

PURPOSE AND INTENT:

The purpose of the mixed use (MU) zone is to establish a zoning district to allow the development or redevelopment of land in a manner that requires projects to be designed and planned to provide a mix of uses created by various commercial, office, service, entertainment, recreation, open space and a variety of residential styles that creates a quality design and village feel. The mixed use development standards help to encourage vibrant, active centers by a variety of uses in a pedestrian friendly environment and promote architectural quality in building designs. The scale and intensity of a mixed use development may vary depending on location, types of mixed uses and development theme.

APPLICATION OF MIXED USE ZONE:

- A. The MU zone shall only be applied to create and maintain mixed use projects that are mixed use in a vertical or horizontal manner. Vertical mixed use projects incorporate different land use types within the same building (e.g., residential, office or retail). Horizontal mixed use projects incorporate different land uses within adjacent buildings on the same site. Both types of mixed use styles in a project are encouraged.

USES WITHIN A MIXED USE (MU) ZONE:

- A. The variety of uses allowed in an MU zone are intended to create a mix of commercial, entertainment, office, personal services, and a variety of residential dwelling land use types that can be developed in a compact design that encourages compatibility of uses. Each mixed use zone application may have a different theme that is identified in the approval process that establishes the type of mixed uses proposed. For redevelopment districts this is identified in the redevelopment plan. A key component is that a mix of land use types (i.e., commercial, office, personal services, entertainment or recreational, and residential) is required either vertically or horizontally in the development. A mixed use development is required to have at least three (3) different land use types with one type being residential. If the mixed use development theme is residential, no one specific residential building type may exceed more than sixty percent (60%) of the residential building types proposed for the project master plan. If the mixed use theme is commercial, no more than sixty percent (60%) of the total square footage of the buildings may be commercial. The permitted uses of a mixed use zone and design standards shall be those uses and standards specified in the approval process and shall be included in section _____ of this chapter as permitted uses and standards for the specified development.

B. To ensure compatibility of uses, the following uses shall not be permitted in any MU zone: Any business with outdoor storage. Business with drive-through window service. Car wash. Convenience store/service station/auto lube and oil centers. Manufacturing uses. Motor vehicle or motor recreational vehicle sales and display. Motor vehicle repair and service. Recycling centers/recycling collection areas. Rehabilitation/treatment, protective housing, transitional housing, or boarding house. Sexually oriented businesses. Short term loan businesses. Single-family detached dwelling on lots over three thousand (3,000) square feet. Single retail unit space over forty thousand (40,000) square feet. Social clubs/taverns/cabaret below or above residential dwellings or within one hundred (100) linear feet of residential dwellings. Warehousing as the main use.

C. The MU zone is a mixture of uses with no one land use type being a constant dominant or prevailing use. Since the land uses allowed are determined by the project master plan and development agreement with mixtures of land use types dependent upon location and type of project being developed, the MU zone shall not be considered as a commercial or a manufacturing zone for the purpose of consideration of off premises signage location under state law.

GENERAL DEVELOPMENT STANDARDS:

A. The mixed use zone is intended to be applied in the commercial core area of the City. To create a true mixed use, the master plan and actual development of each location shall be in a manner that the design of the buildings, parking, land uses and landscaping create a compact development and quality design of building and spaces. Attention to the design is required to create a vibrant, interactive and connected development both internally and to its surroundings. The approved project master plan shall demonstrate that the project is developed paying attention to these standards as well as the development theme being proposed. The development agreement and, in redevelopment areas, approval of each phase of the development will determine site specific details, setbacks and building placements and use locations following the concepts of the approved project master plan which incorporates these standards. In order to guide the development of the project master plan each project approval will be guided by the compliance to the following mixed use general development standards.

