



LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

Wednesday, February 12, 2025, 6:00 pm.
Council Chambers, 111 South Main Street
La Verkin, Utah 84745

A. Call to Order: Chair Allen Bice

Invocation by Invitation; Pledge of Allegiance

B. Appointments:

5-year reappointment-Sherman Howard
1st Alternate-Richard Howard
2nd Alternate-John Valenti

Swearing in of Commissioners

C. Election of Chair and Chair Pro-Tempore: By Commissioners

D. Approval of Agenda:

E. Approval of Minutes: January 8, 2025, regular meeting.

F. Reports:

City Council and Director of Operations will present updates on meetings and activities.

G. Business:

1. Discussion and Direction regarding La Verkin city grading permit application.
2. Discussion and Direction regarding the revised La Verkin City Title 10 Medium-Density Residential Zone (MDR-8).
3. Discussion and Direction regarding the revised La Verkin City Title 10 High-Density Residential Zone (HDR-14).
4. Discussion and Direction regarding the revised La Verkin City Title 10 Mixed-Use Zone.
5. Discussion and Direction regarding Planned Unit Development (PUD) Ordinance.
6. Discussion and Direction regarding allowance for Additional Detached Unit (ADU) vacation rentals and charging the commercial rate for utilities.

H. Adjourn:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nancy Cline, City Recorder, (435) 635-2581, at least 48 hours in advance.

Certificate of Posting

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, sent to the Spectrum newspaper,

posted on the State website at <http://pmn.utah.gov>, posted on the La Verkin City website at www.laverkin.org, and at the city office buildings

111 S. Main and 435 N. Main on February 7, 2025

Nancy Cline, City Recorder

LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, January 8, 2025, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

Present: Chair Allen Bice; Commissioners: Hugh Howard, Kyson Spendlove, Sherman Howard, and Matt Juluson, Staff: Derek Imlay, Fay Reber, and Nancy Cline; Public: Richard Howard and John Valenti.

A. Call to Order: Chair Allen Bice called the meeting to order at 6:00 pm.

The invocation and Pledge of Allegiance was given by Kyson Spendlove.

B. Approval of Agenda:

The motion was made by Commissioner Matt Juluson to approve the agenda, seconded by Commissioner Sherm Howard. Juluson-yes, Sherman Howard-yes, Bice-yes, Spendlove-yes, Hugh Howard-yes. The motion carried unanimously.

C. Approval of Minutes: October 23, 2024, regular meeting

The motion was made by Commissioner Hugh Howard to approve the October 23, 2024, regular meeting, seconded by Commissioner Matt Juluson. Hugh Howard-yes, Bice-yes, Juluson-yes, Sherman Howard-yes, Spendlove-yes. The motion carried unanimously.

D. Reports:

City Council-Councilwoman Wise was not in attendance.

The Director of Operations, Derek, reported that the City is working through the logistics of our Virgin River water reuse contract. Unless things change today from the meeting, we could potentially build a detention basin on Interstate Rock's property northeast of phase two of Cottonwood estates. That'd be at the same elevation as our pump station. That would take our pump station offline, and we'd use the reused water. And then we'd still maintain the rights to the water from the Virgin River, but we'd send it down the river to the Conservancy District to be used in both reservoirs for potential drinking water. We're also working on getting them to pay us for the amount of water from the Virgin River that we sent downstream. We would use that water lease money to pay for the bond to redo our irrigation system.

Commissioner Allen Bice asked if it would negate easements.

Derek explained that if we get everyone back up to the main line in the road, the easements will be gone after many years. He wasn't sure what the answer should be until they got it hooked up and working. They are trying to prevent houses from flooding and people from working on broken lines that shouldn't be.

Commissioner Sherman Howard asked if the irrigation water would no longer be from the Virgin River.

Derek answered that we'll get it from the treatment facility first to this retention basin up in the Interstate Rocks property. If we need more, another pipe will feed from Chief Toker if a problem comes from the district. Then we'd draw all our water from there. So our water would be cleaner. It wouldn't be as colored. But there still would be a lot of sediment with the treated water we would get from Ashcreek. It still wouldn't get us into the requirement by the state to meter everything because no meter will be a warranty for that amount of sedimentary water. If we can get everything redone as needed, we can leave the irrigation water year-round. There's a lot of positive things in the future. It's just working out the logistics because we are working out two different contracts. We're working out a reuse contract and the reuse exchange agreement.

Commissioner Hugh Howard wanted to know if the water pressure for irrigation would be the same. Derek replied, yes it would be the same. They didn't want to increase pressure on the old system and pipes. Commissioner Bice asked if the Chief Toquer reservoir was still in process and not completed yet. Commissioner Spendlove replied that they were working and waiting on FEMA.

E. Business:

1. Discussion regarding Ordinance No. 2025-01. An ordinance of the city council of La Verkin, Utah, amending Title 9 Building Regulations of the La Verkin city code.

Derek explained that with the top side looking like it's potentially going to go, there was a lot of concern that we get a grating permit. He tried to stay within the realm of what all the other cities around here are doing so that the contractors are on a consistent basis, so there are no surprises. This is kind of a mixture of all the ordinances. Depending on how they wanted to go about this, any parcel or piece of property with any grating requires a grating permit. Some of the cities require it if they do one acre or larger. Our problem is that if you start grating on your property right now, you will create a flooding issue for your neighbors, potentially affecting the hillside or something. What he liked about this is that it also requires the contractor to tell us where he will dump the dirt so that we don't have the same problem if he's dumping the dirt. If they start to stack dirt, you will cause the same problem. They are exempt; there is an allowance if an emergency needs to be grating for health and safety. There's an allowance for existing things they've been doing. It doesn't require swimming pools in-ground for residential or commercial use, requires a building permit, and minor grating for residential does not require a building permit. He made a checklist. Part of the requirement to get one is we may require a drainage study depending on how much will be grated. Air quality plan, dust control, weed control, and abatement. We require a reclamation bond, which our code requires now.

Commissioner Bice asked if 10% is enough.

Derek replied that it was the state requirement. They will check with the JUC (Joint Utility Committee), which is the utility company. The grating is not going to create a problem with depth and utilities.

He wanted to talk about the duration of the permit. Whether to change it or do the same as the code for subdivisions. Subdivisions now are two years. He felt it was comprehensive with the complaints they have been getting about moving dirt around, creating noise, dust, and mud on the road, and just piling things up. They want to make a better image for La Verkin. Not allowing work only to be partially done and then left with a mess. He advised that they must protect La Verkin and what grating is allowed with the Topside happening.

Commissioner Bice wondered how they would get all the sports fields up there with the uneven terrain.

Derek explained that they can do some grating but not mass grating. They have to work with the topography.

Commissioner Bice assumed their engineers had done their homework.

Commissioner Juluson asked if all the sports fields would be on that one property.

Derek explained that they are putting some on the BLM property, and SITLA has opened up another 300 or 400 acres. They are trying to complete it all, so it appears to be one project. The Conservancy District has agreed to the water needed if they do 85% turf on the sports fields.

Commissioner Spendlove wanted more clarification on the drainage plan language. They are expensive, and it needs to be clear who needs to do one.

Derek agreed and will add the language.

Commissioner Sherman Howard wanted to know if one entity was buying the entire piece of land and if it was completed.

Derek replied it is the same group for the entire piece. They had a work meeting and brought together his team of lawyers and experts to spell out their plan. They wanted the city to agree to a PID.

Commissioner Juluson explained the PID would have an extra tax rate on that property.

2. Discussion regarding La Verkin city grading permit application.

Derek explained that this is a checklist so the developer can review it and get everything needed. He encouraged them to look it over and have questions for him next time. Then they will hold a Public Hearing on it.

3. Discussion regarding the revised La Verkin City Title 9 building regulations.

Commissioner Bice had questions about the language of "the 2021 fire code." They could reword it to "the most current fire code" so they do not have to revisit this every time the fire code changes.

Derek explained that the code you're talking about is the building code, so the IBC and the IRC, which we belong to, are already in 2023. The state of Utah decides what code year we will go with. You see, in 2018, we can see the swimming one. It was almost 20 years old until the state implemented many dates and time frames. We're already in the 2023 version. He said it would not need to come back for approval every year. It would be automatic.

4. Discussion regarding the revised La Verkin City Title 10 Medium-Density Residential Zone.

Derek began at section D 1.3, which matched the criteria for landscaping with WCWCD. They can look up that criteria. In section 1.2 on setbacks, setback number four, we defined a five-foot corner lot adjacent to the street. We put the corner lot on the street. The side area corner lot shall be the same as the front setback required for the zoning district so that we align more with our existing ordinance. Limiting the size of the front yard because many people don't use the front yard, they do most of their activities in the back yard, and a person on a corner lot has a 25-foot setback on the front. If you're on the corner, it's going to be a 25-foot setback, you lose property, and at some point, we will discuss minimizing the front yard so the backyards are a little bit bigger. Number five we changed. Our code says that if you are 10 feet behind your house, you can build 15 feet from the property or the property line in the corner. We changed that to 5 feet instead of 2 because the fire code requires you to be 5 feet away, and most people don't know they've got a fire rate there. They can build in 15 feet of the property. These are your minimum off-size buildings constructed directly in this zone. Have a height not greater than two stories or 40 feet. Setting stories should be not greater than 25 feet in height. That matched up more with our current code. The lots shall have an easement on the side and rear, property lines a minimum of seven and a half feet, and on the street side up to 10 feet, to be used for utilities and drainage. We only require eight feet if you're going between commercial and residential. But in residential, we stick with the six-foot rule. He also took out the home occupations like the planning commission suggested.

