

Minutes taken at the Town of Apple Valley, Regular Planning Commission meeting that was held on the 13th day of October, 2011 at 7:00 pm at the Smithsonian Fire Department Building, 1777 N. Meadowlark Drive, Apple Valley, Utah. 84737

1. The meeting was called to order at 7:17 pm.
2. The Pledge of Allegiance was led by Dale Beddo.
3. Roll Call: Roger Ashmore, Dale Beddo and Cynthia Browning were present. Mike Cooke and Todd Stratton were excused. Nathan Bronemann, Town Clerk, took minutes.
4. Declarations of conflict of interests.

None stated.

5. Discussion on proposed changes to the Land Use Ordinances.

Dale Beddo went through the proposed changes that have been discussed in past Planning Commission meetings. (See attached. All changes in red and blue.) The majority of the changes were to clarify the intended meaning.

Referring to 10:11:8:A:7, Dale Beddo said that there was limit placed on the slope of developable lands to discourage developers from trying to develop steep hillsides. Referring to 10:11:8:D:6, it was clarified that it should read "50%". Referring to 10:11:8:E:1:b:(1) has been changed from 30% to 5%. Referring to 10:11:9, the order of the application procedure and the names of the phases were changed. The fifth phase was named Construction Drawings. The density table is to be inserted as 'Table 1'. Referring to Table 2, changes have been proposed for the density based on the newly proposed sliding scale.

Cynthia Browning suggested a middle step on the proposed density credits. The amount of the density credits were discussed.

Dale Beddo asked for public comment.

Nathan Bronemann mentioned that they may want to look at the portion of the land use ordinances that address agriculturally zoned parcels and their ability to have a home built on those parcels.

Charlie Greco asked about the public open space and if BLM land would qualify.

Dale Beddo explained that BLM or private land would qualify as open space. He said that the open space owned by other parties would qualify, even though they may eventually be developed by those other parties.

Margaret Ososki asked for clarification on the base density credits.

Jack Davis asked for clarification on Phase II of the Cedar Point.

Dale Beddo closed the public comments.

Dale Beddo made the motion to move the proposed changes on to Meg Ryan for review. Roger Ashmore seconded the motion. Vote: Roger Ashmore-yes, Dale Beddo-yes, Cynthia Browning-yes. Motion passed 3/0.

6. Consider approval of minutes:

a. September 22, 2011 Regular Meeting Minutes

Motion made by Roger Ashmore to approve the September 22, 2011 regular meeting minutes. Cynthia Browning seconded the motion. Vote: Roger Ashmore-yes, Dale Beddo-yes, Cynthia Browning-yes. Motion passed 3/0.

7. Adjournment.

Motion made by Dale Beddo to adjourn the meeting. Cynthia Browning seconded the motion. VOTE: Roger Ashmore-yes, Dale Beddo-yes, Cynthia Browning-yes. Motion passed 3/0.

Meeting adjourned at 8:13 pm.

Date approved: _____

ATTEST BY: _____
Nathan Bronemann

Dale Beddo
Planning Commission Chairman

Title 11 Planned Development Zone

Section 10:11:1 Purpose

Section 10:11:2 Types of Planned Development Zones

Section 10:11:3 Location and Siting of Planned Development Zone

Section 10:11:4 Designing a Planned Development Zone

Section 10:11:5 PDR Planned Residential Development Zone

Section 10:11:6 PDC Planned Commercial Development Zone

Section 10:11:7 PDO Planned Office and Institutional Development Zone

Section 10:11:8 Planned Development Standards and Requirements

Section 10:11:9 Application Procedures and Requirements

10:11:1 PURPOSE

The overall purpose of the planned development (PD) zone is to allow and encourage flexibility and creativity in the design and development of comprehensively planned projects that would not be possible under conventional zoning districts. It is the specific purpose and intent of the planned development district regulations. The PD Zone allows for cluster subdivisions and requires creative and efficient subdivision designs that provide areas of open space and other desirable subdivision design features. The PD Zone is provided to promote efficiencies in the delivery of required infrastructure, facilities, and services, and reductions in initial subdivision development costs and long-term maintenance costs.

- A. Provide for the planned, orderly, and efficient improvement of large, unique or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and/or historic features which may exist, from damage which might occur from development permitted by conventional zoning and subdivision regulations. Such features may include, but are not limited to, steep slopes, soils, streams and other water bodies, and pasturelands, wetlands, floodplains, historic structures or sites, cultural features, and scenic views.
- B. Encourage protected open space to be accumulated into larger contiguous open space tracts that may be linked throughout the community.
- C. Allow for a more efficient and imaginative development of a specific property.
- D. Permit property to be used in a manner not sanctioned by the existing zoning regulations in harmony with and without detriment to neighboring properties.
- E. Provide a review process by the planning commission, which will allow them an opportunity to evaluate whether the proposed development will be in harmony with the character of the neighborhood in which the development is located.
- F. Encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be

clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefits.

