

## Chapter 13

### CENTRAL DEVELOPMENT DISTRICT

#### DISTRICT, CD

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#### Central Development District

**16-13-010 Purpose** . The Central Development District Zone is established to stimulate economic development by providing a unique planning environment for commercial and office development. This district encourages creative development and site design for mixed use commercial, office and residential uses within "Planned Commercial Centers" and is appropriately reserved for use within Town & Resort Centers only.

#### **16-13-020 Procedures**.

1. The Planning Commission will review all development proposals in the CD Zone. All exterior construction visible from adjacent properties or public streets must also be reviewed and approved by the Planning Commission.
2. Prior to the Planning Commission taking action, plans must be submitted in accordance with the zoning ordinance.
3. All submissions shall be made in conformance with the adopted application and agenda deadline schedule.
4. For a typical building project, 2 copies of the required information must be submitted for complete review and recommendation by the Planning Commission. One copy will remain on file with the Planning Division and the second copy will be returned with comments. Communication with the Planning Commission may be directed to the County Planner.
5. The owner's representative, for on-going coordination with the Planning Commission, must also be identified including address and telephone number.

**16-13-030 Land Coverage** . It is the intent to prevent the overcrowding of land within the Central Development District by controlling the intensity of different types of land uses.

1. Lot coverage by buildings and covered or semi-enclosed outbuildings shall not exceed 60 percent.

2. Coverage for both buildings and paved areas (parking, loading and circulation) shall not exceed 80 percent, thereby reserving a minimum of 20 percent for landscaped areas after completion of any future expansion.

3. Existing developments may expand only to the extent of the coverage limits above. If such existing developments currently exceed the above coverage limits, expansion shall not occur.

**16-13-040 Uses-Allowed.** Regardless of the size and ownership of individual parcels, a development plan must be submitted showing both existing and reasonable projected development. Every effort shall be made in order to be compatible with adjoining properties through consultation with adjoining property owners. Approved uses shall be consistent with the Area Plan in relation to architectural theme and construction materials.

The intent of the above is to achieve an overall planned development with appropriate cross-easements, common driveways, consistent site standards, etc., even though properties may be individually owned.

1. Permitted Uses.

- (1) Banks or Financial Services
- (2) Childcare Centers less than 16 children
- (3) Dwelling unit, accessory to a commercial structure
- (4) Flowershop
- (5) Laundromat
- (6) Medical and Health Care Offices
- (7) Personal Improvement Services
- (8) Professional Offices
- (9) Public Service
- (10) Public Utility Station
- (11) Religious or Cultural Activity
- (12) Recreation, Public
- (13) Retail Sales, General less than 40,000 sq. ft.
- (14) estaurant, no drive-up

2. Conditional Uses.

- (1) Alcoholic Beverage Class B (on premise w/meal)
- (2) Bed and Breakfast Facility
- (3) Car wash
- (4) Day Care, Group
- (5) Dwelling, Residential Facility for Handicapped
- (6) Dwelling, Residential Facility for Elderly
- (7) Gasoline fuel service station with convenience store
- (8) Manufacturing
- (9) Mixed Use, Residential and Office Use
- (10) Mixed Use, Commercial/Residential Development
- (11) Motel, Hotel
- (12) Park & Ride Facilities
- (13) Recreation Center
- (14) Recreation, Indoor (Bowling, skating, movie theaters, athletic centers, etc.)
- (15) Recreation, Outdoor (skating, etc.)
- (16) Recreation Vehicle Park
- (17) Repair Services, Consumer
- (18) Retail Sales, general 40,000 to 60,000 sq. ft.
- (19) Residential use, single family, two family, multi family
- (20) Research Park
- (21) Restaurant, drive up
- (22) School, Commercial

- (23) School, Private or Quasi-Public
- (24) School, Public
- (25) Social or Reception Center
- (26) Street Vendors
- (27) Vehicle sales and service
- (28) Wireless Telecommunications Facility, Wall Mount
- (29) Wireless Telecommunications Facility, Roof Mount

3. Location Restrictions. If the building containing the use or accessories thereto is located within 250 feet of a Residential District (except recognizable holding zones for future commercial development), those uses as designated in section D-1 shall be conditional as indicated.

**16-13-050 Development -Standards.** The following standards are to be considered as applying specifically to development in the CD District in addition to any other general standards provided in the zoning ordinance.

1. "Planned Unit Development". Regardless of the size and ownership of individual parcels, a "Planned Unit Development " conceptual plan must be submitted to the Planning Staff for review and approval by the Planning Commission. The Plan must show both existing and reasonable projected development on adjoining properties, determined through consultation with adjoining owners.

