

CHAPTER 15 PLANNED COMMUNITY DEVELOPMENT

ARTICLE A. GENERAL PROVISIONS

SECTION:

10-15A-1: Purpose

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10-15A-1: PURPOSE:

A. The purpose of this chapter, and any rules, regulations, specifications, and procedures hereafter adopted, is to promote the public health, safety, and general welfare through provisions designed to establish a planned community development zoning district which will:

1. Provide for the harmonious and coordinated development of the city by allowing for the systematic implementation of large residential or mixed use development proposals;
2. Facilitate large scale, mixed use developments incorporating various types of residential, commercial, and industrial uses and zoning concepts which may create significant impacts on the city, while maximizing the public benefit from such developments, and minimizing any adverse impacts of such developments;
3. Provide a streamlined review procedure for such development proposals designed to accommodate a multiple phased approach to design, and construction of large residential or mixed use developments;
4. Prevent the waste of public and private resources and the escalation in the cost of development associated with duplicative land development, review and approval procedures, regulations, and amendments thereto;
5. Encourage continuity in design and planning of large residential or mixed use projects;
6. Ensure adequate open space for traffic, recreation, light, and air; and
7. Facilitate the conservation and production of integrated municipal streets, transportation, water, sanitation, and other related utility systems.

B. This chapter is designed to inform applicants and the public of the requirements and conditions necessary to obtain approval of planned community developments (PCD) as defined herein. To this end, all requirements, where possible, are expressly delineated in this chapter or other applicable ordinances. However, since it is impossible to cover every contingency and there are some aspects which do not lend themselves to be easily articulated, this chapter allows the planning commission to recommend and city council to impose reasonable conditions upon an applicant in addition to those expressly required, so long as such conditions do not conflict with any requirements set forth in this chapter or other applicable ordinances.

C. This chapter shall provide a consolidated framework for the processing of preliminary and final PCD project plans and development agreements as defined under this chapter, and other applicable provisions of LaVerkin City ordinances.

D. The application of the PCD concepts created under this chapter is intended to ensure substantial compliance with the intent of the zoning district regulations and other provisions of LaVerkin City zoning ordinance, and at the same time provide flexibility in order to secure the advantages of large scale site planning and development for residential, commercial, and industrial developments, or combinations thereof under the PCD zone designation. (Ord. 2002-05, 3-20-2002)

10-15A-2: INTERPRETATION:

The express provisions contained in this chapter are intended to provide procedures for large residential or mixed use development applications and to outline necessary review procedures. Upon final adoption by the LaVerkin City council of the PCD project plan and/or development agreement as defined under this chapter, the adopted project plan and/or development agreement will be considered the legal basis for the physical development of the land identified in the project plan and/or development agreement. (Ord. 2002-05, 3-20-2002)

10-15A-3: DEFINITIONS:

Whenever any word or phrase used in this chapter is not defined herein, but is defined in related sections of the Utah code, or in other LaVerkin City ordinances, such definitions are incorporated herein and shall apply as they set forth herein in full, unless the context clearly indicates a contrary intention.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory and the term "may" is permissive. The following terms as used in this chapter shall have the respective meanings as set forth:

DESIGN GUIDELINES AND STANDARDS: Those specific design criteria for physical improvements to the land covered by a PCD application which are proposed by an applicant and approved by the city council.

DEVELOPMENT AGREEMENT: A binding contract between the city and a planned community development application wherein the detailed terms and conditions upon which a planned community development will proceed are agreed upon. The development agreement specifies any vested rights granted to the applicant or its successor or assigns.

PCD PROJECT PLAN: A planning document(s) outlining the development of property located in a specific geographic area of the city. The plan should establish the general type, land use(s), density, and character of the proposed development and shall include supplemental information and reports as may be required.

PLANNED COMMUNITY DEVELOPMENT (PCD): A proposed development, featuring integrated design for development and construction of residential, commercial, or industrial uses, or combinations of such uses, which, because of the nature of the proposed use and/or size of the proposed development, will substantially impact the entire city, therefore requiring special review. Planned community developments may include, without limitation, the following characteristics:

A. Residential Developments: Residential developments are desired, with an accumulative project size not less than two hundred (200) acres for all phases of the proposed development, and not less than six hundred (600) dwelling units; however, smaller developments may petition

the council to allow for a developmental agreement of at least fifty (50) acres with a density allowance of one hundred fifty (150) dwelling units, the smallest lot being one-third ($\frac{1}{3}$) acre.

B. Nonresidential Developments: Nonresidential developments of accumulative project size of not less than two hundred thousand (200,000) square feet, excluding parking and loading areas, and not less than two hundred (200) acres.

C. Hospitals: Hospitals which have a design capacity of more than one hundred (100) beds, or whose application for certificate shows in the statement of purpose and need that such hospital is designed to serve the citizens of more than one city or county.

D. Mining Operations: Any proposed solid mineral mining operation which annually requires the removal or disturbance of solid minerals or overburden in any area, whether or not contiguous, greater than five (5) acres. In computing the acreage for this purpose, a removal or disturbance of solid materials or overburden shall be considered part of the same operation if it is all located within a circle, the radius of which is one mile and the center of which is located in an area of removal of disturbed solid minerals or overburden;

1. The term "overburden" means the natural covering of a solid mineral sought to be mined including, but not limited to, soils, sands, rocks, gravel, limestone, water or peat;

2. The term "solid mineral" includes, but is not limited to, clay, sand, gravel, phosphate rock, lime, stone, and any rare earths contained in the soils or waters of this state, which have heretofore been discovered or may be hereafter discovered;

This definition does not include crushing, extraction, refining or smelting operations. Such operations are not permitted in a planned community development.

E. Airports: Any new commercial service or general aviation airport with a paved runway(s).

F. Attractions: Any sport, entertainment, amusement, or recreation facility, including, but not limited to, sports arena, stadium, race track, or amusement park, the construction and/or expansion of which: 1) provides parking spaces for more than two hundred (200) cars, or 2) provides more than two thousand (2,000) permanent seats for spectators. (Ord. 2002-05, 3-20-2002; amd. Ord. 2003-14, 12-17-2003)

10-15A-4: GENERAL CONSIDERATIONS:

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

B. The PCD shall be designed so as to: 1) preserve existing trees, native land cover, natural watercourses, and topography; 2) prevent excessive grading and scarring of the landscape; and 3) interface with existing street plans and/or subdivisions contiguous to the proposed PCD. (Ord. 2002-05, 3-20-2002)

10-15A-5: GENERAL RESPONSIBILITIES:

A. The applicant shall prepare a PCD project plan consistent with the requirements and standards contained in this chapter and shall pay for the design and inspection of the public improvements required by city specifications or PCD design standards as applicable. The city shall process the required PCD project plan and/or development agreements in accordance with the regulations set forth herein. The applicant shall not alter the terrain or remove any

vegetation from the proposed PCD site or engage in any site development until he/she has obtained the necessary approvals as outlined herein or required by any other applicable ordinance.

B. The city staff shall review the PCD project plan for design, conformity to this chapter and other applicable ordinances, and shall process the PCD project plan and application as provided under this chapter.

