembly (i.e. churches), transit stations, police and fire stations, schools, open space, home occupations, agriculture & small farm animals.
	<i>PCMU* (explained below)</i>	
R-2 Residential	<i>RC * or</i>	
	<i>RC-2* or</i>	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.
	<i>RC-3*</i>	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.
R-3 Residential	<i>RC-3* (see above) or</i>	
	<i>RC* (see above)</i>	
C-3 Commercial (Downtown)	<i>HDC – Historic Downtown Core* or</i>	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.
	<i>DC – Downtown Corridor*</i>	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.
C-2 Commercial	<i>DC – Downtown Corridor* (see above) or</i>	
	<i>MUR- Mixed Use Retail*</i>	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.

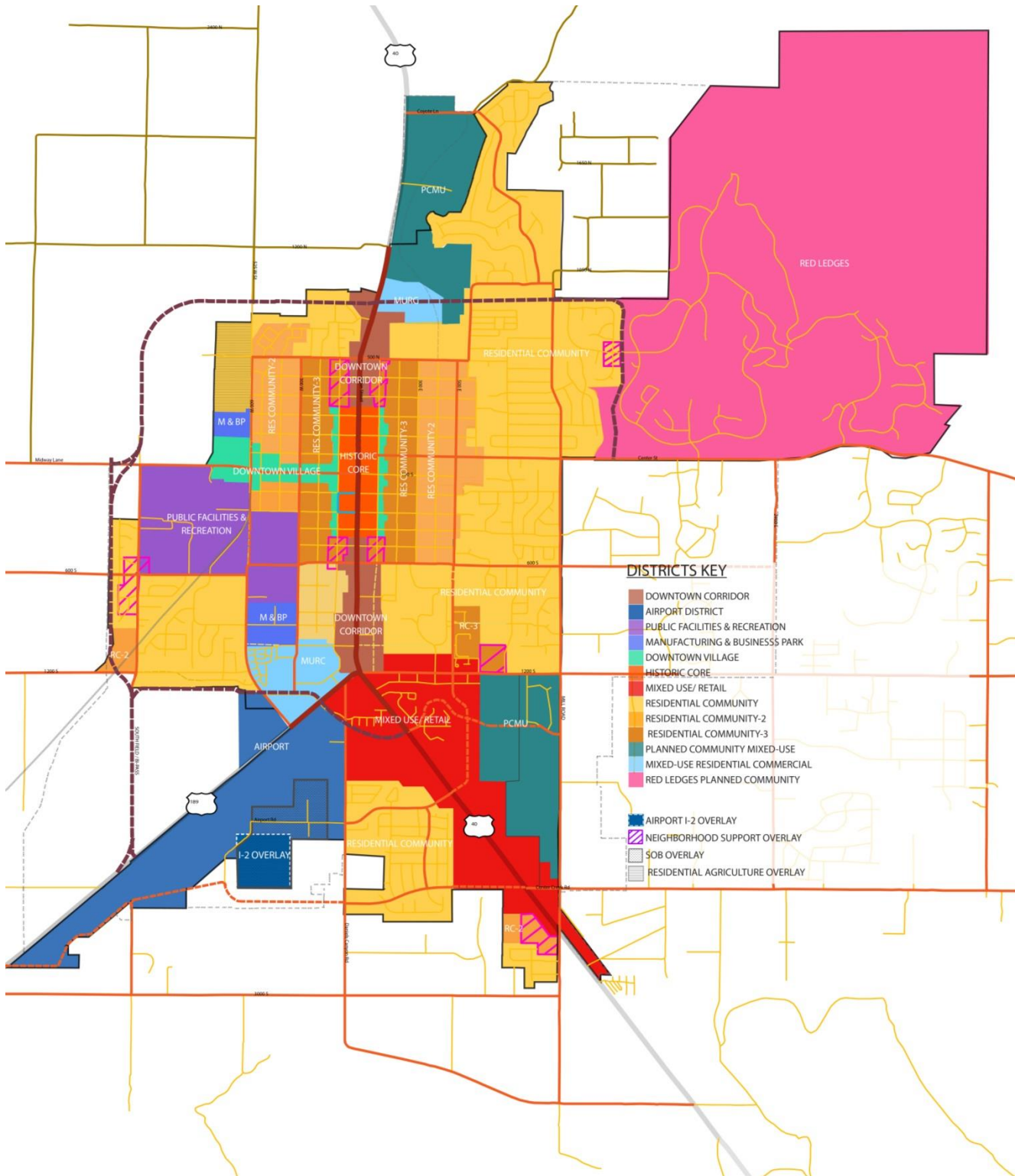
C-4 Commercial	<i>PFR - Public Facilities & Recreation* or</i>	residential (row and yard buildings), hotel & inn, live/work units, residential care, assembly, transit station, hospital & clinic, library/museum/post office, police & fire, school, retail, local service, general service, agriculture & livestock, office, craftsman industrial, parking structure, utility & infrastructure, open space, home occupation, agriculture & small farm animals, parking lot.
	<i>DV – Downtown Village*</i>	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.
M & BP - Manufacturing & Business Park	<i>M & BP - Manufacturing & Business Park</i>	research services, corporate headquarters, manufacturing, processing, and fabricating establishments, communications, telephone offices, recording and sound studios, motion picture studio, data processing services, accessory apartment for the use of employees, fitness, rec. and event centers, grazing.