1. Site Design:

(1) Setbacks: Buildings with ground level commercial uses should be located next to street property lines in order to create a street edge and give visual preference to

Comment [SMC1]: Contrasts with existing 20ft setback required.

pedestrian related access to the structures. Some variation for a portion of the building setback may be considered when outdoor spaces for the ground level use are developed such as outdoor dining or entrance features. Buildings with ground level residential use shall have a landscaped transition space from the street property line to the building of not greater than fifteen feet (15') which allows porches, stairways, or a common building entrance to create a transition area from the public sidewalk to the building. All other side and rear setbacks will be determined based on potential impacts of noise, service areas, and objectionable views created by the service areas or use impacts. Other setbacks may be required by the planning commission when the design and the appropriate distance mitigation is needed along the perimeter of the development to transition from the mixed use to the surrounding developments.

- (2) Compact Design: Buildings in a mixed use design need to be clustered so that they are easily accessible for pedestrians and to shared parking areas. Clustering occurs by having the buildings tightly grouped along the street frontage or pedestrian access.
- (3) Building Orientation: Buildings shall be designed so that the front of the buildings are oriented to the street. Development projects with deep parcel depths that have buildings going into the property away from main streets shall also have the buildings placed on either side of a central plaza, green space, natural feature or walkway with the buildings fronting that walkway or plaza. When space is limited it may be necessary to create a secondary entrance from the parking area to the building which faces the street.
- (4) Parking/Access/Service Areas: Parking lots shall be located in the central portions of the development and not along streets so that they can service a variety of buildings. Access to the parking areas should be directed to come from secondary streets when possible in order to create a continuity of buildings along the main street frontage. Surface parking lots shall be landscaped with islands which include trees to help unify the parking lot as a visual amenity to the development. The separation of pedestrian access from vehicular traffic is an important design consideration. Service areas for buildings should be away from pedestrian accesses and public streets. The use of alleys for service of residential parking access is encouraged.

2. Parking Requirements:

- a. The parking requirements for the land uses shall be based on the requirements of section _____ of this title and these shall be considered as the maximum parking requirements. Shared parking reductions according to section _____ of this title are encouraged with the exception of shared parking for residential dwelling units. A minimum of one and one-half (1^{1/2}) stalls per dwelling unit is required. Unless a different standard is adopted in an architectural design book, residential parking shall be designed into the dwelling unit if the design is

townhomes, detached dwellings or row houses. Multi-story apartments or condos are encouraged to design the parking into the building as much as possible. Exceptions to reduce the residential parking requirement below the minimum requirement through means such as shared vehicles, mass transit system connections or other means can be considered.

3. Building Design:

a. Multilevel mixed use buildings are encouraged to promote architectural quality in building design that a mixed use development needs. Visual interest is an important requirement in the building designs. Visual interest is created by, but not limited to, the following features:

- (1) The building design has a visually distinct base, body and cap. These are generally achieved by means of the ground level being the base, the body being the middle portion of the building and the cap being the **cornice**.
- (2) Upper story elements (balconies, windows, terraces) that overlook the street, plaza, and other pedestrian walkways.
- (3) The perceived height and bulk of the building is relieved by variation in massing and articulation of facades to reduce the visual length of long walls. Variation of rooflines may also be used to reduce the apparent size of mixed use buildings and provide visual interest.
- (4) Building heights vary in the development to create visual relief and the building height transitions from taller buildings to lower heights to achieve compatibility with adjacent properties when the adjacent properties have a one- or two-story maximum height limitation. If the adjacent zone does not have a height limit the taller buildings of the mixed use project shall be located on street corners, major street frontages or as focal points in the development.

Comment [SMC2]: How tall?

b. Quality of the development is related to the choice of exterior materials used in a mixed use project. Brick, atlas brick or stone shall be the main exterior solid surface building materials on the first level of a building as a minimum and preferably as the main solid surface material for all the building exterior. Simulated materials that provide a similar visual appearance may also be considered above the first floor. Trims and accent materials may be stucco, architectural metals, wood or wood appearing materials. If the mixed use project has an architectural design book for architectural styles, building types, design details and material approved with the master plan that design book will determine the design, materials and all other specified requirements for buildings acceptable for the project.

c. Uses which are nonresidential at the ground level shall:

- (1) Have the primary frontages of the building either face a street, plaza or pedestrian

accessway depending where the primary building frontage is located.

