

**TITLE 10 DEVELOPMENT CODE | CHAPTER 11 OTHER ZONES
ARTICLE E - PLANNED UNIT DEVELOPMENT OVERLAY ZONE**

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NEW PROPOSED
PUD CODE

10-11E-10 Legislative Intent

Clustering of lots, well designed neighborhoods and streetscapes, a variety of housing units, and creating park space are all a priority of the general plan. A Planned Unit Development (PUD) Overlay development can allow for more density by allowing smaller lots, and in some areas, multifamily units, in return for development amenities and parks. The main focus of the PUD is to gain park space.

10-11E-20 Zone Requirements

Developments in utilizing the overlay zone are required to adhere to the underlying zone requirements, gain council approval, and be larger in scale.

10-11E-20-1 Planned Unit Development Zone Regulations

All developments utilizing the Planned Unit Development Overlay Zone must also adhere to the requirements of the underlying zone as well as other codes applicable citywide. Exceptions include the requirements and exceptions listed in the Planned Unit Development Overlay Zone. These include lot size, density, and building envelope setbacks.

10-11E-20-2 Overlay Zone Approval

Use of the Planned Unit Development Overlay Zone must be approved by the city council. If an applicant is denied the use of the overlay zone, the development will revert back to the underlying zone requirements. It shall be the city council's sole discretion to decide if a project should be allowed to use the Planned Unit Development Overlay within the intent of the ordinance as noted above.

10-11E-20-3 Minimum Development Size

A Planned Unit Development must include 20 or more acres. The development may include multiple phases to achieve the 20 acres required.

10-11E-20-4 Housing Design Mix

A mix of housing elevations with varying siding types is required. Vinyl siding can be used on up to 25% of a structure. Hard siding types such as brick, stucco, composite board, stone, etc. can be used in full or in combination to create a mix of elevations.

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10-11E-20-5 Multi-Family Development

Multi-family housing is considered town homes and condominiums. Multi-family housing is only allowed in a PUD when the underlying zone allows 12,000 sq. ft. lots.

10-11E-20-6 Overall Density

Overall density is based on the underlying zone. In designing a development, undevelopable land on 30% or greater slopes, ravines and drainages, earthquake faults, or other undevelopable lands identified by the planning commission, must first be removed from the total acreage of the development to arrive at a net acreage. Land for roads, trails, and the required 25% parks/open space can be kept within the net acreage calculation. The following table illustrates the dwelling units allowed in a PUD based on the underlying zone minimum lot size. The Dwelling Units per Acre (DUA) would be multiplied by the net acreage to arrive at the amount of lots allowed in a development.

10-11E-20-7 PUD Dwellings per Acre Table

<u>Underlying Zone</u>	<u>PUD Dwelling Units p/Acre</u>
20,000	2.00 DUA
15,000	2.50 DUA
12,000	3.00 DUA

10-11E-20-8 Development Phasing

A PUD shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted to the planning commission at or before the submission of the preliminary plan. The phasing plan shall include the number of units or parcels to be developed in each phase, the approximate timing of each phase, the timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site and the relationship between the public improvements in the current subdivision and contiguous land previously subdivided. Phasing of a public park can occur if in the first phase of a development, the land for the park is deeded to the city. Subsequent park phases must be approved by the planning commission with an emphasis that the timeline represents a balance between economic and community needs. A developer must request approval by the planning commission a revision of the overall phasing plan which may be necessary due to conditions such as changing market conditions, inclement weather or other factors. Failure to revise an outdated plan can result in a lapse of PUD approval.

10-11E-30 Open Space Requirement

The main purpose of utilizing the PUD is to provide parks and recreation facilities for the city. It shall be required that at least 25% of a PUD be dedicated as open space. Open space cannot be a part of individual lots. Any area 25 feet from a dwelling cannot be counted toward the 25% open space requirement. Ravines, drainages, fault lines, unstable soils, can be included within open space areas. All slopes of 20% or greater (unless approved by the planning commission to be included as part of a lot) must be included within open space areas. Unique land features could require more than 25% of the development be dedicated as open space.

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10-11E-30-2 Open Space Ownership

All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners' association if sold separately, or dedicated and accepted by the city for maintenance purposes. All open space areas must provide emergency vehicle access.

10-11E-30-1 Park Space

The 25% open space requirement shall include park space. The planning commission shall decide the appropriate percentage of park space versus other open space, but generally at least 80% of the acreage set aside as open space should be in the form of a park. Park space can be interspersed with natural terrain and turf grass areas. Amenities in the park can include, play areas, soccer, basketball court, football, and/or baseball fields, volley ball court, trails, benches, picnic areas, pavilion, bathrooms, gazebo, parking area, and any other features approved by the planning commission. Proper size and construction of fields and equipment shall be required at a municipal park standard. Adequate lighting for game play, security, and parking shall be provided. Parking will include 1 stall per 3,500 sq ft. of park space. The following table shows the minimum improvements in park space based off the acreage of a development applied to a points system. Multiple features can be added to gain the required points needed. The larger the development, the more emphasis shall be given to recreation facilities. The planning commission shall work with the developer in determining the appropriate mix of park amenities and can adjust items in the table in negotiation with the developer. The planning commission shall review current recreation facilities in choosing mix of facilities.

10-11E-30-2 Park Space Amenities Table

		Development Size in Acres			
		<30	30-50	51-75	76>
Points Needed	➡	100	175	225	275
Feature	Points	Park Must Include = X			
Playing Field	(min.) ➡	X (2)	X (4)	X (6)	X (8)
Baseball Field	20				
Soccer/Football Field	20				
Basketball Court	20				
Bench	1				
Gazebo	5				
Parking Lot	12	X	X	X	X
Pavillion/w Tables	10		X	X	X
Picnic Tables	1				
Play Area	15	X	X	X	X
Restrooms	15	X	X	X	X
Trail - Linear	7				
Trail - Loop	7				

10-11E-30-3 Other Open Space

Other open space areas not within the park can be allowed, generally up to 20% of the acreage set aside as open space, and can include landscape strips along major roadways (outside the area required in the road

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right-of-way), entrance features, trails, roundabouts, steep sloped native areas, etc. Small pockets of improved open space as parks are not allowed.

10-11E-40 Landscaping

Landscape materials must be installed prior to completion of all Planned Unit Developments. A landscaping plan must be drawn, designed and certified by a licensed landscape architect and submitted to the planning commission for their approval. The plan shall show planting materials, irrigation, structural features, playgrounds, sport fields, building locations, and hard surfaces (streets, sidewalks, trails, etc.). It shall also show grading with contours and spot elevations before construction and anticipated contours and elevations after completion. A cash bond of 125% of landscaping costs will be posted prior to recording whether the landscaped area is proposed to be in city ownership or in a private homeowners association. If weather does not permit for landscaping to be installed prior to subdivision completion, the city can extend installation up to May 15 the following year. An inspection shall be performed by the city building inspector to verify work complies with all city code and ordinance requirements before the bond is released.

If the subdivision contains individual lots to be built upon after subdivision completion, only common areas and front yards in the subdivision will be subject to this requirement.

10-11E-40-1 -- Types of Landscaping

Landscaping shall include the treatment of the ground surface with live materials such as, but not limited to, sod, grass, ground cover, trees, shrubs, vines and other growing horticultural plant material. In addition, a combination of xeriscape plantings and the utilization of native vegetation are encouraged in clusters on smaller and flatter terrain lots and allowed exclusively on slopes over 15%. Native vegetation includes grasses and trees that are currently established in the non-developed hillside areas of the city. Erosion control and elimination of noxious weeds must be accomplished in order to qualify as native plantings. Simply grading the ground and letting vegetation to grow back is not allowed because this promotes noxious weeds to grow. Landscaping may also include other decorative surfacing such as bark chips, crushed stone, mulch materials, or pavers. Structural features such as fountains, pools, statues, playgrounds, and benches shall also be considered a part of the landscaping, but such objects alone shall not meet the requirements of landscaping. Hard surfaces, such as concrete or asphalt, shall not cover more than 30% of a front yard area.

10-11E-40-2 Street Trees

To allow for proper root depth needed within planter strips and to recognize the higher elevation growth requirements, the following trees are approved to be planted within the planter strip area between the sidewalk and the street; Autumn Blaze Maple, Norway Maple, Honey Locust, Summit Ash, Green Spire Linden, Autumn Purple Ash. Street trees shall be shown on the landscaping plan. Trees shall have a trunk of at least 2 inch caliper and be potted rather than burlap balled to provide for stronger growth in the Elk Ridge environment. Each street within a these type of developments shall have the same type of tree planted along it. All units shall have at least 2 trees within the planter strip adjacent to the unit (4 on corner lots). The required sight distance at intersections shall be maintained.

10-11E-40-3 Monument Signs

In the entry way to a development, neighborhood, and for each park, a monument sign shall be erected stating the name of the development, neighborhood, or park.

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10-11E-50 Lighting

Street lighting is required on major transportation corridors, in parks, and along the trail system. Lighting shall be Dark Sky Compliant and shall not shine into the yards of adjoining properties.

