



## STAFF REPORT

**To:** Summit County Council  
**From:** Ray Milliner, County Planner  
**Date of Meeting:** March 24, 2021  
**Type of Item:** Discussion / Possible Action  
**Subject:** Development Code Amendment

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**Recommendation:** Staff recommends that the Summit County Council review the proposed Development Code Amendment to create a Neighborhood Mixed Use Zone and adopt the attached ordinance.

### Background

The applicant is requesting that the County Council continue its discussion on the Neighborhood Mixed Use zone (NMU-1). To date the Council has conducted four public hearings on the project June 5, 2020, July 15, 2020, August 19, 2020, and September 9, 2020, and one work session on March 4, 2020.

The NMU-1 zone was created and presented to the Planning Commission by Staff in July of 2017. To speed the process, a private developer applied for an amendment to the Snyderville Basin Development Code to create the NMU-1 zone in 2018. The Snyderville Basin Planning Commission forwarded a positive recommendation to the County council on November 20, 2019.

The language was most recently reviewed by the County Council on March 10, 2021. At that meeting, the Council reviewed changes to the document and directed staff to make additional changes relating to setbacks and clarifying nebulous phrases etc.

Staff also received a memorandum from a member of the public suggesting changes to the eligibility requirements for a rezone to NMU. Staff did not make the suggested changes to the language but included the memorandum for discussion by the Council.

### Purpose

The purpose of the Neighborhood Mixed Use (NMU-1) zone is to prevent the challenges caused by urban sprawl. If implemented correctly, it will provide the County with solution-based urban design practices and limit the damage caused by unsustainable

development. The zone is intended to support human interaction, environmental stewardship, public health, and economic growth.

#### Benefits of the NMU-1:

1. Decreased Reliance on Transportation: The process promotes alternative transportation with an emphasis on walkability. This helps reduce pollution, keep congestion down, and enables a healthier, more active lifestyle.
2. Increased Economic Viability: Lower costs per capita, increase of tax base, as well as numerous other benefits which add to a healthier economy.
3. Improved Community Health: An emphasis on mixed-use design and similar concepts provides a healthier and more engaging life. It also helps promote safer planning.
4. Environmental Stewardship: These Regulations encourage green transportation and promote various sustainable building methods. This will help the County achieve a greater level of sustainability.

#### Process

To apply for a rezone to the NMU-1 zone there are certain criteria that a property owner must meet. These criteria were created to ensure that the zone is placed in the most appropriate locations. Criteria include:

1. Property must be in a location that is shown on the Snyderville Basin General Plan Future Land Use Map as "Mixed Use."
2. The property(s) must be adjacent to (or a redevelopment of) existing commercial, mixed-use, or Institutional/civic Development.
3. The property(s) must be located along an existing transit system or as a condition of approval, receive a commitment to provide service from the County Regional Transportation Planning Director.

If it is determined that the property meets all these criteria, then the developer may apply for a rezone. As part of that rezone, the developer would be required to apply for a Master Planned Development (MPD). The MPD submittal would require a site plan showing all the proposed development, a site design narrative explaining the rationale for the project, an environmental narrative explaining what exactly is being done to promote good environmental stewardship and any subdivision plats that would be necessary.

Once all the eligibility criteria are met and the rezone/MPD applications are submitted, then the project would be reviewed by staff, taken to the planning commission for work sessions, public hearings, and a recommendation to the County Council, who would then conduct work sessions, public hearings and make a final decision. It is important to

note that rezones are a legislative act, meaning the County Council has the final say on whether the project is approved or denied.

## **Setbacks**

On March 10, the Council discussed the issue of setbacks around the boundary of a project. It was stated that the proposed 10-foot setback may not be enough of a buffer between adjacent uses and a building that could potentially be 35 feet tall at the setback line rising to 60 when stepped back. To address this concern staff has included the language from the proposed Master Planned Development chapter in the NMU-1. This language gives the County the authority to increase or reduce the setback as necessary to mitigate impacts on adjacent properties. Staff is not proposing a specific buffer requirement, because it would limit Council flexibility. The necessary buffer area may not be the same for every situation. If the adjacent use is commercial, it may not be necessary to provide as large a buffer as it would be for a residential use.

## **Analysis:**

Section 10-7-3 of the Snyderville Basin Development Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications, or deny the amendment according to the following criteria.