Commissioner Bice asked about the size of the lot for twin homes, triplexes, and fourplexes. Section 1.1A and number 2, so permitted uses, list twin homes, triplexes, and fourplexes. But he was assuming, like with R-1-10, you must have 16,000 square feet to do a duplex. He could not find the list of how big R-1-8 will be to put a fourplex on.

Derek reviewed the code. The minimum lot size, width, and depth are a single family, detached to always 4,000 square feet, and then on 40 feet in width and 2 feet in depth, no open space requirements apply. No minimum lot size, width, depth, power, or open space requirements apply for twin homes, triplexes, and fourplex units. Structures cannot be more and cannot exceed 75% of the total lot area, eight residential units per acre.

Commissioner Spendlove did the math to be one lot for 5,000 for 145 square feet or one building.

Derek continued that the more homes, the more open space requirements there will be. But you also talked about how the open space created a problem because you create this open space, and then who will maintain it? He explained he would encourage them to ask questions and make suggestions at the next meeting.

Commissioner Spendlove asked about the Twin homes, triplexes, and fourplexes and who approves them.

Derek explained that the fourplexes we built would be covered by the ALUA. Those with more than fourplexes would go to the city council and the planning commission.

Commissioner Spendlove wanted the open space requirements spelled out more clearly on these residential housing types.

Derek agreed and said he would include the ALUA as the governing body.

Commissioner Spendlove, Bice, and Sherman Howard agreed they liked how he had put together the codes.

5. Discussion regarding the revised La Verkin City Title 10 Mixed-Use Zone.

Derek explained they had discussed the live/work zoning in the mixed-use. That way, it could help business owners cut the cost of rent and mortgage payments and have successful businesses. The primary focus must remain on commercial use, allowing the residential use shall be used as an added benefit of having a thriving commercial operation. We should establish a connection between an active business license and continuing the residential allowance. The city cannot afford to diminish its limited commercial size by converting them to residential uses. Our economic stability requires using its limited commercial area and not allowing it to be used for residential purposes.

Commissioner Juluson wanted to know how they would enforce that if the business shut down, but the owners still lived there.

Derek replied they would inform the building owner. If they owned the building, they could charge them with a class C misdemeanor or shut off the water. He added he wanted them to discuss it and develop ideas on handling it. The county planning wants to meet with them about mixed-use and how the city can incorporate it.

Commissioner Bice asked if they are still planning on only one dwelling above or multiple dwellings.

Derek commented they had discussed if there's anywhere on their property behind the business that they can accommodate a living facility and not impact their parking and the main focus of their business. We plan to restrict it to one level, being on top of the actual business, so we're not cluttering the rest of the surrounding property. Where would this qualify? Would it be parcels that are three acres or more? Five acres. or more? You can limit this by putting a lot of size restrictions on it. He encouraged them to think about it because the city needs it.

Commissioner Juluson asked about the property by the Elementary school and whether it was going to be work/live spaces with a man cave upstairs and quasi-shops on the bottom.

Derek replied that the builder said they would like to see the live work. At some point, that would be a perfect area to start looking at something like that, but they know there's no provision for it now. Right now, they're going to be shells, and it'll be up to whoever comes in and purchases them to do what they want to do on the bottom. More than likely, the top, unless we allow a living unit up there, would be more of an office or storage

area, but it has to be commercial and fit the criteria. They would like it to be zoned for that but he was told going in that it is not zoned for that use.

The precision plan highlighted Section 1.2 under A. So, the architectural and precision plans are the information we need for the city council to look at and approve according to the architectural standards. The city will have a lot of ability to dictate its appearance.

Derek discussed the signage ordinance. He wanted the qualifications to be the same in town as those on the Topside, so they do not have to go through many codes. Having the light so it was shown down, it didn't have the glare and didn't do a light trespass. But we wanted to put strong language in there that they must provide an engineering plan to show they follow the night sky ordinance. And then, looking at the night sky ordinance, we need to review that too because we've gone to LEDs, which are different, so they need to be revised.

The setbacks for this one require a front or street landscaping area between the property line improvements, a minimum of 15 feet wide. He explained he needed help and asked the commissioners for more ideas. We've got to be very careful when requiring landscaping because landscaping now is going to be very restricted. It's going to be desert plants.

The setbacks between the units will follow the fire code. A lot of coverage is structured so it may not exceed the center area, and then densities shall be 14 residential units per. We defined the maximum building height as four stories, not exceeding 45 feet. A three-acre lot will be a lot different than a five-acre one. We don't want to require so much open space. Open spaces require recreational areas, depending on the size of the open space. Trash enclosures are required.

Commissioner Bice agreed with the changes that have been made.

Commissioner Spendlove thought about the setbacks; he thought the way they sit now still makes sense with the landscaping. 15 to 20 feet, but by the time you put a tree or two trees in, and whatever other small bushes, that's a good thing. He wouldn't say that's over because they still require a 60-foot building setback to be at least 60 feet from any resident. So even though it's only a 20-foot buffer instead of a 15, they can either do the rest of that footage as landscape or put in parking or just a lot of open space for any of these residents.

Derek agreed that the spacing softens areas around the development. Maybe this type of mixed-use development needs to require the wall up against the residential because it's not a mixed-use but a primary use.

Commissioner Spendlove asked if there was a parking standard. He has noticed the 9x18 is not enough for the big trucks now. If parking is by a wall, the standard parking can be 45 or 60. He would like to see that in the standard.

6. Discussion regarding the revised La Verkin City Title 10 High-Density Residential Zone.

Derek reported he had removed home occupations as they recommended. There will be no significant overflow of lighting, so there will be no light trespass. The maximum height shall be four stories or 45 feet. He thought only a few locations in town would meet the requirements for this zoning. It's mainly for the Topside development.

F. Adjourn:

The motion was made by Commissioner Sherman Howard to adjourn, seconded by Commissioner Kyson Spendlove. Bice-yes, Hugh Howard-yes, Juluson-yes, Sherman Howard-yes, Spendlove-yes. The motion was carried unanimously at 7:05 p.m.

Planning Commission Chair

Date Approved

9-1-16: GRADING PERMIT REQUIRED:

Definitions

Land grading: the process of reshaping the ground to a desired elevation, slope, or contour. It's done to prepare the land for construction projects.

Clearing of Land: the process of reshaping the ground to a desired elevation, slope, or contour. It's done to prepare the land for construction projects.

- A. General Requirement: No person shall commence or perform any grading, excavation, filling or **clearing of land** without first having obtained a permit from the Zoning Administrator or Designee and ascertaining the existence and location of any underground utilities. No grading permit shall be issued except in connection with a permitted use allowed within the zoning district where the property to be graded, filled or cleared is located. All grading plans submitted for approval must be prepared by a professional engineer licensed in the State of Utah
- B. Exemptions: The following activities are exempt from the permit requirement:
 - 1. Any emergency activity is immediately necessary for protecting life, property, or natural resources.
 - 2. Existing agricultural uses conducted as a permitted or accessory use
 - 3. Swimming pools: In-ground residential or Commercial that require a building permit.
 - 4. Residential Landscaping: Minor grading, excavation, filling, or clearing associated with landscaping projects for single-family residential uses are exempt from a permit requirement.
 - 5. **General lot cleaning**: Includes removing weeds, junk, trash, debris, or other unwanted matter without leveling/grading, removing, or adding dirt to the lot.
 - 6. **A Drainage study (done by a licensed Engineer)** on parcels under one acre.
 - 7. **A sediment and erosion control plan** on parcels under one acre.
 - 8. **Air quality/dust control plans** are not required on parcels half acre and under.
- C. Application For a Grading Permit: Each application shall include the following:
 - 1. Name of applicant.
 - 2. Business or residence address of applicant.