C. The planning commission shall act as an advisory commission to the city council. It is charged with making investigations, reports, and recommendations on proposed PCD's as to their conformance to this chapter and other pertinent ordinances and statutes. The planning commission shall recommend approval, approval with conditions, or disapproval of the proposed PCD, and/or the PCD project plan.

D. The city attorney shall review the form of any development agreement provided herein and/or final PCD project plan to determine: 1) if it is correct and acceptable pursuant to this chapter and that all other applicable ordinances are complied with; 2) that the individual(s) dedicating land for use of the public is the owner of record; and 3) that the land dedicated for the use of the public is free and clear of unacceptable encumbrances according to the title report, which shall be submitted by the applicant.

E. The city manager shall act as a liaison between the planning commission, city staff, city attorney, and city council. Upon review the final recommendation by the planning commission, the PCD application and PCD project plan shall be forwarded to the city manager for presentation to the city council for final action. (Ord. 2002-05, 3-20-2002)

10-15A-6: APPEALS OF FINAL DECISIONS:

A. Any person adversely affected may file a petition for review of the decision of the city council to the district court. Such petition shall be filed within thirty (30) days after the final decision is rendered.

B. Recommendations made by the planning commission or city staff under this chapter shall be advisory only and not considered final or subject to judicial appeal. (Ord. 2002-05, 3-20-2002)

ARTICLE B. APPLICATION AND REVIEW PROCEDURES

SECTION:

10-15B-1: PCD Application

10-15B-2: Schematic Plan Review

10-15B-3: PCD Project Plan

10-15B-4: Staff Review

10-15B-5: Planning Commission Review

10-15B-6: City Council Review

10-15B-1: PCD APPLICATION:

An application for approval of any PCD shall be filed with the LaVerkin City staff by a person having an interest in the property for which the PCD is requested at least sixty (60) days prior to the planning commission meeting at which the application will be considered. The application shall be made on a form provided by the city and must include written consent by the owner/owners of all property to be included in the PCD. The PCD application shall include:

- A. A map of existing sites;
- B. A preliminary schematic plan;
- C. A written statement of intent and objectives;
- D. A completed application form, which is supplied by the city; and
- E. Payment of required fees. (Ord. 2002-05, 3-20-2002)

10-15B-2: SCHEMATIC PLAN REVIEW:

A. A schematic plan shall be required of all applicants. This provides the applicant with an opportunity to consult with and receive assistance from the city regarding the regulations and design requirements applicable under this chapter and/or pursuant to the development agreement.

B. A schematic plan shall include:

1. An accurate map showing boundaries, topography, important physical features, adjacent properties, and a sketch of the proposed PCD land uses, major roadways, and other items the applicant determines may clarify the intent of the project; and

2. A general statement of intent and long range planning goals and objectives.

C. The schematic plan shall be submitted to the city staff for preliminary review. After submittal, the staff shall present the schematic plan to the planning commission at a regularly scheduled planning commission meeting for their information and preliminary comments.

D. The schematic plan requirement is designed to provide the applicant with helpful information and suggestions before he/she incurs the expense and time involved in preparing a detailed PCD project plan. However, only the city council may bind the city and only the city manager and planning commission can make official recommendations to the city council. The city employees, planning staff, and individual planning commissioners, may make recommendations, suggestions, and dispense information regarding applicable ordinances, but

such comments or suggestions shall in no way be binding upon the city. (Ord. 2002-05, 3-20-2002)

10-15B-3: PCD PROJECT PLAN:

After completion of the schematic review by the city staff and planning commission, the applicant shall submit a PCD project plan which shall include the following:

A. Map Of Existing Site: The map of the existing site shall show the following information for the site prior to the demolition of any existing improvement or alterations to natural vegetation and terrain:

1. Vicinity map (scale to be determined by planning staff during plan review);
2. Scale and north arrows;
3. Site boundaries, dimensions, and acreage;
4. Topography with contours at not greater than ten foot (10') intervals;
5. Existing vegetation, location and types;
6. Existing parcel ownership, structures and designation of their current uses;
7. Existing roads and other improvements;
8. Location of existing public utilities and utility easements;
9. Such other data as may be required as a result of unique conditions or circumstances associated with the proposed PCD; and a
10. Description and location of existing public utilities and services including fire and police stations, schools, hospitals and their proximity to the PCD.

B. Specific Site Plan: The specific site plan shall consist of a plan showing the major details of the proposed PCD project together with supporting information as required hereunder. The plan will be prepared at a scale determined by the city staff at the schematic plan review stage. The specific plan guides the creation of the PCD and ensures that the completed development will meet the standards envisioned at the time of approval. The design guidelines and standards that are established within the specific plan shall function as the primary land use regulatory tool establishing the land use controls, standards, and procedures applicable to development and construction of the PCD. The specific site plan shall contain the following information:

1. Proposed name of the PCD;
2. Scale and north arrow;
3. Name and address of applicant, owner(s), and the preparer(s) of the plan;
4. All proposed land uses, densities, and proposed units within the PCD, including a land use summary and population projections for the proposed units. This section shall also include a comparison of the proposed densities with the densities permitted in similar LaVerkin City zoning districts;
5. Designation of major roads and highways both within the proposed PCD and those that interface or adjoin the proposed PCD;
6. Topography with contours no greater than ten foot (10') intervals; and

7. Public and civic facilities, both currently existing and proposed, including, without limitation, schools, churches, fire stations, police stations, hospitals, and existing utility service locations.

C. Design Guidelines And Standards: Design guidelines and standards, which will show in detail the internal land use standards and regulations to be applied to the PCD, including all proposed land use regulations, procedures, specifications, as well as specific building and architectural standards and criteria as applicable. The design guidelines and standards developed and adopted by the LaVerkin City council shall be the base upon which the PCD design guidelines and standards will be based.

D. Grading: Grading concept plan.

E. Utilities Plan: This plan designates the location of main lines for water, sewer, gas, electric, and phone services.

F. General Landscaping Plan: A general landscaping plan designates: 1) proposed open spaces; and 2) general landscaping criteria, including a list of plants and materials to be used. These criteria will be followed by a detailed landscaping plan which will be submitted with the application for final plat approval on each phase.

G. Preliminary Geology And Soils Reports: A more detailed geology and soils report will be provided with a final plat application on each phase.

H. Cultural Resource Study: A cultural resource study is intended to identify any potential historical or prehistorical resources on the project site.

I. Site Drainage Plan: The site drainage plan includes designation of existing natural drainage patterns, together with any proposed modifications or construction of additional drainage and/or retention facilities.

J. Traffic: Traffic study and analysis.

K. Noise: Noise impact report.

L. Light: Light impact report.

M. Project Phasing Plan: A project phasing plan outlines approximate time frames for the beginning and completion of each phase of proposed development and construction.

N. Adjoining Property Owners: The names and addresses of all adjoining property owners.

O. Responsibilities: Construction and maintenance responsibilities.

P. Miscellaneous Studies: The applicant shall provide such additional studies as may be pertinent to the specific site, context, and characteristics of the proposed PCD, as may be required under state or federal law, including, without limitation, biology, studies, environmental studies, wetland analysis, and EPA assessments.

Q. Written Statement: The written statement to be submitted with the PCD application shall contain the following information:

1. A statement of purpose and intent; and long range planning goals and objectives, including design intent, general architectural themes, and guidelines.

