

## CHAPTER 14

**SPECIAL DEVELOPMENTS**

## SECTION:

- 10-14-1: Cluster and Inner Block Development  
 10-14-2: Planned Unit Development

10-14-1: **CLUSTER AND INNER BLOCK DEVELOPMENT:**

- A. Land Use: Cluster and inner block developments provide more intensive use of land in further developing existing areas. Requests for cluster or inner block development proposals shall be forwarded to the Land Use Authority for a special review process described herein.
- B. Special Review Procedure:
1. Plan Submission: Applicants shall supply suitable plans and information concerning the location, function and characteristics of any use proposed to the City.
  2. Hearing; Fee: The City may collect a fee upon development request for the purpose of covering the costs of advertising and/or mailing of notice. Such notice, shall state that a public hearing will be held before Land Use Authority and specify the date, time and place. The notice of said public hearing shall be posted on the property at least twenty four (24) hours prior to the scheduled hearing; a copy of said notice shall also be provided to a locally published newspaper. Notification to the newspaper is required; publication in the newspaper is not required.
  3. Recommendation to City Council; Approval: The Land Use Authority may, at the public hearing, or at the next regularly scheduled Land Use Authority meeting (if not held the same day) approve, conditionally approve or reject the request. If approved conditionally, the written response or report shall be required to contain conditions, limitations or amendments to the development plan to assure that the development is integrated into its surroundings and serves the public interest to the greatest extent possible. A copy of such response or report shall be furnished to the applicant without delay and additional copies shall be made available at the City office for other interested persons.

i. Development that includes a subdivision of property shall be required to meet the subdivision requirements. Concept plan approval may be combined with a special request. Approval of a special request does not vest the development or guarantee subdivision approval.

4. Endorsement of Approval: All approved site plans for development, including modifications and conditions, shall be endorsed by the Land Use Authority Chairperson as approval of the Land Use Authority.

C. General Criteria And Conditions:

1. Findings: No special review application shall be approved by the Land Use Authority unless the Land Use Authority finds that the application:

a. complies with all requirements imposed by this Title, the Subdivision Title<sup>1</sup>, any other applicable City ordinance or regulation;

b. is consistent with the objectives and purposes of this Zoning Title;

c. is designed to be compatible with surrounding land uses; and

d. is designed to be compatible with the physical features of the site upon which the proposed development will be placed.

2. Modifications: In considering an application for a cluster or inner block development, the Land Use Authority may impose modifications or conditions concerning the following development features to the extent that such modifications or conditions are necessary to ensure compliance with criteria in the preceding subsection C.1 of this Section:

a. Size and location of site;

b. Street and road capacities in the area;

c. Ingress and egress to adjoining public streets;

d. Location and amount of off-street parking;

e. Internal vehicular circulation system;

f. Fencing, screening and landscape separation;

g. Building mass and location;

- h. Usable open space;
- i. Signs and lighting;
- j. Noise, vibration, air pollution and other environmental influences;
- k. Setback, yard and area requirements; and
- l. Others as deemed appropriate by the Land Use Authority.

3. Site Plan Amendments: No approved development may be modified, structurally enlarged or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to original approval of the development.

4. Number of Dwelling Units: No increase in the number of dwelling units beyond that specified for the zoning district in which the site is located shall be allowed. (Zon. Ord., 5-8-1991)

D. Inner Block Development Prohibited: In areas where a city block, defined as an area of land with public streets on four sides, and with street lengths of approximately 660 feet, and located in the downtown area, exists as of September 1, 2006, inner block development is prohibited. In this area, dwelling structures approved after August 31, 2006 must have 95 feet of frontage on a city street that existed prior to September 1, 2006.

#### 10-14-2 **PLANNED UNIT DEVELOPMENT;** (Ordinance Modification 013-99 08/24/99)

##### A. Intent:

The intent of this chapter is:

1. Provide regulations that shall further the objectives of the general plan relating to residential developments.
2. Achieve a balance between open space and buildings, harmony between new development and the surrounding area, and an overall project atmosphere that concurs with goals for a more attractive city.
3. Ensure superior maintenance, and longer life expectancy of structures and environs.