- G. Encourage better land utilization, economy in the provisions of roads and utilities, and flexibility in design.
- H. Encourage ingenuity and resourcefulness in project and site planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.
- I. Encourage the mixing of uses as appropriate including housing, neighborhood commercial, office, institutional, and other compatible uses.
- J. Discourage clearly incompatible land uses and prevent conflicts where such uses cannot be physically separated by the use of buffer strips and open space, gradations in the intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.
- K. Facilitate more affordable and efficient housing by providing possibilities for cost savings in infrastructure, installation costs, and energy costs through clustering of dwellings and other structures and other means.
- L. Encourage pedestrian circulation within the project and connections with adjacent land uses.
- M. Provide long-range stability in the planning of public facilities and services for the area through the use of a master plan specifying the arrangement and schedule of the various lands use components and project phases.

10:11:2 Types of Planned Development Zones

This chapter authorizes the following types of planned developments:

PDR Planned residential development district

PDC Planned commercial development district

PDO Planned office and institutional development district

Opportunities for mixed use are provided for within each type of planned development zone. See the sections of this chapter pertaining to each zone for details relating to mixed-use opportunities

10:11:3 Location and Siting of Planned Development

Planned development districts are most appropriately located in developing areas where innovative site planning will have a positive impact on other adjacent developments and accomplish objectives of the city's general plan.

10:11:4 Designing a Planned Development Zone

The design of a planned development Zone is a creative exercise that requires the designer to select from an array of elements available to assemble the zone. A planned development project may consist of five (5) separate components. The required components will vary depending upon the elements planned for the district.

- A. ~~Sketch plan~~ **Master Plan Bubble**: General concept designed to elicit preliminary feedback from staff and planning commission.
- B. ~~Project plan~~ **Phase Plan**: The overall concept plan/zoning plan for the development, locking in land uses, **proposed** circulation, and other elements.
- C. ~~Phase~~ **Final plan**: ~~Preliminary plat~~ **Final plan** for individual phase(s) of the development.
- D. Site plan: Site plan review of individual lot(s) or parcel(s) within a phase.
- E. ~~Final plat~~ **Construction Drawings**: ~~Final plat~~ **Construction drawings** for items requiring ~~final plat~~ **review by the Town engineer and/or the building department** for review and approval.

Setback standards specifically may be modified to allow creative development to occur provided a recommendation from the planning commission and motion from city council at the ~~project~~ **Final** plan stage approving the request for such modifications.

10:11:5 PDR Planned Residential Development Development Residential Zone

- A. General Purpose and Description: The **PDR** planned residential development zoning district allows residential development in a manner open to and advocating innovation in design and layout. The principal uses of land in this district are residential with related recreational, cultural, neighborhood commercial and educational facilities normally required in providing the basic elements of a balanced, orderly, convenient, and attractive residential area.
- B. Location Of **PDR** Zone: PDR zones may be located where sufficient land and infrastructure exist or are planned for which will allow for a development that meets the standards and requirements of this section. Planned developments should not be proposed on vacant lots lying between other single-family dwellings.
- C. Permitted Uses: No building structure or land shall be used except for one or more of the following:

City facilities, including fire protection facilities, public works facilities, etc.

Detached units, including standard large lot single-family detached residences, zero lot line residences and cluster housing.

Townhouses.

- D. Conditional Uses: Conditional uses may be approved at time of project plan or phase plan or at a later time as project details permit appropriate use determination. If use changes from that approved in the project plan an amendment may be necessary.

Assisted living or independent living care.

Churches, with attendant educational and recreational buildings.

Clubs, private and public, including, but not limited to, golf and country clubs.

Condominiums.

Home occupations as defined herein and approved by the planning commission.

Neighborhood commercial uses in PDR zone provided:

1. Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. The minimum and maximum component of each use and types of uses within the development to be recommended by planning commission and approved by city council.
2. Utilize the storefront commercial development configuration; and
3. Provide sidewalks, at such widths as may be approved by the planning commission, and which will connect the pedestrian system within the project to sidewalks in existing development areas outside the project area.
4. Residential above retail number of units not included in density count, but layout and numbers must be approved by planning commission, also parking access issues must be addressed.

Public libraries.

Public utility structures, including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses and structures; except warehouses, repair storage, vehicle maintenance, truck or road equipment storage, radio and television studios and cell towers.

Schools (private or public), offering general educational courses similarly to the public elementary, high schools and colleges.

Timeshares/fractional interests.

E. Dimensional Requirements: See table 2 of this chapter for dimensional requirements.

10:11:6 PDC Planned Commercial Development Zone

A. General Purpose And Description: The **PDC** planned commercial development zoning provides for primarily commercial development in a manner encouraging innovation in site design and layout. The principal uses of land in this district are commercial with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.

B. Location Of PDC Zones: Planned commercial development zone should be located adjacent to a major arterial roadway and be centrally located to serve a wide area of the community.

C. Permitted Uses: No building, structure, or land shall be used except for one or more of the following uses:

Bank or other similar financial institution.

City facilities, including fire protection facilities, public works facilities, etc.

Convention center, meeting facility or other similar use.

Hotel or motel or bed and breakfast.

Recreation building or land including theaters.

Restaurant, including a dining club or other eating or drinking establishment.

Retail sales and the servicing or repair of items sold at retail, not including servicing or repair of automobiles.

Trade shop or service business such as shoe repair; dry cleaning or laundering counter service; pressing, altering, or tailoring of wearing apparel; radio, TV or appliance repair; watch or jewelry repair; barber or beauty shop.