2. A statement of the ownership, proposed tenancy and legal description of the land included in the PCD project plan together with a preliminary title report.

3. A statement of any internal land use standards, regulations, or covenants, conditions and restrictions which will be applied to properties and uses within the proposed PCD. (Ord. 2002-05, 3-20-2002)

10-15B-4: STAFF REVIEW:

The city staff shall receive and check the PCD project plan for general compliance with this chapter and required submissions. If the PCD project plan is not complete, or not in general compliance, the city staff shall notify the applicant in writing and specify the respects in which it is deficient. If the submission is complete and in general compliance, the applicant shall transmit the requested number of copies of the complete PCD plan, together with all accompanying data, to those public agencies and utilities as may be concerned, as designated by the city staff. Each of the public agencies and utilities may, within fifteen (15) working days, forward to the city staff a written report of its findings and recommendations. These agencies shall include, but not necessarily be limited to: improvement districts; Southwest Utah district health department; school district, city public works department; city engineer, fire department; and telephone, gas and power companies. The staff will also provide the city manager with one full set of the PCD project plans for comment and review. (Ord. 2002-05, 3-20-2002)

10-15B-5: PLANNING COMMISSION REVIEW:

Within a reasonable time, but not less than sixty (60) days after filing of the PCD project plan and accompanying data for a staff review, the city manager shall forward the application and PCD project plan to the planning commission for review and action thereon. The planning commission shall base its findings upon the review standards set forth below. If the planning commission shall find that the proposed PCD project plan complies with the requirements of this chapter and that it is satisfied with the proposed PCD project plan, it shall recommend approval, or approval with conditions, of the PCD project plan. If the planning commission finds that the proposed PCD project plan does not meet the requirements of this chapter or other applicable ordinances, it shall recommend disapproval of the PCD project plan and shall include with its recommendations written findings as to the deficiencies and basis for its recommendation.

A. Review Standards: The planning commission shall review the PCD project plan for substantial compliance with this chapter. In addition, the planning commission shall consider the following matters when reviewing the PCD project plan:

1. Consideration relating to traffic safety and traffic flow patterns, including, without limitation, the city engineer's analysis of the effect of the PCD project plan on traffic conditions on adjoining streets and circulation patterns within the boundary of the proposed PCD;
2. General signage proposals including design standards, tentative locations, and lighting of signage;
3. General landscaping plans including proposed materials, landscaping guidelines, and proposed dedicated open spaces, parks, etc;
4. Considerations relating to the presence of hazards on the site, including, without limitation: a) the location of any floodplains or channels; b) the location of any unstable soils formations or geologic formations, including known earthquake faults; and c) the location of critical public facilities such as schools, churches, utilities, or transportation corridors;
5. Considerations relating to the overall consistency of planning design and objectives.

B. Recommendations: The city manager shall provide notice to the applicant, in writing, of the final action taken by the planning commission and shall submit to the city council written recommendations of approval or denial of the PCD project plan, together with accompanying

data, and minutes of the planning commission meeting, and shall schedule the application for a public hearing and review before the city council. (Ord. 2002-05, 3-20-2002)

10-15B-6: CITY COUNCIL REVIEW:

A. Within a reasonable time, not to exceed sixty (60) days of receipt of the recommendation from the planning commission, and after giving public notice in a manner prescribed in section 10-2-9 of this title, the city council shall hold a public hearing on the PCD project plan. Members of the public may submit written comments to be part of the public hearing record, or may present oral comments at the hearing.

B. The city council shall not be bound by the recommendation of the planning commission, the city manager, or city departments, and may set its own conditions and requirements consistent with this chapter.

C. Within a reasonable time, not to exceed thirty (30) days following the public hearing, the city council shall take final action on the PCD project plan. In the event of unforeseen circumstances which may not allow the city council to take final action within thirty (30) days, the city council and applicant may enter into an extension agreement which specifies when final action will take place. If the city council determines that the PCD project plan is in conformity with the requirements of this chapter, other applicable ordinances, and any conditions as recommended by the city departments, planning commission, city manager, or on its own initiative, and that it is satisfied with the PCD project plan, it shall approve the plan and shall include with its approval written findings as to the basis for its approval. The city council may also find that the PCD project plan is not in conformance with the requirements of this chapter, other applicable ordinances, and any conditions as recommended by the city departments, planning commission, city manager, or on its own initiative, and may deny the plan and shall include with its approval written findings as to the basis for its denial. (Ord. 2002-05, 3-20-2002)

ARTICLE C. CONSTRUCTION LIMITATIONS/SUBSEQUENT APPROVALS

SECTION:

10-15C-1: Phasing Plan Approvals

10-15C-2: Further City Review

10-15C-3: Amendments

10-15C-4: Permit Issuance

10-15C-5: Assignment Of Rights

10-15C-1: PHASING PLAN APPROVALS:

Upon approval of the PCD project plan, the applicant shall then apply for final plan approval for the specific phases of the PCD as outlined under the PCD project plan. Review and approval of final plat applications shall be governed by section 3.7 of the LaVerkin City subdivision ordinance, as amended. All detailed plans and specifications as required under section 3.7 of the LaVerkin City subdivision ordinance, as amended, shall comply with and proceed only in accordance with the design guidelines and standards adopted by the city and/or established and approved under the PCD project plan and/or development agreement. (Ord. 2002-05, 3-20-2002)

10-15C-2: FURTHER CITY REVIEW:

So long as the specific phases of development and construction comply with the provisions of the approved PCD project plan and/or development agreement, further review and approval of subsequent phases contemplated under the PCD project plan shall not require additional planning commission or city council review and approvals beyond finding that each phase is in conformance with the approved project plan and/or development agreement, and that all platting requirements are met. (Ord. 2002-05, 3-20-2002)

10-15C-3: AMENDMENTS:

Amendments to the approved PCD project plans or to any conditions attached by the city council with its final approval shall be obtained only by following the procedures herein outlined governing the original approval. (Ord. 2002-05, 3-20-2002)

10-15C-4: PERMIT ISSUANCE:

The city staff shall not issue any permit for any grading proposed building, structure, or use within any approved PCD, unless such building, structure, or use is in accordance with the approved PCD project plan and with any conditions imposed by the city council with its final approval. (Ord. 2002-05, 3-20-2002)

10-15C-5: ASSIGNMENT OF RIGHTS:

Approvals and specific plan design standards established within the approved PCD project plan and/or development agreement shall be assignable and transferable with the property. (Ord. 2002-05, 3-20-2002)

ARTICLE D. DEVELOPMENT AGREEMENTS

SECTION:

10-15D-1: General Provisions

10-15D-2: Purpose

10-15D-3: Amendments

10-15D-4: Mandatory Contents

10-15D-5: Execution And Recording

10-15D-1: GENERAL PROVISIONS:

When a PCD project plan is approved by the city council, the city council may choose to enter into a development agreement with the applicant. Such agreement shall constitute a binding contract between the applicant and the city (the parties) and shall be construed together with the provisions of the PCD project plan and any conditions attached thereto, to accomplish and give effect to the purposes set forth in this chapter. The city council, by and through the mayor, shall be authorized to sign the development agreement(s) on behalf of the city. (Ord. 2002-05, 3-20-2002)