I-1 Industrial	<i>Mixed Use Airport District</i>	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.
I-2 Industrial	<i>AI-2 - Airport I-2 Overlay</i>	Hotel & inn, assembly, transit station, hospital & clinic, library/museum/post office, police & fire, general retail, outdoor sales lot, local & general & vehicle service, ag. & livestock, office, craftsman & manufacturing industrial & airport uses, commercial storage facilities, parking structure, utility & infrastructure, open space, home occupation, outdoor storage, parking lot, parking structure.
PCMU	<i>PCMU – Planned Community Mixed-Use</i>	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.
A-2 (Agriculture) RA-2 (Res. Ag.)	<i>RA – Res Ag. Overlay or RC</i>	Agriculture and small animals
MURCZ	<i>MURCZ – Mixed-Use Residential Commercial Zone</i>	uses include those permitted in the C-2 commercial zone such as retail, office and service, plus large scale retail, mixed use residential-commercial development, attached and detached single family and multi-family dwellings; for a listing of more specific uses see Heber City Code online at https://heber.municipalcodeonline.com/book?type=ordinances#name=preface
PC	<i>PC – Planned Community</i>	golf courses, attached and detached single-family and multi-family dwellings; retreat lodge, restaurant, schools, spas, fitness centers, conference facilities, accessory commercial uses (including restaurant), churches, senior centers, recreation facilities, research and development; for a listing of more specific uses see Heber City Code online at https://heber.municipalcodeonline.com/book?type=ordinances#name=preface
CMP	<i>PCMU* or RC*, or RC-2*, (see above) or Neighborhood Support* (below)</i>	
	<i>NS- Overlay</i>	live/work unit, row, yard, mansion, adaptive reuse, neighborhood support.