10-11E-60 Subdivision Design Requirements - Single Family

When developing a PUD the following must be considered for each single family phase of the development:

10-11E-60-1 Lot Size - SF

Minimum lot size of a single family unit development is based on the underlying zone minimum lot size. Table 10-11E-30-2 shows the underlying zone minimum lot size with a minimum lot size for a PUD overlay in the corresponding zone.

10-11E-60-2 Minimum Lot Size Table

<u>Underlying Zone</u>	<u>PUD Overlay</u>
20,000	10,000
15,000	8,000
12,000	7,500

10-11E-60-3 Building Envelope - SF

The building envelope location within a single family unit development lot should conform to the natural terrain and remain within the flattest areas of the lot. This area could be considerably smaller than the lot to accomplish this requirement. The minimum building envelope size for a single family unit lot is 4,000 square feet. The front, side and rear setback requirements still must be met.

10-11E-60-4 Lot Frontage - SF

Frontage for a single family unit lot along a city street shall be a minimum of 80 feet.

10-11E-60-5 Front Setback - SF

All dwellings and other main buildings in a single family unit development shall be set back not less than 25 feet from the front lot line which abuts on any existing or proposed public street right-of-way. An exception for a 20 foot front setback can be given by the planning commission for a staggering effect of the units, if they conclude that street line of sight views are not compromised.

10-11E-60-6 Side Setback/Interior Lots - SF

All dwellings and other main buildings in a single family unit development, including any attached garage or similar structure, shall have side setbacks of 8 feet or greater from any side property line not abutting a street.

10-11E-60-7 Side Setback/Corner Lots - SF

All dwellings and other main buildings in a single family unit development, including any attached garage or similar structure, shall have side setback of 8 feet or greater on the side not abutting any existing or proposed road, and shall have a side setback of 25 feet or greater on the side which abuts on any existing or proposed road. A line of sight triangle of 30 feet measured from the back of curb on a corner shall be preserved.

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10-11E-60-8 Rear Setback - SF

All dwellings or other main buildings in a single family unit development shall be set back 25 feet or greater from the rear lot line. On corner lots for a garage that is attached to the rear of the dwelling, the required rear setback for the garage may be reduced to 15 feet or greater from the rear lot line. No living area can be included within the garage footprint in this reduced area.

10-11E-60-9 Lot Frontage/Setback Table - SF

Area	Setback/Width
Lot Frontage on Road	80 feet
Front Setback	25 feet
Front Setback - Exception	20 feet
Side Setback - Interior lot	8 feet
Side Setback - Corner lot	25 feet
Line of Sight Triangle - Corner lot	30 feet
Rear Setback - Main Structure	25 feet
Rear Setback - Garage	15 feet
Public Utility Easement - Front	10 feet
Public Utility Easement - Sides/Rear	8 feet
Building Envelope Size	4,000 sq ft. min.

10-11E-70 Subdivision Design Requirements - Multi-Family

When developing a PUD the following must be considered for each multi-family phase of the development:

10-11E-70-1 Lot Size - MF

There is no minimum lot size in a multi-family development. Zero lot lines are allowed.

10-11E-70-2 Building Envelope - MF

The building envelope location within a lot should conform to the natural terrain and remain within the flattest areas of the lot. This area could be considerably smaller than the lot to accomplish this requirement. The building envelop can be only to the extent of the structure. There is no minimum building envelope size for a multi-family unit lot.

10-11E-70-3 Lot Frontage/Parking - MF

All units in a multi-family unit development must have access to a city street. This can be through direct access or through a parking lot. All shared parking lots must have two accesses to a city street.

10-11E-70-4 Front Setback - MF

All dwellings and other main buildings in a multi-family unit development shall be set back not less than 20 feet from the front lot line which abuts on any existing or proposed public street right-of-way. An exception for a zero front setback can be given by the planning commission if they conclude that street line of sight views are not compromised.

10-11E-70-5 Side Setback/Interior Lots - MF

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All dwellings and other main buildings in a multi-family unit development, including any attached garage or similar structure, are not required a side setback if abutting an interior unit or lot in that specific phase of the PUD development.

10-11E-70-6 Side Setback/Corner Lots - MF

All dwellings and other main buildings in a multi-family unit development, including any attached garage or similar structure shall have a side setback of 20 feet or greater on the side which abuts on any existing or proposed road. A line of sight triangle of 30 feet measured from the back of curb on a corner shall be preserved.

10-11E-70-7 Rear Setback - MF

All dwellings or other main buildings in a multi-family unit development shall be set back 25 feet or greater from the rear lot line. On corner lots for a garage that is attached to the rear of the dwelling, the required rear setback for the garage may be reduced to 15 feet or greater from the rear lot line. No living area can be included within the garage footprint in this reduced area.

10-11E-70-8 Setback from Adjoining Development - MF

All dwellings in a multi-family PUD development must setback 30 feet from any adjoining property, including any other phase of the PUD development.

10-11E-70-9 Lot Frontage/Setback Table - MF

Area	Setback/Width
Front Setback	20 feet
Front Setback - Exception	0 feet
Side Setback - Interior lot	None
Side Setback - Corner lot	20 feet
Line of Sight Triangle - Corner lot	30 feet
Rear Setback - Main Structure	25 feet
Rear Setback - Garage	15 feet
Setback to Adjacent Development	30 feet
Public Utility Easement - Dev. Parameter	10 feet
Building Envelope Size	None

TITLE 10 DEVELOPMENT CODE | CHAPTER 7 RESIDENTIAL ZONES
ARTICLE C - R-1-12,000 PUD ZONE

Conversion of R-1-12,000PUD zone
code into R-1-12,000 zone code

10-7C-1: LEGISLATIVE INTENT:

A. The R-1-12,000-~~PUD~~ residential zone covers the portion of the city which is primarily suited for planned residential denser development abutting adjacent development in bordering cities. Development within the zone is represented by a commingling of one-family dwellings and parks, schools, churches, and other community facilities designed to serve the residents of the city. ~~This zone should only be used in conjunction and comply with the regulations of the planned unit developments (PUD) section of the code in [chapter 14](#) of this title.~~ The zone is characterized by smaller lots, quiet residential conditions favorable to the rearing of children and an abundance of open space. Owners and developers of property within this zone should bear in mind that primacy is given to residential development and maintain their properties in recognition thereof.

B. The specific regulations necessary for the accomplishment of the intent of the zone are hereinafter set forth.

10-7C-2: PERMITTED USES:

The following buildings, structures and uses of land shall be permitted upon compliance with the applicable requirements of this title:

- Common Household Pets
- Foster care homes containing not more than three (3) nonrelated foster care occupants.
- Home occupations subject to the provisions of section [10-12-17](#) of this title.
- Orchards and field crops.
- Residential facilities for persons with a disability pursuant to Utah Code Annotated section 10-9-605.
- Residential facilities for the elderly pursuant to Utah Code Annotated section 10-9-502.
- Single-family dwellings.
- Utility transmission projects, minor. (Ord. 04-7, 8-17-2004, eff. 9-17-2004)

10-7C-3: CONDITIONAL USES:

The following buildings, structures and uses of land shall be permitted conditional uses upon compliance with the applicable requirements of this title and after approval has been given by the designated review agency: (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002; amd. 2003 Code)

- Accessory apartments (see 10-12-29 for requirements).
- ~~Local commercial establishments.~~
- Wells, water storage tanks and similar facilities and structures. (Ord. 04-7, 8-17-2004, eff. 9-17-2004; amd. Ord. 08-9, 7-8-2008)

10-7C-4: LOT SIZE AND FRONTAGE: ~~10-7C-4: AREA AND WIDTH:~~

12,000 sq. ft. or larger lots are the allowed base density of the zone. Frontage along a city street shall be a minimum of 80 ft. For lots abutting an elbow type curve or cul-de-sac the frontage requirement may be reduced to 80 feet, provided that the width requirement is satisfied at the front lot line adjoining the street. ~~The minimum area and width requirements for a zoning lot shall be as follows:~~

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ARTICLE C - R-1-12,000 PUD ZONE**

Use	Minimum Area	Minimum Width*
Single family dwellings	12,000 square feet	100 ft
Churches	2.5 acres	200 ft
Schools	5 acres	200 ft

*For purposes of determining compliance with the width requirements, the measurement of lot width shall be made along the front lot line at the minimum front setback line. In the instance of a lot where more than 75 percent of the front lot line abuts upon a cul-de-sac or curve having a radius of less than 80 feet, the width of lot shall be measured along a line which is at right angle to the point of tangency of said curve at its approximate midpoint, and at a distance of not more than 40 feet from the front lot line.

