

NOTICE AND AGENDA
SOUTH OGDEN CITY PLANNING COMMISSION MEETING
Thursday, July 9, 2015

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting Thursday, July 9, 2015, beginning at 6:15 p.m. in the Council Chambers located at 3950 Adams Avenue, South Ogden, Utah.

A briefing session will be held at 5:30 pm in the conference room and is open to the public.

- I. Call to Order and Overview of Meeting Procedures** - Chairman Todd Heslop
- II. Commercial Site Plan Actions**
 - A. Consideration of Commercial Site Plan Application for an Auto Sales Business Located at 3725 Riverdale Road
- III. Special Items**
 - A. Discussion on PRUD Ordinance
 - B. Discussion on Group Dwelling Ordinance (Multiple Buildings on a Single Lot)
 - C. Discussion on Conditional Use Ordinance
- IV. Other Business**
- V. Approval Of Minutes Of Previous Meeting**
 - A. Approval of June 11, 2015 Briefing Meeting Minutes
 - B. Approval of June 11, 2015 Meeting Minutes
- VI. Public Comments**
- VII. Adjourn**

Posted and emailed to the State of Utah Public Notice Website July 6, 2015

The undersigned, duly appointed city recorder, does hereby certify that a copy of the above notice and agenda was posted in three public places with the South Ogden City limits on July 6, 2015. These public places being City Hall (1st and 2nd floors), the city website (www.southogdencity.com), and emailed to the Standard-Examiner. Copies were also mailed to each commissioner.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations, including auxiliary communicative aids and services during the meeting should notify Leesa Kapetanov at 801-622-2709 at least 48 hours in advance.

FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA

Planning Commission Report



Subject: Application for Preliminary Site Plan Approval for a Used Car Lot at 3725 Riverdale Road

Author: Mark Vlastic

Department: Planning & Zoning

Date: July 9, 2015

Background

This is an application for preliminary site plan approval for a new 960 SF sales office building located on a .28 acre C-2 commercial lot that currently encompasses a used car lot. The existing sales building will be demolished and the new building will replace it. The new building is proposed to be located in the same general vicinity of the existing building, and the general layout of the parking lot will remain the same. In order to meet minimum parking requirements, 5 parking spaces are required, which are provided in the proposed layout.

The site is located on a triangle-shaped property at the crossroad of Riverdale Road and Lincoln Avenue, which makes it challenging to utilize the space in an efficient manner. Several years ago a retaining wall and steps were constructed on the steep slope along the Lincoln Avenue frontage, much of which was located on property owned by South Ogden City. The City Council approved this enhancement before the walls were constructed.

Discussion/Analysis

According to the South Ogden City Code, the planning commission may impose reasonable requirements to assure, among other things, the safety and convenience of traffic movement both within the area covered and in relation to access streets, a harmonious relationship between the buildings and uses, a harmonious relationship between such area and buildings of adjacent neighborhoods, and the preservation of future road locations.

In furthering the above objectives, the planning commission shall review and may require certain improvements or design changes to be implemented by the developer as part of his construction, related, but not limited to, the following considerations, which shall be shown on a site plan, drawn to scale as follows:

1. Dimensions and orientation of the parcel (**Provided.**)
2. Locations of buildings and structures, both existing and proposed. (**C-2 site development standards met, including lot area coverage, building height, setbacks, etc.**)
3. Location and layout of off-street parking and loading facilities. (**Provided/meets on-site requirements for five parking spaces. Additional parking provided for vehicle sales.**)
4. Location and size of points of entry and exit, including and internal vehicle circulation patterns, type of barrier or curb and gutter used on front property lines (**Provided/meets requirements – see response by the City Engineer**)

5. The location and design of walls and fences and indication of their height and materials of their construction. **(No new walls or fences are indicated on drawings – it is assumed none are proposed.)**
6. The height of existing and proposed buildings and structures **(Provided/meets zoning requirements.)**
7. The proposed use of buildings shown on the plot plan **(Provided/meets requirements.)**
8. Location of exterior existing and proposed lighting standards and devices **(No lighting proposed – assumed existing lighting to be maintained.)**
9. The location and height of any overhead power and communication and transmission lines and all utility easements that may affect subject property. **(None indicated – assume none extend over the proposed structure.)**
10. Location and size of exterior, existing and proposed signs and outdoor advertising in accordance with the sign regulations of the City Code. **No new signs are indicated on drawings – it is assumed none are proposed.)**
11. Meaningful landscaping and open space on the site of not less than ten percent (10%) of the area to be developed. The plan shall identify landscaping details such as shrubs, trees and other plant material. **(No landscaping or open space is indicated. Review of site indicates no meaningful landscape is provided. Requirements for a minimum of 10% of meaningful landscape are not met.)**

