Recommendation: The purpose of this meeting is to:

1. Continue the County Council work session discussion on the Neighborhood Mixed Use (NMU-1) zoning district and provide staff with direction.
2. Introduce the County Council to the proposed Master Planned Development (MPD) and receive direction.

Background:

On July 25, 2018 and again on July 19, 2019, the County Council held a joint work session with the Snyderville Basin Planning Commission. The purpose of those meetings was to discuss the work program for the revision/updating of the Snyderville Basin Development Code. The Council directed staff to:

1. **Create a “Neighborhood Mixed Use Zone (NMU-1)” to establish regulations for potential rezone areas.** On October 8, 2019 the Planning Commission forwarded a positive recommendation to the County Council. The item was reviewed by the Council at a work session on November 20, 2019.
2. **Create a replacement document for the existing Specially Planned Area (SPA) process.** On February 11, 2020 the Planning Commission Forwarded a positive recommendation to the County Council.

**Neighborhood Mixed Use Zone**

The NMU-1 zone is a concept that was initially created and presented to the Planning Commission by Staff in July of 2017. However, because the process was not moving forward (due to other staff priorities and responsibilities) Marketplace LLC, determined that they would apply for a Development Code amendment to jumpstart the process.

The Planning Commission reviewed the proposal as a standalone document at a work session on April 23, 2019 and June 11, 2019 and conducted a public hearing on August
27, 2019 and on September 24, 2019. On October 8, 2019 the Commission forwarded a positive recommendation to the County Council.

The purpose of the NMU-1 zone is to create new development and redevelopment areas that are designed to achieve sustainable development through:

1. Supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.
2. Contributing to the protection and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimizing waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
3. Building a strong, responsive and competitive economy, by ensuring that enough land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

Highlights of the language include:

1. Establishes eligibility requirements for rezone to NMU-1. Primarily the land must be featured as Mixed – Use in the Future land use map of the Snyderville Basin General Plan.
2. All Rezones must be processed as a Master Planned Development which would be approved by the County Council.
3. Establishes a Floor Area Ratio of 0.6. The Floor area ratio (FAR) is the measurement of a building's floor area in relation to the size of the lot/parcel that the building is located on. FAR is shown as a decimal number and is established by dividing the total area of the building by the total area of the parcel (building area ÷ lot area).
4. Establishes an open space requirement of 25%. Types of open space shall be based on the definition of open space in the Snyderville Basin General Plan.
5. Creates incentives that will allow for additional density if the developer provides additional affordable housing or structured parking.
6. Establishes a height limit of 60 feet.
7. Creates performance standards that the County Council and Planning Commission will use when making decisions.
8. Creates parking requirements for Commercial and Residential uses. A maximum of 5 parking spaces per 1,000 square feet is required for commercial uses.
9. Establishes base requirements for architectural design.
10. Establishes sustainability requirements to ensure environmentally sensitive design.

The General Plan identifies several current and future mixed-use neighborhoods in the Snyderville Basin (see exhibit C). The General Plan contemplates the creation and adoption of zoning tools to guide future development in these areas. If approved, a property owner could apply to rezone property within these areas NMU-1.

**Master Planned Development (MPD)**

On February 11, 2020 the Planning Commission forwarded a positive recommendation for the proposed Master Planned Development (MPD) process (see attached MPD draft) as a possible replacement for SPA process (existing SPAs will remain in effect). Whereas a SPA involves negotiating density, use, and design, the draft MPD process is intended to create a land planning and design tool using more predictable standards and offering incentive-based design flexibility in exchange for neighborhood connectivity, public space, alternative transportation strategies, and workforce housing. A key distinction between a SPA and the draft MPD process is that the MPD process does not permit increased density beyond that permitted by the zone with the exception for workforce housing.