10-7C-5: ACCESS:

Each lot shall abut upon and have direct access to a city street. ~~The distance of said abutting side shall be not less than the minimum width requirement of the zone, except that the length of the abutting side may be reduced to not less than sixty feet (60') when the lot fronts upon a cul-de-sac or curve in a designated city street and the lot lines radiate in such a manner that the width of the lot will meet or exceed the minimum lot width requirements as determined in accordance with the provisions section [10-7C-4](#) of this article. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)~~

10-7C-6: LOCATION:

A. Main Buildings: All dwellings and other main buildings and structures shall be set back in accordance with the following:

1. Front Setback: All dwellings and other main buildings shall be setback not less than thirty feet (30') from the front lot line which abuts on any existing or proposed public street. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)
2. Side Setback:
 - a. Interior Lot: All dwellings and other main buildings, including any attached garage or similar structure, shall be set back not less than twelve feet (12') from any side property line not abutting a street. (Ord. 02-4-9-6, 4-9-2002, eff. 4-25-2002)
 - b. Corner Lots; Side Abutting Street: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the side lot line which abuts on any existing or proposed public street, subject to section 10-15C-4 of this title.
3. Rear Setback:
 - a. Interior Lots: All dwellings or other main buildings shall be set back not less than thirty feet (30') from the rear lot line.
 - b. Corner Lots: All dwellings and other main buildings shall be set back not less than thirty feet (30') from the rear lot line, except that where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet (12') as measured from the rear lot line to the closest part of the building.

B. Accessory Buildings: For accessory building requirements, see supplemental regulations, section 10-12-5 of this title. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)

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ARTICLE C - R-1-12,000 PUD ZONE

10-7C-7: UTILITIES:

All dwellings and other structures used for human occupancy shall be served by the city's culinary water and sanitary sewer system or other approved system, in accordance with the provisions of section [10-12-21](#) of this title, and also electric, natural gas and telephone utility systems. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)

10-7C-8: DWELLINGS:

A. Area of Dwellings: Each dwelling shall conform to one of the following:

1. A rambler type dwelling shall contain a main floor living area of not less than one thousand two hundred (1,200) square feet; or
2. A multi-story dwelling shall meet or exceed all of the following:
 - a. The dwelling shall have a total "building footprint area" of not less than one thousand (1,000) square feet as measured from the outside of the foundation wall;
 - b. Not less than nine hundred (900) square feet of the "building footprint area" shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded); and
 - c. The dwelling shall contain a total living area of not less than one thousand eight hundred (1,800) square feet located on building floors or levels, located entirely above the finished grade of the ground surface adjacent to the foundation of the structure.

B. Minimum Dimension: The minimum width or length dimension of any dwelling as measured from the outside wall shall be not less than twenty four feet (24'). Nonliving spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)

C. Off Street Parking:

1. Not less than two (2) off street parking spaces shall be required for each dwelling unit. Each off street parking space shall be not less than ten feet by twenty feet (10' x 20') per space and shall not be located within any portion of a front or side setback area adjacent to a street.
2. Not less than two (2) off street parking spaces appurtenant to a dwelling shall be enclosed within a garage or other covered structure.

D. Special Provisions: All dwellings shall conform to the special provisions relating to dwellings set forth under section 10-12-27 of this title. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002; amd. Ord. 08-15, 9-23-2008, eff. 9-24-2008)

10-7C-9: BUILDING SITE:

A. Reverse Slope Driveways Prohibited; Exceptions: No driveway providing access to a garage or off street parking area within a lot shall have a down slope grade from the adjacent street to the garage or covered off street parking area except when approved by the planning commission. The planning commission may approve a down slope driveway upon finding that any drainage of surface water will be adequately diverted from entry into the dwelling, garage or other covered parking area and that the proposed diversion treatment will not impact adjacent properties.

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ARTICLE C - R-1-12,000 PUD ZONE

B. Buildable Area Required For Lots in All Residential Zones; Exceptions:

1. Each lot shall contain a "buildable area", as defined in section 10-2-2 of this title, of not less than four thousand (4,000) square feet. All dwellings shall be located within said buildable area.
2. Notwithstanding the requirements of subsection B1 of this section, a building permit may be issued for any existing lot of record which does not contain a "buildable area", as defined in section 10-2-2 of this title, upon an approval of a site plan by the planning commission and a finding that the proposed placement of the building conforms to all other requirements of the zone.

C. Grading Plan Required: A final grading plan will be required for each lot prior to the issuance of a building permit for construction of a dwelling therein. (Ord. 01-12-11-23, 12-11-2001, eff. 1-11-2002)

~~**D. New Developments:** All new developments shall conform to the regulations of chapter 15 of this title. Developments of less than fifteen (15) acres may be permitted with approval from the planning commission and city council. (Ord. 05-5, 10-11-2005, eff. 11-3-2005)~~

TITLE 10 DEVELOPMENT CODE | CHAPTER 14 LARGE SCALE DEVELOPMENTS

Rescinding of Large Scale Development Code
(includes removing old PUD code and minor changes to MHD code, both codes moved to 10-11 "Other Zones".

10-14-1: INTENT:

The intent and purpose of the large scale development provisions of this development code shall be:

- A. To facilitate the orderly development of the city in accordance with the city's general plan.
- B. To provide a procedure which permits increased flexibility, particularly in environmentally sensitive lands, in the design of certain projects.
- C. To reduce the tax burden for special services, the costs of which can be more appropriately charged to property owners within the developments.
- D. To facilitate a more economical arrangement of buildings, circulation systems, land use, drainage and utilities than would otherwise be possible using conventional development requirements.
- E. To promote superior maintenance of buildings and jointly owned open space and facilities within the development, through the use of agreements between the city and homeowners' or property owners' associations.
- F. To facilitate proper development of otherwise derelict and inaccessible parcels.
- G. To establish more definitively the rights, duties and responsibilities of land developers and unit owners with respect to the development and maintenance of large scale projects.
- H. To coordinate the requirements of the condominium enabling act and the planning enabling act. (Ord. 97-7-8-8, 7-8-1997)

10-14-2: TYPES OF LARGE SCALE DEVELOPMENTS; CONDITIONAL:

The following large scale development may be constructed within the city, but may be located only in the zone in which such development is listed as a conditional use:

Type Of Large Scale Development	Permitted Zones
Planned mountain home developments	CE 2

(Ord. 97-7-8-8, 7-8-1997; amd. Ord. 08-4, 2-26-2008)

10-14-3: PLANNING, DESIGN AND DOCUMENTATION:

The layout and design of all large scale developments and all plans, plats, documents, agreements, brochures, statements and other submissions shall be prepared in accordance with the provisions of this development code and city standards as directed by the planning commission or their authorized representative. (Ord. 97-7-8-8, 7-8-1997)

10-14-4: CONSTRUCTION REQUIREMENTS:

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~~A. Improvements Constructed In Accordance With Plans: All individual large scale developments shall be constructed in accordance with the approved final plans, and all final plans, plats, documents and agreements shall be binding on the developer, his successors, grantees and assignees, and shall limit the use of the land in the development as set forth in the approved plans, documents and agreements. Construction work which is not in accordance with approved final plans shall constitute a violation of this development code.~~

~~B. Construction Of Improvements Within Permitted Time Period: All improvements required under the terms of the applicable type of large scale development shall be constructed within the time period specified for the duration of the guarantee of performance, except that the city council, upon recommendation of the planning commission, may require the developer to install the landscaping on all or part of the common open space or to construct other specific required improvements on all or part of an approved large scale development within a time period which is less than the maximum time period specified, but which shall not be less than six (6) months from the date of said approval.~~

~~C. Failure To Record Or Construct Within Timely Manner: In the event that the final plat of a large scale development is not recorded at the office of the Utah County recorder within twelve (12) months of the date of final approval by the city council or in the event of failure of the developer to start construction of required improvements within twelve (12) months after the date of final approval, the city council, after due notice and public hearing on the matter, may revoke any building permits issued and may repeal all prior approvals of the development.~~

~~D. Staged Construction Permitted: Development may be carried out in progressive stages, provided assurance is given to the city council that the requirements and intent of this development code with respect to each stage, shall be fully complied with. Each stage shall be considered as a separate application.~~

~~E. Adjustments To Standards Permitted; Procedure For Approval: Adjustments to the strict application of the standards and specifications of this chapter or the city development and construction standards may be authorized by the city council after recommendation from the planning commission. Any such adjustment shall be granted only upon a finding that, because of topographic or other unique physical condition, the standard appealed from:~~

- ~~1. Is unnecessary for the proper development of the subdivision and will not be required in the future;~~
- ~~2. Would result in an unreasonable hardship if adhered to;~~
- ~~3. May be granted without destroying the intent of the standard or this development code; and (Ord. 97-7-8-8, 7-8-1997)~~
- ~~4. The adjustment does not constitute a variance from the terms of the zoning ordinance (such variances are to be granted only by the appeal authority). (Ord. 97-7-8-8, 7-8-1997; amd. Ord. 07-7, 4-24-2007)~~

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~~F. Limited Authority Of Appeal Authority: The powers of the appeal authority shall be limited by the provisions of Utah Code Annotated section 10-9-701. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code; Ord. 07-7, 4-24-2007)~~

~~10-14-5: PROCEDURE FOR APPROVAL:~~

~~The procedure to be followed in securing approval of a large scale development project shall be as follows:~~