- a. The intent of the above is to achieve a consistent overall planned development with compatible site standards when the project area is completely built out.
- b. Expansion of existing shopping center projects not previously having a " Planned Unit Development " approval shall require Planning Commission approval at the time of expansion except for minor revisions as determined unnecessary through consultation with the County Planner and the Planning Commission.
- c. Remnant parcels left from old developments or rebuilds of existing parcels or pads within existing center developments are required to reasonably comply with Planned Unit Development standards through consultation with the County Planner and the Planning Commission.

2. Lot Size. Lots shall be of sufficient size to assure compliance with all building setbacks and off-street parking requirements.

3. Building Setbacks.

- a. Front Yard. All buildings shall be set back at least 5 feet from all public streets. Additional setbacks up to 30 feet may be required by the Planning Commission based on height/length/mass of any proposed building.
- b. Side Yard. Uses may be developed conjointly at the side yards with shared partywalls.
  - i. If buildings are not joined, there shall be at least a 10 foot setback from each side property line, and side yards shall be properly developed within an approved landscaping plan.
  - ii. Where buildings or uses abut a residential district (excluding recognizable holding zones for future commercial development), buildings shall be set back at least 20 feet from the property line, and the side yard shall be developed and landscaped in accordance with an approved landscape plan.
- c. Rear Yard. Unless non-residential uses are developed conjointly, buildings shall be set back at least 25 feet from rear property lines.
  - i. Where buildings or uses abut a residential district (excluding recognizable holding zones for future commercial development), buildings and uses shall be set back at least 20 feet from the property line, and the rear yard shall be developed and landscaped as established in this zoning ordinance.

d. Dwellings. Setbacks shall be determined via PUD approval and shall be proportionate with lot size, frontage and landscaping requirements.

4. Building Height. The maximum height shall be 40 feet.

**16-13-060 Residential Uses.** The following shall apply to residential development:

1. Not less than the equivalent of 15% of the gross living area of a residential use shall be provided as common residential recreation space. This requirement may be accomplished with indoor or outdoor facilities such as roof tops, atriums, covered or outdoor swimming, clubhouses, etc.

2. The physical separation of pedestrian and vehicular traffic is encouraged through the use at a minimum of landscape features such as planting strips.

**16-13-070 Signage.** Proper design and placement of signs and their lighting is critical and shall be compatible with structures and uses. Permitted signs within the CD Zone shall be in compliance with this code, except that off-premise signs or billboards shall not be permitted.

**16-13-080 Landscaping.** Landscaping guidelines are established to maintain the site qualities that exist in the CD Zone area and minimize alteration, removal, or degradation of landscaping that currently exists in the area.

1. No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted separate landscape plans satisfactory to the Planning Commission.

2. Landscaping in accordance with the plans submitted must be installed within 30 days following the occupancy of the site or as otherwise approved by the Planning Commission as seasonal conditions may dictate.

3. The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Planning Commission.

4. The developer shall provide surety for such landscape improvements to ensure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the County for street improvements.

5. Plant Materials.

a. 60% Medium trees and shrubs in a combination with deciduous trees with a caliper from 2 to 3 inches and evergreen trees with a height from 5 to 8 feet.

b. 40% Small trees and shrubs in a combination with deciduous trees with a caliper of 1 1/2 to 2 inches and evergreen trees with a height of 4 feet.

c. Where possible, a **50/50** mix of deciduous and evergreen tree species shall be used for on-site landscaping.

d. Street trees with a minimum 2 inch caliper shall be installed along all public rights-of-way by the developer of the property. The developer shall provide one tree for every 50 feet of lineal frontage. The species-type, location, and spacing of trees shall be as shown on the approved landscape plan.

6. Installation. It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.

7. Maintenance. It shall be the responsibility of the developer to properly maintain landscaped areas including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely

manner. Pruning trees for "exposure" is prohibited.

8. **Vegetation Removal.** Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable individual caliper as approved by the Planning Division.

When utility connections or other disturbances are made to existing landscaped areas the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the County Planner.

**16-13-090 Grading And Drainage.** Drainage from any lot must follow current Morgan County requirements. Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.

A site plan with grading, drainage, and clearing plans must be approved by the Planning Commission before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of natural grade.

**16-13-100 Utilities.** All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.

1. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method.
2. Each contractor and owner/developer shall be responsible to know the location of all underground utilities. Protection of such utilities shall also be their responsibility.
3. Prior to construction, contact must be made with "Blue Stakes" to identify underground utility lines.
4. Each development shall be required to be serviced by Water and Sewer unless expressly approved by the County Council.