*Compare these two Maps to see your Street & current zone to the Proposed Form Based Code Zone.

Existing Heber City Zoning Map



Proposed Heber City FBC Zoning Map



Examples of Proposed Buildings under the FBC Design Standards

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.



WHAT ARE THE PROS AND CONS OF A FORM BASED CODE (FBC)?

	ARGUMENTS FOR FBC	ARGUMENTS AGAINST FBC
Growth Management	The existing zoning regulations, the FBC is intended to manage growth, not stop growth . In the United States, government has limited land use regulation tools to regulate growth, and these tools cannot stop growth because property owners have the right to develop their properties if their proposed development meets the standards specified in the zoning ordinance. The FBC provides new opportunities for growth inside the city with infill or redevelopment .	The proposed Form Based Code (FBC) will not slow growth . The FBC allows higher densities in most zones where infill and higher density is deemed acceptable, such as at major intersections and in and around the downtown, etc.
Pedestrians versus Vehicles	The form of development of private property with FBC places parking in the rear of buildings, utilizes narrower driveways at the sidewalk, and places buildings nearer to the street. These techniques are intended to promote walkability by limiting pedestrian-driveway conflicts and that include buildings rather than parking lots along the street. The FBC intends to slow vehicles down by narrowing the asphalt street surface width from 36 feet to 30 feet, utilizing smaller curb radii, and planting large street trees in the planter strip. This extra 6 feet of area is taken to widen the sidewalks from 4 feet to 5 feet, and to widen the planter strips from 6 feet to 8 feet from current street standards. Parking for vehicles with the FBC is still available on each side of the street, and each street will still accommodate 2 lanes of traffic. With narrower drive lanes, vehicular speed is decreased . Less space is available on the asphalt for the parking of larger vehicles such as RV's and trailers, yet more space is available for use by pedestrians on the sidewalk, and more space is available for tree planting and snow storage in the planter strips .	The historical character of Heber City's wide streets with room for parking along the sides is reduced in width to accommodate wider sidewalks and planter strips. Walking and biking design is given equal treatment with the movement of automobiles . Unless certain building conditions are met, parking must be behind a house and behind non-residential buildings . Because parking is required to be in the rear, driveways will be longer, which will take property owners longer and more effort to clear snow . The aesthetics requirements of the form based code require garages to be setback at least 4 feet further from the front line of the house. The narrower streets will have narrower lanes, which will slow down traffic, increasing drive time to destinations . The narrower lanes provide less room for driver error, which could mean more accidents if drivers don't slow down.
Community Character versus Property Rights	The FBC includes basic design parameters for all new single family residential, commercial, and industrial buildings in the city (see Section 5.14 through 5.16 of the proposed FBC). In summary, these parameters designate acceptable roof types and roof pitch, materials and color and window treatments , though they still allow some flexibility in building design. As density and intensity of land uses increase, (attached multi-family housing, commercial and industrial buildings), the FBC adds additional design parameters found within the Design Guidelines. The Design Guidelines specify a traditional architectural style for those building types based upon the results of a visual preference survey of 100 residents conducted in the fall of 2015. The city already has Design Guidelines for commercial zones in the existing zoning ordinance, but the new FBC Design Guidelines are stricter in mandating a preferred architectural style . For example, modern architecture style would be prohibited for non-residential and multi-family buildings, and a more traditional architecture would be required such as that found in City Hall or the Heber Bank Block Building at Center and Main.	The form based code has subjective standards regarding architectural preferences for new commercial, industrial and multi-family buildings in the community. Because the form based code limits personal choice of architecture design, materials, and color, property rights are reduced . The acceptable use of zoning should be for elimination of nuisances, not regulation of aesthetics . The form based code designates what new buildings, or additions to buildings will look like, reducing the ability of people to have full freedom of individual choice . For example, the FBC would prohibit the use of vinyl and aluminum siding, and chain link fence is not permitted for utility and open space enclosures. With subjectivity in the design criteria, there is the possibility of even more preferential treatment. Under the proposed design guidelines, the city would determine what is attractive and require new buildings to conform to that determination.
Cost of Development	The design guidelines will require a higher standard for development for multi-family and non-residential buildings. Architects will be required to design and review those building types with higher quality materials and a specific architectural style . Detached single family dwellings are not subject to the rigorous architectural style specifications, but are subject to basic design parameters addressed above .	A higher standard for development for commercial buildings is proposed and could result in higher building/construction costs . The design guidelines will likely increase the cost for many building types . Since only a few architects and builders are proficient in these certain designs and the preferred materials aren't as readily available, the costs to build will go up considerably, especially at first. The Form Based Consultants estimated a cost increase of roughly 30% .