~~A. Acquire Submission Materials: Any person desiring to undertake a large scale development project within the city shall first acquire copies of the relevant application materials and regulations relating to the type of large scale development proposed for development. The purpose of this requirement is to ensure that the developer is fully aware of the approval procedure, the requirements and standards for design and construction of the project and the content of the required documents and statements.~~

~~B. Preapplication Conference:~~

- ~~1. The developer shall prepare and present to the planning commission, or their designated representatives, where applicable:

 - ~~a. A sketch plan and general written description of the project.~~
 - ~~b. A statement indicating the present ownership status of the land.~~~~
- ~~2. The purpose of the conference is to provide informal assistance to the developer in the preparation of the plans early in the process and in a form which will facilitate the required reviews and action by the planning commission and other approval agencies.~~
- ~~3. Members of the planning commission or the designated representative may suggest changes in the proposed layout or other materials in order that the project may be more fully consistent with the city's general plan and also with the city's development regulations and policies.~~
- ~~4. The sole purpose in holding the conference shall be to aid the developer in the preparation of his plans and documents. In no way shall the conference or any of the suggestions made therein be construed to constitute approval of the plan or a waiver of compliance with any requirement of this development code.~~

~~C. Developer Prepares And Submits Preliminary Plans And Documents:~~

- ~~1. Following the preapplication conference, the developer shall prepare and submit the required preliminary plans and documents to the planning commission or its designated representative. The materials submitted shall include:

 - ~~a. An application for approval of the large scale development.~~~~

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- ~~b. Copies of all required preliminary plans, documents and statements.~~
- ~~c. Evidence of payment of the required review fee.~~
- ~~d. Evidence of compliance with the water rights conveyance requirements of this development code.~~
- ~~2. The number of copies of application materials, time of submittal prior to meetings, place of delivery and other particulars relating to the application process shall be as determined, from time to time, by the planning commission.~~
- ~~3. All submissions shall be prepared in accordance with city standards. In order for the development to be placed on the agenda, all plans, documents and submittals must be submitted to the planning commission office in accordance with the submittal procedures in effect at the time of the request. (Ord. 97-7-8-8, 7-8-1997)~~

~~D. Planning Commission Review; Action; Public Hearing:~~

- ~~1. The planning commission shall review the preliminary plans, documents and submittal materials and shall advertise and hold a public hearing on the proposed project. The hearing shall be called, noticed and conducted by the planning commission in accordance with current law. Following the public hearing, the planning commission shall act to approve or disapprove the proposal, approve it subject to modification, or table action subject to modification.~~
- ~~2. Approval by the planning commission shall not constitute approval of the project but shall be deemed as a finding that the project plan and documents conform with the minimum requirements and intent of the development code provisions relating to the specific project and a recommendation to the city council regarding approval of the proposed project.~~

~~E. City Council Review: The city council shall review the preliminary plans, documents and submittal materials, as recommended by the planning commission, and shall issue a decision regarding approval. (Ord. 06-7, 4-25-2006, eff. 5-16-2006)~~

~~F. City Council Action:~~

- ~~1. Determination:~~
 - ~~a. Following the public hearing, the city council shall act upon the preliminary plans, documents and submittal materials to approve, disapprove or approve subject to modification. If disapproved, no further action is required. If approved subject to significant modification, the plans, documents and submittal materials shall be returned to the planning commission with instructions that the developer modify the plans and/or documents in accordance with required changes and to resubmit the modified proposal to the planning commission for its further review and recommendation.~~

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- ~~b. If approved or approved with incidental modification, the preliminary plans and documents shall be returned to the planning commission with instruction to authorize the developer to proceed to prepare and submit the final plans and documents through the planning commission.~~
- ~~2. Project Vested Upon City Council Motion: Upon passage of a motion by the city council to approve the preliminary plans and documents, the project shall be considered to have vested and the city shall be committed to grant final approval of the final plans and documents, subject to compliance with all procedures, standards, requirements and any conditions attached to said approval related to the applicable large scale development.~~
- ~~3. Validity: Approval of the preliminary plans and documents shall be valid for twelve (12) months from the date of action by the city council. The time limit may be extended for an additional year upon approval by the city council, subject to the prior recommendation of the planning commission. Any extension of time shall be officially requested in writing, and submitted to the planning commission office thirty one (31) days prior to the end of the twelve (12) month preliminary approval period.~~
- ~~4. Final Approval Prior To Construction: No construction shall be permitted until final approval of the development has been obtained from the city council, in accordance with the following provisions. (Ord. 98-5-26-6, 6-26-1998)~~

~~G. Final Plats, Plans And Documents:~~

- ~~1. After receiving preliminary approval from the city council, the developer shall prepare and submit to the planning commission:
 - ~~a. Application for final approval.~~
 - ~~b. A reproducible tracing suitable for recording, where applicable.~~
 - ~~c. Copies of the final plat, plans, documents, statements and engineering drawings.~~
 - ~~d. An itemized estimate of the cost of constructing the required improvements.~~
 - ~~e. Evidence of payment of review and recording fee.~~
 - ~~f. Documents conveying evidence of compliance with water rights requirements of the city.~~~~
- ~~2. The number of copies for each of the above items shall be as determined, from time to time, by the planning commission.~~
- ~~3. All submissions shall be prepared in accordance with city standards. In order for the development to be placed on the agenda, the final plans, plat and documents must be submitted to the planning commission office in accordance with the submittal procedures in effect at the time of the request.~~

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~~H. Planning Commission Acts On Final Plat, Plans, Documents And Statements:~~

- ~~1. When the plans, plat, documents, cost estimates, and other materials required for approval have been completed in final form, the developer may make application to the planning commission, and the planning commission will grant final approval after reviewing the final plan and ascertaining that:
 - ~~a. The final plans conform with the conditions of the preliminary approval.~~
 - ~~b. The final plat complies with the requirements and standards relating to the applicable type of large scale development.~~
 - ~~c. The dedications, documents and statements comply with the standards relating to the applicable type of large scale development.~~
 - ~~d. The estimates of cost of constructing the required improvements are acceptable.~~
 - ~~e. Tax liabilities of the common open space (wherever a large scale development involves the reservation of common open space) have been determined.~~
 - ~~f. The proposed performance guarantee is in accordance with the provisions of [chapter 16](#) of this title and is in an amount sufficient to cover the cost of the outstanding required improvements.~~~~
- ~~2. Upon a finding of approval, the planning commission chair shall be authorized to sign required final plats.~~

~~I. Developer Submits Performance Guarantees: Upon approval of the final plat by the planning commission, the applicant shall proceed to make arrangements suitable to the city for posting a bond or other financial assurance guaranteeing construction of all uncompleted required improvements. Said performance guarantee shall be in conformance with the provisions of [chapter 16](#) of this title.~~

~~J. City Council Acts On Final Plans, Plats And Documents:~~

- ~~1. After the planning commission has approved the final plans, plats, documents and other materials, a copy of the same shall be submitted to the city council for its approval. The city council will review said materials and also the proposed performance guarantees and, subject to a properly presented motion, may approve said plans; execute all appropriate documents, agreements and final plats; and accept all public dedications.~~
- ~~2. Final approval shall be by adoption and publication of an "ordinance of approval" by the city council. The ordinance of approval shall identify the territory included in the project and shall incorporate, by reference, all applicable documents and materials.~~

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~~3. Upon adoption and publication of the ordinance of approval, the ordinance, together with the referenced plats, documents and materials shall be considered as an amendment of the official zone map and constitute the specific lot area and width, setback, access and similar requirements applicable to the project area.~~

~~K. City Records Plats And Documents: Upon acceptance of the performance guarantees, compliance with any conditions of approval, receipt of all executed documents and passage and publication of the amending ordinance, the city shall record, or cause to be recorded, all final plats, documentation and agreements in the office of the county recorder and shall notify the developer to proceed with construction.~~

~~L. Amendments: The plans, plats, documents and statements may be amended by following the same procedure required for initial approval. No change shall be made which is contrary to the intent of the city land use plan or the standards and requirements of this development code. Any amendment of a recorded final plat which also qualifies as a subdivision (division of the property into 2 or more separate parcels) shall not be approved or recorded until the existing recorded plat has been amended in accordance with the then applicable requirements and procedures for amendment of subdivision plats. (Ord. 97-7-8-8, 7-8-1997)~~

~~**ARTICLE A. PLANNED RESIDENTIAL DEVELOPMENTS (PRD)**
(Rep. by Ord. 08-4, 2-26-2008)~~

~~**ARTICLE B. PLANNED MOUNTAIN HOME DEVELOPMENTS**
Moved to 10-11F~~

~~**ARTICLE C. PLANNED UNIT DEVELOPMENTS (PUD)**
New PUD code moved to 10-11E - Old code below as 10-14C~~

~~**10-14C-1: PURPOSE:**~~

~~The purpose of the planned unit development article is to allow and encourage a flexible, efficient and imaginative development pattern. Planned unit developments can:~~