- (2) Have the primary frontage designed with a minimum of _____ percent (___%) in transparent glass to create storefront appearances and a transparency between the building and the pedestrian traffic.
 - (3) Have a floor to ceiling height on the ground level between twelve feet (10') and sixteen feet (14').
- d. All sides of the buildings shall receive equal design consideration when they are visible to the pedestrian access areas and the general street system or the building rises above other buildings and is visible from all sides.
4. Open Space: The project master plan shall include an open space element that defines the objectives desired with open space and how open space will be established throughout the development. In approving the open space element of the master plan, the planning commission shall consider how the usable open space shall be provided within the mixed use development with the amount and type of open space depending upon size, scale, and nature of the development. Approved open space may include, but is not limited to, commons, pocket parks, plazas, courtyards, landscape features, water fountains and features, greenbelts, and trail connections. The design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as appropriate as well as connections to public access such as connections to trail systems, and water features. Unless otherwise specified through special agreement or understanding with the city, all open space areas shall be maintained by property owners or homeowners' associations.
5. Signage: Proper signage design in a mixed use development is important to the overall theme of the development and sign locations need to be part of the design of the project. Business signs are limited to flat wall mounted signs and projecting signs designed at a pedestrian scale (between 10 feet and 14 feet above the sidewalk) placed on the storefronts and are the typical sign method that will be considered as appropriate, except that building names, development names and directional signage are also permitted if they integrate into the building or theme design of the development.
6. Application To Existing Buildings:
- a. When a mixed use zone is applied on property outside of a redevelopment district plan area the project master plan may include the use of all or portions of existing buildings provided there is also new construction on the site in connection with the existing building which create a compact mixed use development following the general development standards. If existing buildings comply with the mixed use building design standards, the new construction shall be designed to integrate its design and materials with the existing buildings. When existing buildings do not

meet the standards outlined in this section then revisions to the exterior of the existing buildings to create an integrated mixed use development are required as part of the MU zoning consideration.

- b. When the mixed use zoning is applied to a redevelopment district plan area the existing buildings may not be reused if they are deemed a blight by the redevelopment plan or if such reuse of the building hinders the attainment of the overall project master plan by noncompliance with the general development standards and the redevelopment plan.

PROJECT MASTER PLAN REQUIREMENTS:

A. One of the key requirements in consideration of a request for the mixed use zone is a project master plan. The project master plan establishes the project concept, the general design, proposed mixture of uses and spatial relationships within the project and with adjacent properties outside of the proposed zone. A proposed project master plan for a mixed use (MU) zone shall consist of the following:

1. A map or maps showing the proposed configuration of the project, including all buildings, parking, landscaping improvements, the general location of necessary public and/or private roads, development areas, open space areas (including both improved open space and natural open space), public and/or private trails, public and/or private parks and recreational facilities, public building sites, any major stormwater drainageways, any planned waterways, and the anticipated location of any other major public facilities required to serve the residents and property owners within the project area.
2. A description of the proposed uses for each development area shown on the project master plan map, phasing of development, if any, and shall also include a description of the residential densities or commercial intensities of development that are proposed within each development area or phase.
3. Proposed building elevations showing design, materials and colors being proposed for the buildings. For redevelopment district projects that are being considered for mixed use zoning this will be required only at final approval of each phase of the redevelopment project.
4. A written description of any specific elements of the proposed project that are required to explain the project master plan map and the uses, densities, and intensities of development. Such descriptions shall include descriptions of any specific public facilities, open space elements, parks, trails, recreational facilities, roads or other improvements, alternative development options, phasing

requirements, and any limitations to development due to environmental site conditions or potential impacts on adjacent uses.