Recommendation

Staff recommends approval, upon fulfillment of the following:

1. Meeting all requirements stipulated in the City Engineer plan review.
2. Submission of landscape plan for staff approval, illustrating that the minimum requirement is met. Two minimal concepts are provided for consideration and inspiration.

FIGURE 1:
EXISTING SITE AND PROPOSED SITE PLAN OVERLAY

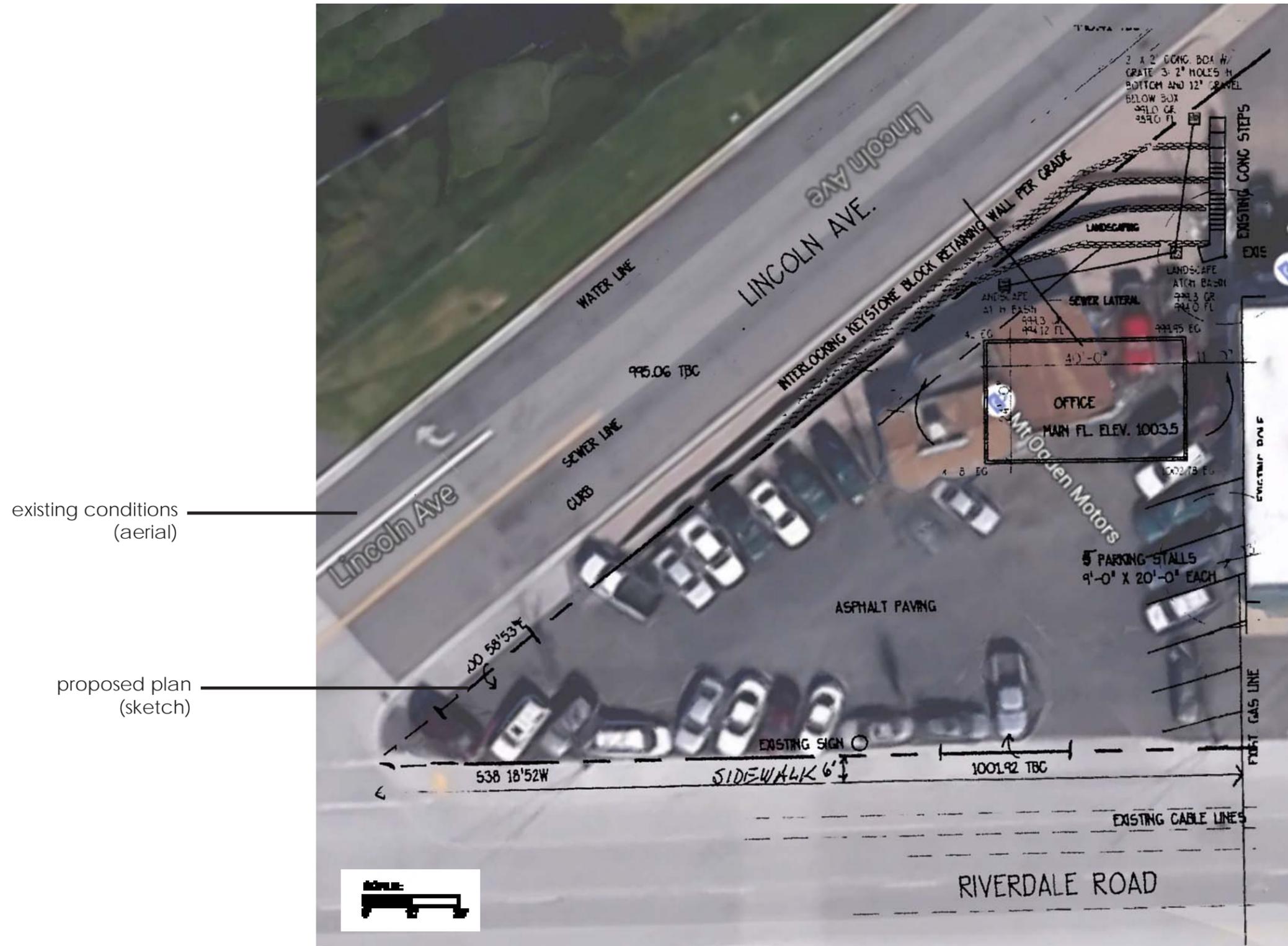
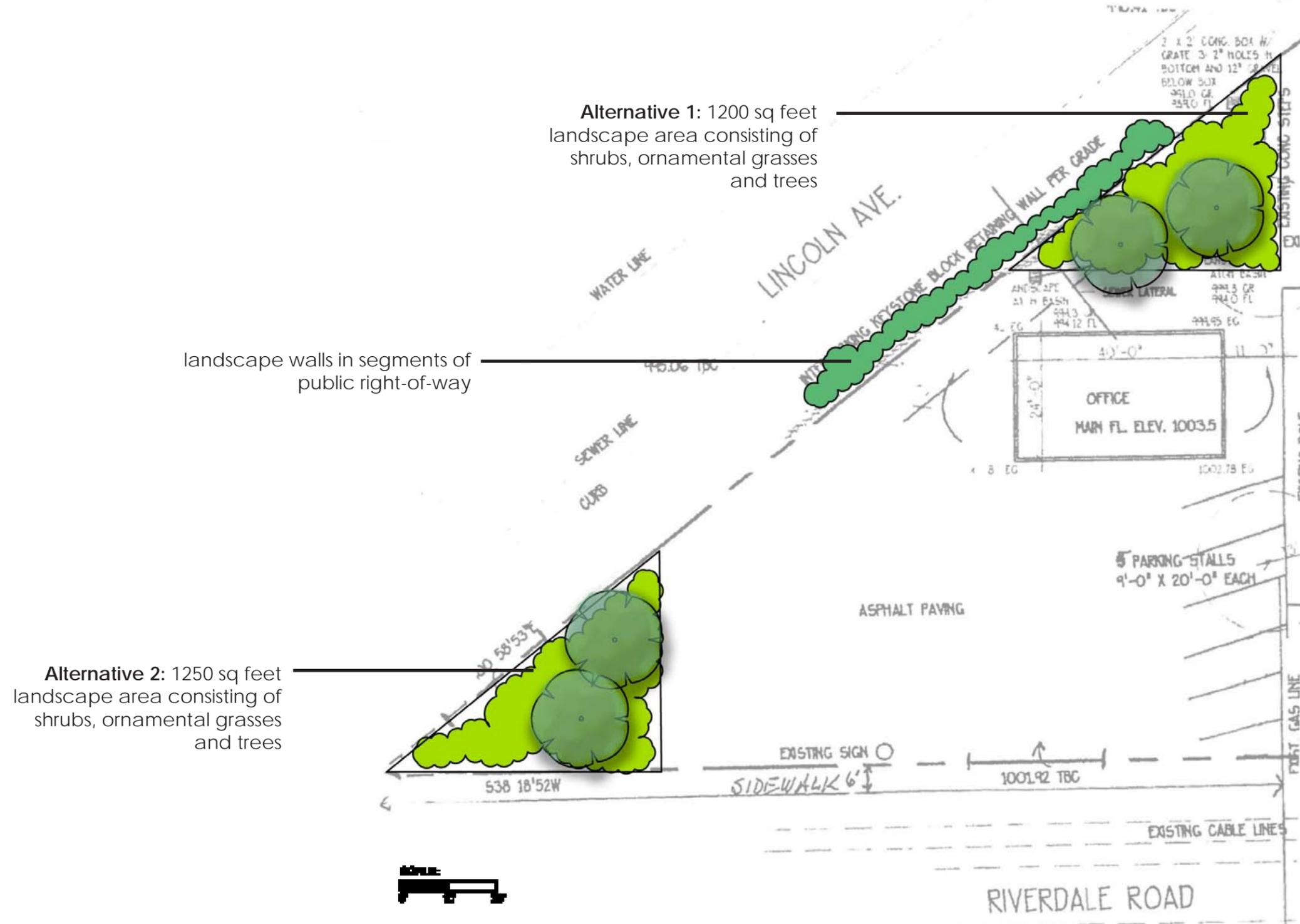