On August 27, November 12, 2019 and January 10, 2020 the Planning Commission held work sessions to review and discuss the process. The Commission provided feedback to staff and directed modifications to the document. Highlights of the draft include:

1. Establishes applicability requirements. All applications for a rezone, residential projects over 10 units or commercial projects greater than 10,000 square feet in size required to be reviewed as an MPD.
2. Creates performance standards that the County Council and Planning Commission will use when making decisions. These criteria are based on the goals and policies adopted in the Kimball Junction Neighborhood Master Plan approved by the County Council.
3. Created requirements for open/public spaces. Provides guidelines for public spaces relating to location and design.
4. Requires that all MPD applications submit an “Environmental Impact Report.” The report is a written explanation of how the project plans to address issues such as water and air quality, energy efficiency, protection of critical lands etc.
5. Requires that all MPD applications submit a “Site Design Narrative.” This narrative is a written explanation of how the development will be designed. The applicant will be required to explain how it will be integrated into the surrounding vernacular, what is being done to address the County’s housing needs, open areas, parking, external storage etc.
6. Establishes a list of required findings of fact. These are the basic findings that the Council must make before they approve any project.
Items for Discussion

As part of their recommendation to the County Council, the Planning Commission requested that the Council look at the following issues as part of their review:

1. FAR. Currently the max FAR is 0.60. This mixed with a 25% open space requirement and a 45-foot height limit would generally discourage structured parking, as it would leave ample room for a surface parking area. An increase in the FAR may allow more building coverage and encourage structured parking. See example Exhibit A. On December 10, 2019, the County Council began discussion on this item, but did not fully resolve the issue. Staff is requesting that the Council resume their discussion and provide staff with direction.

2. There is a provision in the language requiring that a mixed-use development have 3 different uses, but no specific requirement that one of the uses be residential. The Commission debated whether to require one of the uses be residential, or whether it would be acceptable to have residential uses adjacent.

In addition to these issues, staff is requesting that the Council review both documents and provide direction. Following this work session, staff will schedule this item for a public hearing and further discussion.

Recommendation:

Staff recommends that the Summit County Council review the proposed Development Code Amendment to create a Neighborhood Mixed Use Zone and MPD process and provide staff with direction.

Attachments

Exhibit A - Proposed NMU -1 Language.
Exhibit B - FAR Example
Exhibit C - Proposed MPD Language
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:

- Compact,
- Mixed use,
- Pedestrian-focused
- Transit-oriented, and
- Performance-based.

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

- Provides a mix of land uses that are compatible, mutually supportive, and efficiently served by a variety of multi-modal transportation options,
- Establishes convenient, safe, direct, and well-connected transit and pedestrian linkages,
- Reduce the need for parking,
- Clusters Development to create functional and aesthetically pleasing public realm, including but not limited public spaces, plazas, and outdoor amenity areas; and
- Achieves sustainable infrastructure and building design consistent with best practices (as stated in Section 11 of this Chapter).

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

**Permitted Uses**

1. Bars, Taverns, clubs
2. Dwelling Unit, Multi-Family
3. Dwelling unit, single-family attached
4. Home Based Business, Class 1 (see Section XX)
5. Live-Work Unit
6. Mixed Use Structure
7. Mobile Food Business
8. Open Space
9. Park, Community
10. Park, Neighborhood
11. Recycling Facilities, Class I
12. Solar Array, Minor
13. Telecommunication Facilities, Co-location
14. Trails, Community Wide
15. Trailhead Parking Designated within 300 feet of a residential parcel
16. Major Trailhead Parking up to 10 spaces
17. Minor trailhead parking less than 10 spaces
18. Offices, General
19. Restaurant, Deli or Takeout (no drive through)
20. Restaurant Full Service
21. Retail Sales, Convenience Store
22. Retail sales, Food, less than 50,000 sf in size
23. Retail Sales, General, less than 10,000 square feet in size