3. Name, address or telephone number of the owner of the property of record.
4. Address and legal description of subject property including the tax reference number and parcel number of the subject property.
5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing/grading activity and who shall implement the erosion and sediment control plan.
6. A written statement indicating the nature, extent, and purpose of the land disturbing/grading activity, including the size of the area for which the permit shall be applicable and a schedule for the staffing and completion dates of the land disturbing/grading activity.
7. A grading diagram with contours of two feet and cross sections showing the extent of grading with cut/fill, import/export, and grading volumes in cubic yards; as well as a statement identifying the location of where any excess dirt is transported to within City limits.
8. For grading associated with a pending land use application, a written statement from the property owner or project proponent acknowledging that grading contours and elevations shown on the grading plan are subject to change pending final approval of the land use application and construction drawings.
9. A drainage study conducted by a licensed and qualified engineer.
10. A sediment and erosion control plan
11. A drainage plan.
12. An air quality/dust control plan, which shall include a detailed plan to control and limit dust, noise, vibration, smoke, and odor created on the site during actual extraction operations and during idle times. This plan shall reflect the requirement that all access and haul roads on the site shall be maintained in a dust free condition by impervious surfacing or some other treatment approved by the City. Dust mitigation must be pursuant to Rule R-307-205 of the Utah Administrative Code, applicable City ordinances, and any other applicable statute or regulation

13. A weed control and abatement plan.
14. Each application for a grading permit shall be accompanied by payment of grading permit and other review fees, as adopted by resolution and found in the City fee schedule.
15. Reclamation Bond: In reviewing a grading permit application, the Zoning Administrator may require the applicant/permittee to post a grading bond, in the form of (a) a cash bond, (b) a Surety bond, (c) letter of credit or similar security, as required from a licensed and insured lender, with the City in an amount sufficient to cover ten percent (10%) of the cost to restore the graded area to an acceptable level of appearance and stability. The City will The Engineer must approve the cost breakdown for the proposed bond prior to the City accepting said bond. Once the City approves the cost breakdown, the applicant will be required to provide the bond in the amount shown on the approved cost breakdown.
16. Inspections: All construction or work for which a permit is required shall be subject to inspection at all reasonable times by the Zoning Administrator and Public Works inspectors. The Zoning Administrator and/or Public Works Inspector's may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this article and other ordinances which are applicable. The permittee shall notify the Zoning Administrator and/or Public Works inspector's when grading reaches completion and prior to being covered or concealed by additional work. Whenever any work on which inspections are required is covered or concealed by additional work without first having been inspected, the Zoning Administrator and/or public works inspectors may require, through written notice, that such work be exposed for examination. The work of exposing and recovering shall be an expense of the permittee requiring the inspection.

D. Approval Procedure:

1. The Zoning Administrator, upon receiving a complete application for a grading permit, May submit the application to the Joint Utility Committee for review to determine compliance with the Approval Standards of this section. After reviewing the application in conjunction with the Joint Utility Committee, the Zoning Administrator shall provide to the applicant one (1) of the following responses in writing:
 - a. Approval of the permit application.
 - b. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this title, and issue the permit subject to these conditions; or
 - c. Denial of the permit application, indicating the reason(s) for the denial.

2. If the Zoning Administrator has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by this code. No grading permit will be released until the development plans have been approved.

E. Permit Duration: A grading permit shall expire and become null and void if substantial work authorized by such permit has not commenced within sixty (60) calendar days of issuance. A grading permit shall also become null and void if the entire project is not completed within twelve (12) months from the date of issuance. A grading permit may be extended for an additional time period deemed appropriate by the Zoning Administrator ~~not to exceed~~ twelve (12) months, provided that the applicant is in compliance with this section, substantial work has been completed on the site, and the Reclamation Bond is renewed and updated as may be required by the City Engineer.

F. Inspections: The applicant must notify the Public Works Director in advance of the commencement of grading to schedule a preconstruction meeting. If deemed unnecessary, the Public Works Director may waive the requirement to hold a preconstruction meeting for grading not associated with a pending or active, approved land use application. No work under any grading permit may be commenced until the Public Works Director has issued a Notice to Proceed letter. The Public Works Director may inspect the work for conformance to the approved plans at any time. Failure to comply with the approved plans shall subject the property owner, contractor, and applicant to Stop Work Orders, civil damages, and any other recourse or penalties available under City, state, or federal law.

Reclamation Bond: Prior to the grading permit being issued, a bond in an amount 10% must be in place to be used to mitigate any potential hazards or disruptions caused by the grading work.

H. Approval Standards: No grading permit shall be issued unless it meets the following standards:

- a. Complete application, including satisfying the scope and applicability requirements of subsection (I) and the submission of all plans meeting the standards in subsection (3).
- b. Verification that no increase in stormwater drainage will occur on neighboring properties.
- c. Verification that sediment will be adequately retained and erosion adequately controlled.
- d. Verification that weeds will be adequately controlled.
- e. Verification that dust, noise, vibration, smoke, and odor created on the site during actual extractions operations and during idle times will be controlled and limited to prevent nuisance to neighboring properties, to comply with Utah Administrative Code R-307-205, applicable City ordinances, and any other applicable statute or regulation.
- f. Verification by the City Engineer that the overall extent of the grading shown in the plans matches the amount used to calculate the reclamation bond.

g. Verification that legal access to the property is available.



ARTICLE C1. MEDIUM DENSITY RESIDENTIAL (MDR-8)

SECTION:

[10-6C1-1: Purpose](#)

[10-6C1-2: Permitted Uses](#)

[10-6C1-3: Application Requirements](#)

[10-6C1-4: Height Regulations](#)

[10-6C1-5: Area, Width And Yard Requirements](#)

[10-6C1-6: Modifying Regulations](#)

10-6C1-1: PURPOSE:

To provide an appropriate location for small lot single-family homes and attached homes at a density of up to eight dwelling units per acre. Only those uses specified in this chapter are permitted in this zone

10-6C1-2: PERMITTED USES:

Accessory uses and buildings.

Detached, single-family residences

Cluster and courtyard housing

Churches.

Hospitals

Household pets.

Mortuaries

Parks and playgrounds.

Public buildings

Public Libraries.

Schools.

Small/open congregate living facilities. (Ord. 2008-07, 5-7-2008; amd. Ord. 2009-02, 2-18-2009; Ord. 2013-10, 8-21-2013, eff. 2-17-2014)

Twin homes, triplex, and fourplex units as a planned unit development are permitted by the Administrative Land Use Authority (ALUA). Developments greater than four (4) units are required to have a development agreement.

10-6C1-3: APPLICATION REQUIREMENTS:

Applications for the development of twin homes, triplex homes, and fourplex homes in the MDR-8 zone shall be processed as a planned unit development and comply with the following application requirements:

Commented [DI1]: We have taken out the Accessory building. Lot too small

Commented [DI2]: A "cluster and courtyard housing" refers to a type of residential development where multiple homes are grouped closely together around a shared open space, often called a courtyard, creating a sense of community while maximizing the use of land and preserving open areas; essentially, a cluster of houses arranged around a central courtyard where residents share access to the common space, often with benefits like increased privacy and a more pedestrian-friendly environment.

Commented [DI3]: Fay are we required by law to have this allowance?

Or maybe allowed just in the detached dwelling?

Commented [DI4]: We currently don't have a PUD ordinance. Can we call it an apartment complex?

- A. A precise plan application shall be submitted to the city for review and approval. A dimensioned site plan(s) showing the entire development under consideration including building location(s), setbacks, lot coverage, access locations, streets, perimeter wall(s) locations and design, preliminary landscape plan, utilities plan (including fire hydrant locations), equipment locations and screening, phasing (if any), and any other pertinent design features or aspect of the development.
- B. Architectural drawings: Architectural drawings shall be included as part of the precise plan application. Plans shall consist of building elevation/façade renderings with exterior materials clearly depicted, proposed colors, identification of building massing and design and roof type and color, and any other design feature. Material and color palettes shall be included as part of the submission.
- C. Studies: The city may require studies to analyze the impact of a project. Studies may consist of traffic, noise, drainage, geotechnical or any other study the city requires in order to properly analyze the impact of the project.
- D. Landscaping: A landscaping plan shall be submitted as part of the application process and shall follow the requirements of Chapter 8 (conservation Landscaping Requirements) as adopted and required by the WCWCD (Washington County Water Conservation District)
- E. Lighting: All lighting shall comply with Chapter 7 Outdoor Lighting (night sky) ordinance, which includes parking lot lights, security lights, and illuminated signs shall be designed and directed in a manner to prevent glare on adjacent properties and into the sky. To more fully implement this requirement, a photometric lighting plan Shall be required to show that there will be no significant overflow lighting.

10-6C1-4: HEIGHT REGULATIONS:

No buildings shall be erected to a height greater than Twenty-five feet (25') Thirty-five (35') for a single-story detached unit, and forty feet (40) for two-stories Attached units, except that the City shall not impose or restrict the height of a structure in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution unless the City demonstrates that imposition of the burden on that person, assembly, or institution:

- A. Is in furtherance of a compelling governmental interest; and
- B. Is the least restrictive means of furthering that compelling governmental interest. (Ord. 2008-07, 5-7-2008)

Commented [D15]: This matches the rest of our codes, so we are consistent.

10-6C1-5: AREA, WIDTH, AND YARD REQUIREMENTS: SINGLE-FAMILY DETACHED DWELLINGS (SINGLE FAMILY)

District	DENSITY	Minimum Lot Area in Square Feet	Lot Width In Feet	Lot Depth In Feet	Open Space	Setback In Feet			
						Front	Side	Rear	Corner lots
MDR-8	Up to eight dwelling units Per acre	4,000	40	80'	Not Required	1 25'	2 5'	3 10'	4 15'

Note:

1. Front: 25 feet to the garage, 15 feet to other portions of the structure.
3. Rear: Patio covers, open on three sides, may encroach up to three feet of the rear yard property line.
4. Corner lots: Corner lot adjacent to a street fifteen feet.

Commented [D16]: This is for city streets adjacent. What about inside the development?