FIGURE 2:
LANDSCAPE CONCEPT ONE - 3' PERIMETER

3' landscape setback consisting of shrubs and ornamental grasses: approximately 1250 sq. ft. (10% of 12,500 sq. ft. property)



FIGURE 3:
LANDSCAPE CONCEPT TWO: GREEN CORNERS



PRELIMINARY SITE PLAN APPROVAL APPLICATION

Required for all commercial and manufacturing uses, buildings, or construction

Owners Name RUDY VAN KAMPEN PARTNERSHIP FAMILY Phone 205-837-8122 email KENTVK@EARTHLINE.NET

Address 956 EAST 5575 S. City So. Ogden State UT Zip 84405

Agents Name - All information will be sent to the Agent.
KENT R. VAN KAMPEN Phone 205-837-8122 email KENTVK@EARTHLINE.NET

Address SAME AS ABOVE City — State — Zip —

Property Address: 3725 RIVERDALE ROAD

Existing Zone _____ No. of Acres or Sq. Ft. _____ # Res. Units _____
Bldg. Sq. Ft. _____ Building Height (stories & ft.) _____

What Use is Requested?
REMODELING/REPLACING EXISTING BUILDING BECAUSE OF WEATHERING OF SIDING AND ROOF

Fee - Conditional Use Application

\$100.00 plus \$25.00 for each acre over one (1) to five (5) acres then \$10.00 for each additional acre or part thereof and \$100 for the City Engineer review. The Engineer fee is charged at a per hour rate and the balance over \$100 will be owing upon billing. The City collects these engineering hours on a project so the actual costs are recognized. As long as the project is under construction, the City engineer may incur costs that will be billed to the applicant.

OFFICE USE

Request for Recommendation sent to the following by copy and return of this form:

City Engineer - Date _____ Received back - Date _____
Fire Dept. - _____
Public Works - _____
Other - _____

RECOMMENDATION: (INCLUDE ATTACHMENT)

PLANNING COMMISSION ACTION:

APPROVED _____ DENIED _____ Date _____

Applicant notified - Date _____ Effective date (10) days from the P.C. meeting granting final approval

APPLICANT'S AFFIDAVIT

State of UTAH
County of WEBER

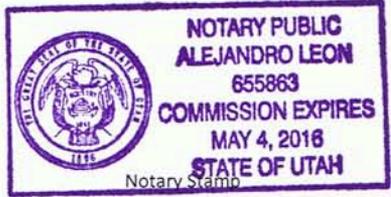
I (we) RUDY VAN KAMPEL FAMILY PARTNERSHIP being duly sworn, depose and say I (we) am (are) the sole
Property Owner(s) or Agent of Owner
owner(s)/agent of the owner(s), of the property involved in this application, to-wit,
3725 RIVERDALE ROAD and that the statements and answers contained herein, in
Property Address
the attached plans and other exhibits, thoroughly and to the best of my ability, present the argument
in behalf of the application. Also, all statements and information are in all respects true and correct, to
the best of my knowledge and belief.

Dated this 18 day of JUNE, 2015.

Signed: [Signature] General Partner
Property Owner or Agent Property Owner or Agent

Subscribed and Sworn before me this 18th day of June, 2015.

Notary Public: [Signature]



AGENT AUTHORIZATION

State of UTAH
County of _____

I (we) _____, the sole owner(s) of the real property located
Property Owner(s)
at _____, South Ogden, Utah do hereby appoint
Property Address
_____, as my (our) agent to represent me (us) with
regard to this application affecting the above described real property, and to appear on my (our)
behalf before any city boards considering this application.

Dated this _____ day of _____, _____

Signed: _____
Property Owner Property Owner

Subscribed and Sworn before me this _____ day of _____, _____.