- B. The proposed project master plan, if the development is outside a redevelopment district, shall be reviewed at the same time as the proposed development agreement. The project master plan shall be modified to incorporate any changes required by the city, any conditions or limitations to the development of the land required by the city and any agreements, approvals or other matters anticipated or required by the city as necessary to develop the subject land. The project master plan, with these corrections, shall be deemed approved upon incorporation into a final development agreement that is adopted by an ordinance in connection with the reclassification of the subject land to mixed use conditional (MU) zoning in accordance with the provisions of this chapter.

- C. An approved master plan for the complete area within a redevelopment district that has MU zoning, approved by resolution of the redevelopment agency board, is required before new development is permitted for construction. The master plan shall meet the requirements of this section, the standards of this chapter and also the purposes of the redevelopment district that has been established for the specific redevelopment district.

DEVELOPMENT AGREEMENT REQUIREMENTS:

- A. The development agreement sets the specific standards and requirements that are attached to a specific mixed use project. The conditions and limitations are based on the approval process and compliance with the general standards and specific requirements established during the approval process for rezoning and the associated master plan. For a development in a redevelopment district plan area the development agreement requirements apply to only the area being considered for final approval to allow construction of a phase of the development, which may or may not include the full development. A proposed and final project development agreement shall include the following minimum requirements:
 - 1. A legal description for the land covered by the proposed project and the names of all persons holding legal title to any portion of such land;
 - 2. The configuration of the project as shown on a project master plan;
 - 3. Development standards covering all proposed regulations governing the design, form, location, placement or configuration of any improvement to real property,

whether privately or publicly owned, including, without limitation, standards for lot sizes, setbacks, height limitations, landscaping and parking requirements, lighting, signage, fencing, wall and buffer standards, and architectural design guidelines and specifications;

4. Development standards that may vary from development standards and regulations generally applicable to development in the city, regardless of zoning classification but that are consistent with the general development standards of this chapter;
5. Development widths for public and private rights of way that may vary from existing city standards and specifications;
6. A description of the public facilities, services and utilities to be provided and a mechanism to assure that such facilities and services will be provided in connection with any development of the land;
7. A description of recreational or open space facilities and amenities to be provided and a mechanism to assure that such facilities and amenities will be provided in connection with any development of the land;
8. A description of the timing and phasing of development;
9. A description of the various city approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement;
10. A description of such agreements, conditions or restrictions necessary to cause the project to achieve compliance with the general plan or redevelopment plan, or otherwise necessary to make a finding required for approval of the project;
11. A requirement that the project be subject to periodic reviews to ascertain compliance with the requirements of the development agreement;
12. The terms and conditions under which the rights and benefits derived under the development agreement will expire or terminate based on the applicant's failure to meet the conditions of approval or commence development within a reasonable period of time, as well as any other terms and conditions affecting the duration of the agreement;
13. Provisions for enforcement of the terms and conditions of the development agreement;
14. Provisions for making amendments to the development agreement;
15. Such other terms as may be proposed and agreed to between the city and developer; and

16. Signed by all owners of the property subject to the development agreement, and consented to by any holders of equitable interests in the property.

B. The development agreement shall:

1. Be reviewed at the same time as the proposed project master plan for a rezoning or, in the case of a redevelopment district, at the time of the final approval to allow construction of a phase of the development.
2. Be modified to incorporate any changes required in the final approval by the city either for the rezoning or to allow development to proceed. The modifications shall include any conditions or limitations to the development of the land required in the final approval by the city and any agreements, approvals or other matters anticipated or required by the city as necessary ultimately to develop the subject land.
3. For projects not included in a redevelopment district, be adopted and approved as part of an ordinance approving the reclassification of the subject land to the mixed use (MU) zone classification, after review and recommendation of the planning commission and compliance with all notice and hearing requirements.
4. For projects included in a redevelopment district, be adopted and approved after review and recommendation of the planning commission and compliance with all notice and hearing requirements. If the property to be developed includes land owned by the redevelopment agency, the development agreement shall be approved or denied by the redevelopment agency. If the property to be developed is privately owned, the development agreement shall be approved or denied by the mayor. A development agreement may not be approved or adopted under this subsection B4 if it proposes to make a major change to the approved master plan unless an amendment to the master plan is first approved by the redevelopment agency. Major changes are those changes which would:
 - a. Relocate or remove a street, but not including relocation of parking areas, alleyways or paved surfaces designed for access to individual units or buildings which still comply with the standards of this chapter;
 - b. Relocate, reduce or remove areas of open space, including improved open space or natural open space, designated in the open space element of the master plan as public open space or as publicly accessible green space that is privately maintained;
 - c. Relocate, reduce or remove any public building or public facility;
 - d. Result in a change of use for more than ten percent (10%) of the buildings as designated in the master plan for the phase or development area included in the development agreement;