**Criteria 1:** The amendment shall be consistent with the goals, objectives, and policies of the general plan. **COMPLIES**

**Analysis:** The following Goals and Policies of the General Plan apply to this amendment:

OBJECTIVE A: Encourage the creation of highly livable neighborhoods and mixed-use areas that are connected by open spaces and multi-modal transportation systems.

Policy 2.1: Identify, plan, and create neighborhood master planned specific areas where development/redevelopment should occur. These designated areas should be rezoned accordingly.

OBJECTIVE B: Incentivize compact, dense, and nodal development, defined by abundant and contiguous open spaces, as well as a predictable process to achieve this goal through clear regulations in the Snyderville Basin Development Code.

OBJECTIVE C: Create Zoning Districts that match existing development and/or promote desired future development.

Policy 2.13: Create new mixed-use, inclusive neighborhoods within existing development areas and/or future designated redevelopment areas.

Policy 2.14: Identify specific nodes where development and/or redevelopment will be encouraged and zone these areas accordingly.

OBJECTIVE D: Ensure future development is well designed and appropriately located.

Policy 2.17: Within defined mixed-use areas, a range of uses should be supported that are appropriate for each individual location and neighborhood, and may include small scale retail, offices, business and personal services, schools, and parks designed to meet the needs of the neighborhood.

Policy 2.18: Identify specific areas where mixed use areas may be appropriate to preserve natural open spaces and vistas, prevent urban sprawl, and 7 promote the mountain resort community through managed growth. These areas should contain an appropriate mix of residential and commercial development as well as recreational opportunities that provide connections to existing and future community trails and transit facilities.

Policy 2.21: Encourage locally based and neighborhood commercial businesses.

Policy 2.23: Identify appropriate areas for light industrial/service commercial activities to meet the needs of local businesses and development activities. Light industrial/service commercial activities should be discouraged along scenic corridors or at community gateways.

Policy 2.25: Strongly discourage roadside or strip commercial development where there is continuous or intermittent linear development generally one store deep, one or more access points for separate properties and with highly visible parking located between the road and the building.

Policy 2.26: Discourage large scale commercial “one story” structures.

The proposed amendments to the Snyderville Basin Development Code clarify the process for appeals in the Code and brings it into conformance with current County practices and what has been the practice of Courts of Law. The changes make the procedures in the Code clear and easy to understand.

The proposed language was created specifically to address the goals and objectives written in the current version of the Snyderville Basin General Plan.

**Criteria 2:** The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

**Analysis:** Provisions have been made in the Performance Standards in the language to ensure that adjoining properties will not be negatively affected.

**Criteria 3:** The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

**Analysis:** The amendment will not permit suitability of the properties affected by the proposed amendment to the uses to which they have been restricted.

**Criteria 4:** The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

**Analysis:** The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners.

**Criteria 5:** The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

**Analysis:** Staff finds no evidence that these regulations would constitute a special favor or create a favorable circumstance for a single property owner, as the NMU-1 zone would be available for any property owner who meets the minimum eligibility requirements.

**Criteria 6:** The amendment will promote the public health, safety, and welfare better than the existing regulations for which the amendment is intended to change.  
**COMPLIES**

**Analysis:** The proposed changes are consistent with County Council goals of creating well managed and well-designed neighborhoods, promoting additional affordable/employee housing, and mitigating traffic impacts caused by development. Performance standards established in the zone will require developers to address connectivity, sustainability, parking, open space, transportation, and other mitigating issues that will have a positive effect on the County population.

**Recommendation:**

Staff recommends that the Summit County Council review the proposed Development Code Amendment to create a Neighborhood Mixed Use Zone and adopt the attached ordinance.

### **Findings of Fact**

1. The applicant is requesting an amendment to the Snyderville Basin Development Code to create a Neighborhood Mixed Use zoning district (NMU-1).
2. The NMU-1 zone is a concept that was initially created and presented to the Planning Commission by Staff in July of 2017.
3. Because the process was not moving forward (due to other staff priorities and responsibilities) the applicant took the NMU-1 draft, modified it, and applied to amend the Development Code.
4. The Commission reviewed the proposal as a standalone document at a work session on April 23, 2019 and June 11, 2019.
5. The Planning Commission conducted a public hearing on August 27, 2019 and on September 24, 2019.
6. On November 20, 2019, the Planning Commission forwarded a positive recommendation to the County Council.
7. On June 4, 2020, July 15, 2020, August 19, 2020, September 9, 2020, and March 10, 2021 the County Council conducted public hearings for the NMU zone amendments.
8. The General Plan identifies several current and future mixed-use neighborhoods in the Snyderville Basin.
9. The General Plan contemplates the creation and adoption of zoning tools to guide future development in these areas.