- ~~A. Provide flexible development options where a standard lot pattern is not practical or desirable due to physical constraints.~~
- ~~B. Promote attractive architectural design, creative lot configuration, provide open spaces, and ensure efficient delivery of services.~~

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- ~~C. Promote usable public and private recreation areas, parks, trails and open space with assurance of maintenance.~~
- ~~D. Reduce development costs and ongoing maintenance costs.~~
- ~~E. Provide high quality affordable housing.~~
- ~~F. Allow the construction of attractive attached multi-family dwellings, such as twin homes and condominiums. (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000)~~

10-14C-2: DEVELOPMENT DESCRIPTION:

~~A planned unit development (PUD) is a development containing residential and/or nonresidential lots or units with some or all of the parcels reduced below the minimum lot sizes required by the zoning district. Projects are planned to achieve a coordinated functional and unified development pattern. A PUD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the design guidelines and standard specifications are satisfied. Applicants are eligible for a density bonus based on provision of additional amenities in the development. Planned unit developments are conditional uses in all zones in the city. (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000)~~

10-14C-3: APPROVAL PROCESS:

~~A planned unit development is a conditional use permit which requires approval by the planning commission. Other development approvals may also be necessary, such as concept, preliminary or final plat approval, zone change and/or general plan amendment. (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000)~~

10-14C-4: MINIMUM SIZE:

~~The minimum acreage required for a planned unit development shall be fifteen (15) acres. The minimum number of units shall be fifteen (15). The project must demonstrate adequate acreage to develop a project that is beneficial to both the residents of the project and the city as a whole. (Ord. 05-5-10-11-2005, eff. 11-3-2005)~~

10-14C-5: OPEN SPACE:

~~Each planned unit development is required to contain at least twenty five percent (25%) open space, which may contain recreation activity areas, picnic pavilions, gazebos, water features, playgrounds, parks, trails, steep slopes, stream or canal corridors, wetlands, open fields, or landscaped areas. The planning commission and/or city council shall ultimately determine what qualifies as open space. Open space calculations shall not include any common areas which are within thirty feet (30') of any structure. The open space may be held in common, administered by a homeowners' association, dedicated to the city upon acceptance by the city council, or used to provide amenities in the development. The twenty five percent (25%) open space requirement may not be used as part of the requirement to obtain a density bonus under the provisions of any other section herein. In order to achieve the maximum twenty five percent (25%) density bonus, at least ten percent (10%) of the density bonus total must be attained through the provision of additional open space. Maintenance of~~

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the open space is the responsibility of the owner of the development, if held in single ownership, or a homeowners' association, if the dwelling units are sold separately, unless dedicated to the city and accepted by the city council. (Ord. 05-5, 10-11-2005, eff. 11-3-2005)

10-14C-6: DENSITY:

A. Base Density: The base density for each planned unit development is determined by preparing a concept map which meets all of the city requirements, without exceptions, variances or bonuses on the subject property. The total number of lots available in the concept determines the base density.

B. Density Bonus: An applicant for a planned unit development is eligible for a density bonus based on additional amenities provided in the project approval. Density in excess of the base density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. The total density bonus shall not exceed twenty five percent (25%) above the base density.

C. Density Bonus Amenities: An application for a planned unit development may include one or more of the following amenities in the design of the subdivision and be considered for a density bonus in accordance with this section. Each amenity is followed by a percentage increase in total project density for providing the amenity. The maximum density bonus allowed is equal to a twenty five percent (25%) increase in dwelling units above the base density. If an applicant were to provide all of the density bonus amenities in a single project, the total density increase would still be limited to a maximum of twenty five percent (25%). The density increases listed represent maximum allowed, and the planning commission is entitled to approve less than the maximum amount listed.

- 1. Active Recreation: Active recreation facilities which are provided for all citizens of the city are entitled to a density bonus. Active recreation areas may include swimming pools, sports courts, spas and other similar areas and are eligible for up to a fifteen percent (15%) density increase.
- 2. Common Buildings Or Facilities: Developments which contain buildings or facilities constructed for use by the citizens of the community for meetings, indoor recreation, receptions, classes or other similar uses are eligible for up to a ten percent (10%) density increase.
- 3. Design Theme: Developments which incorporate design elements into the project consistent with an architectural style or motif encouraged by the planning commission or city council in a manner compatible with surrounding or planned development, are eligible for up to a ten percent (10%) density increase.
- 4. Environmental Preservation: Developments that are designed to preserve or protect sensitive environmental areas such as existing trees, floodplains, steep slopes, wetlands, or high ground water table areas are eligible for up to a fifteen percent (15%) density increase.

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5. ~~Fencing: Developments which incorporate fencing throughout the project in harmony with the architectural features of the structures such as brick columns, or vinyl, wood or cinder block fencing and have provisions for the perpetual maintenance of the fence are eligible for up to a five percent (5%) density increase.~~
6. ~~Landscaping: Developments which install landscaping that will be maintained by an automatic sprinkler system are eligible for a density increase. The following landscaping features are eligible for the indicated density increases:~~
 - a. ~~Developments which incorporate detached sidewalks with grass, shrubs, perennial flowers and trees along all streets of the development are eligible for up to a five percent (5%) density increase.~~
 - b. ~~Developments which provide landscaped islands in parking areas that are at least five hundred (500) square feet in size are eligible for up to a ten percent (10%) density increase.~~
 - c. ~~Developments which provide completely landscaped front yards, including grass or other acceptable ground cover, at least three (3) one-gallon shrubs and two (2) shade or evergreen trees with at least a two inch (2") caliper are eligible for up to a five percent (5%) density increase.~~
7. ~~Materials: Developments which incorporate at least eighty percent (80%) brick, stone, wood or stucco into the design of each facade in the project are eligible for up to a five percent (5%) density increase. (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000)~~
8. ~~Open Space In Addition To Twenty Five Percent Minimum: Developments which provide either "active" or "passive open space", as defined in this section, in addition to the twenty five percent (25%) minimum requirement, are eligible for a density increase. The density increase for additional open space shall be determined as indicated: a) developments which provide an additional ten (10) to fourteen percent (14%) open space (35 to 39 percent total) are eligible for up to a fifteen percent (15%) density increase; b) developments which provide an additional fifteen (15) to nineteen percent (19%) open space (40 to 44 percent total) are eligible for up to a twenty percent (20%) density increase; and c) developments which provide more than an additional twenty percent (20%) open space (45 percent or greater total) are eligible for up to a twenty five percent (25%) density increase. All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners' association if sold separately, or dedicated and accepted by the city for maintenance purposes. All open space areas must provide emergency vehicle access.~~
9. ~~Park Dedication: Dedication and acceptance of land to the city for use as a public park, trails or other recreational use which is equal to, or greater than, ten percent (10%) of the area of the development is eligible for up to a fifteen percent (15%) density increase. The land used for park dedication is in addition to the twenty five percent (25%) minimum open space requirement.~~
10. ~~Passive Open Space: Developments which include passive open space areas such as large grass areas (at least $\frac{1}{4}$ acre in size), barbecue areas or water features are eligible for up to a ten percent (10%) density increase. The land used for passive open space is in addition to the twenty five percent (25%) minimum open space requirement. (Ord. 05-5, 10-11-2005, eff. 11-3-2005)~~

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- 11. ~~Special Features: Developments which provide special features such as fountains, streams, architectural features, design themes, or other features that are used commonly and are highly visible in the project, are eligible for up to a five percent (5%) density increase.~~
- 12. ~~Theme Lighting: Developments which incorporate a lighting theme into the project such as lampposts, lighting along walkways, entranceway lighting and exterior building lighting in addition to the normal street lighting requirements of this code are eligible for up to a five percent (5%) density increase.~~
- 13. ~~Commercial Uses: Developments which include commercial land uses in the project are eligible for up to a fifteen percent (15%) density increase.~~
- 14. ~~Additional Items: At the discretion of the planning commission and city council, projects which include items or amenities not listed in this subsection, may be eligible for up to a fifteen percent (15%) density increase. Likewise, at the discretion of the planning commission and city council, projects which demonstrate exceptional merit may be able to increase the density bonus associated with one of the items or amenities listed in this subsection up to a maximum total bonus of fifteen percent (15%).~~

~~D. Total Project Density Determination: Total project density is determined by multiplying the base density by the total percent of density increase earned. In no case will the total project density exceed twenty five percent (25%) more than the base density (i.e., base density 4.0 units per acre, density increase 25 percent, total project density is 5.0 units per acre). (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000)~~

10-14C-7: RELATIONSHIP TO OTHER DEVELOPMENT ORDINANCES:

~~This article is intended to be supplementary to the other provisions of this title. Unless specifically indicated in this article, all requirements of this title and any other development ordinances of the city must be satisfied with the following exceptions: (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000)~~

- ~~A. The setback requirements are waived for all structures within the planned unit development, except as required by the building code and those that border the development. (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000; amd. 2003 Code)~~
- ~~B. The frontage requirements are waived for all lots or parcels within the planned unit development, except those located across a public street from a development which meets the frontage requirements of this title.~~
- ~~C. The density of the development shall be equal to or less than the total project density in accordance with the base density section (subsection [10-14C-6A](#) of this article), whether or not the density is consistent with this title. (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000)~~

10-14C-8: COORDINATION OF PUD WITH SUBDIVISION APPROVAL:

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It is the intent of these regulations that subdivision review be carried out simultaneously with the review of planned unit developments. If approved by the city, a PUD with mixed uses will not be considered a spot zone. (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000)

10-14C-9: PUD SUBMISSION AND APPROVAL REQUIREMENTS:

A. Neighborhood Meeting: The applicant for any PUD development shall conduct at least one neighborhood meeting, prior to the submission of the site plan application, to explain the proposed development and to address all neighborhood concerns. Written notice shall be given by the applicant to all property owners within a three hundred foot (300') radius of the development, as well as to the owners of all residential property within one fourth (1/4) mile of the development. Notice of the meeting shall be delivered by the applicant at least one week prior to the date of the meeting. Phone calls or informal door to door contacts are not considered neighborhood meetings. Such meeting(s) shall be accomplished prior to the site plan being submitted to the city. The application for site plan approval shall include a list of all individuals who were notified, a roster of attendees at the meeting, and a copy of the minutes from the neighborhood meeting.