10-15D-2: PURPOSE:

The purpose of the development agreement shall be to specify the detailed terms and conditions upon which the parties will cooperate in completing development of the subject property under the PCD project plan. The development agreement shall create a vested right in applicant or its successors or assigns to develop and construct the project as set forth in the PCD project plan. The agreement may also specify the terms and conditions relating to annexation of the subject property, if applicable. (Ord. 2002-05, 3-20-2002)

10-15D-3: AMENDMENTS:

Any development agreement may be amended by mutual written consent of the parties. (Ord. 2002-05, 3-20-2002)

10-15D-4: MANDATORY CONTENTS:

A development agreement entered into pursuant to this chapter shall contain provisions that:

- A. Specify the duration of the agreement;
- B. Specify the permitted uses of the property;
- C. Specify the permitted density of use or development;
- D. Specify the maximum height and dimensions of the proposed structures;
- E. Set forth the provisions for the reservation or dedication of lands for public purposes, including, without limitation: parks, roadways, and utility easements, as applicable;
- F. Provide that construction shall be commenced within a specified time and that the project or any phase thereof shall be completed within a specified time which shall be consistent with the expected build out of the phase. The development agreement may also include a provision which allows the parties to amend the expected build out calculations approved in the original development agreement;

G. Provide for periodic review of the status of performance under the development agreement. (Ord. 2002-05, 3-20-2002)

10-15D-5: EXECUTION AND RECORDING:

The parties shall not execute any development agreement prior to the final approval by the city council of any PCD project plan as provided under this chapter.

An executed development agreement under this chapter shall be recorded in the office of the county recorder within ten (10) days after it is executed by the parties. (Ord. 2002-05, 3-20-2002)

ARTICLE E. DESIGN GUIDELINES AND STANDARDS

SECTION:

[10-15E-1](#): Planned Community Development Design Review Process

[10-15E-2](#): Planned Community Development Design Requirements

[10-15E-3](#): Sensitive Area Regulations; Slope Protection

[10-15E-4](#): Sensitive Area Regulations; Ridgeline Area Protection

[10-15E-5](#): Sensitive Area Regulations; Wetlands And Stream Protection

[10-15E-6](#): Architectural Design Guidelines

[10-15E-7](#): Permitted Design Features

10-15E-1: PLANNED COMMUNITY DEVELOPMENT DESIGN REVIEW PROCESS:

The planned community development design review process has two (2) primary steps:

A. Sensitive Area Determination: Applicants for development must identify the property's sensitive environmental and aesthetic areas such as steep slopes, ridge line area, stream corridors, and provide at time of application a sensitive area analysis, the contents and requirements of which are described in detail in section [10-15E-2](#) of this article.

B. Site Development Suitability Review: Staff shall review the sensitive area analysis and delineation of sensitive lands. Staff shall report to the applicant and the planning commission those areas appropriate for development. (Ord. 2003-07, 4-16-2003)

10-15E-2: PLANNED COMMUNITY DEVELOPMENT DESIGN REQUIREMENTS:

A. Mandatory Requirements:

1. Sensitive Area Analysis And Determination: Any applicant for development must produce a sensitive lands analysis performed by a qualified professional(s) that identifies and delineates each of the following features and conditions:

a. Slope/Topographic Map: A slope and topographic map based upon a certified boundary survey depicting contours at any interval of ten feet (10') or less. The map must highlight areas of high geological hazard, areas subject to landsliding, and all significant steep slopes (slope determinations shall be made upon areas with a rise of at least 25 feet vertically and a run of 50 feet horizontally) and the map must differentiate among the various slope determinations and display the same according to the following categories based upon the angle of the slope:

- (1) Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);
- (2) Greater than thirty percent (30%), but less than or equal to forty percent (40%); and
- (3) Very steep slopes, greater than forty percent (40%).

b. Ridge Line Areas: A map depicting all crests of hills and ridge line areas.

c. Vegetative Cover: A detailed map of vegetative cover.

d. Design Entry Corridors And Vantage Points: Designated entry corridors and vantage points present within or adjacent to the site, including Utah Highway 9.

e. Wetlands: A map depicting all wetlands established by using the most current edition of the "Federal Manual For Identifying And Delineating Jurisdictional Wetlands".

f. Stream Corridors: A map depicting all stream corridors defined by their ordinary high water marks.

B. Discretionary Requirements: The city may require the applicant to submit the following information, as applicable:

1. Visual Assessment: A visual assessment of the property from vantage points designated by the city, depicting conditions before and after the proposed development, including the proposed location, size, design, landscaping, and other visual features of the project.

2. Soil Investigation Report: A soil investigation report, including, but not limited to, shrink/swell potential, water table elevation, general soil classification and suitability for development, erosion potential and hazardous material analysis.

3. Geotechnical Report: A geotechnical report, which must include the location of major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential slide and other high hazard areas.

4. Additional Slope Information: If the size of the proposed development and visual sensitivity of the site dictate, the city may require the applicant to submit a slope-topographic map depicting contours at an interval of two feet (2').

5. Hydrological Report: A hydrological report with detailed information on ground water levels, drainage channels and systems, and base elevations in floodplains.

6. Wetland/Stream Corridor Resource Evaluation: A wetland/stream corridor resource evaluation, including a delineation of wetland and stream corridor boundaries and a determination of resource significance.

C. Sensitive Area Determination: The city shall delineate all sensitive areas on the parcel, including steep slope areas, ridge line areas, entry corridors, wetlands and stream corridors.

D. Additions: Every addition to the planned community development zoning district must provide a sensitive area analysis. (Ord. 2003-07, 4-16-2003)

10-15E-3: SENSITIVE AREA REGULATIONS; SLOPE PROTECTION:

If the city determines that a certain parcel within the planned community development zoning district contains steep slopes sufficient to categorize the steep slope(s) as a sensitive area within the meaning of subsection 10-15E-2C of this article, the following slope protection provisions shall apply to the parcel:

A. Prohibitions: No development is allowed on or within fifty vertical feet (50') in elevation of very steep slopes, areas subject to land sliding, and other high hazard geological areas.

B. Graded Or Filled Slopes: The applicant must avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger building sites shall be kept to a minimum and avoided to the maximum extent feasible. Graded or filled slopes shall be limited to a three to one (3:1) slope or less. All graded slopes shall be recontoured to the natural, varied contour of surrounding terrain.

C. Benching Or Terracing: Benching or terracing to provide additional or larger building sites is prohibited.

D. Streets And Roads: Streets and roads proposed for steep slopes may not:

1. Cross slopes of thirty percent (30%) or greater. A short run of not more than one hundred feet (100') may be allowed to cross slopes greater than thirty percent (30%) if the city engineer concludes that such streets or roads will not have significant adverse visual, environmental, or safety impacts.

2. Streets and roads proposed to cross slopes greater than ten percent (10%) are allowed, subject to the following:

a. Proof that such street and/or road will be built with minimum environmental damage and within acceptable public safety parameters; and

b. Such street and road design follows contour lines to preserve the natural character of the land; and

c. Cutting and filling is minimized and revegetated.

E. Retaining Walls: The use, design, and construction of all retaining walls are subject to an assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety.