- e. Result in an increase or decrease of more than ten percent (10%) of the total number of buildings as designated in the master plan for the phase or development area included in the development agreement;
- f. Result in a decrease in the density of residential units of more than ten percent (10%) as designated in the master plan for the phase or development area included in the development agreement;
- g. Result in an increase or decrease in the square footage of nonresidential uses of more than ten percent (10%) as designated in the master plan for the phase or development area included in the development agreement; or
- h. Result in any one land use type violating the percentage restrictions contained in section _____ of this chapter.

C. The development agreement may contain uses, densities and site development standards that may vary from uses, densities and site development standards applicable in different zoning districts, in different MU zones and with respect to different projects. Development regulations and standards of general application, including all applicable requirements of the sensitive area overlay zone, shall apply to the MU zone, unless specifically waived or varied in the development agreement.

D. The development standards required and allowed in an MU zone adopted pursuant to this chapter shall be those development standards specified in an approved development agreement for the subject project and such other development standards and regulations as are contained in the zoning, subdivision and other land use and development laws and regulations of the city that are not specifically waived or varied in the approved development agreement. The development agreement may provide that the provisions of the development agreement shall control over any inconsistent development standard contained in this title.

E. The development approval processes and procedures that apply to projects governed by a development agreement, including, without limitation, subdivision, site plan, and other land use approvals, shall be those processes and procedures contained in the city's zoning, subdivision and other land use and development laws and regulations in existence and effective on the date of the application for the applicable land use approval.

F. Except as set forth in the following sentence, a development agreement and a project master plan for a project covered by a development agreement may be

amended on such terms and following such processes as is provided in the final development agreement. Notwithstanding the provisions of the development agreement, any amendment to a development agreement that alters or modifies the duration of the development agreement, modifies the allowed uses, increases the maximum density or intensity of use, deletes any major public amenity described therein, or modifies provisions for reservation and dedication of land, including open space dedications, shall be deemed a substantial amendment and shall require the review and recommendation of the planning commission and a decision by the city council, after complying with all noticing and public hearing requirements for the rezoning of property.

- G. A development agreement may vest the right of the developer to develop the property that is the subject of the development agreement in accordance with the uses, densities, intensities, general configuration of development and any other development standards described and incorporated into the approved development agreement. Any such vested right shall be subject to the following reserved legislative powers: No provision of a development agreement shall limit the future exercise of the police power of the city in enacting generally applicable land use laws after the date of the approval of a development agreement and to apply such land use laws to modify the vested rights established by an approved development agreement provided that the policies, facts and circumstances applicable to the new land use laws meet the compelling, countervailing public interest exception to the vested rights doctrine in the state of Utah.

- H. Contiguous parcels of land under separate ownership (or proposed to be developed by separate developers) may be included in a single MU zone on the condition that each parcel is covered by the development agreement, the development agreement is signed by all owners and, where applicable, any separate proposed developer. A single development agreement may address the joint or separate obligations of two (2) or more owners or two (2) or more developers of parcels within the property covered by the development agreement. Alternatively, the city may elect to require separate applications and/or separate development agreements under circumstances where property within a single MU zone is or will be owned and/or developed by two (2) or more owners or developers. The city may elect to process related applications for development agreements separately or together. Notwithstanding the above, the city may impose additional conditions and requirements deemed necessary to ensure the implementation of the project master plan considering existing and future ownership scenarios and the likelihood that more than one developer may be involved.