10-6C1-6: AREA, WIDTH, AND YARD REQUIREMENTS: ATTACHED-FAMILY DWELLINGS (TWIN HOMES, TRIPLEX AND FOURPLEX)

District	DENSITY	Minimum Lot Area in Square Feet	Lot Width In Feet	Lot Depth In Feet	Open Space	Setback In Feet			
						Front	Side	Rear	Corner lots
MDR-8	Up to eight dwelling units Per acre	N/A	N/A	N/A	Required Modifying Regulations G	1 25'	2 5'	3 10'	4 15'

Note:

1. Front: Five feet to the garage for attached units fronting alley or private drive.
2. Side: Setback between a structure and property line for attached units.
3. Rear: Between a structure and a rear property line.
4. Corner lot: Corner lot adjacent to a street fifteen feet.
5. Number of units will be based on lot size percentages

10-6C1-7: MODIFYING REGULATIONS:

- A. Easement Required: All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet (7 1/2') and on a street side property line of ten feet (10') minimum, to be used for utilities and drainage. **Accessory Buildings:** Only allowed for single-

family detached homes. These structures shall not be located in the front setback; shall be located in the rear yard area behind fencing; if located at least ten feet behind the main building, may have a side setback of three feet. Accessory building or group of accessory buildings shall not cover more than eight percent (8%) of the total lot area. (Ord. 2008-07, 5-7-2008; amd. Ord. 2013-10, 8-21-2013, eff. 2-17-2014)

Commented [DI7]: We have taken out the Accessory building. Lot too small

- B. Common recreation area: Amenities in the common recreation area may consist of a pool, play area, tennis courts, barbecue areas, canopies, enclosed gym and workout areas, recreation rooms or any combination of the aforementioned and/or alternatives as approved by the city.
- C. **Development agreement:** A development agreement is required for review and approval for planned unit developments (i.e., twin homes, triplexes and fourplexes).
- Commented [DI8]:** We need to update our Development agreement to allow this use.
- D. Fencing: A six-foot high decorative block wall shall be required around the perimeter of the entire subject property. All lots and private open space areas shall be fenced with a six-foot high vinyl fence or other material approved by the city. No wood perimeter fencing is allowed.
- E. Garages Required: Minimum garage size for new home construction shall be twenty feet by twenty feet (20' x 20'). (Ord. 2008-07, 5-7-2008; amd. Ord. 2013-10, 8-21-2013, eff. 2-17-2014)
- F. Homeowner's association: Establishment of a homeowner's association is required for planned unit developments - twin homes, triplexes and fourplex housing. A homeowner's association may also be required by the city based on specific issues related to the development.
- G. Lot coverage: Structures on a lot shall not exceed 75% of the total lot area.
- H. Open space: For twin homes, triplexes and fourplexes, two hundred (200) square feet of active open space is required per dwelling unit. One hundred (100) square feet shall be in a private patio area for the exclusive use of each dwelling unit occupant. One hundred (100) square feet shall be provided in a common recreation area.
- I. Streets: All streets in or adjacent to the MDR-8 zone shall meet the requirements of the city's construction and development standards, including curb, gutter and sidewalk.

ARTICLE C2. HIGH DENSITY RESIDENTIAL (HDR-14)

SECTION:

[10-6C2-1: Purpose](#)

[10-6C2-2: Permitted Uses](#)

[10-6C2-3: Application Requirements](#)

[10-6C2-4: Height Regulations](#)

[10-6C2-5: Area, Width And Yard Requirements](#)

[10-6C2-6: Modifying Regulations](#)

10-6C2-1: PURPOSE:

To provide for the development of attached housing, condominiums and townhomes at a density of up to four (4) stories and fourteen (14) dwelling units per acre as a planned unit development. Only those uses specified in this chapter are permitted in this zone.

Commented [DI1]: What is min. property size for development?

Is it based on %? (for example, .7 acres could have 9 units based on 70% of the 14 units per acre)

10-6C2-2: PERMITTED USES:

Multi-family housing.

Apartments, condominiums and townhomes.

Churches.

Household pets.

Parks and playgrounds.

Public buildings

Public Libraries.

Schools.

10-6C1-3: APPLICATION REQUIREMENTS:

Applications for the development of twin homes, triplex homes, and fourplex homes in the MDR-8 zone shall be processed as a planned unit development and comply with the following application requirements:

- A. A precise plan application shall be submitted to the city for review and approval. A dimensioned site plan(s) showing the entire development under consideration including building location(s), setbacks, lot coverage, access locations, streets, perimeter wall(s) locations and design, preliminary landscape plan, utilities plan (including fire hydrant locations), equipment locations and screening, phasing (if any), and any other pertinent design features or aspect of the development.
- B. Architectural drawings: Architectural drawings shall be included as part of the precise plan application. Plans shall consist of building elevation/façade renderings with exterior materials clearly depicted, proposed colors, identification of building massing and design and roof type and color, and any other design feature. Material and color palettes shall be included as part of the submission.

C. Studies: The city may require studies to analyze the impact of a project. Studies may consist of traffic, noise, drainage, geotechnical or any other study the city requires in order to properly analyze the impact of the project.

D. Landscaping: A landscaping plan shall be submitted as part of the application process and shall follow the requirements of Chapter 8 (conservation Landscaping Requirements) as adopted and required by the WCWCD (Washington County Water Conservation District)

E. Lighting: All lighting shall comply with Chapter 7 Outdoor Lighting (night sky) ordinance, which includes parking lot lights, security lights, and illuminated signs shall be designed and directed in a manner to prevent glare on adjacent properties and into the sky. To more fully implement this requirement, a photometric lighting plan Shall be required to show that there will be no significant overflow lighting.

10-6C2-4: HEIGHT REGULATIONS:

Maximum building height shall not exceed 45" or four stories|except that the City shall not impose or restrict the height of a structure in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution unless the City demonstrates that imposition of the burden on that person, assembly, or institution:

- A. Is in furtherance of a compelling governmental interest; and
- B. Is the least restrictive means of furthering that compelling governmental interest. (Ord. 2008-07, 5-7-2008)

Commented [DI2]: Carried through on our other ordinances
Question for Fay

10-6C2-5: AREA, WIDTH, AND YARD REQUIREMENTS:

District	DENSITY	Minimum Lot Area in Square Feet	Lot Width In Feet	Minimum Dwelling Unit Square Footage	Open Space	Setback In Feet			
						Front	Side	Rear	Corner lots
MDR-14	Up to fourteen dwelling units Per acre	N/A	N/A	600 Sq. Ft.	Modifying regulations 10-6c2-7 (L)	1 25"	2 15"	3 15"	?

Commented [DI3]: What is min. property size for development?
Is it based on %? (for example, .7 acres could have 9 units based on 70% of the 14 units per acre)

Note:

1. Front or street: Front or street: A minimum 25-foot-wide landscape area between the property line and any improvements (i.e., buildings, courtyards, parking spaces, paving, etc.).
2. Side: 15 feet landscaped up to two stories; 25 feet landscaped up to four stories.
3. Rear: 15 feet landscaped up to two stories; 25 feet landscaped up to four stories.
4. **Corner lots:**

10-6C2-7: MODIFYING REGULATIONS:

- A. Easement Required: All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet ($7\frac{1}{2}$) and on a street side property line of ten feet (10') minimum, to be used for utilities and drainage.
- B. Bicycle Racks: E.V. ready bicycle parking racks (one bicycle parking space for each unit) shall be provided at a centralized location.
- C. Buildings: All buildings shall front a street unless determined otherwise by the city
- D. Common recreation area: Amenities in the common recreation area may consist of a pool, play area, tennis courts, barbecue areas, canopies, enclosed gym and workout areas, recreation rooms or any combination of the aforementioned and/or alternatives as approved by the city.
- E. Curb, gutter, sidewalk and paving: All facilities/uses shall have curb, gutter and sidewalk, and shall have asphalt paving from the curb and gutter out to any existing street asphalt subject to city approval.
- F. Development agreement: A development agreement is required for review and approval in the MU zone (Reference LVMC Section 10-6G3-7).
- G. Lot coverage: Structures on a lot shall not exceed 75% of the total lot area
- H. Fencing: A six-foot high decorative block wall shall be required around the perimeter of the entire subject property. All lots and private open space areas shall be fenced with a six-foot high vinyl fence or other material approved by the city. No wood perimeter fencing is allowed.
- I. Garages Required: Minimum garage size for new home construction shall be twenty feet by twenty feet (20' x 20'). (Ord. 2008-07, 5-7-2008; amd. Ord. 2013-10, 8-21-2013, eff. 2-17-2014)
- J. Homeowner's association: Establishment of a homeowner's association is required for planned unit developments - twin homes, triplexes and fourplex housing. A homeowner's association may also be required by the city based on specific issues related to the development
- K. Loading area: One dedicated and marked 10 foot by 20 foot loading space shall be required for every 15 dwelling units. This loading space requirement is in addition to the resident/tenant parking requirement outlined in the parking requirement above
- L. Open space: Two hundred (200) square feet of active open space is required per dwelling unit. One hundred (100) square feet shall be in a private patio area for the exclusive use of

each dwelling unit occupant. One hundred (100) square feet shall be provided in a common recreation area.

- M. Storage areas: If no enclosed garage is provided for each dwelling unit, 250 square feet of enclosed storage shall be provided per unit. This storage is in addition to room closets, coat closets, water heater closets, etc.
- N. Streets: All streets in or adjacent to the MDR-14 zone shall meet the requirements of the city's construction and development standards, including curb, gutter and sidewalk.
- O. Trash enclosures: One trash dumpster bin (four yard minimum) located in a decorative enclosure shall be provided for every 20 dwelling units.
- P. Vehicular access/parking: Each dwelling unit shall have a minimum of two dedicated parking spaces per unit with one being covered or enclosed. One additional 9-by-18 foot parking space shall be required for every three dwelling units for guest parking.