F. Landscaping And Revegetation: An applicant must commit to landscaping or revegetating exposed slopes. Topsoil from any disturbed portion of a steep slope must be preserved and utilized in revegetation. Fill soil must be of a quality to support plant growth.

G. Development Design Standards; Steep Slopes: All development on steep slopes shall comply with the design standards set forth below.

1. Open space and density on delineated portions of sites with steep slopes greater than fifteen percent (15%) but less than or equal to forty percent (40%): In addition to the specific development regulations set forth in section [10-15E-2](#) of this article, the following regulations apply:

a. Open Space: Seventy five percent (75%) of the steep slope area must remain as open space.

b. Developable Land: Twenty five percent (25%) of the steep slope area may be developed in accordance with the underlying zoning subject to the following conditions:

(1) Maximum Density: The maximum density on developable land within a steep slope area is governed by the underlying zoning and proof that the proposed density will not have a significant adverse visual or environmental effect on the community.

(2) Location Of Developable Land: The developable land in a steep slope area is that area with the least visual and environmental impacts. The applicant must provide a visual and environmental analysis considering the visual impact from key vantage points, potential for screening location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon such analysis, the planning commission may require the applicant to site the developable land pursuant to one or more of the following techniques:

(A) Clustered development (single units situated in close proximity to other units with open space concentrated in 1 or more large areas within the development), or

(B) Dispersed development (single units separated by larger areas of open space), or

(C) Transfer of density to the least sensitive portions of the site.

(3) Density Transfer: Upon proof of a sensitive site plan, the applicant may transfer up to twenty five percent (25%) of the densities from the open space portion of the site to the developable land.

(4) Suitability Determination: The applicant must prove that the development will have no significant adverse impact on adjacent properties. The planning commission shall determine that the proposal complies with this chapter if the applicant proves:

(A) The density is compatible with that of adjacent properties.

(B) The architectural detail, height, building materials, and other design features of the development are compatible with adjacent properties.

(C) The applicant has adopted appropriate mitigation measures such landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land.

H. Open Space And Density On Very Steep Slopes:

1. Required Open Space: One hundred percent (100%) of the very steep slope area, defined as a slope of more than forty percent (40%), shall remain in open space. No vegetation within fifty (50) vertical feet in elevation of the very steep slope area shall be disturbed.

2. Transfer Of Density: Up to ten percent (10%) of the densities otherwise allowed in the zone may be transferred to other portions of the site, including delineated sensitive areas. The density transfer shall be subject to a suitability determination.

I. Density Bonuses: In addition to the density transfers permitted pursuant to this section, the planning commission may grant up to a twenty percent (20%) increase in transferable densities if the applicant:

1. Offers to preserve open space to ensure the long term protection of a significant environmentally or visually sensitive area in a manner approved by the city; or

2. Provides public access as shown on the trails master plan; or

3. Restores degraded wetlands or environmental areas on the site or makes other significant environmental improvements. (Ord. 2003-07, 4-16-2003)

10-15E-4: SENSITIVE AREA REGULATIONS; RIDGELINE AREA PROTECTION:

A. Intent: The intent of these provisions is to ensure that development near ridgeline areas blends with the natural contour of the land characteristics.

B. Retain Natural State: Significant ridgeline areas should be retained in a natural state, and development should be sited in such a manner so as not to create a silhouette against the skyline or backdrops as viewed from any portion of the city not located in the topside zone.

C. Visual Intrusion: No structure or other appurtenant device, including mechanical equipment, may visually intrude on the ridgeline area from any vantage point in the city not located in the topside zone.

D. Open Space And Density: The following regulations apply to all ridgeline areas in the planned community development zoning district:

1. Open Space: One hundred percent (100%) of the ridgeline area shall remain in open space.

2. Density Transfer: The planning commission may transfer up to twenty five percent (25%) of the densities otherwise allowed in the ridgeline area to developable land. The density transfer shall be subject to a suitability determination as set forth below.

The applicant must prove that the development will have no significant adverse impact on adjacent properties. The planning commission shall determine that the proposal complies with this chapter if the applicant proves:

- a. The density is compatible with that of adjacent properties.
- b. The architectural detail, height, materials, and other design features of the development in the receiving area are compatible with adjacent properties.
- c. The applicant has adopted appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land.

E. Density Bonuses: In addition to the density transfers permitted pursuant to this section at planned community development or subdivision review, the planning commission may grant up to a twenty percent (20%) increase in transferable densities if the applicant:

1. Offers to preserve open space to ensure the long term protection of significant environmentally or visually sensitive areas in a manner approved by city; or
2. Provides public access for trails, as shown on the trails master plan; or
3. Restores degraded wetlands or environmental areas on the site or makes other significant environmental improvements. (Ord. 2003-07, 4-16-2003)

10-15E-5: SENSITIVE AREA REGULATIONS; WETLANDS AND STREAM PROTECTION:

A. Intent: The following requirements and standards have been developed to promote, preserve, and enhance wetlands and stream corridors and to protect them from adverse effects and potentially irreversible impacts.

B. Jurisdiction: All significant wetlands and stream corridors are regulated as provided in this section in addition to the general requirements set forth in section [10-15E-2](#) of this article.

C. Prohibited Activities: No person shall disturb, remove, fill, dredge, clear, destroy or alter any area, including vegetation, within significant wetlands and significant stream corridors and their respective setbacks, except as may be expressly allowed herein.

D. Boundary Delineations: The applicant must commission a wetland and stream corridor delineation by a qualified professional, approved by the city.

1. Wetlands shall be established using the most current edition of the "Federal Manual For Identifying And Delineating Jurisdictional Wetlands".

2. Stream corridors shall be delineated at the ordinary high water mark.

E. Determination Of Significance:

1. Wetland Criteria: A wetland delineated pursuant to the federal manual is significant if it meets the following criteria:

a. Size: All wetlands that occupy a surface area greater than one-tenth ($\frac{1}{10}$) acre or are associated with permanent surface water.

b. Location: All wetlands that are adjacent to, or contiguous with, a stream corridor.

2. Stream Corridor: All stream corridors are significant. Stream corridors are not irrigation ditches.

F. Setbacks: The following setbacks are required:

1. Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland edge.

2. Setbacks from stream corridors shall extend a minimum of fifty feet (50') outward from the ordinary high water mark.

3. Setbacks from irrigation ditches shall extend a minimum of twenty feet (20') from the ordinary high water mark.

G. Runoff Control: All projects and development must apply best management practices for both temporary and permanent runoff control, including all storm drain, to minimize sediment and other contaminants.

H. Planned Community Development (PCD) Open Space Requirements: The planning commission may reduce the sixty percent (60%) PCD open space requirement in the developable land if the planning commission determines that:

1. Open space set aside is sufficient to provide adequate natural open space for the entire development; and

2. Sufficient open space remains within the developable land to serve residents of the development; and

3. At least twenty percent (20%) of the developable land is open space. (Ord. 2003-07, 4-16-2003)

10-15E-6: ARCHITECTURAL DESIGN GUIDELINES:

A. Number Of Exterior Wall Materials: Different exterior siding materials add interest to a building, and to the community as a whole; however, the use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining properties. Exterior walls of any building may be sided with up to three (3) different materials per building, but no more than three (3) materials may appear on any one wall, including ornamental siding. Trim shall not be counted as a siding material, but ornamentation is counted as a siding material. If trim covers more than ten percent (10%) of a side of the building, it shall be counted as a siding material on that side.