### **Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

### **Attachments**

Exhibit A - Public Comment  
Exhibit B - Proposed Ordinance

## MEMORANDUM

**To:** Summit County Council & County Planning Commission and Staff  
**From:** Vernon Merritt  
**Date:** March 15, 2021  
**Subject:** Important Follow Up Comments - Development Code Amendment – NMU-1

At last week's (Wednesday March 10<sup>th</sup>) Summit County Council hearing (on Zoom) the Council discussed the latest Summit County Planning Department Staff Report (the "March 10<sup>th</sup> Staff Report") furthering their recommendation to the Summit County Council to review a proposed Development Code Amendment (Ordinance) that creates a Neighborhood Mixed Use Zone – NMU-1.

Rolling back the calendar several months to September 9, 2020, at the last public hearing regarding this NMU-1 zone, (also online) we also attended that hearing and expressed on the record our concerns about the wording of the proposed Ordinance regarding "Rezoning Eligibility." The specific language we are referring to is featured in Paragraph B. of Section 10-2-17 of the Ordinance.

In the March 10<sup>th</sup> Staff Report, a proposed change to the language of the proposed Development Code Amendment reads as follows:

4. Property subject to the terms and conditions of any prior Development Agreement, Settlement Agreement or similar instrument shall remain subject to those terms and conditions until such time as the prior agreement expires or is amended.

As further background, last year we strongly objected to this proposed language in a written Memorandum dated September 8, 2020 that was sent to the Council and Planning Commission and Staff prior to the public hearing on September 9. As we communicated both at the public hearing on September 9<sup>th</sup> and in our memo, our basic concerns were that the language appeared to exclude – i.e. render *ineligible* - many (*the majority*, in fact) of the parcels of land in the Summit County General Plan that are specifically identified as being especially suitable for the proposed new NMU zone.

After raising our concerns to the Council and Planning Staff during the September 9<sup>th</sup> hearing, there were indications from, e.g., Pat Putt and Chris Robinson, that our concerns might be valid, and statements were made that these issues would be addressed prior to any further action on the proposed Ordinance. Mr. Robinson specifically indicated that "this language might very well be too blunt an instrument for the intended purpose of the Ordinance."

This memorandum is therefore a reminder to the Council and Planning Staff of Summit County that in the version of the proposed Ordinance that is contained in the dated March 10<sup>th</sup> Staff Report, (the subject of last week's hearing) the language **remains unchanged**. To reiterate, it is illogical for an Ordinance that purports to create a new Neighborhood Mixed Use Zone to then seemingly render as "ineligible" a substantial majority of the properties that are identified in the Summit County General Plan as being particularly suitable for the proposed new zone. At the very least this language as organized and written creates uncertainty and confusion. In a broader sense, it also seems to

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telegraph a somewhat schizophrenic approach to even contemplating ever implementing the new NMU Zone if indeed it is ever enacted. Regardless it is something that should be cleaned up.

In an effort to be helpful, we suggest the following approach and language to more carefully and pragmatically address these concerns in a way that is clear and consistent with the intent of the new Zone:

- Remove sub-section 4. of Paragraph B. of the proposed Ordinance (shown in red hereinabove).
- Create a new Paragraph J.\*\* to go at the end of the proposed Ordinance. It would read:  
**J. Pre-Existing Development or Settlement Agreement:** Property subject to the terms and conditions of any prior Development Agreement, Settlement Agreement or similar instrument shall remain subject to those terms and conditions until such time as the Rezoning and MPD Application Process described in **Paragraph C.**, above, is completed and approved.