D. Conditional Uses: Conditional uses may be approved at time of project plan or phase plan or at a later time as project details permit appropriate use determination. If use changes from that approved in the project plan an amendment may be necessary.

Accessory structure.

Ambulance service.

Auto repair, completely enclosed.

Daycare facility.

Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. The minimum and maximum component of each use and type of uses within the development to be approved by the planning commission. Office use must clearly be subordinate to principal commercial use.

Off street parking facilities.

Office, public or private, not including a wholesale outlet or storage of commodities.

Parking lot or garage as a principal use.

Public utility structure and lands.

Self-service laundry, laundry or dry cleaning processing facility.

E. Dimensional Requirements: See table 4 2 of this chapter for general dimensional requirements.

10: 11: 7 PDO Planned Office and Institutional Development Zone

A. General Purpose and Description: The PDO planned office and institutional zone provides for primarily office development in a manner encouraging innovation in design layout. The principal uses of land in this district are office with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive ~~commercial~~ office area.

B. Location Of PDO Zone: PDO zone's are most suitably located on arterial or nonresidential collector streets between uses of higher and lower intensity or in areas where other office uses are located. PDO zones can serve as an effective transitional area between a more intensive use such as commercial or light industrial and residential uses. PDO zones should not be located at major street intersections but are more suitably sited in mid-block areas or interior areas of sites.

C. Permitted Uses: No building, structure, or land shall be used except for one or more of the following:

Business service such as photocopying and related services, dental laboratory, or temporary employee service.

City facilities, including fire protection facilities, public works facilities, etc.

Daycare facility.

Fine arts or performing arts studio or school.

Hospital or public health center.

Institution of higher education (college).

Library.

Medical or dental office or clinic.

Museum or art gallery.

Office, public or private, not including a wholesale outlet or storage of commodities.

Veterinary clinic or hospital (small animals only and completely enclosed building).

D. Conditional Uses:

Accessory retail uses clearly subordinate to the principal use. Such uses shall be limited to the first floor and may not be established in separate buildings. The minimum and maximum component of each use to be approved by the planning commission. Examples include banks, newsstands, pharmacies, coffee shops, dry cleaners (no on site cleaning plant), clothing store, etc.

Ambulance service as an accessory use.

Church or other religious, fraternal, or social organizations.

Funeral home or crematorium.

Nursing or personal care home.

E. Dimensional Requirements: See table 2 of this chapter for dimensional requirements.

10:11: 8 Planned Development Standards and ~~Requirement's~~ Requirements

All planned developments, in addition to meeting the intent of this chapter, as detailed in **section 10:11: 1** of this chapter, shall meet the following standards and such other requirements as are set forth with respect to each of the three (3) permitted types of uses.

A. General Standards And Requirements:

1. Preservation Of Features: The development shall be compatible with existing topography of the land and shall preserve any unusual topography or natural features. Requests to waive this standard must be accompanied by a certified engineering report indicating that the proposed development is a significant community need that transcends the need to preserve the topography and/or features.

2. Design Focus: The development shall utilize design and development features that would not be possible by the application of lot by lot zoning district regulations.

3. Land Disturbance: No alteration or disturbance of land in a planned development district or the natural or cultural resources thereon shall be permitted until the project plan has received approval from city council. Any subsequent land disturbance must be consistent with the approval granted by the city council.

4. Subdivision Regulations: Land within a planned development shall be treated in its entirety as a subdivision and thus subject to the provisions of the town of Apple Valley subdivision regulations, except as follows:

a. Preliminary and final plats shall follow the procedures and meet all of the requirements of the town's subdivision ordinance which shall be supplemented by the requirements of this section. Wherever there is a conflict between the provisions of the subdivision ordinance and this ordinance the more restrictive shall apply.

b. Each planned development project in the approval process will identify how the property is intended to be subdivided, whether it will be a planned ~~unit~~ development residential (PDRR) (PUD), traditional subdivision, fee simple, condominium or a combination of the above. This information is important, as it will affect the procedures required for formal approval of the project and subdivision of the land.

5. Development Agreements: May be utilized with planned development projects **but are not required by the Town**. Development agreements refer to a binding contract between the town and a planned development community applicant wherein the detailed terms and conditions upon which a planned development community will proceed are agreed upon. The development agreement specifies any entitlements granted to the applicant or its successor or assigns **but does not grant the applicant any entitlements and is intended to serve as the binding agreement between the applicant and the Town upon completion and approval of the final plan**.

The ~~project~~ **final** plan and any development agreement approved and adopted by the city council pursuant to this chapter is intended to be utilized as a ~~master~~ **final** plan in relation to the zoning, regulation, and development of properties designated therein. The design guidelines and standards approved and adopted by the city council pursuant to its adoption of the PDR ~~project~~ **final** plan and/or development agreement shall control and regulate the development and construction within the project.

6. Interconnectivity Of Land Uses/Phases: Each phase of the project shall not be isolated from adjacent phases or land use areas. Each phase shall be served by at least one public roadway that shall connect to all adjacent phases or land use areas. In addition, each phase or land use area adjacent to land outside of the project boundary shall connect to such adjacent land if such a connection is available. If one phase cannot reasonably be connected to another

via a public roadway, then a private road or drive may be required. Such a private road must be open to the public at all times for travel to the adjacent phase area. The project must contain a minimum of two (2) primary access points from the outside. Any deviation from two (2) primary access points must be recommended by the planning commission and approved by the town council.