B. Roofing Materials: Because of the steep grade changes within the planned community development zoning district, and the fact that residents and visitors are frequently in a position to look down on the city from the adjoining mesas, the appearance of roofs in LaVerkin is of more significance than in other communities. For this reason, the following roof types are prohibited in the planned community development zoning district:

1. Untreated aluminum or metal, except that copper may be used;

2. Reflective materials;

3. Brightly colored roofing such as bright red, blue, yellow, green or similar colors that are highly visible. Exception: Green is allowed if it is determined that its hue, color, chrome and

other attributes of color are similar to other earth tone colors. In no case shall the color be determined to be bright or highly reflective or towards the yellow tones of the color spectrum; or

4. Mechanical equipment on roofs must be hidden with a visual barrier so it is not readily visible from nearby properties.

C. Skylights And Solar Panels: Skylights and solar panels must be designed to fit flush with the roof surface, or up to a maximum of two feet (2') above the roof's surface. No reflective material may be used unless thoroughly shielded to prevent reflection into adjoining or nearby properties.

D. Window Treatments: Untreated aluminum or metal window frames are prohibited.

E. Lighting: With the exception of applicable state and federal law governing lighting requirements and street lighting, the following design standards shall apply when exterior lighting is proposed and/or required in the planned community development zoning district. The city of LaVerkin's light ordinance is incorporated herein by reference, and to the extent the lighting requirements in the planned community development zoning district are more restrictive than the city's general light ordinance, the provisions herein shall apply and supersede those in the general light ordinance. To the extent an aspect of the general light ordinance is not covered herein, the provisions of the general light ordinance shall apply.

1. Shielding: Exterior lighting shall be shielded and directed downward so that the light source, the actual bulb, is not visible from beyond the property line on which the structure is located. Exterior lighting shall not project above the horizontal plane of the building.

2. Color: Warm lighting colors are required. The blue-white colors of fluorescent and mercury vapor lamps are prohibited. Lamps emitting a color temperature in excess of five thousand degrees (5,000°) Kelvin are prohibited.

3. Parking Area Lighting: In parking lots, a minimum foot-candle of 1.0 at the perimeter and between light sources, and a maximum of 5.0 foot-candles under light fixtures are required. The height of light fixtures shall be in proportion to the building mass and no more than fourteen feet (14') high. When all businesses are closed, only a minimum of security lighting shall be maintained. Shielded spotlights may be used when highlighting trees, artwork or other special landscape features.

4. Advertising: The operation of searchlights or similar sources for advertising, display or any other commercial purpose is prohibited.

F. Trash Enclosures: In addition to applicable local, state, and federal health standards, if any, the following trash enclosure design standards shall apply:

1. Trash and storage areas shall be screened by landscaping, fencing, berms or other devices integral to overall site and building design;

2. Trash and storage enclosures shall be constructed of materials that are compatible with the proposed or existing building and with surrounding structures;

3. Trash and storage areas shall be well maintained including prompt repair and replacement of damaged gates, fences and plants;

4. Openings of trash enclosures shall be oriented away from public view or screened with sturdy gates wide enough to allow easy access for trash collection, where practical; and

5. The consolidation of trash areas between businesses and the use of modern disposal techniques is encouraged.

G. Mechanical Equipment: All electrical service equipment and subpanels and all mechanical equipment, including, but not limited to, air conditioning, pool equipment, fans and vents, utility transformers, except those owned and maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure. (Ord. 2003-07, 4-16-2003)

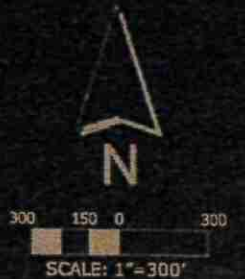
10-15E-7: PERMITTED DESIGN FEATURES:

Any design or material that is not expressly permitted by this chapter, or a resolution adopted to supplement it, is prohibited. (Ord. 2003-07, 4-16-2003)



342.1 DEVELOPABLE ACRES

DEVELOPABLE
ACRES





mosaic



DEVELOPMENT PLAN

NOTE: ALL LAND USES, ROADS, TRAILS, AND OTHER DEPICTIONS ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE DURING SUBDIVISION.