Notary Public: _____

Notary Stamp

7. Use of Property: No change – continued use as a Used Car Lot

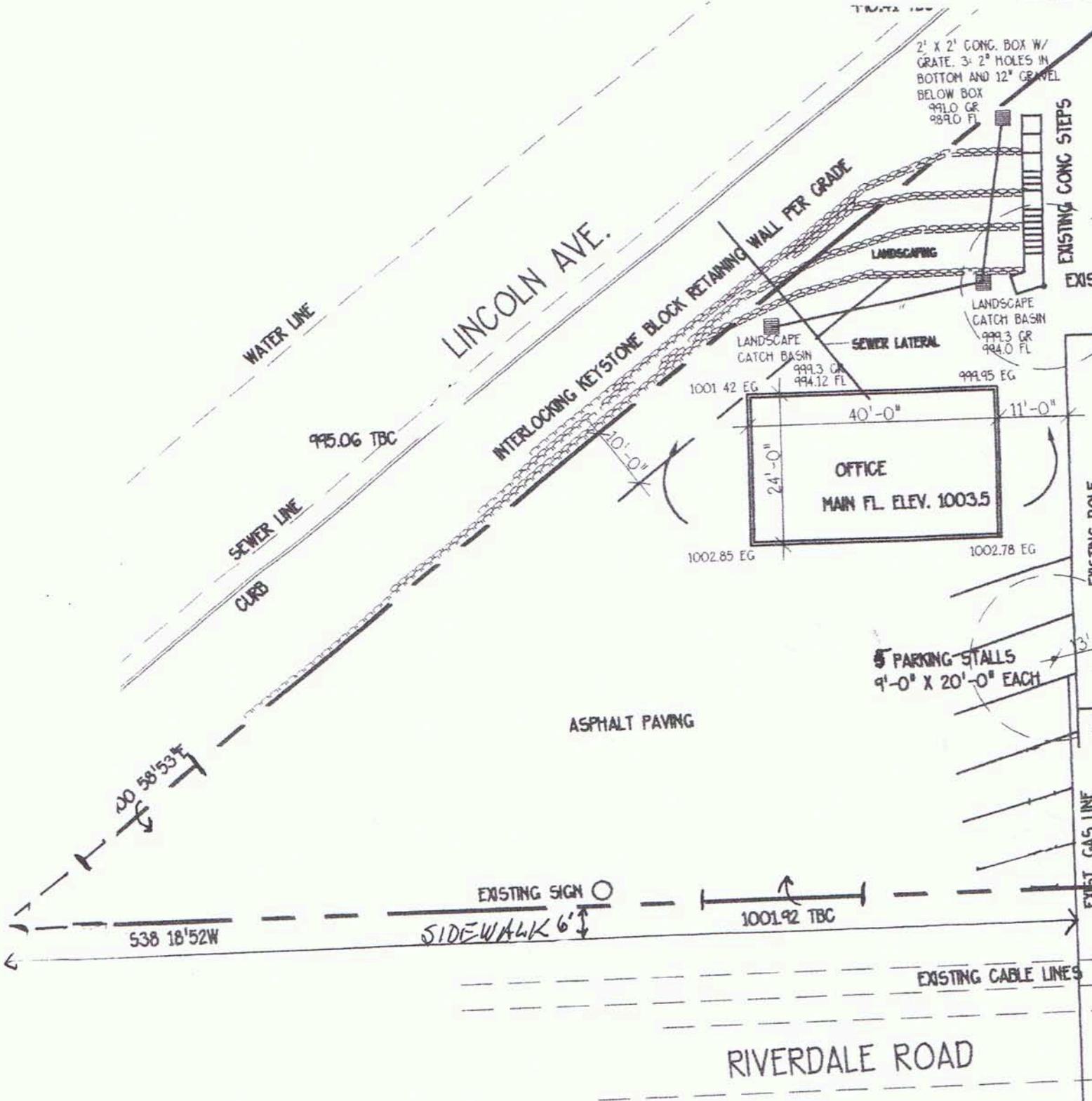
Our proposal is to remodel/replace an aging, existing building with a new building with a slightly different footprint but containing approximately the same square footage. Exterior will be wood or metal; roof, asphalt or metal; and culinary water and sewer will be connected to the lines currently serving that building. This will require demolition of the current wooden structure, replacement of the foundation, and erection of the new building at the same site. Height will remain approximately the same as the current structure.

There will be modification to the electrical hookups based on recommendations of Rocky Mountain Power. These are shown on the site plan.

During the removal of the old building and the construction phase, the management of the used car lot will require temporary housing that we plan to place at the North East corner of the land parcel. This should not be there longer than 30 days.

Landscape improvements were made previously based on recommendations of the South Ogden Planner. Erection of the new building was also approved previously. The 2008-9 economic downturn caused the owner not to proceed with the building. Widening of Riverdale Road during the same time frame also impacted the economy of the property during that phase.