4. Require the developer to demonstrate by the plans submitted for approval that the objectives and goals of the general plan have been fostered. If these requirements cannot be met, approval of the planned unit development with its inherent density increases will not be given.

B. Procedure:

1. Comply with 11-3-1
2. Comply with 11-3-2
3. Comply with 11-3-3
4. Comply with 11-5-5 through 11-5-9  
And include 11-5-11 through 11-5-15
5. A developer shall provide a written statement that describes the impact the development will have on natural features of the area. Include any measures taken to mitigate negative conditions that occur as a result of the project.
6. Provide a development agreement between the developer and the City, approved by the City attorney, that includes the following:
  - a. The developer shall construct and complete the project in accordance with the approved plans and in accordance with City ordinances.
  - b. The terms of the contract shall be binding upon all successors of the PUD.
  - c. A landscaping plan shall be provided to the city and approved before occupancy permits are issued. The landscaping shall be completed as part of the project.
  - d. A perpetual, irrevocable home owner's association shall be established prior to any occupancy permits issued. The owner/developer shall constitute a pseudo home owner association until sufficient occupants are available to establish an association according to CCR. The home owner's association shall be responsible for the following:
    - i. Maintenance of all water works in the PUD.
    - ii. The fire line shall be the responsibility of the City.
    - iii. A separate agreement will be generated with the city for ROW, easements and a method of payment for repairs.
    - iv. Maintenance of sewer lines, clearing, repair and controlling the sewer out fall from the PUD in accordance with section 8-2-12 of the City code.
    - v. Maintenance of grounds, plant trees, shrubs in accordance with the landscaping plan.

- vi. Maintenance of streets, parking lots, sidewalks, play grounds and other items described in the CCR.
    - vii. Collection and payment of City utility billings and other billings as designated by the CCR.
  - 7. Declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the owners, renters, or occupants within the planned unit development.
  - 8. Other documents that the Land Use Authority deems necessary to carry out the intent of this title.
  - 9. Fees are charged in accordance with a fee schedule set by the City Council.
- C. Project Density
- The permitted densities allowed in a planned unit development for each zone shall not exceed the 110% of density allowed in the use chart for the zone in which the PUD will be built.
- D. Permitted Uses:
- 1. Residential Living.
  - 2. Commercial Neighborhood will be allowed in areas that will be of benefit to the PUD and the community as a whole. Both service and commercial centers will be considered.
  - 3. Recreation Facilities.
- E. Standards and Requirements:
- The following standards, requirements and conditions shall apply to all planned unit developments:
- 1. Design Team: The project must be prepared by a Design Team composed of a civil engineer, an architect, a landscape architect and an attorney, all of whom must be licensed to practice in the State of Utah.
  - 2. Sewer, Water and Utilities: All dwelling units will be served by the public sewer and a city water supply. All utilities will be placed underground.

3. Project Management: One project manager designated by the owners will provide full supervision and control of the PUD during development and construction.
4. Landscaping: All areas not covered by buildings, parking, streets or drives shall be planted with plant materials as approved by the planning commission in a final landscape plan. A permanent sprinkler system shall be installed with back flow protection for all planted landscaping.
5. Minimum Land Area: The minimum land area for a PUD shall be two (2) acres. (OM 007-2003 08/12/03)
6. Location and Setbacks for Dwellings and Structures: All structures on a public street shall have a 30 ft. setback. On private roadways the setbacks will be a minimum of 20 ft.
7. Open Space: Not less than 35% of the area of the PUD shall be retained in permanent open space, parks and playgrounds. Land used for streets, parking and driveways will not be used in the computation of open space, park or playground.
8. Maximum Height: The maximum height of buildings within a PUD shall be 35 feet. Measured from an average grade to the highest point of the building.
9. Minimum Parking: Two parking spaces for every dwelling unit shall be provided. One additional space for every three units shall be provided for guest parking.
10. Surfacing: All parking spaces, parking areas and driveways shall be hard surfaced and properly drained with no drainage running across public or private sidewalks or roadways.
11. Installation of Public Improvements: Developer shall install all public improvements on site and off site as identified by the Land Use Authority. Additional requirements may be imposed in order to implement the intent of this section.