- I. The terms of a development agreement shall be binding on the city and all

successors in the ownership and occupancy of any portion of the project property covered by the development agreement. A development agreement may require that the land that is the subject of a development agreement be encumbered and regulated by private covenants, conditions and restrictions consistent with the requirements of the development agreement. The form and content of the covenants, conditions and restrictions shall be determined by the project owner, but the city shall review the instrument prior to recording and may require the inclusion or revision of provisions necessary to implement the approved development agreement.

- J. The development agreement shall be in a form approved by the city attorney. For purposes of final execution, the applicant shall demonstrate to the satisfaction of the city attorney that the agreement will be executed by the owners of all of the property subject to the development agreement, by delivering to the city attorney a copy of a title policy or other documentation acceptable to the city attorney verifying such ownership.

MIXED USE (MU) APPLICATION AND REVIEW PROCEDURE:

A. General Requirements: Applications for the reclassification of property to an MU zone and for a project development agreement approval shall be considered together and recommended approved or denied at the same time by the planning commission with the city council taking final action on the recommendation. Other related, project specific applications requiring approval of the city council, including, without limitation, any necessary general plan text or map amendments shall be considered together and approved or denied at the same time as the application for the MU zone and the development agreement. For rezoning requests other than those in redevelopment districts where the MU zone may be applied, all contiguous property under one ownership shall be planned in a unified and comprehensive fashion and shall be included in an application for MU zone and project development agreement consideration and approval.

B. Nonredevelopment Project Area Initial Rezoning Application Requirements: The initial application for projects not included in a redevelopment district shall include the following information:

1. Proposed Project Master Plan: A proposed project master plan containing the information required by subsection _____ of this chapter;
2. Proposed Development Agreement: The key provisions proposed to be contained in

a proposed development agreement, addressing all of the information required by subsection _____ of this chapter;

3. Findings: A statement addressing each of the findings required for the approval and adoption of an MU zone, accompanied by such information as may be necessary or appropriate to allow the city to assess the project in light of the required findings;
4. Description: A description of the existing ownership of the property, any property transactions necessary to implement the project master plan, and a description of how development responsibilities are intended to be handled in light of such ownership;
5. Fees: Any fee required for processing such application under _____ of this code; and
6. Additional Information: The City may require the submission of additional preliminary site development information including slope analysis and other conceptual planning information to the extent reasonably necessary to permit the city to evaluate the proposed development;
7. Preapplication Conference: The applicant is encouraged to have a preapplication conference with the City to ascertain the appropriate scope of any additional information that may reasonably be expected in connection with any application for an MU zone and development agreement approval. The applicant is also encouraged to meet with the building official and the fire marshal to be advised of how the proposed development standards may affect building and fire code requirements;
8. Visual Presentation: The applicant shall provide as part of the proposed master plan for the review of the planning commission and the city council a three-dimensional visual presentation, preferably using computer graphics, depicting the buildings to be constructed under the proposed project master plan within the context of existing, surrounding development.

C. Planning Commission Review Of Nonredevelopment Project Area Initial Rezoning Application; Preparation Of Proposed Development Agreement: For projects not included in a redevelopment district:

1. The initial application shall first be referred to the planning commission for review and comment at a public meeting. The purpose of such review is not to provide or indicate any approval or denial of such application, but to provide any comments that would assist the staff in negotiating the actual terms and conditions of a proposed development agreement with the applicant, and to identify any other related, project specific petitions requiring approval of the city council, such as required plan amendments, which petitions must be filed for concurrent consideration with the application.