### Low Impact Uses

| 1. | Banks and Financial Services |
| 2. | Building and Maintenance Services |
| 3. | Childcare Center with more than 16 children |
| 4. | Construction Management Office |
| 5. | Construction Services, Contract |
| 6. | Cultural Activity |
| 7. | Dwelling Unit, Employee |
| 8. | Funeral Services |
| 9. | Healthcare Facilities |
| 10. | Home Based Business, Class II (see Section XX) |
| 11. | Indoor Entertainment such as bowling alleys, skating rinks, movie theaters, performing arts center |
| 12. | Laundromat |
| 13. | Offices, Medical and Dental |
| 14. | Personal Improvement Services |
| 15. | Personal Services |
| 16. | Property Management Offices, Check-in |
| 17. | Public Community Event Center |
| 18. | Recreation and Athletic Facilities, Commercial |
| 19. | Rehearsal or Teaching Studio for creative, performing and/or martial arts with no public performances |
| 20. | Telecommunication Facilities other than Co-location or Stealth |
| 21. | Telecommunication Facilities, Stealth |
| 22. | Trails, Neighborhood |
| 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 of 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; and
3. The property(s) must be located along the existing Park City/Summit County transit system or as a condition of approval, receive a commitment to provide service from the County Regional Transportation Planning Director.

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 ________ of this title.

D. Affected Properties: All rezoning applications to the NMU-1 Zone shall include all contiguous holdings by the Owner, unless specifically waived by the Planning Commission, as well as land in the “same ownership.” If the Property is under contract for sale, the application shall specify the contract Owner of the Property and the date a contract of sale was executed. In the event corporations are involved, a copy of the resolution legally empowering the Applicant to make application shall be provided with the Application.

E. Density/Floor Area Ratio and Open Space: The maximum Density in the NMU-1 shall be calculated pursuant to the following Floor Area Ratio.

Open Space: 25% gross land area
Floor Area Ratio (FAR): 0.6 of developable land area

Density shall not be calculated on land required for Open Space.

For Example:

8 acres total x 25% Open Space = 2 acres Open Space and 6 acres buildable area.

6 acres (261,360 square feet) x 0.6 FAR = 156,816 square feet maximum gross project square footage

1. Incentive Density: Incentive Density may be permitted by the County Council in exchange for one or both of the following:

   a. Additional Deed-Restricted Affordable Housing: The County Council may permit additional Density of 10% above the maximum FAR for every additional 15% of affordable housing mitigation beyond the requirement set forth in Section 10-5 of this title. The additional affordable housing will not count against the maximum allowed FAR but must be constructed as part of the development. Fee in lieu payments will not be allowed.

   b. Parking Reduction Strategies: The County Council may permit an additional 15% of Density above the FAR for:

      a. Underground parking for all required parking of the use;
      b. A parking structure for all required parking of the use; or
      c. The voluntary reduction of parking spaces through the provision of the on-going operation of parking reductions strategies including, but not limited to, employee transportation services, van pooling, care sharing, bike share subsidies, neighborhood public shuttle subsidies, or combinations thereof.

F. Affordable Housing: All Development in the NMU-1 Zone shall be subject to the Affordable Housing standards set forth in Section _______ of this title. The gross square footage of any deed-restricted Affordable Housing in the NMU-1 Zone shall not be counted toward the project FAR.

G. Setbacks: Unless otherwise exempted by this title, all Setbacks in the NMU-1 Zone shall be established at the time of the Master Planned Development approval.

H. 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 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-two feet (32') 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 buildings that have balconies on floors rising above thirty-two feet (32') in height.

I. **Performance Standards:** In addition to compliance with all Master Planned Development criteria set forth in Section ______ 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:** 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 900 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, care 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 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. The gross square footage associated with Transit Center buildings shall not be counted towards the project Density. The gross square footage of any commercial uses within a Transit Center building shall count towards the project Density.

6. **Neighborhood Connectivity:** All Master Planned Developments in the NMU-1 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.

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 ______ 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.