**16-13-110 Architectural Design and Materials.** The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding developments. Proposed developments shall be designed with a common theme that reflects the heritage and community in which it is located. Theme shall be reviewed and approved by the Planning Commission and may include but are not limited to agricultural or mountain tourism. Requirements applicable to all buildings are stated below:

1. All sides of buildings shall receive equal design consideration, particularly where exposed to vehicular traffic and adjacent properties. Facade shifts shall be encouraged on structures with a width greater than 50 feet.
2. Basic exterior construction materials shall be limited to no more than three types of materials per building and all buildings within the development shall possess a similar architectural theme. Building styles shall be compatible with existing buildings in the CD Zone.
3. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls.
4. Mechanical equipment shall be located or screened so as not to be visible from public and private streets. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof. Screen materials shall be compatible with those of the building.

5. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the CD Zone.

**16-13-120 Buffers, Fences, And Walls.** The intent in having special buffer, fence, and wall requirements is to provide quality separation between incompatible commercial uses, and to provide physical and visual protection between commercial and residential uses.

Landscape buffers are preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between similar uses. Visual screening is often more important than a physical separation and the Planning Commission may, at its own option, require special treatment of such areas.

Buffer treatment may be required whenever a change occurs between residential and non-residential uses. Additional landscaping and screening may be required at the discretion of the Planning Commission within the setback which separates the uses. Fences or walls will be reviewed for their effectiveness in screening a view, and for their color and texture in relationship to building materials.

Where differing uses are to be developed adjacent to existing residential areas, special consideration shall be made to protect the privacy of residents and requirements shall be the discretion of the Planning Commission. As a minimum, the negative effects of noise and artificial lighting shall be minimized to protect existing residents.

Service areas shall be properly screened. Outdoor lighting shall be designed to prevent exposure of light source to the view of residents. Facilities that require late night customers and activities shall be located away from residential areas to reasonably prevent disruption of privacy.

**16-13-130 Parking Areas.** Parking areas shall be considered as structures since they present a three dimensional appearance when occupied.

1. Location of parking shall be determined not only from its visual relationship to building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by and Planning Commission on the basis of the following factors:

- a. Type of land use and structure.
- b. Building height and configuration.
- c. Relationship to other buildings both horizontally and vertically.
- d. Natural land features such as slopes and vegetation.
- e. Physical features such as rail lines, canals, and controlled ingress and egress.
- f. Visibility from vehicular approaches and distant highways.
- g. Parking locations is strongly encourage on the side and to the rear of any proposed structures, with minimum parking between the front of the building and the street.

2. Parking shall not occur adjacent to any public street except when:

- a. It has been established that such a location is needed or justified by other site conditions or building entrance orientation.
- b. The use is restricted to visitors and/or key employees.
- c. Parking is 80% screened by fencing, walls, and/or landscaping from the highway or street by either depressing the paved areas or using elevated landscape berms.

d. A minimum of 10 feet of landscaped screening consisting of mixed evergreen and deciduous trees shall surround the periphery of paved areas adjacent to buildings or property lines. The number of trees for this area shall be determined by a standard of 1 tree per every 200 square feet of landscaping required.

**16-13-140 Service & Loading Areas.** Loading and refuse collections areas shall not be permitted between buildings and streets, and must be screened from view of public and private streets. Streets shall not be used directly for loading, unloading, or refuse collection. Building and improvements upon lots must be designed to properly accommodate loading, unloading and refuse collection. Loading and refuse collection areas shall be properly screened meeting standards stated herein.

**16-13-150 Outdoor Lighting.** All street light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Exterior wall mounted floodlights are expressly prohibited. For parking lot lighting, pole mounted fixtures are recommended. Lighting of all pedestrian pathways is recommended. Lighting of a building and site identification signs are permitted as allowed by this ordinance.

Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that neighboring areas will not be adversely affected by glare or excessive direct light. All street lights shall be "shoe box" design type fixtures and installed as required by the Night Sky Provisions of Chapter 30 of the LUMC.

**16-13-160 General Maintenance.** An overall maintenance schedule shall be implemented by property owners in maintaining all buildings, landscaping, fences, walls, drives, parking lots (including surfacing & striping, signs, or other structures. The above shall be maintained in good and sufficient repair in a safe and aesthetically pleasing manner. Roads and pavements shall be kept true to line and grade and in good repair. Drainage ditches shall be kept clean and free of any obstacles.

**16-13-170 Highway Access.** All access from Old Hwy and Trappers Loop Road shall be in accordance with the master street plan for Morgan County and the Mountain Green Area Plan.

**16-13-180 Planned Unit Development.**

**1. Total Dwelling Unit Density**

Base unit density shall be 1 dwelling unit per 8,000 sq. ft. Total dwelling unit density will be determined by the Planning Commission but shall not exceed 16 dwelling units per acre. This maximum density may only be achieved through the provision of amenities and conformance with true mixed use residential and commercial development.