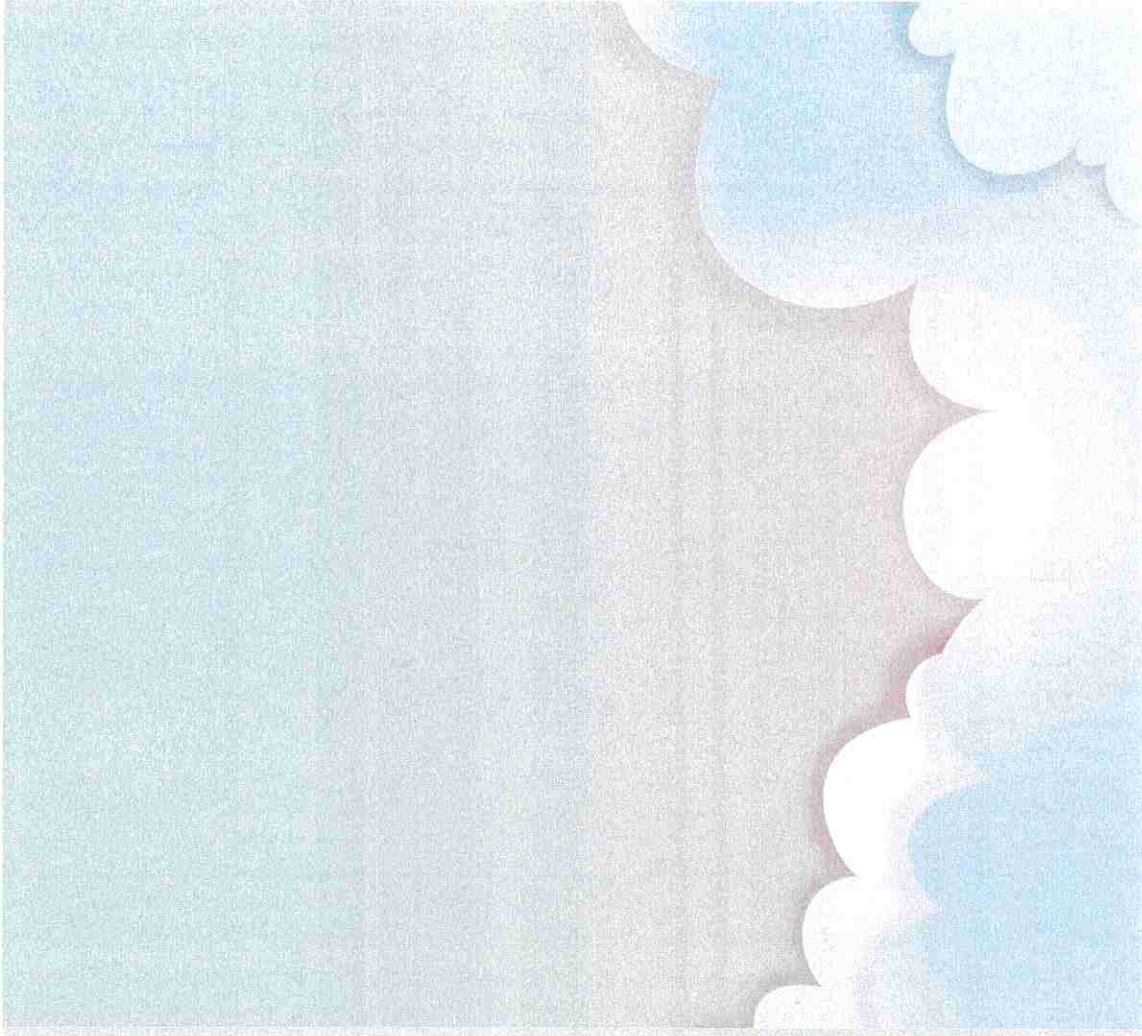


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NOVEMBER 10, 2005

PCD_(THE TOPSIDE)
PLANNED
COMMUNITY
DEVELOPMENT



PURPOSE OF THE TOPSIDE

- *The purpose of this chapter, and any rules, regulations, specifications, and procedures hereafter adopted, is to promote the public health, safety, and general welfare through provisions designed to establish a planned community development zoning district which will:*
- *Provide for the harmonious and coordinated development of the city by allowing for the systematic implementation of large residential or mixed-use development proposals*
- *Facilitate large-scale, mixed-use developments incorporating various types of residential, commercial, and industrial uses and zoning concepts which may create significant impacts on the city, while maximizing the public benefit from such developments, and minimizing any adverse impacts of such developments.*
- *Provide a streamlined review procedure for such development proposals designed to accommodate a multiple phased approach to design, and construction of large residential or mixed-use developments.*
- *Prevent the waste of public and private resources and the escalation in the cost of development associated with duplicative land development, review and approval procedures, regulations, and amendments thereto.*
- *Encourage continuity in design and planning of large residential or mixed-use projects.*
- *Ensure adequate open space for traffic, recreation, light, and air; and*
- *Facilitate the conservation and production of integrated municipal streets, transportation, water, sanitation, and other related utility systems.*