   C. **Exception:** Parking that exceeds or is 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 shall be provided.
         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 don’t create unsafe pedestrian conditions. Where possible, parking structures shall be designed to have the appearance of horizontal storied buildings that reflect the character of adjacent buildings. Where practicable storefronts are encouraged to be located on the street level and designed to create street scape.
2. Parking facilities are part of the public realm and therefore shall be readily accessible by pedestrian/bicycle linkages and associated facilities.
3. Structured parking is encouraged in the NMU zone. 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 Zone
4. Developers are encouraged to utilize innovative parking reduction techniques such as shared parking, structured parking, smaller stalls, car stackers and valet parking

9. Architecture and Building Construction: The project architecture shall foster a distinct neighborhood character and sense of place. Designs shall be context base, climate responsive and sensitive to the unique 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, roof forms, fenestration, textures and colors. 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 efficient landscaping

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.
MASTER PLANNED DEVELOPMENTS

INTENT

A Master Planned Development (MPD) is a comprehensive project design strategy. MPDs are intended to provide better opportunities to create projects that address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The MPD process creates administrative tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the Snyderville Basin General Plan and this Code.

APPLICABILITY

Required: Unless the property is subject to an approved Development Agreement, Settlement Agreement or Consent Agreement, the MPD process shall be required in all zones for the following:

1. Any Application for a rezone.
2. Any residential Development requesting Incentive Density.
3. A Residential project with ten (10) or more Units of Density.
4. Any Hotel or lodging project with 10,000 square feet or more of Gross Floor Area.
5. Any new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project with 10,000 square feet or more of Gross Floor Area.

USES

An MPD can only contain Uses, which are Allowed, Low Impact or Conditional in the existing Zone District(s) in which it is located. When the project area includes more than one (1) Zone District, Uses may be relocated across Zone District lines if the Planning Commission determines that relocation results in a project design that advances the goals set forth in the Snyderville Basin General Plan.

PROCESS

1. **Pre-Application Conference:** A pre-application conference shall be held with staff for the Applicant to become acquainted with the MPD procedures and related County requirements and schedules. Staff may give preliminary feedback to the Applicant based on information available at the conference and may inform the Applicant of potential issues or special requirements which may result from the proposal. Any direction or feedback given at the pre-application conference is not vested. Vesting occurs once a complete application is filed and the project has been reviewed and approved by the County Council or Planning Commission.

2. **Pre-Application Work Session Public Meeting:** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for an MPD, the Applicant may request a work session discussion with the Planning Commission after the pre-application conference with staff. Any direction or feedback
given at the pre-application work session public meeting is not vested. Vesting occurs once a complete application is filed and the project has been reviewed and approved by the County Council or Planning Commission.

At the pre-Application work session public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

It is recommended that the Applicant host neighborhood meetings in preparation of filing of a formal Application for an MPD and provide a report conveying neighborhood concerns discussed.

3. The MPD Application: Plans for the MPD shall be submitted with a completed Application form supplied by the County. A list of minimum requirements will accompany the Application form. The Application must include written consent by all owners of the property to be included in the MPD. Once an Application is received, it shall be assigned to a staff planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a complete Application.

Planning Commission Review and Public Hearing: Except in the case of MPDs that include a rezone, the Planning Commission shall approve, approve with modifications, or deny a requested MPD. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section ______ herein. In the case of MPDs that include a rezone, the Planning Commission shall review and forward a recommendation to the County Council, including findings of fact, conclusions of law and conditions of approval.

County Council Review and Public Hearing: In the case of MPDs that include a rezone, the County Council shall approve, approve with modifications, or deny a requested MPD. The County Council action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval. Action shall occur only after a public hearing is held. To approve an MPD, the County Council will be required to make the findings outlined in Section ________ Herein.