PUD's shall be required to provide 10% permanent open space, in the form of landscaping, plazas, tot lots, etc. They shall be required to be pedestrian oriented in scale and massing of buildings and location of parking facilities. All developments with greater than 5 units shall be required to provide moderate income housing in accordance with the General Plan. A requirement of 5% of all residential units (minimum 1 unit) shall be deemed for the provision of moderate income housing and shall be deed restricted to guarantee continued affordability. Superior architectural design and planning shall be required as part of the development. Permitted architectural themes are outlined in the Morgan County General Plan. Positive fiscal analysis shall be required for provision of density above base density.

**2. Application Process**

- i. Before the County can review and consider an initial submission under this chapter, each applicant must submit an application for a PUD in a form approved by the Zoning Administrator, together with a Physical Constraints Analysis, a detailed narrative supporting the proposed project based on General Plan principles which cites to specific General Plan sections, goals, objectives and policies, a PUD concept application and appropriate fees.
- ii. The Zoning Administrator or his designee must review and accept for completeness the application submissions with the applicant(s) or their designee(s) prior to setting a date to be heard by the Planning Commission. The Zoning Administrator or his designee shall set the proposed project for a public hearing before the Planning Commission.

- iii. The Planning Commission shall review the PUD application and concept plan for consistency with the General Plan and applicable Subdivision Regulations. The Planning Commission shall recommend conditional approval of the proposed PUD only if it finds and cites specific provisions demonstrating that the application is in accord and consistent with the General Plan and with the policies and provisions of the PUD.
- iv. The Governing Body may grant conditional approval of a PUD and concept plan if it finds and cites to specific provisions demonstrating that the application is in accord and consistent with the General Plan and with the policies and provisions of the PUD. No PUD may be finally approved by the Governing Body until final approval of a Development Agreement and Final Plan application with all appropriate platting.
- v. Preliminary Plat and Final Plat applications shall be processed in conformance with the provisions of Chapters 4 and 7 of the L.U.M.C., the subdivision ordinance and other applicable law. A PUD application shall not be deemed complete until both a Final Plat application and a Development Agreement have been recommended by the Planning Commission and submitted to and approved by the Governing Body.
- vi. A PUD will be implemented through a Development Agreement. The Development Agreement will contain and address the following items, as applicable:
  - 1. Concept Development and Vicinity Map
  - 2. Owner List
  - 3. Recorded Parcel Mapping
  - 4. Legal Description
  - 5. Zoning Map
  - 6. Site Characteristics Map
  - 7. Preliminary Plat
  - 8. Acreage and Use Chart
  - 9. Summary Statements including:
    - i. An economic and fiscal impact analysis
    - ii. An environmental impact assessment
    - iii. A social impact assessment
    - iv. A traffic impact assessment
    - v. Affordable Housing implementation
  - 10. Architectural restrictions & plans
  - 11. Block Model for mixed use developments
  - 12. Lighting Plan
  - 13. Signing Plan
  - 14. Maintenance Plan addressing:
    - i. Open Space
    - ii. Snow removal and storage
    - iii. Private infrastructure maintenance
  - 15. Easements and Covenants Description
  - 16. Infrastructure Description.
  - 17. Grading and Conservation Plan
  - 18. Domestic Water Information and Approvals
  - 19. Sewerage Information and Approvals
  - 20. Population & School Capacity Report
  - 21. Fire Service Information
  - 22. Traffic Report
  - 23. Environmental Impact Assessments, including:
    - i. Air Quality
    - ii. Water Quality
    - iii. Watershed Protection
    - iv. Sewage Disposal

- v. Solid Waste and Recycling
  - vi. Revegetation/Erosion Protection/Runoff Control
  - vii. Wildlife Habitat and Fisheries
24. Open Space Plan
  25. Water and Water Supply
  26. Loading and Unloading provisions for mixed use development
  27. Parking Provisions
  28. Transportation Infrastructure and Access Design
  29. Public Utilities Will Serves
  30. Mail Delivery Plan
  31. Garbage Collection Plan
  32. Police and Security Plan
  33. Parks and Trails Landscape Plan
  34. Handicapped Access Plan for mixed use developments
  35. Special Site Design Requirements
  36. Construction Management Plan
  37. Other Information, as required
  38. Final Subdivision Plat
- vii. Effective Period of a PUD. Final approval of a PUD & Final Plat by the Governing Body shall be effective for a period of twenty-four (24) months from the date of Governing Body approval, unless otherwise extended for good cause by the Governing Body, provided that such extension shall not exceed an additional twelve (12) months.