This language fulfills the letter and spirit of the current proposed Development Code Amendment, and is much clearer. Furthermore – since the fundamental concern is that a few of the properties (notably Canyons and the Tech Park/Kimball Junction) identified as being suitable for the new Zone are also subject to very complex and previously extensively negotiated Development Agreements – this approach creates a separate **Paragraph J.** at the end of the Ordinance that specifically contemplates this concern and doesn't inappropriately neuter suitable properties and bury the issue using a sub-section in **Paragraph B.**

Lastly – but somewhat relatedly – in reviewing the March 10<sup>th</sup> Staff Report we would note that there appears to be a further element of confusion. Specifically, there are TWO paragraphs that are designated as paragraph “B.” One – on the first page of the proposed Ordinance – reads:

**B. Uses: Uses in the NMU-1 zone are limited to the Following:**

Then, on page 3 of the proposed Ordinance, there is another designation:

**B. Rezoning Eligibility: Properties must meet all the following criteria to be eligible for consideration for a rezone to NMU-1:**

Therefore, it appears that to be clear and organize the document accurately, all of the paragraphs enumerated with letters after the first use of the letter “B” should be advanced by one letter. The proposed Ordinance would therefore end (before making the above change) with the last paragraph becoming “**J. Performance Standards.**” Finally, assuming this is the most appropriate way to enumerate all of the paragraphs of the Ordinance, then in that event our proposed change above would actually be letter “K”:

\*\*Actually, the proposed new paragraph would be “K,” see below

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- K. **\*\* Pre-Existing Development or Settlement Agreement:** Property subject to the terms and conditions of any prior Development Agreement, Settlement Agreement or similar instrument shall remain subject to those terms and conditions until such time as the Rezoning and MPD Application Process described in **Paragraph C.**, above, is completed and approved.

**Thank you very much for reviewing this memorandum. We greatly hope that it is helpful in completing the process of adopting the new NMU-1 Zone Ordinance.**

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. 912**

**AN ORDINANCE CREATING SECTION 10-2-17 THE NEIGHBORHOOD MIXED USE ZONE  
(NMU-1) IN THE SNYDERVILLE BASIN DEVELOPMENT CODE**

**PREAMBLE**

**WHEREAS**, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, land uses; and,

**WHEREAS**, Policy 2.5 of the Snyderville Basin General Plan states that language from the Code include clear, predictable, and measurable standards; and

**WHEREAS**, in furtherance of this goal, §10-1-1(D) of the Summit County Code (“Code”) states that the intention of the county is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists; and,

**WHEREAS**, the creation of the NMU-1 zone is an important component in promoting and reaching these goals and policies; and,

**WHEREAS**, the requirements and performance standards in the NMU-1 zone are written specifically to promote the goals and objectives in the Snyderville Basin General Plan; and,

**WHEREAS**, the Snyderville Basin Planning Commission held a public hearing on September 24, and August 28, 2019; and

**WHEREAS**, the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on October 9, 2019; and

**WHEREAS**, the County Council held a public hearing on June 5, 2020, July 15, 2020, August 19, 2020, September 9, 2020 and March 10, 2021; and,

**NOW, THEREFORE**, the County Council of the County of Summit, State of Utah, ordains as follows:

**Section 1.**     **SNYDERVILLE BASIN DEVELOPMENT CODE** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

**Section 2.**    **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

SUMMIT COUNTY COUNCIL

\_\_\_\_\_  
Kent Jones  
Summit County Clerk

\_\_\_\_\_  
Glen Wright, Chair

APPROVED AS TO FORM

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Stevens	_____
Councilmember Robinson	_____
Councilmember Clyde	_____
Councilmember Armstrong	_____
Councilmember Wright	_____

## SECTION 10-2-17

### **Neighborhood-Mixed Use-1 (NMU-1) Zone**

**A. Purpose:** The purpose of the Neighborhood Mixed-Use 1 (NMU-1) Zone is to create new Development and redevelopment areas that are:

- Mixed use,
- Pedestrian-focused, and
- Transit-oriented

The desired development pattern of the NMU-1 Zone shall be facilitated through flexible site and community design principles that:

- Result in a mix of land uses that are compatible, mutually supportive, well connected through a variety of transportation choices.
- Result in convenient, safe, direct, and well-connected transit and pedestrian linkages,
- Result in A reduction in the need for parking,
- Result in Compact development that creates public spaces, including but not limited to plazas and other outdoor amenity areas; and
- Result in Sustainable infrastructure and building design consistent with best practices.