4. Vesting of Approval:

   a. MPDs Not Associated with A Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved Final Site Plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the Development of the project to be described in the Development Agreement.
b. **MPDs Not Associated with A Rezone but Requiring A Final Subdivision Plat:** A final Subdivision plat must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. If the required final Subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final Subdivision plat shall be void.

c. **MPDs Associated with A Rezone, But Not Requiring A Final Subdivision Plat:** Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved final Site Plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the Development of the project. If the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

d. **MPDs Associated with A Rezone and Final Subdivision Plat:** Unless otherwise extended per the provisions set forth in this chapter, a final Subdivision plat associated with a rezone must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. In the event that the required final Subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

After recordation of the final Subdivision plat and the commencement of construction, the MPD shall remain valid as long as it is consistent with the approved specific project plan and associated documents.

5. **MPD Modifications:**

   a. **Minor Amendment:** A minor amendment is defined as an amendment that does not increase square footage, density, or intensity of the previously approved MPD. A minor amendment shall be processed as a Low Impact Permit.

   b. **Major Amendment:** A major amendment is defined as an amendment that increases square footage, density, or intensity of the previously approved MPD. A major amendment shall be processed as an MPD.

**MPD REQUIREMENTS**

All MPD Applications shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Planning Commission, or County Council.
1. **AFFECTED PROPERTIES**: All MPD Applications shall include all contiguous holdings by the Owner, unless specifically waived by the Planning Commission. The rezoning Application shall be accompanied by an affirmation of ownership which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the Summit County Recorder’s Office. The affirmation shall advise as to the legal owner of the Property. If the Property is under contract for sale, the affirmation shall specify the contract Owner of the Property and the date a contract of sale was executed. In the event corporations are involved, a copy of the resolution legally empowering the Applicant to make Application shall be provided with the Application.

2. **DENSITY**. The type of Development, number of units and Density permitted on a given Site will be determined as a result of a site suitability analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

   In cases where a project site contains more than one (1) Zone District, the Planning Commission may permit a shift of Density between Zone Districts if the shift results in the project advancing the goals set forth in the General Plan.

   Square footage associated with underground/structured parking areas within an MPD is exempt from MPD Density calculations.

   Square footage associated with deed-restricted affordable housing units within an MPD is exempt from MPD Density calculations.

3. **SETBACKS**. In order 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.

4. **BUILDING HEIGHT**. The maximum Building Height for all structures within an MPD shall not exceed the requirements found in each individual Zone District.

5. **SITE PLANNING**. An MPD shall be designed to take into consideration characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the site, not the site modified to fit the project. The following shall be addressed in the site planning for an MPD:

   a. **Designing with the Topography**: MPDs shall be designed to fit into the topography of the site. The Planning Commission/County Council may consider flexibility in the siting of the Development to best fit into the natural terrain, minimize excessive site grading and the need for excessive retaining.
Efforts shall be made to mitigate impacts of the Development on the natural environment and resources of the surrounding area. The project design shall make suitable provisions for the preservation of all affected Critical Lands.

b. **Designing with Adjacent Uses:** The MPD site plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse influences, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

c. **Building Location:** All Buildings shall be located to avoid, to the extent practicable, Critical Lands. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable. Building design should create recognizable streets and other spaces with their edges defined by Buildings, making it easy for anyone to find their way around, and promote safety and accessibility.

d. **Access:** All MPDs shall have vehicular access from a state highway or County road. All Developments shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the Summit County Engineer and Fire Marshall. Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

e. **Trails:** Existing trails should be incorporated into the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new transportation and/or recreational trails will be required to be consistent with Summit County’s Active Transportation Plan and/or Snyderville Basin Special Recreation District’s Trails Master Plan, respectively. All new construction will meet or exceed the design standards set forth in the plans.

f. **Connectivity:** All MPDs 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. Pedestrian/equestrian/bicycle circulation shall be separated from vehicular circulation wherever reasonable.