7. Calculation Of Density: Land uses for open space, common areas, and interior streets, drives, sidewalks, and other circulation ways may be included as part of the land area used for determining the number of dwelling units allowed, or the amount of required land. Land characterized by floodway, steep slopes, wetlands, or other un-buildable or sensitive lands may not be included as part of the land area for density calculations, **including lands with a slope factor of 20% or greater overall slope**, except that a twenty five percent (25%) density provision may be applied to the buildable portion of the development. Therefore, twenty five percent (25%) of the land area of the un-buildable area may be added to the buildable portion of the property to increase net density. Density is calculated for the project and for individual phases. Within phases, density for a specific phase may exceed that permitted provided that the overall density for the project meets the required maximum density. The phase with the highest density may not be the first phase developed. **Insert Density Table Here**

8. General Private Deed Covenants: The entire planned development district shall be made subject to appropriate covenants, conditions and restrictions that shall be recorded as running with the land to assure the continuance and maintenance of the planned development in accordance with the approved plans and approved uses. See subsection B, "Ownership And Management Standards And Requirements", of this section for additional requirements and information. Copy of covenants must be submitted to town to ensure no conflict with zoning ordinance.

B. Ownership And Management Standards And Requirements:

1. Ownership And Management Control:

a. Initial Ownership: If the property located in a planned development shall be owned individually or jointly, where the property is not intended to be resold in separate parcels, the property shall be made subject to permanent covenants, conditions and restrictions requiring that the property be built and operated consistent with the approved planned development zone.

b. Subdivided Properties: Properties in a planned development zone that are intended to be subdivided and sold in separate ownership shall be made subject to covenants, conditions and restrictions which shall require that the property be built and maintained consistent with the requirements of the planned development zone for the property. If the property shall have commonly owned properties, they shall be owned by an appropriate owners' association who shall be responsible for the ownership and maintenance of the project, consistent with the requirements of the zone. In this event, the owners' association shall be separately incorporated as a Utah nonprofit corporation with appropriate articles of incorporation and bylaws, and a declaration of covenants, conditions and restrictions that are subject to the approval of the town attorney of the Town of Apple Valley as being legally sufficient. In the event that the property shall be a condominium project, the property shall be made subject to a declaration of condominium and other documentation prepared pursuant to the requirements of the Utah condominium act and shall include a

provision that the owners' association thereof shall manage the property consistent with the requirements of the planned development zone. Any property in a planned development zone that is intended for subdivision shall also comply with the requirements of the Town of Apple Valley subdivision ordinance.

c. Owner/Developer Responsibilities: Initial owners/developers of PD projects are responsible for the following elements of the project:

(1) Development And Maintenance: Development and maintenance of general common areas (this may be accomplished through the establishment of an owners' association, which the developer shall agree to subsidize until 75 percent of the lots or units are sold).

(A) In the case of condominiumization or subdivision of the property, the developer shall deed the common areas to the owners' association, free and clear of all money liens or encumbrances, or in the case of a blanket lien, the lender shall subordinate its security interest in the project to the planned unit development or condominium plan. This shall be accomplished by covenant in the declaration of covenants, conditions and restrictions (or declaration of condominium, as the case may be) that shall require this to be accomplished upon completion of construction of the project, provided that if at least forty percent (40%) of the units in the project have been sold, the developer shall also be required to make this conveyance. The town of Apple Valley shall not be responsible to the unit or lot owners for this, but the documentation shall provide for this as a matter of requirement in the documentation, which shall confer upon any purchasing unit owners the right to enforce the deeding of the common areas as required just above.

(2) Arterials, Roadways, Related Infrastructures: Development of arterial and other major roadways and related infrastructures serving the development including the extension of utilities to serve the development.

(3) Development Of Management Plan: Development of the management plan including management association setup, and related responsibilities to assure that ownership and management standards are met in full.

(4) Approvals And Conditions: All approvals and conditions they're from received related to the PD and its elements.

(5) Landscaping And Open Space: All overall requirements such as landscaping and open space meet PD requirements.

(6) Change Of Ownership: Any conditions attached to an approved PD plan or subdivision plat shall not lapse or be waived as a result of any subsequent change in tenancy or ownership of said land.

C. Infrastructure Standards And Requirements: Water, sewerage, street, electric, and other required infrastructure shall be provided according to the requirements of the town of Apple Valley subdivision ordinance and city construction design standards, and may be recommended by the planning commission and approved by the town council for other purposes. Exceptions to town standards and subdivision requirements relating exclusively to

roadway design standards and layout must be supported by appropriate studies and approved by the town council pursuant to its adoption of the project plan shall control and regulate the development and construction within the project as guidelines and standards specific to the project. The following infrastructure requirements are required as a part of all PD developments:

1. Roads/Streets: All interior streets and roads ~~will~~ **may** be owned and maintained by the owners association of the development. All interior streets and roads must meet the requirements (Town of Apple Valley standards and specifications) for such facilities for the town of Apple Valley as well as the following:

a. The town may require interior streets and sidewalks through the development and require that the interior streets and sidewalks connect to existing street and sidewalk infrastructure of the town.

b. The provision and/or design of streets is subject to review by the planning commission and approval of town council which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower right of way; pavement widths, medians, traffic calming features, etc., and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant (as may be done via traffic engineering studies) and/or verified by the planning commission.