ARTICLE C3. MIXED USE ZONE (MU)

SECTION:

[10-6C3-1: Purpose](#)

[10-6C3-2: Permitted Uses](#)

[10-6C3-3: Application Requirements](#)

[10-6C3-4: Height Regulations](#)

[10-6C3-5: Area, Width And Yard Requirements](#)

[10-6C3-6: Modifying Regulations](#)

10-6C3-1: PURPOSE:

The primary focus must remain on commercial use. Allowing residential use should be viewed as an added benefit of having a thriving commercial operation. We should establish a connection between an active business license and the continuation of residential allowances. The city cannot afford to diminish its limited commercial zones by converting them to residential use. This is vital for our economic sustainability. the use of its limited commercial area to turn into residential use.

The intent of the Mixed Use (MU) zone is to provide for a mix of commercial uses (lower floor facing a public right -of-way) with multi-family residential uses (apartments, townhomes, condominiums) above and possibly surrounding the commercial lower level area as a planned unit development. Mixed use development is intended to be high-quality urban development that is pedestrian friendly and complementary to the surrounding area. Commercial uses must be a part of the overall design of any development.

10-6C3-2: PERMITTED USES:

Accessories shop
Antique shop
Appliance sales, including electronics
Art school
Bakery products
Bank, savings and loan or other financial institution
Barber shop
Beauty and/or nail salon
Beauty school business license
Bicycle shop
Blueprinting and copying
Book and stationery store
Business college
Camera shop
Cards/gifts shop
Check cashing shop
Childcare center
Clothing and wearing apparel shop
Clothes cleaning

Commented [D11]: The primary focus must remain on commercial use. Allowing residential use should be viewed as an added benefit of having a thriving commercial operation. We should establish a connection between an active business license and the continuation of residential allowances. The city cannot afford to diminish its limited commercial zones by converting them to residential use. This is vital for our economic sustainability. the use of its limited commercial area to turn into residential use.

Computer/electronics store
Confectionery store
Convenience store
Cosmetics store
Crafts and supplies store
Custom dressmaking shop
Cutlery shop
Dance studio
Decorating or drapery shop
Delicatessen
Doughnut shop
Eyeglass and lens store
Fabric store
Fitness center
Flower shop
Food specialties store
Furniture store
General merchandise store
Gift shop
Grocery store - neighborhood
Hardware and appliance store
Health/nutrition store
Hobby shop
Home furnishings store
Home occupations subject to LVMC Section 10-7-17.
Indoor recreational facilities
Interior decorator
Jewelry store
Kitchenware store
Leather goods shop
Library
Locksmith
Mail center
Martial arts studio
Medical office
Medical supplies sales
Microbrewery
Music instruments shop
Nursery or day care
Offices, business or professional
Office products and supply store
Paint store
Parking structures
Party goods store
Pet shop
Post office and related services
Printing, photocopying
Radio, television and appliance store

Residential (condominiums, apartments, townhomes). Must be associated with a bottom floor commercial component.

Restaurant or other eating place, including ice cream, yogurt, cookies

Retail sales

Shoe store

Sporting goods store

Studio, art or music

Supermarket

Swimming pool/supplies store

Tailor shop

Thrift store

Toys/hobbies store

Variety store

10-6C3-3: APPLICATION REQUIERMENTS:

Applications for the development of twin homes, triplex homes, and fourplex homes in the MDR-8 zone shall be processed as a planned unit development and comply with the following application requirements:

- A. A precise plan application shall be submitted to the city for review and approval. A dimensioned site plan(s) showing the entire development under consideration including building location(s), setbacks, lot coverage, access locations, streets, perimeter wall(s) locations and design, preliminary landscape plan, utilities plan (including fire hydrant locations), equipment locations and screening, phasing (if any), and any other pertinent design features or aspect of the development.
- B. Architectural drawings: Architectural drawings shall be included as part of the precise plan application. Plans shall consist of building elevation/façade renderings with exterior materials clearly depicted, proposed colors, identification of building massing and design and roof type and color, and any other design feature. Material and color palettes shall be included as part of the submission.
- C. Studies: The city may require studies to analyze the impact of a project. Studies may consist of traffic, noise, drainage, geotechnical or any other study the city requires in order to properly analyze the impact of the project.
- D. Landscaping: A landscaping plan shall be submitted as part of the application process and shall follow the requirements of Chapter 8 (conservation Landscaping Requirements) as adopted and required by the WCWCD (Washington County Water Conservation District)
- E. Lighting: All lighting shall comply with Chapter 7 Outdoor Lighting (night sky) ordinance, which includes parking lot lights, security lights, and illuminated signs shall be designed and directed in a manner to prevent glare on adjacent properties and into the sky. To more fully implement this requirement, a photometric lighting plan Shall be required to show that there will be no significant overflow lighting.

F. Allowed signage, size, and spacing shall follow Title 10 -11-11

10-6C3-4: HEIGHT REGULATIONS:

Maximum building height shall not exceed 45" or four stories except that the City shall not impose or restrict the height of a structure in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution unless the City demonstrates that imposition of the burden on that person, assembly, or institution:

- A. Is in furtherance of a compelling governmental interest; and
- B. Is the least restrictive means of furthering that compelling governmental interest. (Ord. 2008-07, 5-7-2008)

Commented [DI2]: Carried through on our other ordinances
Question for Fay

10-6C3-5: AREA, WIDTH, AND YARD REQUIREMENTS:

Commented [DI3]: What is min. property size for development?
Is it based on %? (for example, .7 acres could have 9 units based on 70% of the 14 units per acre)

District	DENSITY	LOT COVERAGE	Minimum Dwelling Unit Square Footage	Minimum Property size	Open Space	Setback In Feet			
						Front	Side	Rear	Corner lots
MU	Up to fourteen dwelling units Per acre	Shall not exceed 75% of the total lot area	600 Sq. Ft.		Modifying regulations 10-6c2-7 (L)	1	2	3	?

Note:

1. Front or street: Front or street: A minimum 15-foot-wide landscape area between the property line and any improvements (i.e., buildings, courtyards, parking spaces, paving, etc.).
2. Side: Ten (10) feet landscaped. If located adjacent to a residential area, a 20-foot wide landscape setback (buffer) is required. Building setbacks adjacent to residentially zoned areas shall be 60 feet.
3. Rear: Rear: Ten (10) feet landscaped. If located adjacent to residential areas, a 20-foot wide landscape setback (buffer) is required. Building setbacks adjacent to residentially zoned areas shall be 60 feet.
4. **Corner lots:**

10-6C3-7: MODIFYING REGULATIONS:

- A. Easement Required: All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet ($7\frac{1}{2}$ ') and on a street side property line of ten feet (10') minimum, to be used for utilities and drainage.
- B. Bicycle Racks: E.V. ready bicycle parking racks (one bicycle parking space for each unit) shall be provided at a centralized location.
- C. Buildings: All buildings shall front a street unless determined otherwise by the city
- D. Common recreation area: Amenities in the common recreation area may consist of a pool, play area, tennis courts, barbecue areas, canopies, enclosed gym and workout areas,

recreation rooms or any combination of the aforementioned and/or alternatives as approved by the city.

- E. Curb, gutter, sidewalk and paving: All facilities/uses shall have curb, gutter and sidewalk, and shall have asphalt paving from the curb and gutter out to any existing street asphalt subject to city approval.
- F. Development agreement: A development agreement is required for review and approval in the MU zone (Reference LVMC Section 10-6G3-7).
- G. Fencing: A six-foot high decorative block wall shall be required around the perimeter of the entire subject property. All lots and private open space areas shall be fenced with a six-foot high vinyl fence or other material approved by the city. No wood perimeter fencing is allowed.
- H. Garages Required: Minimum garage size for new home construction shall be twenty feet by twenty feet (20' x 20'). (Ord. 2008-07, 5-7-2008; amd. Ord. 2013-10, 8-21-2013, eff. 2-17-2014)
- I. Homeowner's association: Establishment of a homeowner's association is required for planned unit developments - twin homes, triplexes and fourplex housing. A homeowner's association may also be required by the city based on specific issues related to the development
- J. Loading spaces shall be provided at a ratio of one for every 15,000 square feet of commercial floor area, or as determined by the city. Loading space size shall be 10 feet by 20 feet. One dedicated and marked 10 foot by 20 foot loading space shall be
- K. Open space: Two hundred (200) square feet of active open space is required per dwelling unit. One hundred (100) square feet shall be in a private patio area for the exclusive use of each dwelling unit occupant. One hundred (100) square feet shall be provided in a common recreation area.
- L. Storage areas: If no enclosed garage is provided for each dwelling unit, 250 square feet of enclosed storage shall be provided per unit. This storage is in addition to room closets, coat closets, water heater closets, etc.
- M. Streets: All streets in or adjacent to the MDR-14 zone shall meet the requirements of the city's construction and development standards, including curb, gutter and sidewalk.
- N. Trash enclosures: One trash dumpster bin (four yard minimum) located in a decorative enclosure shall be provided for every 20 dwelling units.
- O. Vehicular access/parking: All facilities/uses shall have driveways, points of vehicular ingress and egress and parking. The parking requirement shall be one 9-by-18 foot parking space for every 200 square feet of commercial floor area. One 9-by-18 foot parking space for each 3.5 seats or one parking space for 100 square feet of restaurant

floor area (excluding kitchen, storage, etc.), whichever is greater. All drive aisles shall be a minimum of 25 feet in width. Each dwelling unit shall have a minimum of two dedicated parking spaces per unit with one being covered or enclosed. One additional 9-by-18 foot parking space shall be required for every three dwelling units for guest parking