#### F. Definitions

1. Dwelling Unit (DU) as defined in 10-1-4.
2. A residential town house (RT) - A building that contains more than two dwelling units and where the owner purchases real property that the DU is on but all exterior property is common area, and is governed by CCR.

3. A residential condominium (RC) - A building that contains two (2) or more dwelling units where the owner purchases ownership of one (1) or more units in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property. The common areas and facilities of the property are maintained by an association.
4. Approved - Approved by the City.
5. Single Family Dwelling (SFD) - A single dwelling unit on a subdivided lot. All lots are governed by CCR.
6. Twin Home - Two dwelling units which share a common wall. Possibly on a subdivided lot or has all exterior property as a common area and managed by an association or governed by CCR.
7. CCR - Covenants, Conditions and Restrictions.

#### G. Water Systems

1. There shall be three water systems installed in a PUD, a fire line system, a culinary system, and an outside irrigation system. A PUD may contain any or all of the following - RT, RC, SFD or Twin Homes.
  - a. Fire line System
    - i. This system may take advantage of the water lines in the public way as long as the layout of the PUD permits all points of the town homes/condominiums within approved distance to a hydrant.
    - ii. A system shall be installed to provide fire protection for the building in a PUD. No point of a building shall be farther than 250 ft away from a fire hydrant. This system cannot be metered and back flow protected and cannot have services connected to it.
    - iii. The City will be provided a right of way to access fire hydrants for flushing and repairs.
    - iv. Repairs on fire hydrants not in the public right of way shall be billed to the association.
    - v. Fire hydrants will not be used by either the association or individuals for any purpose.
    - vi. Fire hydrants shall be flushed by the Providence City Public Works.

b. Culinary System

- i. The culinary water system shall be serviced by one master meter.  
Exception; If a public road divides an approved PUD then, two master meters shall be used.
- ii. All meters shall be set in the Public Way.
- iii. All service lines shall be protected by an approved back flow prevention assembly on the service side of the meter.
- iv. All DU shall be individually protected by an approved back flow prevention assembly.
- v. All water lines shall be located, maintained, repaired and governed by approved CCR's from the service side of the meter to the shutoff valve in the DU.
- vi. Individual dwelling units shall have the following minimum items:
  1. Supply shutoff both inside and outside.
  2. Pressure reducer.
  3. Back flow prevention assembly.
  4. Expansion tank.
  5. Supply lines will not pass through, over or under another dwelling unit.

c. Sprinkler System for Outside Irrigation

- i. Sprinkler system shall be approved by the city.
- ii. Each system shall be serviced by a separate meter.
- iii. Each system shall be serviced by an approved back flow prevention assembly designed for sprinkler systems.
- iv. Each back flow protection unit shall be registered with the City and have a certified test submitted to the City annually prior to the start of the irrigation season.
- v. Each sprinkler system shall be designed by an approved agency and sized in accordance with the adopted plumbing code.
- vi. Sprinkler systems that have the option of being connected to a non potable water supply are illegal except as approved.



## H. Water Impact Fees & Billing Services

1. The water impact fees have been established by Providence City through extensive analysis of the impact of each dwelling unit on the system. The methodology is accountable to the off-site infrastructure, supply and storage requirements. The impact fees are established on the basis that there is one connection per dwelling unit. The standard basic connection is a (one) 1 inch line. An impact fee on this basis will be imposed on each dwelling unit within the PUD. If any structure, other than a DU, such as a club house, business or pool that requires a higher demand than a 1" inch supply, the impact fee for that structure will be imposed according to the fee schedule, published in the City Office.
  - a. All impact fees will be levied upon issuance of a building permit in accordance with an established fee schedule. Water impact fees are established for:
    - i. Dedicated Fire Lines.
    - ii. Meter for Sprinkler.
    - iii. Meters for Dwelling Units.
2. Monthly Billing for Water Service:
  - a. Each DU will be assessed a base rate as established by the current rate schedule. The Homeowners Association will receive the billing and be responsible for payment.
  - b. Any structure other than a DU will also be billed to the Association. Fees will be based on current established rates.
  - c. Overage charges will be based on current established rates and will be billed to the Association.
  - d. Fees for the sprinkler system will be billed to the Association.