B. Application: An application shall be submitted to the city for any planned unit development. Additionally, all planned unit development projects will be required to submit applications and provide all information required by the concept plan, preliminary plan and final plat as set forth herein. After a meeting with the staff or, if deemed appropriate, the planning commission, the applicant may prepare and submit an application for preliminary plan approval. (Ord. 05-5, 10-11-2005, eff. 11-3-2005)

10-14C-10: PHASING:

All subdivisions with more than ten (10) lots, parcels or units shall include a phasing plan which specifies the timing of public improvements and residential construction. This plan must be submitted to the planning commission at or before the submission of the preliminary plan. The phasing plan shall include the number of units or parcels to be developed in each phase, the approximate timing of each phase, the timing on construction of public improvements and subdivision amenities to serve each phase whether on or off site and the relationship between the public improvements in the current subdivision and contiguous land previously subdivided. A developer may request a revision of the phasing plan which may be necessary due to conditions such as changing market conditions, inclement weather or other factors. (Ord. 00-8-8-10, 8-8-2000, eff. 9-21-2000)

10-14C-11: LANDSCAPING:

A. Each dwelling unit space or lot shall be completely graded and landscaped in the front, side and rear yard areas prior to issuance of a certificate of occupancy.

- 1. The space or lot shall be landscaped with suitable plants, shrubs, trees, grass and similar landscaping materials. Xeriscape is acceptable landscaping provided that complete erosion control and elimination of noxious weeds is accomplished.

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2. ~~On any dwelling unit space or lot, concrete or asphaltic cement shall not cover more than thirty percent (30%) of a front yard, fifty percent (50%) of a rear yard, and one hundred percent (100%) of one side yard. (Ord. 06-2, 1-10-2006, eff. 2-10-2006)~~

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ARTICLE F PLANNED MOUNTAIN HOME DEVELOPMENTS**

10-11F-1: INTENT; APPLICATION:

Planned mountain home developments may be constructed in those zones in which they are specifically listed as a conditional use, subject to compliance with the following conditions and procedures. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code)

10-11F-2: PERMITTED USES:

The following buildings, structures and uses of land may be permitted within a MHD:

- Access streets and roads, water and sewer systems and facilities, picnic areas, corrals and similar common recreation areas and facilities for the use and enjoyment of the members of the development.
- Any use permitted in the CE-2 zone.
- Walls, fences. (Ord. 97-7-8-8, 7-8-1997; amd. 2003 Code)

10-11F-3: PLANNING AND DOCUMENTATION:

Review and approval of a proposed project by the city shall be carried out through the submission of a preliminary and final application as follows:

A. Preliminary Application and Plan:

1. The preliminary application and plan for approval of a planned mountain home development shall contain:
 - a. A preliminary layout plan showing:
 - (1)The proposed layout of the project, including the location of each development cluster area and each existing and proposed lot or building site within the cluster;
 - (2)Common areas and facilities;
 - (3)Areas to be designated for open space;
 - (4)Roads and travel ways;
 - (5)Location and size of existing and proposed water lines and other utility facilities and the easements appurtenant thereto.
 - b. A contour map of the proposed project area.
 - c. Profile and cross sections of existing and proposed streets and travel ways.
 - d. A statement indicating the availability of water rights (private systems only).
 - e. A preliminary statement of approval of the proposed water and sewer facilities.
 - f. Preliminary copies of proposed organizational documents and open space preservation agreement.
 - g. Such other materials as may be reasonably required by the planning commission.
2. The layout plan and supplementary materials shall be prepared in substantial compliance with the standards required for a preliminary plan of a subdivision.

B. Final Plan:

1. The application and plan for final approval of the project shall contain the following:
 - a. A final layout plan (final plat) showing:

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- (1) The boundaries of the project;
 - (2) The boundary of each development cluster;
 - (3) The location of each lot or building site;
 - (4) The location of all areas proposed for use as common areas and open space areas;
 - (5) The location of all building setback lines; and
 - (6) The location of all utility and travel easements.
- b. Final copies of organizational documents and open space preservation agreement.
 - c. Copies of water rights documents.
 - d. Evidence of approval of the water system plan by the state health department.
 - e. Estimates of the cost of constructing the required improvements and a bond guaranteeing the installation of the required improvements. The content of the estimates and bond shall be the same as required under the city subdivision ordinance.
 - f. Evidence of approval of the sewage disposal facilities by the city-county health department.
2. The final layout plan required hereunder shall be considered as the final plan of the project and shall be prepared in accordance with the requirements for a final plat of a subdivision and be suitable for recording in the office of the county recorder.
3. In the instance of a development where building sites are to be held in common ownership, the individual building sites within a cluster shall be identified on the final plan, but need not be individually described. In such instance, each development cluster shall be described and shall be considered as a separate parcel.
4. Upon final approval by the city council the final plat, describing the outer boundary of the project, the boundary of each development cluster, each lot within the cluster (where individual lots are to be sold), the designated open space areas and all parcels and easements for roads and other common purposes shall be recorded in the office of the county recorder. (Ord. 97-7-8-8, 7-8-1997)

10-11F-4: PROCEDURE FOR APPROVAL:

The procedure to be followed in securing approval of a large scale development project shall be as follows:

A. Acquire Submission Materials: Any person desiring to undertake a large scale development project within the city shall first acquire copies of the relevant application materials and regulations relating to the type of large scale development proposed for development. The purpose of this requirement is to ensure that the developer is fully aware of the approval procedure, the requirements and standards for design and construction of the project and the content of the required documents and statements.

B. Pre-Application Conference:

1. The developer shall prepare and present to the planning commission, or their designated representatives, where applicable:
 - a. A sketch plan and general written description of the project.

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b. A statement indicating the present ownership status of the land.

2. The purpose of the conference is to provide informal assistance to the developer in the preparation of the plans early in the process and in a form which will facilitate the required reviews and action by the planning commission and other approval agencies.

3. Members of the planning commission or the designated representative may suggest changes in the proposed layout or other materials in order that the project may be more fully consistent with the city's general plan and also with the city's development regulations and policies.

4. The sole purpose in holding the conference shall be to aid the developer in the preparation of his plans and documents. In no way shall the conference or any of the suggestions made therein be construed to constitute approval of the plan or a waiver of compliance with any requirement of this development code.

C. Developer Prepares and Submits Preliminary Plans and Documents:

1. Following the pre-application conference, the developer shall prepare and submit the required preliminary plans and documents to the planning commission or its designated representative. The materials submitted shall include:

- a. Copies of all required preliminary plans, documents and statements.
- b. Evidence of payment of the required review fee.
- c. Evidence of compliance with the water rights conveyance requirements of this development code.

2. The number of copies of application materials, time of submittal prior to meetings, place of delivery and other particulars relating to the application process shall be as determined, from time to time, by the planning commission.

3. All submissions shall be prepared in accordance with city standards. In order for the development to be placed on the agenda, all plans, documents and submittals must be submitted to the planning commission office in accordance with the submittal procedures in effect at the time of the request. (Ord. 97-7-8-8, 7-8-1997)

D. Planning Commission Review; Action; Public Hearing:

1. The planning commission shall review the preliminary plans, documents and submittal materials and shall advertise and hold a public hearing on the proposed project. The hearing shall be called, noticed and conducted by the planning commission in accordance with current law. Following the public hearing, the planning commission shall act to approve or disapprove the proposal, approve it subject to modification, or table action subject to modification.

2. Approval by the planning commission shall not constitute approval of the project but shall be deemed as a finding that the project plan and documents conform with the minimum requirements

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and intent of the development code provisions relating to the specific project and a recommendation to the city council regarding approval of the proposed project.