CHAPTER 17

PLANNED UNIT DEVELOPMENT – RESIDENTIAL (PUD-R) ZONE

ARTICLE A. GENERAL PROVISIONS

SECTION:

[10-17A-1: Purpose](#)

[10-17A-2: Rezoning Approval Process](#)

[10-17A-3: Permitted Uses](#)

[10-17A-4: General Requirements](#)

[10-17A-5: Content Of Written Text/Site Plan](#)

[10-17A-6: Residential – Single Lot Development Standards](#)

[10-17A-7: Residential – Multiple Family Development Standards](#)

[10-17A-8: Residential – Short term Rental Development Standards](#)

[10-17A-9: Other Requirements](#)

LaVerkin City's Planned Unit Development - Residential (PUD-R) Zones have been established to encourage creative and efficient planning and development of land within our community by providing greater flexibility in the placement of buildings and structures on the land, the consolidation and preservation of community-valued view corridors, open spaces and trails, and the clustering of residential units. Proposed developments should be designed to maximize the integration of improvements into the natural and proposed landscape, thereby minimizing the visual impact on both view corridors/viewsheds as well as from property to property within the community. These PUD provisions are intended to create more attractive and desirable environments within the residential areas of the City.

10-17A-2: REZONE APPROVAL PROCESS:

A. Application For Zone Change: Any person desiring to develop property under the provisions of this article shall first file an application for a zone change on the standard form provided by the City.

Commented [D1]: Need to make up an application

B. Conceptual Plan: The zone change application shall include a conceptual plan, and supporting text materials which describe the proposed land uses, density and the proposal's relationship to the City general plan, as well as elevations of proposed buildings within the development. Though the City strongly encourages conceptual plans be approved at the time of zoning approval, the applicant may request to defer the conceptual plan design approval to a later date. Deferred conceptual plans will have a time limitation of eighteen (18) months. Approval process for deferred conceptual plans will be required to follow subsections C, D and E of this section.

C. Public Hearing By Planning Commission, With Review And Recommendation: The Planning Commission will schedule a public hearing to consider the proposed zone change and shall review the conceptual plan, supporting text materials and staff comments for compliance with applicable general plan policies. The Planning Commission shall also make recommendations concerning the zone change request which will be forwarded to the City Council.

D. Review by City Council: The City Council will receive the recommendations of the Planning Commission and schedule a public meeting to consider official action on the zone change request.

E. Decision Of City Council: The City Council may approve, modify and approve, or deny the zone change request.

10-17A-3: PERMITTED USES

"Home occupations", as defined in section _____ of this title.

Household pets.

Mobile homes or recreational vehicle developments.

Multiple-family residential uses.

Single-family residential uses.

Townhouse and condominiums (20,000 square foot lot and 4 unit minimum).

Any combination of the above uses, or other uses that may be determined by the Planning Commission to be compatible and in harmony with each other according to the designated and approved development.

Commented [D12]: We need to align this with our newly created zones

10-17A-4: GENERAL REQUIREMENTS:

A. Application And Plan: The applicant will submit an application for a zone change on the standard zone change application form of the City, along with a site development plan, as outlined in section [9-8F-5](#) of this article, for a Planned Unit Development - Residential Zone change.

B. Planning Staff Review: Prior to the review of the development plan and text by the Planning Commission, the applicant shall pre-file the proposed request with the planning staff for review. The planning staff shall contact interested department personnel of the City or other agencies for review purposes. After review by staff, the staff shall furnish to the applicant any comments regarding the zone change request that may help the applicant in preparing the request for submission. Staff shall hold such meetings with the applicant as are deemed necessary for proper review.

C. Development Plan: All requests shall be accompanied by a colored site development plan and written text for the entire property proposed to be developed.

D. Ownership: A planned unit development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

E. Open Spaces: Preservation, maintenance and ownership of open spaces within the development shall be accomplished by:

1. Dedication of land as a public park or parkway system; or

2. Granting to the City a permanent open space easement on or over the said private open spaces to guarantee that the open space will remain perpetually in common use, with ownership and maintenance being the responsibility of a homeowner's association established with articles of association and bylaws which are satisfactory to the City Council; or

3. Complying with the provisions of the Condominium Ownership Act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities. (Ord. 2018-02, 1-10-2018)

10-17A-5: CONTENTS OF WRITTEN TEXT/SITE PLAN:

A. Use Of Land: The applicant shall prepare a site plan and written text that show and clearly explain the projected use of land including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.

B. Buildings: The text shall indicate the type, character and proposed height of all buildings. The plot plan, elevations and perspective drawings shall be prepared by the applicant to help the Planning Commission and City Council better understand the proposal. (Elevations may not be required when applying for a residential - single lot development.)

C. Density: The density in terms of dwelling units per gross acre of land shall be indicated.

D. Common And Open Spaces: The location of any proposed school sites, churches, parks and other common or open spaces shall be identified.

E. Phasing Plan: A phasing plan, if the development is proposed to be developed in phases, shall be submitted.

F. Topography: Topography at contour intervals of two feet (2') shall be submitted unless waived by the planning staff.

G. Landscape Plan: A landscape plan showing the general location of lawn area, shrubs, trees and fencing shall be submitted. (This may be part of the site or plot plan.)

H. Developable Area Reserved For Landscaping: The amount of developable land area reserved for landscaping shall be indicated (with a minimum of 20 percent of the site area developed as landscaping).

I. Utilities Underground: All utilities shall be underground unless otherwise approved by the Planning Commission. Transformer equipment shall be screened from the streets and from adjacent properties.

J. Refuse Storage Areas: Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets, freeways and adjacent properties. Storage or refuse areas shall not be located within required building setbacks nor within utility easements.

K. Lighting Plan: The plans submitted shall include a general lighting plan indicating location of lights to be installed on site.

L. Turning Spaces: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, fire-fighting equipment, etc., at the end of private drives and dead end streets.

M. Traffic Conditions: The effect of the development on traffic conditions on abutting streets shall be shown.

N. Layout: The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways and walkways.

O. Off Street Parking: The arrangement and adequacy of off street parking facilities.

P. Planning Objectives: The text material shall set forth planning objectives to be accomplished through the development of the project, and show that the requested PUD zoning is in conformance with the City general plan and complies with the requested zoning designation.

Q. Improvements: Location, grades, widths, and type of all improvements proposed for all streets.

R. Line Locations: A plan showing the location of all water, sewer and drainage lines in and through the project.

S. Deed Restrictions; Covenants: Copies of any deed restrictions, restrictive covenants, bylaws, architectural controls or other requirements that may be appurtenant to the proposed development.

T. Signage: The size, location, design and nature of signs, if any, and the intensity and direction of area flood-lighting shall be detailed in the text materials.

U. Grading And Drainage Plan: A grading and drainage plan shall be submitted with the site development plan.

V. Geotechnical Report: A geotechnical report identifying any possible flood, slope, faulting, soils or other related hazards on the site shall be submitted with the application.

10-17A-6: RESIDENTIAL – SINGLE LOT DEVELOPMENT STANDARDS:

A. Building Coverage: The land coverage by all buildings shall not exceed fifty percent (50%) of the net lot or parcel acreage.

B. Minimum Lot Size: The minimum lot size in single-family residential subdivisions with private individual lots (no common area within lots) is five thousand (5,000) square feet; provided, that at least twenty percent (20%) of the total project is developed and maintained as common open landscape or recreation area.

C. Density: The density of a planned unit residential - single lot development shall conform to the density limitations of the general plan, except that the City Council upon recommendation of the Planning Commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed dwellings are platted for individual ownership of the dwelling units, and

2. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the City Council but in no case shall exceed eight (8) dwelling units per acre. To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:

a. Landscaping Along Periphery Of Development: If a common area landscaped strip between twenty feet (20') and twenty five feet (25') is created along the periphery of the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and surrounds at least sixty seven percent (67%) of the development, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

b. Tree Lined Streets: Tree lined streets for all streets (internal and periphery) to provide shade for sidewalks and to reduce solar heat gain. If all streets within the development, on both sides of the streets, will have a landscape strip between the curb and sidewalk planted with shade trees at forty foot (40') spacing or less, with trees that are of twenty four inch (24") box containers with a minimum of one and one-half inch (1½") caliper, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

c. Landscaped Open Spaces: For every ten percent (10%) of landscaped open space incorporated into the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and not receiving density increases through other provisions of this section, may receive an increase of one dwelling unit per acre which shall be added to the minimum density for the development.

d. Increased Recreational Facilities: Additional designated recreational amenities, above the requirements as already set forth for planned unit development,

may receive an increase in density, as approved by the Planning Commission and City Council on case by case basis.

