



STAFF REPORT

To: Snyderville Basin Planning Commission
From: Jennifer Strader, Senior Planner and Ray Milliner, Principal Planner
Date of Meeting: February 25, 2020
Type of Item: Amendments to the Snyderville Basin Development Code
Process: Work Session

RECOMMENDATION: Staff recommends the Snyderville Basin Planning Commission (SBPC) review the proposed language to amend the Neighborhood Commercial (NC) Zone District in Chapter 3 of the Snyderville Basin Development Code (Code) and provide direction.

Background

On September 10, 2019 the Planning Commission forwarded a positive recommendation to the County Council for the residential zones in Chapter 2 of the Code. The purpose of this work session is to begin discussions on the commercial zones in Chapter 2, specifically the Neighborhood Commercial district (changes to the CC and SC zones will be reviewed at a later meeting). Staff is requesting that the SBPC review the document and provide direction. Prior to any recommendation to the County Council, staff will amend the document based on SBPC comments and schedule a public hearing.

Chapter 2 of the Code establishes each of the zoning districts in the Basin and the general requirements for each (uses, setbacks, height, etc.). Currently there is only one area zoned NC (located at 1075 E Beehive Drive in Silver Creek), however opportunities to rezone will be available to property owners through the Master Planned Development process.

In September, the Code subcommittee toured the Basin to determine if there were areas where the NC zone would be appropriate. It was tentatively determined that there are locations where this zone may be appropriate.

The intent of the zone is to provide neighborhoods with opportunities to have smaller retail uses with limited impacts to the surrounding residential uses.

Changes proposed include:

1. Amendments to the allowed, low impact and conditional uses.
2. Increase height from 32 feet to 35 feet. This would allow for a bit more flexibility when designing mixed use buildings and multi-story structures with a limited impact on adjacent properties.
3. Clarification of how height is measured.
4. Creates height exception of 5 feet for chimneys, roof vents etc.

5. Placement of setbacks into a table.
6. Establishment of a maximum front setback to ensure building are located close to the street.
7. Creates maximum district size limitation of seven (7) acres. The purpose of the zone is to create small commercial nodes within residential areas. The size limitation will limit the impacts of the uses (seven acres was chosen because it is approximately the size of the existing zone).
8. General design.
9. General amendments to make language clear and easy to understand.

Recommendation

Staff recommends the SBPC review the proposed language to amend the Neighborhood Commercial (NC) Zone District in Chapter 3 of the Snyderville Basin Development Code and provide direction.

Exhibits

Exhibit A. Proposed Language

10-3-7: NEIGHBORHOOD COMMERCIAL (NC) ZONE:

- A. Intent: The purpose of the neighborhood commercial (NC) Zone District is to allow small convenience retail establishments in primarily residential areas. Neighborhood commercial Uses shall be designed to be compatible with the surrounding residential area, to minimize traffic impacts and to serve the daily or frequent trade or service needs of the surrounding residential area.
- B. Uses: Uses in the NC Zone District are defined below. In cases where a proposed Use is not listed, the Director shall compare the nature and characteristics of the proposed Use with those of the Uses specifically listed and determine if the proposed Use is similar in nature and logically fits into any of the categories listed. Where it is determined that the proposed use is consistent with an existing category or Use, the proposed Use shall be subject to approval of a Development Permit consistent with the existing Use with which it has been associated. In cases where a Use is similar in nature to more than one category, the more specific category shall apply. If it is determined that the proposed Use is not similar in nature to any of the Uses listed, the Use shall be prohibited unless and until this Title is amended to specifically include the Use. The Director may refer any Use inquiry to the Planning Commission for consideration.