2. After such review and comment of the planning commission, the staff, with the assistance of the city attorney, and with the concurrence of the applicant, shall prepare a proposed development agreement containing all of the information required by subsection _____ of this chapter. After such proposed agreement is completed, the application shall then be scheduled and noticed as a petition for rezoning before the planning commission, along with any other related, project specific petitions requiring approval of the city council.
3. If the staff and the applicant cannot concur on the terms and conditions of a proposed development agreement, the applicant may prepare and submit on its own behalf a proposed development agreement containing all of the information required by subsection _____ of this chapter. Upon the submission of such agreement, and the submission of any other related, project specific petitions requiring approval of the city council, the application shall be scheduled and noticed as a petition for rezoning before the planning commission.
4. The initial application, together with the proposed development agreement containing all of the information required by subsection _____ of this chapter and the complete submission of all other related, project specific petitions requiring approval of the city council, shall constitute a final application for MU zoning.

D. Review Of Final Application Of Nonredevelopment Project Area: The final application for an MU zone shall be processed and reviewed following the normal processes and procedures for the adoption or amendment of the zoning ordinances and the zoning map. In any area, if general plan amendments are required, the normal processes and procedures for plan amendments shall also be followed, including all noticing and public hearing requirements. For projects not included in a redevelopment district, before an MU zone is designated, the city council, after review and recommendation of the planning commission, shall determine that:

1. The proposed mixed use project to be covered by the MU zone may be approved consistent with any general plan policies for the establishment of mixed use projects or MU zoning and the provisions of this chapter;
2. The proposed mixed use project is described in a conceptual project master plan meeting the requirements of this chapter showing the general configuration of the project, including the general location of development areas and including the types of uses contemplated within each development area, necessary public and/or private roads, recreational and open space amenity areas reasonably anticipated to meet the needs of the residents, any public facilities and other features of the project, which conceptual project master plan is to be incorporated into, and adopted along with, the development agreement;
3. Adequate public and private utility services, streets and other public services can

service the proposed development and that if improvements are needed the development agreement contains a mechanism to assure the provision of such services in connection with any development approved pursuant to the development agreement;

4. The applicant has demonstrated the feasibility of complying with all necessary site development standards required for developments in North Ogden City and will establish mechanisms necessary to assure compliance with all applicable city ordinances;
5. The proposed development (considering such mitigating conditions as may be imposed) will not have a material adverse impact on other property in the vicinity of the development;
6. The applicant has a reasonable financial plan providing for the construction and maintenance of all reasonably required facilities and other improvements in connection with the development of the project;
7. The proposed development furthers goals and objectives of the general plan; and
8. Approving the MU zone classification will not adversely affect the public health, safety, and general welfare. Upon approval of an application for an MU zone, the ordinance reclassifying the property to an MU zone and adopting the final development agreement and incorporating the final project master plan shall be published as an amendment to the zoning ordinances and the zoning map. The ordinance shall provide for the execution of the final development agreement and the recording of such agreement against the land covered by the project approvals.

E. Redevelopment Project Area Rezoning Procedures: A petition or request to rezone property within an established redevelopment district to MU:

1. May be applied for by an interested party or begun by the city.
2. Shall follow the normal procedure for changing zoning of property within North Ogden City limits.
3. Shall follow the procedures required by the city.
4. Shall be reviewed by the planning commission in a public hearing after which the planning commission may recommend approval or denial of the request based on the request complying with the general plan and that such zoning change would be in the best interest in furthering the attainment of the purposes of the established redevelopment district.
5. Shall be referred to the city council who, after review and recommendation of the

planning commission, shall determine that:

- a. The proposed mixed use project to be covered by the MU zone may be approved consistent with any general plan policies for the establishment of mixed use projects or MU zoning and the provisions of this chapter;
- b. The proposed development (considering such mitigating conditions as may be imposed) will not have a material adverse impact on other property in the vicinity of the development;
- c. The proposed development furthers goals and objectives of the general plan;
- d. Approving the MU zone classification will not adversely affect the public health, safety, and general welfare; and
- e. Approving the MU zone classification will further the attainment of the purposes of the established redevelopment district.