D. Setbacks: The setbacks for all Planned Unit Developments - Residential will be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the City Council:

1. Front Yard: Front yard setbacks shall be a minimum of twenty feet (20'). The street side of corner lots, shall be the same as the front yard setback.
2. Building, Parking Required: The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.
3. Side Setbacks: Side yard setbacks on interior lot lines shall be a minimum of five feet (5') on one side and ten feet (10') on the opposite side for all dwellings, with a minimum of fifteen feet (15') between homes. Side yard setbacks on exterior lot lines (boundary lines) shall be a minimum of ten feet (10').
4. Rear Setbacks: Rear yard setbacks shall be a minimum of ten feet (10').

E. Parking Requirements: The parking requirements of chapter 16 of this title shall apply.

F. Signs And Advertising: The requirements of chapter 18 of this title shall apply, except that in large residential planned unit developments (those containing more than 200 dwelling units), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions contained in chapter 18 of this title.

G. Height Restrictions: No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as part of the zone change approval.

H. Size Requirement: Each Planned Unit Development Zone shall contain a minimum of twenty thousand (20,000) square feet and four (4) dwelling units.

I. Landscape Requirement: All planned unit developments shall have a minimum of fifty percent (50%) of the developable site area developed and maintained as landscaped or natural open space. Floodways and slopes that exceed a specific percentage and/or have unsuitable soil conditions for hillside development, as identified in the Hillside Protection Overlay Zone, are not considered developable. The applicant of the requested PUD Zone shall show what areas are to be landscaped and what areas are to be left in a natural state. The City Council shall determine if the proposed landscaped areas and the areas proposed to be left in a natural state will satisfy the fifty percent (50%) landscape or natural open space requirement. In any event, all landscaped and open green space areas shall be kept in a weed free condition. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.

J. Time Limitations: Building permits for construction within Planned Unit Development Residential - Single Lot Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development - single lots. If

eighteen (18) months elapse without the issuance of building permits for the construction of the approved plans within the Planned Unit Development Zone, all conceptual and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the eighteen (18) month time limit. The Community Development Director may approve a six (6) month extension on an approved development plan. In the case that a second six (6) month extension is needed, the applicant shall request a second extension on the approved development plan prior to the expiration of the first six (6) month extension time limit. The City Council will approve or deny the requested second extension on the development plan. In the case that an approved development plan does expire, the zoning of the property shall remain planned unit development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the City Council as outlined in section 9-8F-2 of this article.

K. Recreation Or Playground Areas: In developments with five (5) or more units, there shall be provided usable recreation or playground areas with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. No side measurement of each usable recreation or playground area shall be less than twenty feet (20') in width/length. At least fifty percent (50%) of the usable area shall be in the form of open playground and green space. (Ord. 2018-02, 1-10-2018)

10-17A-7: RESIDENTIAL – MULTIPLE FAMILY DEVELOPMENT STANDARDS:

A. Building Coverage: The land coverage by all buildings shall not exceed fifty percent (50%) of the net lot or parcel acreage.

B. Minimum Lot Size: The minimum lot size in multiple-family residential subdivisions with private individual building pads and associated common area is twenty thousand (20,000) square feet; provided, that at least twenty percent (20%) of the total project is developed and maintained as common open landscape or recreation area.

C. Density: The density of a planned unit residential - multiple family development shall conform to the density limitations of the general plan, except that the City upon recommendation of the Planning Commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed development is considered an infill development where the surrounding land is already developed, and
2. The proposed dwellings are platted for individual ownership of the dwelling units, and
3. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the City Council but in no case shall exceed a twenty five percent (25%) dwelling units per acre increase as stated in

the general plan. To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:

a. **Landscaping Along Periphery Of Development:** If a common area landscaped strip between twenty feet (20') and twenty five feet (25') is created along the periphery of the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and surrounds at least sixty seven percent (67%) of the development, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

b. **Tree Lined Streets:** Tree lined streets for all streets (internal and periphery) to provide shade for sidewalks and to reduce solar heat gain. If all streets within the development, on both sides of the streets, will have a landscape strip between the curb and sidewalk planted with shade trees at forty foot (40') spacing or less, with trees that are of twenty four inch (24") box containers with a minimum of one and one-half inch (1½") caliper, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

c. **Landscaped Open Spaces:** For every ten percent (10%) of landscaped open space incorporated into the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and not receiving density increases through other provisions of this section, may receive an increase of one dwelling unit per acre which shall be added to the minimum density for the development.

d. **Increased Recreational Facilities:** Additional designated recreational amenities, above the requirements as already set forth for planned unit development, may receive an increase in density, as approved by the Planning Commission and City Council on case by case basis.

D. Setbacks: The setbacks for all planned unit developments - multiple family will be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the City Council:

1. **Front Yard:** Front yard setbacks shall be a minimum of twenty feet (20'). The street side of corner lots, shall be the same as the front yard setback.

2. **Building, Parking Required:** The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.

3. **Side And Rear Setbacks:** Side and rear setbacks on interior lot lines shall be a minimum of ten feet (10') for all dwellings.

4. **Group Dwellings:** In group dwellings, no two (2) buildings may be located closer together than ten feet (10') for one- story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for approved three-story (or more) buildings.

5. **Two-Story Buildings:** For two-story (or more) buildings, the side and rear setbacks shall be at least twenty five feet (25') along the boundary of a Single-Family Zone, and twenty feet (20') along the boundary of other zones.

E. Parking Requirements: The parking requirements of chapter 16 of this title shall apply.

F. Signs And Advertising: The requirements of chapter 18 of this title shall apply, except that in large residential planned unit developments (those containing more than 200 dwelling units), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions contained in chapter 18 of this title.

G. Height Restrictions: No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as part of the zone change approval.

H. Size Requirement: Each Planned Unit Development Zone shall contain a minimum of twenty thousand (20,000) square feet and four (4) dwelling units.

I. Landscape Requirement: All planned unit developments shall have a minimum of fifty percent (50%) of the developable site area developed and maintained as landscaped or open green space. Floodways and slopes that exceed a specific percentage and/or have unsuitable soil conditions for hillside development, as identified in the Hillside Protection Overlay Zone, are not considered developable. The applicant of the requested PUD Zone shall show what areas are to be landscaped and what areas are to be left in a natural state. The City Council shall determine if the proposed landscaped areas and the areas proposed to be left in a natural state will satisfy the fifty percent (50%) landscape or open green space requirement. In any event, all landscaped and open green space areas shall be kept in a weed free condition. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.

J. Time Limitations: Building permits for construction within Planned Unit Development Residential - Multiple Family Lot Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development - multiple family. If eighteen (18) months elapse without the issuance of building permits for the construction of the approved plans within the Planned Unit Development Zone, all conceptual and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the eighteen (18) month time limit. The Community Development Director may approve a six (6) month extension on an approved development plan. In the case that a second six (6) month extension is needed, the applicant shall request a second extension on the approved development plan prior to the expiration of the first six (6) month extension time limit. The City Council will approve or deny the requested second extension on the development plan. In the case that an approved development plan does expire, the zoning of the property shall remain planned unit development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the City Council as outlined in section 9-8F-2 of this article.

K. Recreation Or Playground Areas: In developments with five (5) or more units, there shall be provided usable recreation or playground areas with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. No side measurement of each usable

recreation or playground area shall be less than twenty feet (20') in width/length. At least fifty percent (50%) of the usable area shall be in the form of open playground and green space. (Ord. 2018-02, 1-10-2018)

10-17-A-8:RESIDENTIAL – SHORT TERM RENTAL DEVELOPMENT STANDARDS:

A. Building Coverage: The land coverage by all buildings shall not exceed fifty percent (50%) of the net lot or parcel acreage.

B. Minimum Lot Size: The minimum lot size in the short term rental residential subdivisions is five (5) acres, with a minimum of five (5) dwelling units; provided, that at least twenty percent (20%) of the total project is developed and maintained as common open landscape or recreation area.

C. Density: The density of a planned unit residential - short term rental development shall conform to the density limitations of the general plan, except that the City upon recommendation of the Planning Commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed development is considered an infill development where the surrounding land is already developed, and
2. The proposed dwellings are platted for individual ownership of the dwelling units, and
3. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the City Council but in no case shall exceed a twenty five percent (25%) dwelling units per acre increase as stated in the general plan. To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:

a. Landscaping Along Periphery Of Development: If a common area landscaped strip between twenty feet (20') and twenty five feet (25') is created along the periphery of the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and surrounds at least sixty seven percent (67%) of the development, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

b. Tree Lined Streets: Tree lined streets for all streets (internal and periphery) to provide shade for sidewalks and to reduce solar heat gain. If all streets within the development, on both sides of the streets, will have a landscape strip between the curb and sidewalk planted with shade trees at forty foot (40') spacing or less, with trees that are of twenty four inch (24") box containers with a minimum of one and one-half inch (1½") caliper, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

c. Landscaped Open Spaces: For every ten percent (10%) of landscaped open space incorporated into the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and not receiving density increases through

other provisions of this section, may receive an increase of one dwelling unit per acre which shall be added to the minimum density for the development.

d. Increased Recreational Facilities: Additional designated recreational amenities, above the requirements as already set forth for planned unit development, may receive an increase in density, as approved by the Planning Commission and City Council on case by case basis.