~~Schedule of Uses: The Use table of uses sets forth the appropriate Uses in this zone. If a proposed permitted use has an associated outdoor storage or yards, the proposed use shall be considered as a conditional use.~~

Allowed Uses

1. Childcare, In-Home
2. Mobile Food Business
3. Park, Community
4. Park, Neighborhood
5. Restaurant, Deli or Takeout MOVED FROM CUP
6. Retail Sales, Convenience Store MOVED FROM CUP
7. Retail sales, Food MOVED FROM CUP
8. Retail sales, General MOVED FROM CUP
9. Recycling Facilities, Class I
10. Satellite Dish Antenna 36" in diameter or less
11. Solar Array, Minor THIS USE WAS ADDED
12. Telecommunication Facilities, Co-location
13. Trails, Community Wide
DELETED BUILDING, ACCESSORY UP TO 2,000 SF
DELETED DWELLING UNIT, ACCESSORY
DELETED DWELLING UNIT, SINGLE FAMILY DETACHED

Low Impact Uses

1. Agricultural Sales and Service
2. Childcare, Family (see Section XX)
3. Dwelling Unit, Employee (See Section XX) THIS USE WAS ADDED

4. Dwelling Unit, as part of a Mixed-Use Structure
5. Helicopter, Utility/Construction (see Section XX)
6. Laundromat MOVED FROM CUP
7. Offices, General MOVED FROM CUP
8. Offices, Medical and Dental MOVED FROM CUP
9. Recreation and Athletic Facilities, Private
10. Recreation, Public
11. Recycling Facilities, Class II
12. Rehearsal or Teaching Studio for creative, performing and/or martial arts with no public performances
13. Telecommunication Facilities, Stealth
14. Trails, Neighborhood
15. Trailhead Parking, up to 10 parking stalls,
16. Transportation Services
17. Utility Facilities, Above Ground
18. Utility Facilities, Underground
19. Veterinarian MOVED FROM CUP

DELETED DWELLING UNIT IN THE RIDGELINE OVERLAY ZONE
 DELETED HORSE BOARDING, PRIVATE
 DELETED PARK AND RIDE
 DELETED RESORT LIFTS, REPLACEMENT
 DELETED RESORT OPERATIONS
 DELETED RESORT STRUCTURES UNDER 5,000 SF
 DELETED STRUCTURE IN THE ROZ
 DELETED SATELLITE DISH ANTENNA MORE THAN 36 INCHES IN DIAMETER

Conditional Uses

1. Banks and Financial Services
2. Bars, Taverns, clubs *
3. Childcare Center (see Section XX)
4. Churches, Schools, and Institutional Uses
5. Cultural Activity
6. Gasoline Service Station with Convenience Store
7. Group Home
8. Hazardous Liquids or Materials Transmission Pipelines
9. Healthcare Facilities
10. Historic Structures, preservation of, including related Accessory and supporting Uses (see Section X)
11. Hotel, Motel or Inn with fewer than 16 rooms
12. Live-Work Unit THIS USE WAS ADDED: A DWELLING UNIT USED FOR BOTH DWELLING PURPOSES AND ANY NONRESIDENTIAL USE PERMITTED IN THE ZONE DISTRICT IN WHICH THE UNIT IS LOCATED.
13. Mobile Food Court
14. Nursing Home
15. Open Recreation Uses, Commercial
16. Parking Lot

17. Parking Lot, Commercial
18. Personal Improvements Services
19. Personal Services
20. Pet Services and Grooming
21. Public Facility
22. Recreation and Athletic Facilities, Commercial
23. Repair Services, Consumer
24. Residential Treatment Facility
25. Telecommunication Facilities, other than Colocation or Stealth
26. Trailhead Parking, more than 10 parking stalls
27. Utility Facilities, Major

DELETED BUILDING, ACCESSORY, UP TO 10,000 SF
 DELETED CEMETERY
 DELETED CHILDCARE CENTER, IN-HOME
 DELETED COMMERCIAL KENNELS
 DELETED DUPLEX
 DELETED DWELLING UNIT, MULTI FAMILY
 DELETED DWELLING UNIT, SINGLE FAMILY ATTACHED
 DELETED HORSE BOARDING, COMMERCIAL
 DELETED HORSE STABLES AND RIDING ACADEMY
 DELETED NURSERY, WHOLESALE
 DELETED OUTDOOR DISPLAY OF MERCHANDISE, ON PREMISE
 DELETED RESORT LIFTS, NEW
 DELETED RESORT RUNS, NEW
 DELETED RESORT STRUCTURES 5,000 SF AND OVER
 DELETED SKI LIFTS, PRIVATE
 DELETED SKI RUNS, PRIVATE

* The total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.