2. Sidewalks: Sidewalks shall be provided according to the requirements of the town of Apple Valley town's specifications and standards. Sidewalks will be owned and maintained by the owners association.

3. Parking:

a. Conflict Between Provisions: Wherever there is a conflict between the provisions of Title 17 "Off Street Parking Requirements", of this title and this section, the more restrictive shall govern or as otherwise recommended by the planning commission and approved by the town council.

b. Spaces Physically Separated: Spaces calculated for residential units, commercial uses, and other permanent spaces shall be physically separated and dedicated exclusively for that use, excluding mixed use components.

c. Shared Parking: A shared parking plan may be submitted which indicates a shared parking formula and supporting information. Up to thirty percent (30%) of total combined required parking may be waived with an approved plan.

d. Location Of Parking: Parking for PD developments should be located to the rear, a mixture of side and rear, or underground.

e. Illumination Of Parking: All parking areas shall be illuminated with light to be focused down so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the PD development nor to uses adjacent or nearby the PD development. Wherever there is a conflict between the provisions of Title 28 "Outdoor Lighting Ordinance", of this title and

this section, the more restrictive shall govern or as otherwise recommended by the planning commission and approved by the town council.

4. Utilities: All utility lines in a PD project shall be placed underground.

D. Landscaping Standards and Requirements: Minimum standards for landscaping in PD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed development together.

The City has certain water conservation requirements it is passing on to Builders and individual homeowners. In general, area homeowners in the past have utilized approximately fifty percent of their water consumption outdoors. Non-residential activities also tend to use substantial amounts of water outdoors. For these reasons, landscaping is an important aspect of creating a water-efficient community.

A landscaping concept, which is intended to transform typical landscaping techniques, “Zeroscape” is a water-efficient landscape concept that involves landscaping with drought-tolerant plants that are either native to the region or suitable to the climate, and then providing irrigation to those plants appropriately. Native plants normally get all or most of their water from rainfall. Thirsty plants from other climates often demand much more water and, therefore, are not suitable for use in this type of landscape. Reference TITLE **27-9: LANDSCAPE CONCEPT/THEME**

1. A landscaping plan must be submitted as part of the ~~project~~ **Phase** plan, the level of detail is general in nature illustrating themes, locations and other elements within the overall project. This can be a separate plan or may be integrated with the ~~site development~~ **Phase** plan requirements as part of the ~~project~~ **Phase** plan submittal. The ~~phase plan / preliminary plat~~ should show landscaping in more detail, but calculations and construction drawings are not required until the final plat has been submitted and approved, or unit site plan approval has been received as in the case of areas not platted or subdivided.

2. Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the development.

3. Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.

4. For commercial developments the area between the curb and the setback line shall be landscaped except for areas where the sidewalk extends from the curb to the front of the building, and is part of the sidewalk plan approved by the planning commission.

5. A minimum of ~~twenty five~~ **fifty percent (50%)** (~~25%~~) of the project open space shall be landscaped utilizing Xeriscaping. Traditional landscaping, or non-Xeriscaping, may account for ten percent (10%) of the ~~twenty five~~ **fifty percent (50%)** (~~25%~~) ~~minimum~~ **maximum** requirement. Xeriscaping is encouraged and permitted to be utilized in order to meet the minimum landscape percentage requirement. Xeriscaping, in contrast to Zeroscaping, which

utilizes rocks and sparse plants, uses a wide variety of native and other water efficient plants to create an oasis of color, interest, diversity and texture.

6. Up to **fifty percent (40%)** of areas allowing general public access, such as a golf course, may be used to meet landscaping requirements detailed in this chapter, this credit must be recommended by the planning commission and approved by the town council.

7. See general open space requirements for additional landscaping requirements.

8. Deviations from these requirements may be approved upon recommendation of the planning commission and approval of the town council.

E. Open Space Standards and Requirements: Common open space is an important element in a PDR development serving to provide resting and gathering places, recreation areas, aesthetic complements, storm water percolation areas, and other purposes. Open space for the purpose of the PDR district shall be defined as a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, scenic, recreational, resting, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public. Open space may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or adjacent landowners, or a general appearance of openness. **ROADS ARE NOT PART OF OPEN SPACE CALCULATIONS**

1. General Open Space Requirements:

a. Naturally Occurring Open Areas:

(1) Naturally occurring open areas are untouched or undeveloped areas existing in their natural state. Examples include slopes, riparian areas, floodplains, washes, and lava beds. The qualification of naturally occurring areas in proposed developments is via the recommendation of the planning commission and approval of city council based upon site visits, maps, drawings, pictures, etc. Naturally occurring open areas are excluded from total open space and landscaping requirements of the proposed development.

(2) If naturally occurring areas are deemed appropriate for development then landscaping and open space requirements, as defined herein, apply to said area to be developed.

b. Common Open Space Areas:

(1) **Thirty Five percent (5%)** (~~30%~~) of developed area must be dedicated as common open space as defined in this chapter. Specifically, common open space areas do not include areas where a charge may be made for use, such as a golf course, or access is limited due to runoff, such as retention basins or other areas that may be deemed restrictive via the determination of the planning commission and town council.