## I. Sewer System

1. A sewer system will be installed to service a PUD. A PUD may contain any or all of the following: RT, RC, SFD or twin homes.
2. No PUD shall be approved without connecting to the Providence City Public Sewer System. All units must be connected to the system.
3. In addition to the Providence City sewer ordinance, this section will provide specific requirements:
  - a. Each DU shall be served with a building sewer which will not be less

than four (4) inches in diameter.

- b. A DU drain/sewer shall go directly to the common area and will not pass through, under or over any other DU or building.
- c. A DU sewer shall be serviced by a common sewer. The common sewer may service more than one DU, however, the common sewer will be sized according to the presently adopted plumbing code.
- d. A DU clean out shall be provided as per the adopted plumbing code. Clean outs for the common sewer shall also be according to the plumbing code with the addition of a clean out at the property line, with a brass cap. There will also be a clean out at the farthest upstream end of the pipe. This clean out shall be in the commons area and shall also have a brass cap. Additional clean outs may be required based on length and bends as per the plumbing code.
- e. Each DU will be provided with a back water valve as per the plumbing code.

#### J. Sewer Impact Fees & Billing Service

1. The sewer impact fees have been established by Providence City through extensive analysis of the impact of each dwelling unit on the system. The methodology is accountable to the off site infrastructure and future up sizing of sewer lines to accommodate new growth. The impact fees are established on the basis that there is one connection per dwelling unit. The standard out fall line per DU is a four (4) inch line. An impact fee as established by the City for a DU will be assessed on each DU. If any structure other than a DU requires a larger service, as determined by the water line size input to that structure, an impact fee for that structure will be imposed according to the size of the supply line and according to the schedule published in the City office.
2. All impact fees will be levied upon issuance of a building permit in accordance with an established fee schedule.
3. Monthly billing for sewer services.
  - a. Each DU will be assessed a base fee established by the current rate schedule. The Homeowners Association will receive the billing and be responsible for payment.
  - b. Any service to another structure other than a DU will be billed to that Association, and based on the current established rate.
  - c. Any pre treatment fees will be billed to the Association.

**K. Road & Park Impact Fees**

1. The road and park impact fees have been established by Providence City through extensive analysis of the impact of each dwelling unit on the system.
2. All impact fees will be levied upon issuance of a building permit in accordance with an established fee schedule.

**L. Land Use Authority Action**

1. Findings:  
Before approval of the Preliminary Plat, the Land Use Authority must make the following findings:
  - a. That the development provide an attractive living environment.
  - b. That the proposed development creates no detriment to adjacent properties nor to the general area in which it is to be located.
  - c. That the PUD shall provide more effective use of the land with more usable open space than a conventional development.
  - d. That increased densities allowed in an area shall be compensated by better site design and increased amenities and recreational facilities.
  - e. That the development shall not create a hazard to any part of out community.
  - f. That the PUD is in compliance with all ordinances and the intent of this chapter
2. Approval:  
Upon presentation of the Preliminary Plat and documents, the Land Use Authority will approve them as submitted, approve them with conditions, or refer them back to the developer for one or more of the following reasons:
  - a. The Land Use Authority determines the project to be inconsistent with the intent of the section.
  - b. The Land Use Authority requires that certain specific changes be made within the plans.
  - c. The plans or documents are not complete or are poorly prepared.
  - d. Fees have not been paid by the developer.
3. Imposition of Conditions;
  - a. The Land Use Authority may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and

- objectives of this section.
- b. The Land Use Authority may disapprove a PUD that is found to be deficient in meeting the intent of these provisions.
4. Time Limit of Approval: Any failure to submit a Final Development Plat within one year of the approval of the Preliminary Plat will terminate all proceedings and render the Preliminary Plat null and void.
- M. Failure to Comply with Regulations: In case of failure or neglect to comply with any and all conditions as established by law and the supporting documents of the PUD, the City will refuse to issue additional building permits, stop construction until violations or non compliance conditions have been eliminated.