Temporary Uses

1. Temporary Use or Structure

Prohibited Use. Any Use not listed above as Permitted, Low Impact, Conditional, or Temporary is prohibited. Specific prohibited uses include: Heliskiing, Air Taxi Helicopter, Private Use Helicopter, and Heliport

- C. **Maximum District Size.** Unless otherwise approved through the Master Planned Development Process, the total area of a contiguously mapped NC Zone District shall not exceed seven (7) acres excluding all land in public Rights of Way.
- D. **Density:** Density shall be determined by the ability of the proposed Development to meet all required Development Standards and criteria set forth in this Title. ~~no single Structure shall contain more than five thousand (5,000) square feet in Floor Area.~~

- E. Height:** The maximum Building or Structure Height shall be ~~thirty-two feet (32')~~ **thirty-five (35) feet** unless otherwise stated in section 10-4-3 of this title. Height shall be measured according to section 10-4-22 of this title.
- a. Height of the perimeter of a Structure shall be measured from Existing Grade or Finished Grade, whichever measurement is greater. Window wells, Basement stairwells, and patios that do not project out more than five (5) feet horizontally from the foundation walls are exempt from the perimeter Height measurement. In some cases, more than five (5) feet may be warranted for egress.
 - b. Roof ridges in the center of a Structure shall be measured from the roof ridge to the Existing Grade directly below that point, if there is a façade shift of at least ten (10) feet from the foundation walls. Façade shifts less than ten (10) feet shall be measured in accordance with the perimeter Height measurement.
 - c. Height Exceptions: Chimneys, roof vents, furnace vents, plumbing vents, Antennas, and other similar features may extend up to five feet (5') above the maximum Building Height of the Structure.

A diagram will be added for clarity

- F. Setbacks:** Unless otherwise indicated below, on a recorded Plat or an approved Site Plan the Setbacks shall be:

Front Setback*	Minimum of 15' from property line
Front Setback if property line extends to the centerline of a road*	Minimum of 30' from centerline of Road. All Structures and improvements, excluding driveways, shall be fully contained on the Lot.
Maximum Front Setback	A maximum setback is required for at least sixty five percent (65%) of the building facade. The maximum setback is twenty-five feet (25'). Exception: Exceptions to this rule require Planning Commission approval through the Conditional Use Permit process.
Side Setback*	None Required. Exception: Any Lot or Parcel abutting a Lot or Parcel in a Residential district shall conform to the side yard requirements in that zone.
Rear Setback	Minimum of 3' from property line
Wetland Setback	Minimum of 40' from delineation line as defined by the Army Corps of Engineers
East Canyon Creek Setback	Minimum of 150' from centerline
River or Perennial Stream Setback	Minimum of 100' from centerline

Lake or Natural Pond Setback	Minimum of 50' from High Water Mark
Designated Highways (Highways 224, 40, 248 and Interstate 80 rights of way)	100' from the edge of the Right of Way
Frontage Road Setback, including, but not limited to Kilby Road, Rasmussen Road, Bitner Road, North Pace Frontage Road, and US-40 Frontage Road	60' from the edge of the Right of Way

* In the event a zero (0) setback is utilized, an Applicant must demonstrate compliance with Summit County Code, Section 7-3-4: Snow Storage on Site, as amended.

1. On a Corner Lot, the Front Setback shall be applied to both frontages except for:
 - a. 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 in excess of 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.

G. Performance Standards: The following performance criteria shall apply to the NC Zone:

1. Open Space: Unless otherwise approved through the Master Planned Development Process, all Development in this zone shall provide a minimum of twenty-five (25) percent Open Space.
2. Neighborhood Connectivity: All new Developments in the NC Zone shall provide a means of direct, continuous, convenient, and safe 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.
3. Uses within enclosed Structure. All business within uses in the NC Zone District must be conducted within completely enclosed Structures.
 - a. Exception: Outdoor display of merchandise and outdoor seating areas are allowed provided they are set up in an orderly manner and do not impede parking areas and pedestrian pathways.
4. Architecture and Building Construction: The project architecture shall foster a distinct neighborhood character and sense of place. Designs shall be context based, climate responsive and sensitive to the unique landscape and topography of the site. 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.