Where applicable, MPDs will have a system of streets, alleys, and pedestrian pathways with multiple routes and connections serving the same origins and destinations. All streets, alleys, and pedestrian pathways shall connect to other streets and to existing and projected streets outside the proposed MPD or other Development. Dead ends or cul-de-sacs are discouraged.

g. **Snow Removal:** Snow storage shall be compliant with the requirements of Chapter 10-4-14 of this Title. The Site plan shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces to provide adequate
areas to remove and store snow. Snow should be stored on Site and not removed to an Off-Site location.

h. Waste Disposal/Recycling Facilities: All waste disposal and recycling facilities shall be compliant with the requirements of Chapter 10-4-13 of this Title. The Site plan shall include adequate areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

i. Service and Delivery Access: Service and delivery Access and loading/unloading areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

j. Utilities: Existing or proposed utility and public services for MPDs will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources. Unless otherwise permitted by this Chapter.

6. TRANSPORTATION: MPDs shall include transportation approaches that add more options for public transportation, pedestrians and bicycle users, and reduce the need for driving. An MPD should include:

   a. Transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.
   b. Bike facilities including but not limited to lockers and racks.
   c. Upgraded bike lanes or bike paths
   d. Agreements between businesses to stagger delivery services and commute times.

7. EMPLOYEE/AFFORDABLE HOUSING. All MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by Chapter 10-5 of this Title. The plan shall include consideration for underserved populations such as seniors, ability challenged and people in need of transitional housing.

8. OPEN SPACE/PUBLIC SPACES. All MPDs shall provide at least the minimum zone-required Open Space unless further increased through this MPD Process.

   In more urbanized areas such as the Town Center (TC), Neighborhood Mixed Use (NMU) and Community Commercial (CC) zones, Open Space areas shall include Public Space as defined in this title. Public Spaces shall:

   a. Be well located to support a wide variety of activities and encourage social interaction, that promote health, well-being, social and civic inclusion;
   b. have a hierarchy of spaces that range from large and strategic to small and local spaces, including parks, squares, greens and pocket parks;
c. have public spaces that feel safe, secure and attractive for all to use; and
d. have trees and other planting within Public Spaces for people to enjoy, while
   also providing shading, and air quality and climate change mitigation.

Ownership and maintenance all Open Space lands shall be specified in the MPD
Application.

9. **OFF-STREET PARKING.** Unless modified pursuant to this chapter or an individual Zone
   District, all MPDs shall meet the parking requirements set forth in Section 10-4-9 of this
title.

10. **COMPLIANCE WITH DEVELOPMENT EVALUATION STANDARDS.** Unless otherwise
    permitted by this Chapter, all MPD shall comply with all requisite Development
    evaluation standards found in Chapter 4 of this Title.

11. **GENERAL PLAN REVIEW.** All MPD applications shall be reviewed for consistency with the
    goals and objectives of the Snyderville Basin General Plan; however, such review for
    consistency shall not alone be binding.

12. **ENVIRONMENTAL IMPACT REPORT:** An MPD Application shall include a written
    explanation of how the project plan addresses the following environmental issues:

    a. **Natural Environment.** How does the proposed project integrate existing, and
       incorporate new natural features into a multifunctional network that supports
       quality of place, biodiversity and water management? How does it address climate
       change mitigation and resilience? Will landscaping work to achieve this goal?
    b. **Water Quality:** What measures are being taken to manage water use by the
       Development, and what is being done to ensure the Development does not
       contaminate ground water or surrounding water ways.
    c. **Air Quality:** Explain what measures are being taken to ensure the Development does
       not have a negative effect on Summit County's air quality.
    d. **Protection of Critical Lands:** If the Development is adjacent to Critical Lands, or
       within a flood plain or wildfire interface area, explain what is being done to mitigate
       any negative impacts of the Development on those lands. How is the Development
       meeting the requirements in Chapter 10-4-3 of this Title?
    e. **Energy Efficiency:** Explain what is being done to ensure the Development is energy
       efficient. Are actions being taken to ensure the Development exceeds the minimum
       requirements found in the International Building Code?
    f. **Building Materials:** Explain what sustainable materials are being incorporated into
       the Development.
    g. **Recycling/Waste Disposal:** Explain the recycling program for the Development. How
       is it meeting the requirements found in Chapter 10-4-13 of this Title?
    h. **Climate Responsive Design:** Explain how the Development will work with the
       Snyderville Basin’s climate, how architecture will consider seasonality, the direction
       of the sun (sun path and solar position), natural shade provided by the surrounding
       topography and environmental factors (such as wind, rainfall, humidity). Explain
       how the shaping Massing and Architecture will be designed to:
i. Reduce snow accumulations at entrances / exits
ii. Incorporate passive solar heating
iii. Wind driven natural ventilation
iv. Locate windows, skylights etc. to benefit daylighting. These also impact natural ventilation
v. Provide adequate snow storage and snow melt run-off capacity