F. Master Plan For A Redevelopment MU Zone: Once an area has been rezoned MU in an established redevelopment district, but prior to any new construction, an owner, developer or the redevelopment agency shall submit a master development plan for the entire area that is zoned MU.

1. The master plan shall comply with the regulations and procedures outlined in this chapter in order to be considered for approval.
2. Approval of the master plan, including any architectural design book, shall be by the redevelopment agency board upon recommendation of the planning commission that the master plan complies with the standards of this chapter, the general plan and the purposes of the redevelopment district. If an architectural design book is utilized, it may be approved or amended in conjunction with the approval of the master plan or at any time thereafter.
3. An approved master plan for the complete area within a redevelopment district that has MU zoning is required before new development can be considered for a final development agreement.

G. Application For Construction, Expansion And Use In A Redevelopment District:

1. Uses: When a mixed use zone is applied to the area of a redevelopment district, generally the properties have current development or uses on them which the redevelopment plan seeks to upgrade or change. The application of the mixed use zone on these properties based on the redevelopment plan creates a new zoning regulation on the properties.

- a. The existing properties may continue their use at the time of rezoning but any consideration of exterior improvements (excluding normal maintenance) to the site, new uses on the property, expansion of existing structures, proposals to construct new buildings or use vacant buildings shall not be allowed until such proposals are reviewed and approved as being consistent with the master plan unless special provisions for reuse are approved during the rezoning and the conditions explained as additions to this section.
- b. A proposal for site improvements, new uses on the property, expansion of existing structures, proposals for new construction or use of vacant buildings shall be considered as final project master plans and development agreement, and shall follow the general development standards and requirements of this chapter in order to receive approval.
- c. If the property to be developed is owned by the redevelopment agency, the final site plan shall be reviewed by the planning commission and approved or denied by the redevelopment agency. If the land is privately owned the final site plan shall be reviewed by the planning commission and approved or denied by the mayor.

USES AND STANDARDS ALLOWED FOR MIXED USE ZONE PROJECTS:

1. Dining:

- a. Restaurants, are encouraged to have outdoor dining areas as part of service. Maximum floor space limited to three thousand (3,000) square feet.
- b. Specialty food or drink businesses with a maximum of two thousand (2,000) square feet of floor area.

2. Personal services:

- a. Limited to hairdresser, barber, manicurist, tanning salon.
- b. Must have residential units on floors above personal service business if a ground floor use.

3. Professional or business office:

- a. Building footprint square footage limited to ten thousand (10,000) square foot maximum and required to have dwelling units on floors above office area.

4. Residential of the following types:

- a. Attached row homes/townhomes of a minimum of one thousand three hundred (1,300) square feet per dwelling.
- b. Apartment buildings with average unit size of one thousand one hundred (1,100) square feet. Can include common laundry area or other personal services on main floor in building.
- c. Dwelling units above retail space with average unit size of one thousand three hundred (1,300) square feet.
- d. Single-family detached dwelling units on lots up to three thousand (3,000) square feet with a density of at least ten (10) dwelling units per acre, provided that the total number of single-family detached dwelling units does not exceed twenty percent (20%) of the total number of residential units in the development.

5. Retail of the following types:

- a. General retail sales, provided that individual retail use per unit is limited in size to a maximum of ten thousand (10,000) square feet, with no individual building having a footprint larger than fifteen thousand (15,000) square feet and no outdoor storage areas.
- b. Live-work space with a maximum total floor area size of two thousand five hundred (2,500) square feet per live-work combined unit. The ground floor retail space and the dwelling unit above the space shall be internally connected. The product sold on the main floor may also be manufactured or assembled on site provided there is no outdoor storage of materials and only the finished product may be displayed in approved display areas in front of store during business hours and the use does not produce obnoxious odors, fumes, dust or noise detectable or audible from the exterior of the building.