**B. Uses:** Uses in the NMU-1 zone are limited to the Following:

#### **Allowed Uses**

1. Bars, Taverns, clubs
2. Dwelling Unit, Multi-Family
3. Home Based Business, Class 1 (see Section 10-8-4)
4. Mixed Use Structure
5. Mobile Food Business
6. Open Space
7. Park, Community
8. Park, Neighborhood
9. Recycling Facilities, Class I
10. Solar Array, Minor
11. Telecommunication Facilities, Co-location
12. Trails, Community Wide
13. Trails, Neighborhood
14. Trailhead Parking
15. Offices, General

16. Retail Sales, Convenience Store
17. Retail Sales, General, less than 10,000 square feet in size

### **Low Impact Uses**

1. Art Space with Limited Public Performances
2. Banks and Financial Services, no Drive-Through
3. Building and Maintenance Services
4. Childcare Center
5. Construction Management Office
6. Construction Services, Contract
7. Cultural Activity
8. Dwelling Unit, Employee
9. Funeral Services
10. Healthcare Facilities
11. Home Based Business, Class II (10-8-4)
12. Indoor Entertainment such as bowling alleys, skating rinks, movie theaters, performing arts center
13. Laundromat
14. Offices, Medical and Dental
15. Personal Improvement Services
16. Personal Services
17. Property Management Offices, Check-in
18. Public Community Event Center
19. Recreation and Athletic Facilities, Commercial
20. Rehearsal or Teaching Studio for creative, performing and/or martial arts with no public performances
18. Restaurant, Deli or Takeout (no drive through)
19. Restaurant Full Service
21. Telecommunication Facilities other than Co-location or Stealth
22. Telecommunication Facilities, Stealth
23. Transportation Services
24. Utility Facilities, Above Ground
25. Utility Facilities, Major
26. Utility Facilities, Underground
27. Veterinarian

### **Conditional Uses**

1. Churches, Schools, Institutional uses
2. Commercial Event Center
3. Hazardous Liquids or Materials Transmission Pipelines
4. Historic Structures, preservation of, including related Accessory and supporting Uses

5. Hotel, Motel, or Inn
6. Mobile Food Court
7. Nursing Home
8. Office, Intensive
9. Open Recreation Uses, Commercial
10. Park and Ride Lot
11. Parking Lot, Commercial
12. Public Facilities
13. Recreation and Athletic facilities, Private
14. Recreation, Public
15. Retail sales, General, larger than 10,000 sf less than 50,000 sf in size

### **Temporary Uses**

1. Temporary Use or Structure

**B. Rezoning Eligibility:** Properties must meet all the following criteria to be eligible for consideration for a rezone to NMU-1:

1. The property(s) must be designated for mixed-use on the Snyderville Basin General Plan, Future Land Use Map;
2. The property(s) must be adjacent to (or a redevelopment of) existing commercial, mixed-use, or Institutional/civic Development;
3. The property(s) must be located along an existing transit system or as a condition of approval, receive a commitment to provide service from the County Regional Transportation Planning Director.
4. Property subject to the terms and conditions of any prior Development Agreement, Settlement Agreement or similar instrument shall remain subject to those terms and conditions until such time as the prior agreement expires or is amended.

**C. Rezoning and Master Planned Development:** A proposal for a rezone to the NMU-1 Zone shall be processed concurrently with a Master Planned Development application subject to Section 10-3-17 of this title.

**D. Density:** The maximum Density in the NMU-1 shall be determined by the ability of the proposed development to meet all required development and performance standards and criteria set forth in this title.

**E. Setbacks:** Unless otherwise permitted through the Master Planned Development process, setbacks in the NMU-1 Zone shall be as follows:

<p><b>Exterior Boundary Setback</b></p>	<p>To mitigate negative impacts, preserve view corridors or create a compatible street design/streetscape, the Planning Commission or County Council may require setbacks around the exterior boundary of the project to match those of the abutting zone. In some cases, that Setback may be increased to create an adequate buffer to adjacent Uses at the discretion of the County. The Planning Commission/County Council may reduce Setbacks within the project from those otherwise required provided the project meets minimum International Building Code and Fire Code requirements and advances the goals set forth in the General Plan.</p>
<p><b>Front Setback</b></p>	<p>The minimum Front Setback is twenty feet (20') for all Structures. The twenty-foot (20') Front Setback may be reduced to ten feet (10'), provided all on-Site parking is at the rear of the Property or is in structured parking.</p>
<p><b>Front Setback if property line extends to the centerline of a road</b></p>	<p>The minimum Front Setback is forty-five feet (45') for all Structures. The forty-five-foot (45') Front Setback may be reduced to twenty feet (20'), provided all on-Site parking is at the rear of the Property or is in structured parking. All Structures and improvements, excluding driveways, are to be fully contained on the Lot.</p>
<p><b>Side Setback</b></p>	<p>The minimum side setback is ten feet (10').</p>
<p><b>Rear Setback</b></p>	<p>The minimum Rear Setback is ten feet (10').</p>
<p><b>Wetland Setback</b></p>	<p>40' from delineation line as defined by the Army Corps of Engineers</p>
<p><b>East Canyon Creek Setback</b></p>	<p>150' from centerline</p>

<b>River or Perennial Stream Setback</b>	100' from centerline
<b>Lake or Natural Pond Setback</b>	50' from High Water Mark
<b>Designated Roadway Setback, Highways 224, 40, 248, and Interstate 80</b>	100' from the edge of the Right of Way
<b>Frontage Road Setback, including, but not limited to Kilby Road, Rasmussen Road, Bitner Road, North Pace Frontage Road, and US-40 Frontage Road</b>	60' from the edge of the Right of Way

On a Corner Lot, one minimum Front Setback and one minimum side Setback is required with the following provisions:

- a. Any frontage with a driveway leading to a garage or Parking Space shall have a Front Setback.
- b. On any Corner Lot, a clear view area must be maintained. This is a triangular area formed by the property lines abutting the street and a line connecting them at points twenty-five (25) feet from the intersection of the property lines. No obstruction to view more than three (3) feet in Height shall be placed in the clear view area, including walls, Fences, Structures, signs, trees, shrubs, or hedges. When topography presents a clear view, the area shall be graded to provide visual clearance.

**F. Height:** Unless otherwise permitted through the Master Planned Development (MPD) process, the maximum building height in the NMU-1 Zone shall be forty-five feet (45').

**Exception:** The County Council may grant a height exception up to a maximum of 60 feet to accommodate affordable housing and/or structured parking through the MPD process.

For any Building abutting a Detached Single-Family Dwelling Unit, the maximum height is limited to forty-five feet (45') and may not be increased through any process.

Step back Requirement: Floors rising above thirty-five feet (35') in height shall be stepped back fifteen (15) horizontal feet from the building foundation at grade

for building elevations that are facing a public street, public trail, or public open space. This step back does not apply to balconies on buildings with floors rising above thirty-five feet (35') in height.

**G. Performance Standards:** In addition to compliance with all Master Planned Development criteria set forth in Section 10-3-16 of this title, the following performance criteria shall apply to the NMU-1 Zone.

1. **Open Space:** Unless otherwise approved through the Master Planned Development process, all Master Planned Developments in the NMU-1 Zone shall provide twenty five percent (25%) of the project area for outdoor space, plaza, pathways, and/or trails and open Space.
2. **Mixed Use:** Unless otherwise approved through the MPD process, all Master Planned Developments in the NMU-1 Zone shall have a minimum of three land uses (residential, commercial, office, recreation, civic, etc.) integrated into the project area. A range of different uses along the street, as well as diversity in building design and scale is encouraged wherever practicable.
3. **Limitation on Direct Retail Sales:** Unless otherwise approved through the Master Planned Development process, no single retail use may exceed 50,000 square feet.
4. **Single-Story Commercial Building Standards** Unless otherwise approved by the County Council through the Master Planned Development process, no single-story commercial structures greater than 1,000 square feet are permitted in the NMU-1 Zone.
5. **Access to Public Transportation:** All Master Planned Developments in the NMU-1 Zone shall provide facilities to promote the use of alternative public transportation options such as transit services, neighborhood circulators, employee shuttles, car share, bicycle share, and bicycle and pedestrian infrastructure. Unless otherwise permitted through the Master Planned Development process, all Master Planned Developments in the NMU-1 Zone shall provide a Transit Center, transportation stops and/or other improvements to access to the public transit system necessary to meet the needs of the Development. Unless otherwise permitted through the Master Planned Development process, all Transit Centers shall include a building with a waiting area, restrooms, bicycle lockers, and bike racks. All transportation stops shall include shelters and bicycle racks to meet the needs of the neighborhood.
6. **Neighborhood Connectivity:** All Master Planned Developments in the NMU-1 Zone shall provide pedestrian and bicycle linkages within the project area as well as connections to adjacent/off site sidewalk, pathway, and trail systems.