	ARGUMENTS FOR FBC	ARGUMENTS AGAINST FBC
Non-Residential Uses	The FBC will regulate signs, the current sign ordinance restricts the number, size, and locations of signs. The current zoning ordinance limits digital signs and the FBC would continue that regulation with new standards for digital signs such as dimming, light intensity, etc. The city's current commercial design criteria requires parking to be located in the rear of buildings in most cases; the FBC would continue this philosophy yet add building design standards to make buildings more attractive as viewed and accessed from public streets.	The 'attractiveness of buildings will be dictated by the city under the guidelines of the FBC. In addition to the current limits on digital signs, there will be some new standards added for digital signs. People are accustomed to parking lots being in front of buildings such as with our existing grocery stores. The form based code and the existing zoning ordinance will not permit new construction in that way with parking in the front.
Non-Conforming Uses	The FBC, and the existing zoning ordinance, mandate compliance for new development and additions to existing development. Since the FBC has a different approach to regulating land uses , there will be a number of new grandfathered buildings that are not compliant with the FBC. As with all zoning ordinances, the hope is that eventually these grandfathered uses will either cease or eventually come into compliance. However, if the use does not expand, the grandfathered use may remain in perpetuity.	Any additions/remodeling to existing commercial, industrial or residential buildings over 75% would require the building and site to follow FBC building locations and façade standards, landscaping, and street tree planting requirements.
Regulation of Land Uses	The FBC permits the mixture of residential and commercial uses at higher intensity intersections that include the Neighborhood Support Overlay (NS), and in and around the downtown in the Downtown Village (DV). Surrounding the downtown the FBC designates the RC-3 Zone, a higher density residential zone that permits a mixture of detached single family dwellings, mansion style apartments, and row homes. The mixture of uses is intended to create a walkable community by placing higher density areas next to commercial areas where residents can walk to access shopping, open space, and other community services.	Stores can have housing on the upper levels, apartment buildings (row houses) etc. are allowed in some areas and businesses of certain types can be built in some residential areas, which means more housing density in the city. Planning for pedestrians will be treated equally with planning for vehicles regarding design of streets. This results in less space for vehicle lanes and less ability for vehicles to rapidly get where they need to go , especially in the winter.
Regulation of Residential Density	Within existing detached single-family subdivisions, the FBC maintains the detached single family dwelling designation as the only permitted housing type. The city's three primary single family zones for existing subdivisions include the R-1 Zone (100 foot wide lots with 10,000 square feet (sf)), R-2 Zone (80 feet wide lots with 8,000 sf), and R-3 Zone (65 feet wide lots with 6,500 sf). Under the FBC, these 3 zones would be consolidated into one new zoning district, the RC Zone (permitting 80 to 100 foot wide lots).The proposed FBC permits higher density and mixed-use in and around the downtown to help revitalize and redevelop the downtown (RC-3, RC-2, and DV Districts), and at major street intersections where the Neighborhood Support Overlay District is designated on the proposed FBC map.	The FBC increases density in many locations of the city. The proposed FBC code regulates by frontage size and building types with greater densities than at present. Housing types including multi-family dwellings (duplexes, fourplexes, row houses, etc.) would be permitted to be mixed with single family dwellings in certain locations.
Availability of Moderate Income Housing	The FBC identifies areas where higher density attached housing units are appropriate, near and adjoining commercially zoned areas where people can walk to obtain community services. The city's Moderate Income Housing Plan identifies a significant need for this type of housing near these services, and the FBC can assist in implementing the objectives of the Plan, as well as promoting redevelopment of derelict properties in the downtown.	Because of the design requirements of the FBC, the residence affordability could shift from the middle class to those who can afford the more expensive housing. Even 'low income' housing could cost more as it's forced to conform to the approved look and materials. With the new design criteria, there will need to be a more intense review of proposed developments. As proposed, the city would need to increase the fees for development, and/or increase taxes , to cover the costs for the additional review, enforcement and administration of the FBC.