E. City Council Review: The city council shall review the preliminary plans, documents and submittal materials, as recommended by the planning commission, and shall issue a decision regarding approval. (Ord. 06-7, 4-25-2006, eff. 5-16-2006)

F. City Council Action:

1. Determination:

- a. Following the public hearing, the city council shall act upon the preliminary plans, documents and submittal materials to approve, disapprove, or approve subject to modification. If disapproved, no further action is required. If approved subject to significant modification, the plans, documents and submittal materials shall be returned to the planning commission with instructions that the developer modify the plans and/or documents in accordance with required changes and to resubmit the modified proposal to the planning commission for its further review and recommendation.
- b. If approved or approved with incidental modification, the preliminary plans and documents shall be returned to the planning commission with instruction to authorize the developer to proceed to prepare and submit the final plans and documents through the planning commission.

2. Project Vested Upon City Council Motion: Upon passage of a motion by the city council to approve the preliminary plans and documents, the project shall be considered to have vested and the city shall be committed to grant final approval of the final plans and documents, subject to compliance with all procedures, standards, requirements and any conditions attached to said approval related to the applicable large scale development.

3. Validity: Approval of the preliminary plans and documents shall be valid for twelve (12) months from the date of action by the city council. The time limit may be extended for an additional year upon approval by the city council, subject to the prior recommendation of the planning commission. Any extension of time shall be officially requested in writing, and submitted to the planning commission office thirty one (31) days prior to the end of the twelve (12) month preliminary approval period.

4. Final Approval Prior To Construction: No construction shall be permitted until final approval of the development has been obtained from the city council, in accordance with the following provisions. (Ord. 98-5-26-6, 6-26-1998)

G. Final Plats, Plans and Documents:

1. After receiving preliminary approval from the city council, the developer shall prepare and submit to the planning commission:
 - a. Application for final approval.
 - b. A reproducible tracing suitable for recording, where applicable.
 - c. Copies of the final plat, plans, documents, statements and engineering drawings.
 - d. An itemized estimate of the cost of constructing the required improvements.

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- e. Evidence of payment of review and recording fee.
- f. Documents conveying evidence of compliance with water rights requirements of the city.

2. The number of copies for each of the above items shall be as determined, from time to time, by the planning commission.

3. All submissions shall be prepared in accordance with city standards. In order for the development to be placed on the agenda, the final plans, plat and documents must be submitted to the planning commission office in accordance with the submittal procedures in effect at the time of the request.

H. Planning Commission Acts on Final Plat, Plans, Documents and Statements:

1. When the plans, plat, documents, cost estimates, and other materials required for approval have been completed in final form, the developer may make application to the planning commission, and the planning commission will grant final approval after reviewing the final plan and ascertaining that:

- a. The final plans conform with the conditions of the preliminary approval.
- b. The final plat complies with the requirements and standards relating to the applicable type of large scale development.
- c. The dedications, documents and statements comply with the standards relating to Mountain Home Development zone.
- d. The estimates of cost of constructing the required improvements are acceptable.
- e. Tax liabilities of the common open space (wherever a development involves the reservation of common open space) have been determined.
- f. The proposed performance guarantee is in accordance with the provisions of chapter 16 of this title and is in an amount sufficient to cover the cost of the outstanding required improvements.

2. Upon a finding of approval, the planning commission chair shall be authorized to sign required final plats.

I. Developer Submits Performance Guarantees: Upon approval of the final plat by the planning commission, the applicant shall proceed to make arrangements suitable to the city for posting a bond or other financial assurance guaranteeing construction of all uncompleted required improvements. Said performance guarantee shall be in conformance with the provisions of chapter 16 of this title.

J. City Council Acts on Final Plans, Plats and Documents:

1. After the planning commission has approved the final plans, plats, documents and other materials, a copy of the same shall be submitted to the city council for its approval. The city council will review said materials and also the proposed performance guarantees and, subject to a properly presented motion, may approve said plans; execute all appropriate documents, agreements and final plats; and accept all public dedications.

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2. Final approval shall be by adoption and publication of an "ordinance of approval" by the city council. The ordinance of approval shall identify the territory included in the project and shall incorporate, by reference, all applicable documents and materials.

3. Upon adoption and publication of the ordinance of approval, the ordinance, together with the referenced plats, documents and materials shall be considered as an amendment of the official zone map and constitute the specific lot area and width, setback, access and similar requirements applicable to the project area.

K. City Records Plats And Documents: Upon acceptance of the performance guarantees, compliance with any conditions of approval, receipt of all executed documents and passage and publication of the amending ordinance, the city shall record, or cause to be recorded, all final plats, documentation and agreements in the office of the county recorder and shall notify the developer to proceed with construction.

L. Amendments: The plans, plats, documents and statements may be amended by following the same procedure required for initial approval. No change shall be made which is contrary to the intent of the city land use plan or the standards and requirements of this development code. Any amendment of a recorded final plat which also qualifies as a subdivision (division of the property into 2 or more separate parcels) shall not be approved or recorded until the existing recorded plat has been amended in accordance with the then applicable requirements and procedures for amendment of subdivision plats. (Ord. 97-7-8-8, 7-8-1997)

10-11F-5: DENSITY:

The maximum number of lots or dwelling sites permitted within a proposed mountain home development shall be as determined by the planning commission, upon a detailed slope analysis of the proposed project area, in accordance with the following schedule:

Percent Of Slope	Density
0% to 15%	1 lot per acre
15% to 30%	1 lot per 10 acres
30% and greater	1 lot per 20 acres

(Ord. 97-7-8-8, 7-8-1997)

10-11F-6: MINIMUM PROJECT AREA:

The minimum base area required to qualify for a planned mountain home development project shall be one hundred (100) acres. (Ord. 97-7-8-8, 7-8-1997)

10-11F-7: DWELLING CLUSTERS:

A. Location: All lots and all designated dwelling sites (for projects where the building area is to be retained in common ownership) shall be located within a designated development cluster. A project may contain more than one development cluster. Each cluster shall contain not less than five (5)

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separate building sites (except for developments having fewer than 5 building sites for the entire development).

B. Area: Each individual lot or designated dwelling site shall contain an area not less than twenty thousand (20,000) square feet or more than two and one-half (2 1/2) acres. (Ord. 97-7-8-8, 7-8-1997)

C. Buildable Area:

1. Each individual lot or building site shall contain at least one area of not less than four thousand (4,000) square feet which qualifies as a "buildable area", as defined in section 10-2-2 of this title. The location of each buildable area shall be designated on the preliminary and final plans for the project (designated buildable area) and a notation placed on the recorded plat that all main and accessory buildings shall be located within the designated buildable area.

2. For purposes of compliance with this subsection, the designated buildable area shall be determined based on its current natural state. No portion of any designated buildable area shall contain territory which has been subject to artificial grading or which requires grading in order to comply, except the city council, with the prior recommendation of the planning commission, may approve minor inclusions of incidental areas having a slope of twenty percent (20%) or greater as part of the designated buildable area upon a finding that the requested area comprises an incidental part of the lot and that the inclusion of the area will not be inimical to the intent of the standard or the purpose of the zone. (Ord. 98-5-26-6, 6-26-1978)

D. Access: Each lot or building site shall abut upon and have direct access to a city street or designated private travel way. The distance of the abutting side shall be not less than one hundred feet (100'), except that the length of the abutting side may be reduced to not less than seventy feet (70') in instances where the lot fronts upon a cul-de-sac or sharp curve and the side lot lines radiate in such a manner that the width of the lot measured at a point not less than forty feet (40') from the front lot line will meet the minimum width requirements of this section. (Ord. 08-9, 7-8-2008)

E. Setback: Each dwelling in the project shall be set back from the lot boundary line in accordance with the setback line as shown on the approved plat, except that where the dwelling sites are to remain in common ownership and no setback lines are shown on the plan, no portion of any occupied structure shall be located closer than eighty feet (80') to another occupied structure. (Ord. 97-7-8-8, 7-8-1997)

F. Slope: Up to ten percent (10%) of the area of a lot or building site may consist of territory having a slope in excess of thirty percent (30%), as shown on the slope analysis map. (Ord. 08-9, 7-8-2008)

10-11F-8: STREETS AND TRAVEL WAYS:

A. Access: Each development cluster and each lot or designated dwelling site within a development cluster shall front upon and have direct access to a designated city street or a private vehicular travel way. Where access is to be provided over a private travel way, ownership of said travel ways shall be held by the homeowners' association from the point of connection to an existing public street ~~rights~~ and throughout the project area.

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B. Improvement Required: All existing public streets and all streets proposed to be dedicated to the public shall be improved in accordance with city standards for public streets. All vehicular travel ways intended to remain in private ownership shall be improved in accordance with city standards for mountain home developments.