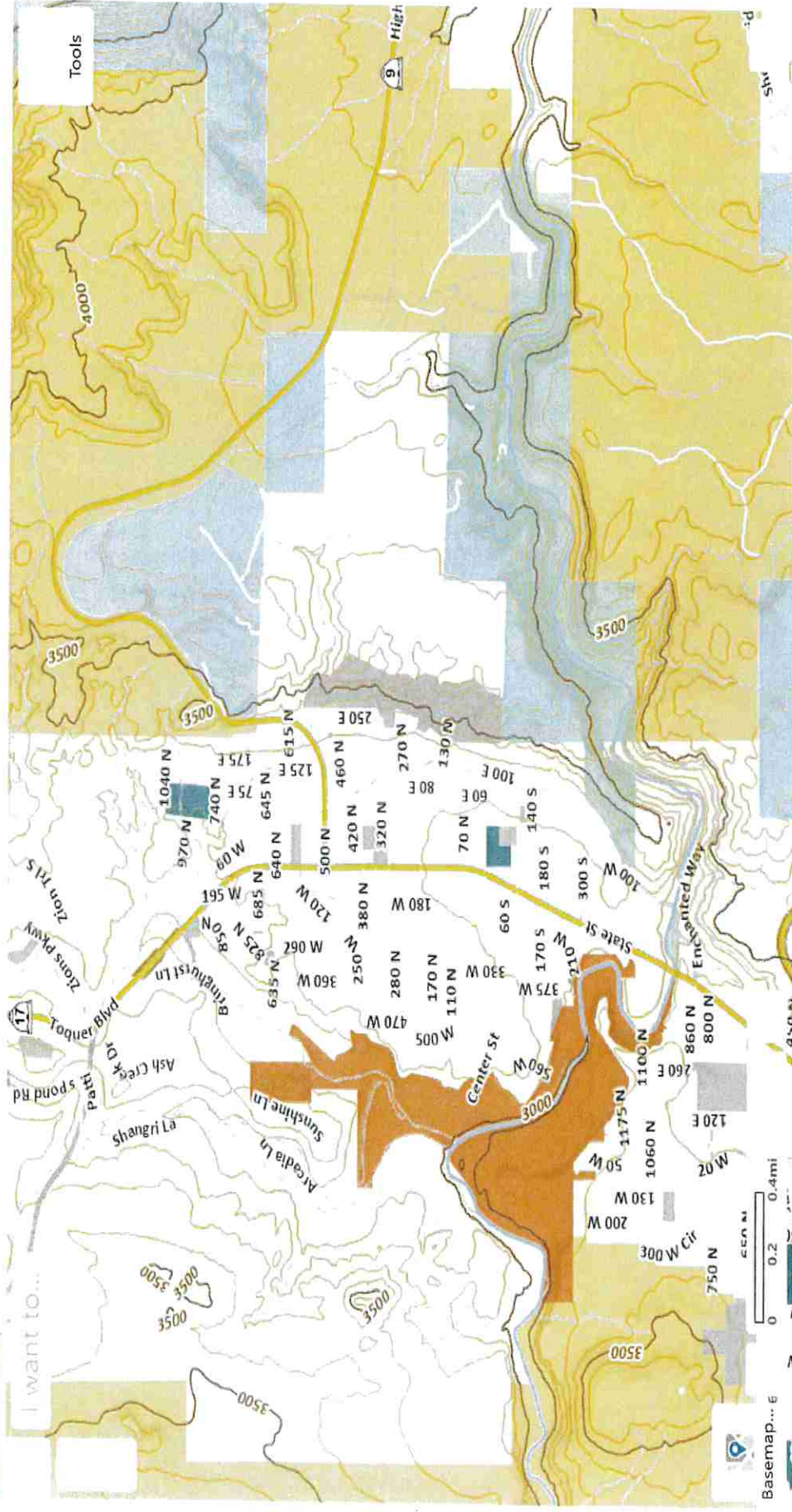


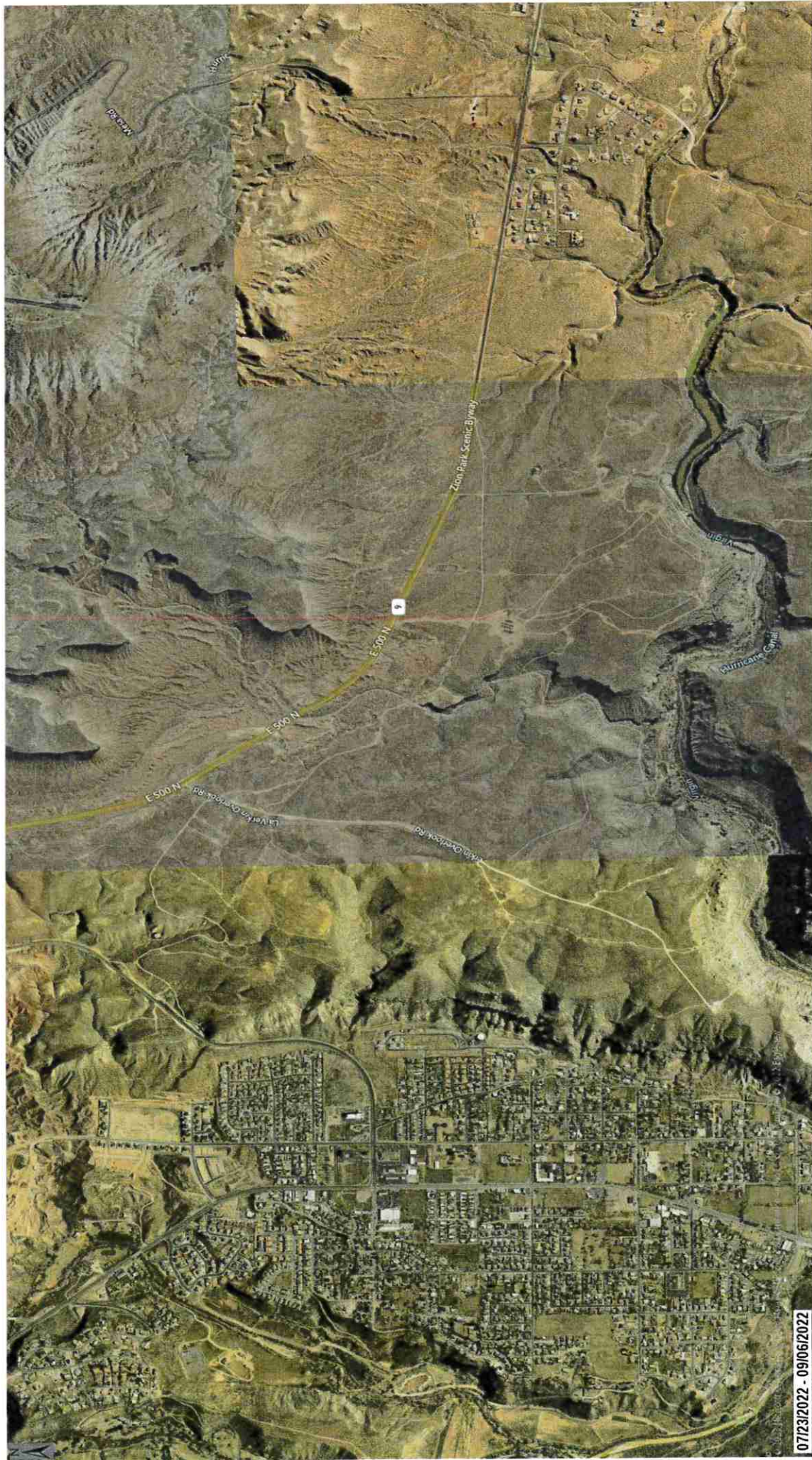
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October 24, 2023

Kelly Wilson, Mayor - La Verkin City
435 N Main Street
La Verkin, UT 84745

RE: Top Side Development Approach

Dear Mayor Wilson,

Sunrise Engineering offers the following comments in relation to the Top Side development:

1. The La Verkin zoning map does not appear to extend to the eastern-most boundary of the city; however, city staff has indicated that the subject property is zoned as a Planned Community Development (PCD) overlay. La Verkin Municipal Code Chapter 15 addresses necessary criteria and processing procedures for a planned community development. La Verkin Municipal Code Section 10-15B-3(B) specifically addresses the requirement for the creation and processing of a PCD project plan. In particular, it addresses the need for a specific plan. It should be noted that because the city has established a PCD overlay on the subject property, the city is obligated to process a development as provided in the municipal code if an applicant can meet all development and processing requirements of the PCD overlay.
2. Regarding master planning the subject property, the city is left with two choices: 1) Wait and let an eventual developer dictate the future design of the subject property. This would be the reactionary alternative; or, 2) Have the city work with the property owners in the PCD zoned area to come up with a comprehensive development plan for the Top Side of La Verkin. This would be the proactive alternative. This alternative would provide the city with the ability to work in conjunction with the property owners, but also to dictate certain development aspects about which the city is passionate.
 - A. With regard to either alternative, the following will need to be addressed in any development plan:
 - a. Land Use – A comprehensive analysis of proposed land uses should be developed and should include acreage specific planning areas and existing conditions. Any additional development standards, architectural standards, design guidelines or special zones should be included. General plan consistency should also be addressed.
 - b. Infrastructure/facilities – Both existing and required as a result of this development should be addressed. A complete analysis should be provided addressing existing capacity issues and providing mitigation measures. Water, sewer, drainage/hydrology, solid waste, lighting, noise or any other study deemed necessary to determine the impacts of development should be undertaken. Mitigation measures should be a part of any recommendation. All studies should be prepared and stamped by a registered engineer.
 - c. Traffic/transportation – Analysis of existing conditions, proposed roads, impacts, signalization, etc. A traffic study should be undertaken that follows standard practices and procedures for traffic studies. The study should be prepared and stamped by a

- registered engineer. Any regional traffic impacts of the project should be addressed and include analysis, review and recommendations by UDOT.
- d. Environmental – An assessment of any environmental impacts should be undertaken to determine if any endangered, threatened species or native plants exist and should provide recommendations and mitigation measures. Any FEMA requirements should be addressed as well. Wetlands need to be identified and a sensitive area analysis needs to be undertaken.
 - e. Cultural Resources – An assessment of any cultural resources should be undertaken to determine if cultural resources exist on the site and what occurs if any are found during construction activities.
 - f. Amenities, Landscaping, Parks, Open Space, Trails – Location, capacity and size of any proposed amenities should be analyzed.
 - g. Comprehensive Construction Phasing Plan – A phasing plan development by planning area (water, sewer, street improvements, drainage facilities, etc.) should be prepared that spells out specifically the manner in which the entire subject property will develop phase by phase.
 - h. Conceptual Grading Plan – Grading of the site should be analyzed to determine impacts and mitigation measures. A geologic assessment, soil and slope analysis may also be necessary to determine the location of fault lines or other geologic issues.
 - i. Public Services – A plan of services should be prepared that addresses public services (police, fire, street maintenance, schools, etc.). This should include any impacts of this development on public services and proposed mitigation measures.
 - j. Finance/maintenance – Information should be provided as to how the construction of the subject property will be financed and how the private and public areas will be maintained. A fiscal analysis may be necessary.
 - k. Conveyance map – In conjunction with the approval and review of any development, a master or “conveyance” plat map should be submitted for review. The conveyance map should identify all streets, public spaces/areas/facilities, easements, etc., that require dedication to the city in addition to defining each planning area.
 - l. Development Agreement – Accompanying any development proposal should be a comprehensive development agreement. As well as defining responsibilities, financing and other pertinent issues, this development agreement should spell out specifically the project phasing and what happens if one phase supersedes another phase. This development agreement should be negotiated between the city and the developer.

As identified, the master planned development of a large land mass requires thought, expertise, patience and a well-defined municipal process. The city’s PCD overlay zone does appear to comprehensively address large scale development in an appropriate manner and does provide the city with a mechanism by which to address the issues identified above. The decision for the city is whether a developer drives the process, or the city takes the lead.

Sincerely,



Brad Robbins
Planning Manager