2. Reduction Of Required Open Space:

a. Adjacent Public Open Space: The minimum amount of open space required in the developed area for a PDR development may be reduced by a maximum of fifty percent (50%) if the PDR site bounds, along at least one property line for a minimum of one hundred feet (100'), public open space with a minimum area of ten (10) square feet for every one hundred (100) square feet of the PDR site and including a park, or other open space available and accessible to public use for recreation, relaxation, walking, etc. The adjacent public open space must remain in a perpetual state of open space accessible by the general public.

b. Open Space Substitutions: Pedestrians and bicycle amenities may substitute for required open space in the following manner:

- (1) Dedicated bike path connecting to existing or planned bike route.
- (2) Open pedestrian bridge.
- (3) Raised pedestrian deck.

Each amenity may be substituted with a one to one (1:1) ratio related to square feet up to fifty percent (50%) of required open space.

F. Non -residential Standards And Requirements:

1. Location: Location of commercial phases or service uses shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the zones, workers within the zones, and visitors. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include the lobby of a building containing other allowable uses; strip commercial with front parking is generally not acceptable.

2. Common Walls: Common walls between residential and nonresidential uses ~~should be~~ **are required to be** constructed so as to minimize the transmission of noise.

3. Nuisances: No commercial use shall be designed or operated so as to expose residential to offensive odors, dust, electrical interface, and/or vibration.

4. Outdoor Lighting: All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed toward residential units and shall not include lighting that blinks, flashes, oscillates, or is of unusual brightness or intensity. Outdoor lighting will be directed downward unless otherwise approved in order to ensure the integrity of night sky and preclude negative effects on surrounding property owners.

5. Finishing Materials: Nonresidential PDR development shall utilize masonry or decorative wood exterior finishing materials for, at a minimum, the front and sides of the building. If rear building faces a public street or road, this side shall utilize a masonry or decorative wood exterior finish as well. Acceptable masonry finishing materials include brick, stucco, natural or cultured stone, decorative concrete, or terrazzo tile. Unfinished concrete, cinder block, metal panels, plywood, masonite, and vinyl siding are not acceptable finishes.

10:11:9 Application Procedures and Requirements

PD projects have five (5) distinct elements:

- A. ~~Sketch Plan~~ **Master Plan**: ~~Sketch~~ **Master** Plan review by staff is required and applicants are strongly encouraged but not required to submit for review to the planning commission. ~~Sketch~~ **Master** Plans provide a general concept of the project. There are no specific requirements for a ~~sketch~~ **Master** plan because this step is provided solely for the benefit of the applicant to get an initial review and response to the project by staff and the planning commission. The level of detail is low because the applicant is seeking a general reaction to the concept and does not need to spend large amounts of money on detailed engineering drawings. However, it would be useful for the ~~sketch~~ **Master** plan to indicate land use distribution, open space, circulation systems, a summary of residential and nonresidential density, and other major elements.
- ~~C.~~ **B. Phase Plan**: The phase plan shall serve as the preliminary plat for a specific phase of the project **or may serve as the project in whole**. Most planned developments will consist of a project plan identifying a number of areas of the site with unique or individual land use types. Each of these areas, if developed separately, will require separate ~~preliminary and final~~ plat approval. Phase plans must be consistent with the ~~project~~ **Final** plan or the ~~project~~ **Final** plan must be revised and approved by the town. Phase plans must show lot subdivision, if proposed; internal site circulation within the phase or land use area; specific open space set aside, as well as the requirements for phase plans that are provided below.

After the project **Phase** plan has been formally reviewed and accepted by staff, recommended for approval by planning commission and approved by the town council, the applicant shall submit a **Final** plan for the improvement of specific phase(s) of the project. Phase plans may be submitted concurrently with a ~~project~~ **Final** plan if desired. ~~Seventeen~~ **Fifteen** (15) copies of each graphic and written text on eleven inch by seventeen inch (11" x 17") format; and two (2) color renderings of the plan on thirty-six inch by forty-eight inch (36" x 48") clay coat or heavy-duty paper. The phase plan shall meet all requirements for a preliminary plat, as outlined in the city's subdivision ordinance and this section, and shall be submitted in the following format:

1. Phase Plan Elements:

- a. Site Location Plan: Showing where phase is located in relation to overall project plan. This plan shall identify other proposed phases within the project area. This plan shall be submitted at a scale no greater than one inch equals four hundred feet (1" = 400') and show completed phases and future phases in relation to the phase currently proposed. This plan can be the project plan highlighting the phase area;

- b. Site Development Plan: This plan shall include:

- (1) Existing boundary streets and access streets to the project;
- (2) The boundaries of the site and boundaries of proposed phases;
- (3) The delineation of parcel lines, if subdivision will be a part of the development;
- (4) Tabulation of site acreage;
- (5) Delineation of the development of the entire site. If only a portion of the site is to be improved in the current project (i.e., development in phases), that portion shall be shown in detail on the plan. Subsequently phases or portions on the project may be shown conceptually except that land use, density, and other dimensional requirements shall be provided for these areas. Failure to provide this information or proposals to modify the proposed elements of a phase as submitted will require the applicant to file a revised PD project plan;
- (6) Common facilities, such as recreation amenities, service buildings, garages, and trash collection stations;
- (7) Site amenities such as benches, fountains, outdoor art, waste containers, kiosks, etc.;
- (8) The location of each proposed new building or structure, together with a plan or statement showing the number of stories, height, number of dwelling or commercial units (including details regarding the square footage and/or number of bedrooms, as applicable), proposed uses, and ground coverage of each building;
- (9) Any adjacent property owned by the applicant and the uses planned for that property;
- (10) The location and type of open space to be provided including landscaping area, community green, plaza, formal or informal garden, or natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project land by phase, if applicable. Required open space shall be provided as common area and be maintained by a homeowners' or merchants' association.
- (11) The proposed minimum and maximum floor areas of buildings and statements and illustrations of the elevations, design, materials, and floor plans of buildings and their identification on the development plan;
- (12) A narrative including tables delineating the percentages of land uses to be a part of the development;
- (13) A statement on the present and anticipated future ownership and control or management of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, sidewalks, drives, parking areas, utilities, common areas, and common facilities; and
- (14) Typical elevations.

The phase plan shall be prepared by a registered land surveyor, licensed architect, licensed landscape architect or licensed engineer.

2. Reviews and Approval of Phase By Planning Commission:

a. After a phase plan is submitted, the plan shall be placed on the planning commission agenda for the following month provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) before the planning commission meeting. The planning commission shall review the phase plan and make a decision on the plan as a preliminary plat.

b. If the project is to be developed in more than one phase, each phase of the development may be submitted for separate final approval. Any proposed change from arrangements approved in the preliminary plat shall require approval of a revised preliminary plat, which, except where town council approval is required, may be concurrent with approval of the final plat.

3. Final Plat Approval: If land subdivision was required for a phase or land use area, the applicant shall submit an application for final plat approval using the criteria and procedures required under the town's subdivision ordinance. CCRs are required to be submitted at this time.

4. Submittal Of Subsequent Phases:

a. If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the initial phase plan. Phases completed shall be shown with as built site renderings on the project locator map indicating what has been already developed.

5. Amendments To Project Plan: The planning commission is authorized to approve amendments to the project plan provided that:

a. The applicant submit a revised set of plans detailing the proposed change.

b. The proposed change:

(1) Involves no more than a five percent (5%) increase in residential density.

(2) Involves no more than a five percent (10%) increase in nonresidential floor area.

(3) Involves no more than a ten percent (5%) decrease in parking allocated.

(4) Involves no more than a five percent (5%) modification to a dimension including setbacks, height, or lot width.

(5) Involves no more than a five percent (5%) modification to any other measurable project criteria.

(6) Involves no more than five percent (5%) change in landscape requirements.

- c. The proposed change meets all of the requirements and provisions of this section.
- d. The proposed amendments do not alter any approved site development regulations of the plan and do not materially alter other aspects of the plan, including traffic circulation, mixture of use types, or general physical layout.

Any proposed amendments not conforming to these provisions shall be considered major amendments and resubmitted as a revised preliminary development plan. Any proposed amendments, which do not meet the minimum dimensional standards or other provisions of this section, shall be required to apply for a variance with the land use authority.

B. C. Project Final Plan: The **Project Final** plan is the plan for the development of the entire planned development. The **Project Final** plan shall identify the ~~specific phases that the project will consist of,~~ all proposed general circulation/transportation facilities, land uses and proposed densities, and open spaces and natural site features to be preserved between phase locations. If only one phase of the project is proposed, the project must combine the requirements of the **Project Final** and phase plans into one submittal. Proposed major streets and other circulation infrastructure along major corridors including sidewalks must be clearly indicated on the plan.

The **Project Final** plan shall consist of a professionally designed schematic plan indicating the layout of the development and appropriate written text. ~~Fifteen~~ **Seventeen** (15) copies of each graphic and written text in eleven inch by seventeen inch (11" x 17") format; and two (2) color renderings of the plan on thirty-six inch by forty-eight inch (36" x 48") clay coat or similar heavy-duty paper. This plan shall contain the following elements:

1. **Project Final** Plan Elements:

- a. Identify the boundary of the project property;
- b. Provide a delineation of phases (if applicable) and acreage associated with each phase;
- c. Indicate total project site area and area by type of land use (i.e., residential, commercial, industrial, office, open space, utilities and right of way, other);
- d. Indicate proposed land uses including square footage or acreage and percentage of each component;
- e. Indicate the number of residential units and/or square footage of floor area of nonresidential uses by type (i.e., commercial, industrial, and office);
- f. Indicate the density of uses within each land use component or phase using units per acre for residential uses and floor area ratio (FAR) for nonresidential components;
- g. Show a proposed vehicular and pedestrian circulation plan including entrances and exits and connections to vehicular and pedestrian facilities external to the project property. The project must have a reasonable mix of public and private roadways to maximize circulation efficiency (proposed right of way width and width of roadway must be shown);

h. Show existing natural features of the site including rivers, lakes, ponds, streams, wetlands, steep slopes, mature trees and tree stands, topography at contour intervals of two feet (2'), and other natural features;

i. Show where proposed open space will be provided by type of open space-landscaping area, community green, plaza, formal or informal garden, natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project, also indicate where public open space will be provided and limits on accessibility;

j. Indicate location of landscaping and buffers and lighting plan; and

k. Typical elevations.