i. **Landscaping:** Explain how the proposed landscaping will be appropriate for the climate and topography of the site. Explain how the irrigation system will be water wise and designed to preserve as much water as possible.

B. **SITE DESIGN NARRATIVE.** A MPD Application shall include a written explanation of how the project plan addresses the following design questions:

   a. **Project Neighborhood Connectivity.** How does the proposed Development interconnect with the surrounding properties, neighborhood, and area? Including but not limited to:

      i. Where will vehicles enter and exit the site?
      ii. Where will new streets be developed?
      iii. How pedestrian and bicycle routes (including commuter pathways, trails and sidewalks) be provided through the project area?

   b. **Availability of Neighborhood Facilities and Services.** Is the location of the proposed Development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?

   c. **Housing Needs.** How does the proposed Development advance the community need for a mix of housing types and affordability?

   d. **Character.** What are the design objectives for the built environment, including Buildings and the public spaces that connect them? How do these design objectives address the local context, climate, and/or community needs?

   e. **Site Design.** How is the proposed Development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, existing water ways, minimize site grading, etc.?

   f. **Complete Street Design.** How is the proposed Development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?

   g. **Parking Areas.** How does the proposed Development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, stormwater runoff and exterior lighting?
h. **Public and Private Outdoor Spaces.** What is the proposed Development’s need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed Development address these needs?

i. **External Storage and Service Facilities.** How does the proposed project address needs for recycling, garbage collection, above ground utility equipment, mail facilities, service and delivery areas, equipment storage, etc.?

j. **Building Design.** How does the Building/Buildings within the Development provide good quality internal and external environments for their users, promoting health and welfare? How does the Building/Buildings relate positively to the private, shared and public spaces in the area?

**F. REQUIRED FINDINGS OF FACT**

The County must find enough evidence to support the following conclusions in order to approve an MPD. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

a. The MPD is designed to fit well into the natural terrain, minimize excessive site grading and protect, preserve, and enhance the level of quality of the surrounding area.

b. The MPD makes suitable provisions for the protection, preservation, and enhancement of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.

c. The MPD takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful planning.

d. The MPD has direct vehicular access from a state highway or County road or suitable private road or driveway access meeting all requirements of the County Engineer and Fire Marshall.

e. The MPD has a secondary point of access/emergency access or other mitigation satisfactory to the Summit County Engineer and Fire Marshall.

f. All roads/streets within MPD follow the natural contours of the site wherever possible to minimize the amount of grading.

g. Existing or proposed utility and public services are adequate to support the proposed MPD at normal service levels and are designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources.

h. The proposed structures within the MPD are located on the most developable and least environmentally sensitive portions of the site. The open areas within the MPD are designed so that existing significant vegetation can be maintained to the greatest degree possible.

i. The MPD includes adequate internal vehicular and pedestrian/equestrian/bicycle circulation.

j. The Building/Buildings within the Development provide good quality internal and external environments for their users, promoting health and welfare.
The proposed project integrates existing, and incorporates new natural features into a multifunctional network that supports quality of place, biodiversity and water management.

The MPD, as conditioned, complies with all the requirements of Chapter 4 of the Snyderville Basin Development Code.

The MPD, as conditioned, is consistent with the General Plan.

The MPD has been noticed and public hearing held in accordance with this Code.