C. Road Slope: No street shall have a grade of more than 8%, except that the planning commission may approve up to a 10% grade for short straight stretches of roadway under 300 feet in length. The commission must conclude that the 8% standard would result in undesirable extra earthwork or circuitous routes and that the proposed steep grade section will not result in the establishment of a hazardous condition. It is the responsibility of the developer to present evidence that the additional allowance in grade is desirable. The city engineer and fire chief shall provide recommendation regarding hazardous conditions and any other concerns on the proposed steep grade sections. It must also be demonstrated that for dead end or temporary stubbed streets constructed on grades over 8%, that the road shall not be constructed in a manner that would make adjacent future development be out of compliance with the 300 foot requirement. ~~Grade: No street or travel way shall have a grade of more than ten percent (10%), except that the city council may approve grade up to fifteen percent (15%) for short stretches of road way where, in its opinion, the ten percent (10%) standard would result in undesirable extra earthwork or circuitous routes and that the proposed steep grade section will not result in the establishment of a hazardous condition.~~

D. Slope: No street or travel way providing access to a development cluster shall be constructed in a location or in such a manner which results in the creation of a slope face exceeding the critical angle of repose or a disturbed cross section which exceeds the cut and fill slope standards for streets in the city. Any driveway providing access to a buildable area shall have a slope of not more than twelve percent (12%) and shall not result in any cut or fill slopes greater than seven feet (7'). Any cut or fill between five (5) and seven feet (7') shall be subject to planning commission and city council review.

E. Stabilization and Re-vegetation: All disturbed cut and fill slope areas shall be stabilized and re-vegetated. The submittal materials for any planned mountain development project shall include a detailed re-vegetation plan showing the intended re-vegetation treatment for all cut and fill slope areas and the performance guarantees amounts shall include the cost of re-vegetation.

F. Continuous Circulation; Cul-De-Sacs: To the maximum extent possible, the design of the road/travel way system shall provide for continuous circulation throughout the project. Cul-de-sacs (dead end roads) shall be allowed only where unusual conditions exist which make other designs undesirable. Cul-de-sac streets shall be not longer than four hundred fifty feet (450') and shall be terminated by a turnaround or loop road of not less than one hundred twenty feet (120') in diameter.

G. Easement: An easement granting the city the right of access upon all private travel ways for city purposes shall be provided. (Ord. 97-7-8-8, 7-8-1997)

10-11F-9: WATER:

A. Each lot or building site shall be served by the city water system; provided, that the city may approve the use of a private system upon a finding that connection to the city system is not

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reasonably feasible and that such proposed private system will conform to the standards of a public water system and be approved by the state health department.

B. Where a private system is to be used, documentation shall be submitted with the application showing that the water supply shall be from a source capable of providing an adequate flow to meet the needs of all lots or building sites shown on the final plat and that the collection works, storage reservoirs and distribution line shall be sufficient in size to provide a volume of flow and level of pressure adequate for both culinary and fire protection in accordance with that document entitled wildfire hazards and residential development hereinafter adopted.

C. Where the requirements of the standards, relating to storage and flow for firefighting purposes, adopted pursuant to section 10-11F-15 of this article, are at variance with the provisions of the city's fire code, the provisions adopted by this article shall prevail.

D. Where a private water system is proposed, satisfactory evidence of an entitlement to a permanent year-round right to the use of water in an amount adequate for all lots or building sites proposed for final approval shall be submitted with the application. (Ord. 97-7-8-8, 7-8-1997)

10-11F-10: SEWAGE DISPOSAL:

Each lot or dwelling site shall be served by a central sewage collection and disposal system. (Ord. 01-12-11-19, 12-11-2001, eff. 1-11-2002)

10-11F-11: FIRE PROTECTION:

A. Spacing: Fire hydrant spacing shall conform to the standards adopted pursuant to section 10-11F-15 of this article, except that in no case shall a lot or dwelling site be more than two hundred fifty feet (250') from the closest hydrant.

B. State Recommendations: The proposed plan shall, to the maximum extent practicable, incorporate the recommendations of the state department of natural resources as contained within the document adopted under section 10-11F-15 of this article.

10-11F-12: OPEN SPACE:

A. Required: All areas of the project not included within lots or building sites, used for roads or travel ways and developed common facilities shall be designated as common open space for the use and enjoyment of the occupants of the development.

B. Preservation Agreement: To assure that the designated open space area will remain as open space, the applicants/owners shall execute an open space preservation agreement with the city in which the owner agrees to refrain from excavating, making additional roadways, installing additional utilities or constructing any dwellings or other structures within the designated open space area without the prior approval of the city.

C. Included Area: The designated open space area shall include and contain all 100-year floodplain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of thirty percent (30%) or greater (except those portions included as part of a lot pursuant to section 10-11F-

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7 of this article), or any other area of known significant physical hazard for development. (Ord. 97-7-8-8, 7-8-1997)

10-11F-13: IMPROVEMENTS:

A. Required; Minimum Standards: The following improvements shall be constructed in all developments. All required improvements shall meet minimum city standards and any such improvements not in place prior to the approval of the final plat by the city council shall be installed by the developer prior to the October 1 next following the date of final plat approval; provided, however, that upon a showing of good and sufficient cause (i.e., lateness of the final approval date, unexpected delays, etc.), the city council may extend the date of completion or authorize a longer period of time for completing construction of part or all of the uncompleted improvements to a date not more distant than July 1 of the next succeeding year.

B. Performance Guarantee: A performance guarantee securing the installation of all required improvements which have not been completed and accepted by the city council prior to final plat approval shall be required as a condition of final plat approval. The performance guarantee shall be in accordance with the provisions of chapter 16 of this title. (Ord. 97-7-8-8, 7-8-1997)

C. Included Minimum Improvements: The minimum improvements shall include:

1. Streets and travel ways, and including provisions for stabilization and re-vegetation of cut and fill slopes.
2. Water and sewerage mains and facilities.
3. Fire hydrants.
4. Any required drainage or flood control structures.
5. Any required restoration of cut and fill slopes.
6. The costs of installing landscaping and common facilities within any common open space area.
7. Secondary irrigation water system. (Ord. 06-4, 1-10-2006, eff. 2-10-2006)

10-11F-14: DOCUMENTATION:

The following documents and statements shall be submitted as part of the application for approval:

A. Organizational documents (articles of incorporation, bylaws, etc.).

B. Open space preservation agreement.

C. Letters or other statements from health authority regarding approval of water and sewer systems.

D. Water rights documents, service agreements from water company, as applicable.

E. Conveyance to city of right of access on private travel ways for city purposes. (Ord. 97-7-8-8, 7-8-1997)

10-11F-15: REVIEW GUIDELINES AND STANDARDS ADOPTED:

In conducting its review, the planning commission and the city council shall be guided by the terms of this title and the recommendations contained within that certain document entitled "Wildfire

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Hazards And Residential Development" as prepared by the state department of natural resources, 1986 printing, which document is by this reference adopted for use by the city; and also the terms and conditions set forth under the urban/wildland interface ordinance (see [title 9, chapter 3](#) of this code). (Ord. 97-7-8-8, 7-8-1997)

Planned Unit Development Code

The problems and why it was changed

Current Planned Unit Development Code

- Our PUD code is written like an overlay zone code.
- Allows PUDs citywide.
- Uses base density of underlying zone.
- Requires 25% open space.
- Allows bonus density for amenities.
- PROBLEM - If bonus density isn't used, there is not much leverage for city to require amenities.

Current R-1-12,000 PUD Code

- R-12,000 PUD is a zone.
- Written like a normal zone with normal uses and setbacks.
- Requires use of PUD ordinance.
- Only allows single-family homes.

Contradictions of Codes

- R-1-12,000 PUD requires building setbacks, PUD waives setbacks.
- R-1-12,000 PUD only allows single family homes, PUD allows multi-family homes.
- PUD can only be on 15 acres or larger, R-1-12,000 PUD allows smaller area.

Confusion of Having Two PUD Codes

- Two codes lead to confusion
- Using the highest density zone as a base for our PUD doesn't give much incentive for amenities.
- Allowing PUDs citywide in all zones is also problematic.

Proposal

- Planning Commission work on addressing the problems of the codes.
- Merge the current the PUD and R-1-12,000PUD zone codes to fit what is in the Elk Ridge Meadows development.
- Create a new PUD overlay zone similar to the Senior Housing and Hillside Cluster Overlay Zones.
- Allow overlay zone in larger base density areas that would net densities more inline with current development.

Planning Commission Work

- The PC has worked on the code over the last year and a half
- 3 major changes are proposed
- Re-write of the R-12,000PUD zone
- Re-write of the PUD code
- Removal of the Large Scale Development Code

New R-1-12,000 Zone

- R-1-12,000 zone is now a single family residential zone
- Minor changes are made taking out large scale development language and commercial uses
- Zone is only proposed to be used in the general plan where currently zoned in Elk Ridge Meadows

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New PUD Overlay Zone

- PUD zone is now an overlay zone
- Cannot be used in hillside and commercial zones
- Must have 20+ acres, limits use to about 5 locations
- Leans heavily on density in trade for recreational facilities
Needed for a 7,500 to 9,000 planned build out
- Requires 25% open space as before but 80% should be a park
- Overall density is less than what is in Elk Ridge Meadows

Large Scale Development Change

- Large Scale Development Code not needed
- All but Mountain Home Development zone moved or deleted out of LSD code
- All the overlay zones are being relocated under Other Zones
- Made minor change to MHD code to bring street grades in line with the rest of city code.