D. Setbacks: The setbacks for all planned unit developments - residential will be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the City Council:

1. Front Yard: Front yard setbacks shall be a minimum of twenty feet (20'). The street side of corner lots, shall be the same as the front yard setback.
2. Building, Parking Required: The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.
3. Side And Rear Setbacks: Side and rear setbacks on interior lot lines shall be a minimum of ten feet (10') for all dwellings.
4. Group Dwellings: In group dwellings, no two (2) buildings may be located closer together than ten feet (10') for one- story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for approved three-story (or more) buildings.

5. Two-Story Buildings: For two-story (or more) buildings, the side and rear setbacks shall be at least twenty five feet (25') along the boundary of a Single-Family Zone, and twenty feet (20') along the boundary of other zones. An additional ten feet (10') shall be added to the setback for each additional story over two (2) stories.

E. Parking Requirements: At a minimum, two (2) parking stalls for each dwelling unit (at least 1 will be required to be a covered stall), with additional stalls for visitor parking. The development will also be required to provide additional stalls at a minimum of thirty five feet (35') in length, for vehicles such as boats, trailers, ATVs, etc. Due to the complexity of this particular use, the Planning Commission and City Council reserve the right to review the parking requirements on case by case basis for each planned unit development - short term rental proposal.

F. The Home Owners Association (or their designee) for each short term rental development, will be responsible for providing to the city, a single point of contact (that resides either on the property, or within Washington County, Utah) that will be directly responsible for:

1. Any, and all circumstances and/or disturbances that may need addressing due to the property owners or their guest, and;
2. Assuring that all units being used as Short Term Rentals, have a current Washington City Business License, and;

3. Assuring that all units being used as Short Term Rentals, will be scheduled for, and pass, a Washington City Fire Department yearly inspection of the unit being used as a Short Term Rental.

G. Signs And Advertising: The requirements of chapter 18 of this title shall apply, except that in large residential planned unit developments (those containing more than 200 dwelling units), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions contained in chapter 18 of this title.

H. Height Restrictions: No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as part of the zone change approval.

I. Landscape Requirement: All planned unit developments shall have a minimum of fifty percent (50%) of the developable site area developed and maintained as landscaped or open green space. Floodways and slopes that exceed a specific percentage and/or have unsuitable soil conditions for hillside development, as identified in the Hillside Protection Overlay Zone, are not considered developable. The applicant of the requested PUD Zone shall show what areas are to be landscaped and what areas are to be left in a natural state. The City Council shall determine if the proposed landscaped areas and the areas proposed to be left in a natural state will satisfy the fifty percent (50%) landscape or open green space requirement. In any event, all landscaped and open green space areas shall be kept in a weed free condition. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.

J. Time Limitations: Building permits for construction within Planned Unit Development Residential - Short Term Rental Lot Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development - short term rental. If eighteen (18) months elapse without the issuance of building permits for the construction of the approved plans within the Planned Unit Development Zone, all conceptual and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the eighteen (18) month time limit. The Community Development Director may approve a six (6) month extension on an approved development plan. In the case that a second six (6) month extension is needed, the applicant shall request a second extension on the approved development plan prior to the expiration of the first six (6) month extension time limit. The City Council will approve or deny the requested second extension on the development plan. In the case that an approved development plan does expire, the zoning of the property shall remain planned unit development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the City Council as outlined in section 9-8F-2 of this article.

K. Recreation Or Playground Areas: In developments with five (5) or more units, there shall be provided usable recreation or playground areas with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. No side measurement of each usable recreation or playground area shall be less than twenty feet (20') in width/length. At

least fifty percent (50%) of the usable area shall be in the form of open playground and green space.

10-17A-9: OTHER REQUIREMENTS:

A. Public Meeting by City Council: Subsequent to review and recommendation by the Planning Commission, the proposed Planned Unit Development Zone change request shall be forwarded to the City Council for a public meeting to consider official action on the zone change.

B. Recommendation Of Planning Commission: The Planning Commission shall forward any recommendations for approval, disapproval or modification of the planned unit development request as reviewed by them to the City Council to be considered as a part of the zone change hearing.

C. Advertising And Procedure: The zone change request shall be advertised and heard according to the same requirements as any other zone change request submitted to the City Council.

D. Conditions Of Approval: The City Council may approve a Planned Unit Development Zone change request only after finding that the requirements of this title and any other ordinances or restrictions affecting the property have been satisfied. In granting such approval, the City Council may impose and enforce such specific conditions as to development, phasing and building construction or maintenance and operation as it deems necessary to protect the health, safety and welfare of the residents of the City.

E. Compliance With Approved Plan: All development within the Planned Unit Development Zone shall comply with the development plan as approved and adopted by the City Council.

F. Filing Of Plan And Materials: The development plan and supplementary text materials, after adoption, shall be filed in the offices of the City, and all development within the zone shall comply therewith, unless the development plan and supplementary materials are amended as prescribed herein.

G. Final Subdivision Plat: A final subdivision plat as described in the Subdivision Ordinance in effect at the time of application shall be submitted for a recommendation of approval or disapproval to the Planning Commission, who shall forward their recommendation to the City Council for final plat approval as outlined elsewhere in this title.

H. Other Applicable Provisions: All other applicable provisions of this title shall apply, i.e., mobile home or recreational vehicle requirements for mobile or recreational vehicle developments, etc

10-17A-10: AMENDMENTS AND MODIFICATIONS

Any amendments to the development plan shall be accomplished in the same manner as any other amendment to this title. Revised text and/or plan shall be submitted, along with a zone

change request, to the Planning Commission and shall be reviewed in the same manner as the initial zone change request. The plan, as approved by the City Council, constitutes the zone, and any significant change in the plan shall be processed as an amendment to the zone.

10-17A-11: PLAN REVIEW CONFERENCE:

- A. Required: Following the approval of the Planned Unit Development - Residential Zone change and upon request for issuance of any building permit therein, the developer and contractor and the planning staff shall meet together to review the requirements of the zone change and to make sure that the developer and contractor are aware of the conditions under which the zone change was granted.
- B. Plans Stamped And Signed: At the plan review conferences, the plans will be stamped and signed by the staff, developer and contractor as the official set of construction plans from which the work will be performed.
- C. Changes or Modifications: Any changes or modifications to the approved plan for development during the period of construction shall first be re-submitted to the planning staff for approval and if deemed significant and at the discretion of the staff, returned to the Planning Commission for their review and recommendations and to the City Council for a public meeting to consider official action on the zone change as provided for in section 9-8F-9 of this article.

10-1-6: DEFINITIONS:

CURRENT CODE

ACCESSORY DWELLING UNIT (ADU): An adjunct living unit - sometimes known as a casita, guest house, or mother-in-law apartment - (a) which is clearly incidental and secondary to the primary use of the primary dwelling or residence (for residential purposes), and (b) which contains a sleeping area and has access to a bathroom within the structure in which it is located, and (c) which may or may not have its own dedicated kitchen facilities, and (d) which is located either within or detached from the primary dwelling or residence on the same lot or parcel of real property, or (e) which may be used by members of the family or nonpaying guests, or rented for thirty (30) consecutive days or longer, but shall not be used for short-term rental purposes [rentals intended to be rented out for a period of twenty-nine (29) days or fewer]. No more than one ADU per lot or parcel of property, whether designated as detached ("DADU") or internal ("IADU"), is permitted; provided that, a lot or parcel of property that is one-half (½) acre or larger may contain a DADU and an IADU.

Commented [DI1]: Doesn't apply to (IADU's) no property limitations or (DADU's) on any lot or parcel of property that is at least ten thousand square feet (10,000 sq. ft.) in size

AMENDED ORDINANCE

ACCESSORY DWELLING UNIT: a smaller, independent living space on the same lot as a primary residence. ADUs can be attached to the primary residence, converted from a portion of the primary residence (Internal Accessory Dwelling Unit (IADU), or built as a separate structure (Detached Accessory Dwelling Unit (DADU)).

CURRENT CODE

DETACHED ACCESSORY DWELLING UNIT (DADU): An accessory dwelling unit created or established and operated or used: (a) outside of a primary dwelling or residence, and having its own separate outside entrance; and (b) within the appropriate and relevant setbacks established by law or ordinance, and not encumbering dedicated rights-of-way; and (c) in accordance with the provisions of Section 10-7-22.

AMENDED ORDINANCE

DETACHED ACCESSORY DWELLING UNIT (DADU): A detached accessory dwelling unit is a living space established outside of a primary dwelling, such as a casita, guest house, or mother-in-law apartment. This unit is considered incidental, secondary to the primary residence, and intended for residential purposes such as stays of family members, nonpaying guests, or rented out for short-term or long-term stays. (a) It must have a separate outside entrance (b) It must include a bathroom, kitchen facility, and sleeping area (c) It must comply with the relevant setbacks established by law or ordinance and not encroach on dedicated rights-of-way (d) It must adhere to the provisions outlined in Section 10-7-22.

CURRENT CODE

INTERNAL ACCESSORY DWELLING UNIT (IADU): "IADU" means an accessory dwelling unit created or established and operated or used:

- Within a primary dwelling or residence;
- Within the footprint of the primary dwelling or residence at the time the internal accessory dwelling unit is created; and
- In accordance with the provisions of Section 10-7-21.