Wherever possible, the Developer shall separate pedestrian and bicycle linkages from vehicular areas without disrupting the pedestrian way.

7. **The Public Realm:** All Master Planned Developments in the NMU-1 Zone shall provide a project-specific Public Realm Plan ~~for the integration of a functional, safe, healthy, and quality environment~~ for all areas to which the public has access including but not limited to streets, plazas, parking areas, sidewalks, pathways, and associated green spaces. The design of all utilities, infrastructure, and signs/wayfinding shall be included with the plan.

8. **Parking:**

A. **Residential Uses:** Unless otherwise modified by the Master Planned Development process, residential parking shall comply with Section 10-4-9 of this title.

B. **Non-Residential Uses:** The base parking ratio shall be three and one-half (3.5) off street parking spaces per each one thousand (1,000) square feet of nonresidential space.

**Exception:** Parking greater than or less than 3.5 off street parking spaces per 1,000 square feet of non-residential area may be permitted by the Summit County Council as part of a Master Planned Development only after the applicant submits a parking study for comparable uses which demonstrates that a higher/lower demand can be anticipated.

- a. When reviewing a request to exceed or reduce the overall parking requirement the County Council shall consider:
  - i. Structured parking.
  - ii. Requiring spaces for van pooling
  - iii. Carpool spaces
  - iv. Covered bike parking
  - v. Site location as it relates to transit
  - vi. Shared Parking
  - vii. Other conclusions from the Parking Study
  - viii. The change in parking shall not result in adverse impacts to public walkways, plazas, or other pedestrian circulation areas.

C. **Parking Design:** To minimize the potential adverse visual impacts of exterior parking, the following requirements shall apply to all parking areas:

1. Off-street parking areas shall be located to the rear of the building where possible and be designed to facilitate and optimize the traffic and

pedestrian flow of the development. Single purpose uses exceeding 10,000 square feet shall be permitted to design parking to the front façade provided exterior parking lots, parking structures are hidden from view from most primary streets and crossings serving the project and do not create unsafe pedestrian conditions.

2. Where possible, parking structures shall be designed to have the appearance of horizontal storied buildings that reflect the character of adjacent buildings.
3. Storefronts are encouraged to be located on the street level and designed to create street scape. shall be readily accessible by pedestrian/bicycle linkages and associated facilities.
4. Structured parking design and space count shall consider project access, circulation, convenience, and practicality and be required to conform to the parking guidelines in the NMU-1 Zone.
5. Developers are encouraged to utilize innovative parking reduction techniques such as shared parking, structured parking, smaller stalls, car stackers and valet parking.
6. Bicycle parking shall be provided. Bicycle parking shall be consistent with the Summit County Bicycle Parking Standards, Guidelines and Regulations.

**9. Architecture and Building Construction:** The project architecture shall foster a distinct neighborhood character ~~and sense of place~~. Designs shall be, ~~climate responsive and~~ sensitive to ~~the~~ landscape and topography of the site. While new structures are not required to mimic historic structures or themed designs, buildings in the NMU-1 Zone should reflect local and regional practices regarding materials, and roof forms. Streetscapes should respond to the human, pedestrian scale rather than the automobile. Architecture that relies on standardized corporate designs, mechanical climate control and automobile accessibility is strongly discouraged.

**10. Sustainability:** Projects shall be socially, economically, and environmentally sustainable. Buildings should be designed, oriented, and constructed to maximize the potential for improved efforts regarding:

- a. connectivity
- b. energy efficiency
- c. on-site energy generation
- d. solar orientation, natural light, and ventilation
- e. thermal and light reduction
- f. sustainable materials
- g. water ~~conservation efficient~~ landscaping **such as:**

- i. **time of day watering; and**

ii. rain or moisture sensors on irrigation systems

**11. Site topography:** The project shall be designed to incorporate existing site topography into its design features and to practice ~~sustainable~~ excavation and site work that minimizes import and export of materials. Final project grades and elevations may be established as part of the development application and determined through the MPD process.