2. **Rezoning Application:** In addition, the applicant shall provide a complete rezoning application and a cover letter requesting review of the ~~project~~ **Final** plan. The ~~project~~ **Final** plan shall be reviewed by staff and discussed in an informal meeting with the applicant to examine potential areas of nonconformity. Staff, upon review of the plan, will determine whether the project meets the intent of the district and includes the required elements. If the project does not meet with the intent or lacks required elements, staff may reject the project plan and notify developer of where deficiencies exist so corrections may be made. However, should the plan meet the intent and contain the required elements, staff will accept the ~~project~~ **Final** plan and provide the applicant with suggestions for changes and modifications, if any that will prepare the applicant for the submittal of phase plans. While the applicant may ask for more than one ~~project~~ **Final** plan review, at least one review is mandatory.

3. **Review Of ~~Project~~ Final Plan By Planning Commission:** After staff officially accepts the ~~project~~ **Final** plan (completed application submitted and full review by staff completed), the plan will be placed on the planning commission agenda provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) prior to the planning commission meeting. The planning commission shall review the ~~project~~ **Final** plan and make a recommendation on the plan and the rezoning of the property. The planning commission shall review the plan for the following elements: how the proposed project meets the purpose of a planned development as provided in section 11: 1 of this chapter; how the proposed project meets the purpose of the specific planned development zones; the overall project density as well as the density of land use components; land use mix and percentages; general vehicular and pedestrian circulation including the location and capacity of the facilities and connections internally and externally; and open space type, amount and location. Other site and ~~project~~ **development** design criteria shall be reviewed at the phase plan stage.

4. **Review Of ~~Project~~ Final Plan By Town Council:** Upon receiving a recommendation from the planning commission and before enacting an amendment to the zoning ordinance, the city council shall hold a public hearing thereon. If approved, the rezoning becomes effective and the ~~project~~ **Final** plan becomes the official plan of the district, which will determine how phase plans are developed.

D. Site Plan: The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted. Site plans must meet all of the requirements for site plan review submittal. Single-family residential lots are not required to submit a site plan for planning commission review.

Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot. Site plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals for planned developments must also contain the following items:

1. Provide a landscaping plan;
2. Provide a plan showing how the lot relates to the approved phase plan including previously developed sites in the project, the location, required open space, ingress and egress to the lot from the rest of the phase and other adjacent land;
3. Location of building(s); and
4. Typical elevations.

Upon completion of the review process, recommendations shall be forwarded to the town Council for their consideration of the applicant's request for a development order.

E. Construction Drawings: Construction drawings must be reviewed and approved prior to construction.

The setback and height minimums and maximums listed above are intended to serve as a guide to the planning commission, the city council and the project developer in reviewing the standard requirements for development throughout the city. Realizing that a specific planned development plan may vary significantly from these standards through innovative and creative design, the city council, upon recommendation from the planning commission, may adopt modifications to the above specifications as they see fit in order to provide harmony within a PD zone and as may be requested by the developer. Items of a life/safety nature (i.e., building separation as per fire code, and building code requirements) may not be modified. However, other elements of the plan may be approved according to the specific development plan, map and text being considered as a part of the PD zone change approval.

TABLE 2

PLANNED DEVELOPMENT ZONE DIMENSIONAL STANDARDS

Zoning District

	PDR	PDC	PDO	
Project and Phase Dimensions:	None	None	None	
Minimum Zone size (acres)	5	3	3	
Base density (units/acre)	8-1	n/a	n/a	
Minimum open space	30% 5%	30% 5%	30% 5%	
Minimum/maximum landscaped area	25% 50%?	25 %	25 %	
Lot Area Dimension:				
Building setbacks, detached residences:				
Front setback	20 feet	-	-	-
Side setback	10 feet	-	-	-
Street side setback	20 feet	-	-	-
Rear setback	10 feet	-	-	-
Building setbacks, attached residences:				
Front setback	20 feet	-	-	-
Side setback	10 feet	-	-	-
Street side setback	20 feet	-	-	-
Rear setback	20 feet	-	-	-
Building setbacks, other uses:				
Front setback	20 feet	20 feet	20 feet	
Side setback	10 feet	10 feet	10 feet	
Street side setback	20 feet	20 feet	20 feet	
Rear setback	10 feet	10 feet	10 feet	
Minimum lot depth	100 feet	100 feet	100 feet	
Principal building height	35 feet	35 feet	35 feet	
Accessory building height	20 feet	20 feet	20 feet	
Storefront development option:				
Front setback	None	None	None	
Side setback	None except 10 feet adjacent to residential districts	None except 10 feet adjacent to residential districts	None except 10 feet adjacent to residential districts	
Street side setback	None	None	-	-
Rear setback	None	None	-	-

Minimum lot depth	100 feet	100 feet	-	-
Principal building height	35 feet	35 feet	-	-
Accessory building height	20 feet	20 feet	-	-
Minimum distance between buildings	10 feet	10 feet	-	-