Summary: Remodeling/Replacement of a weathered existing building with a new structure with a modified foundation, and new walls and roof. The old structure will be demolished and the debris removed.



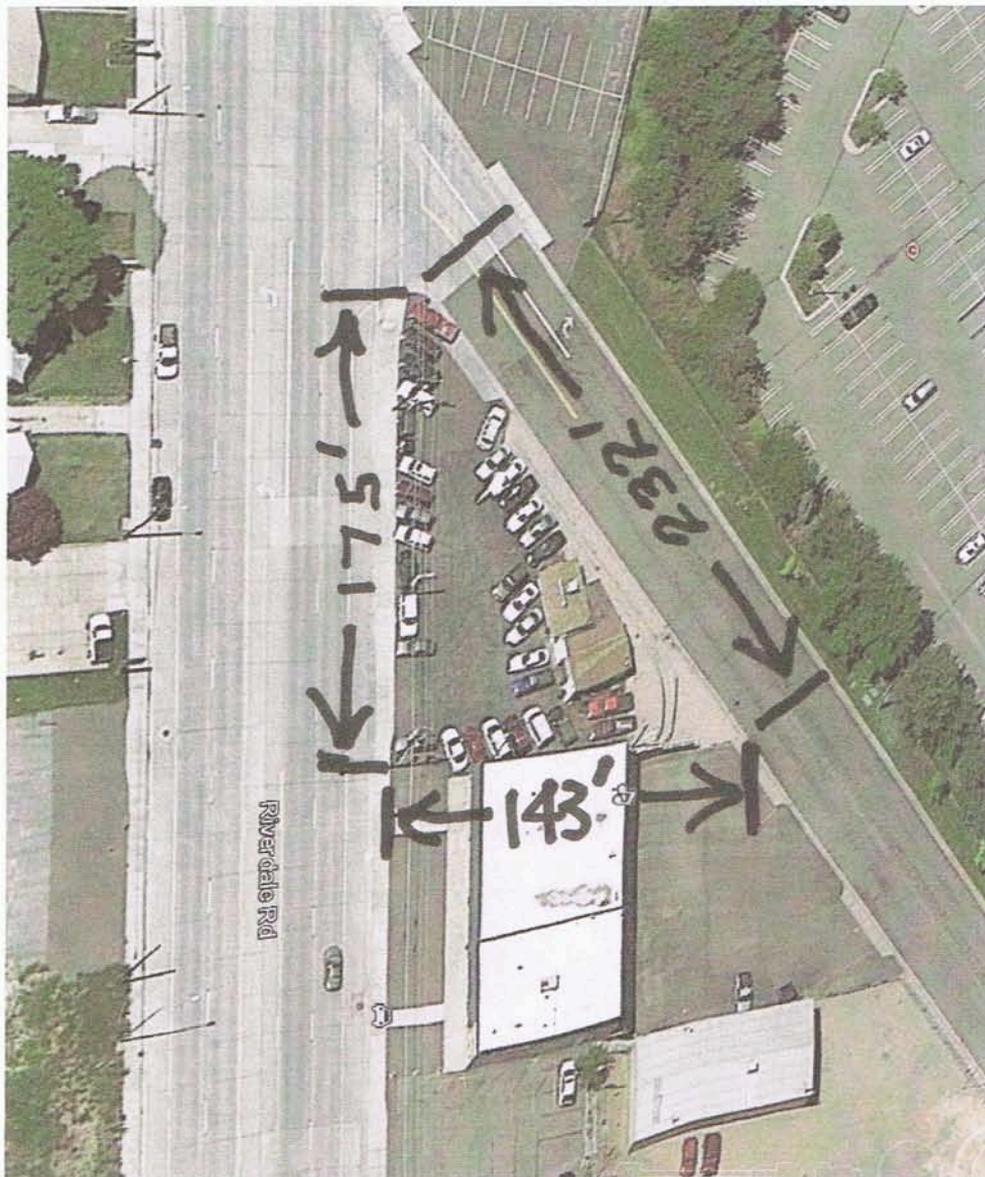
RUDY R. VAN KAMPEN
 FAMILY PARTNERSHIP
 JUNE 18, 2015

(4) (2)

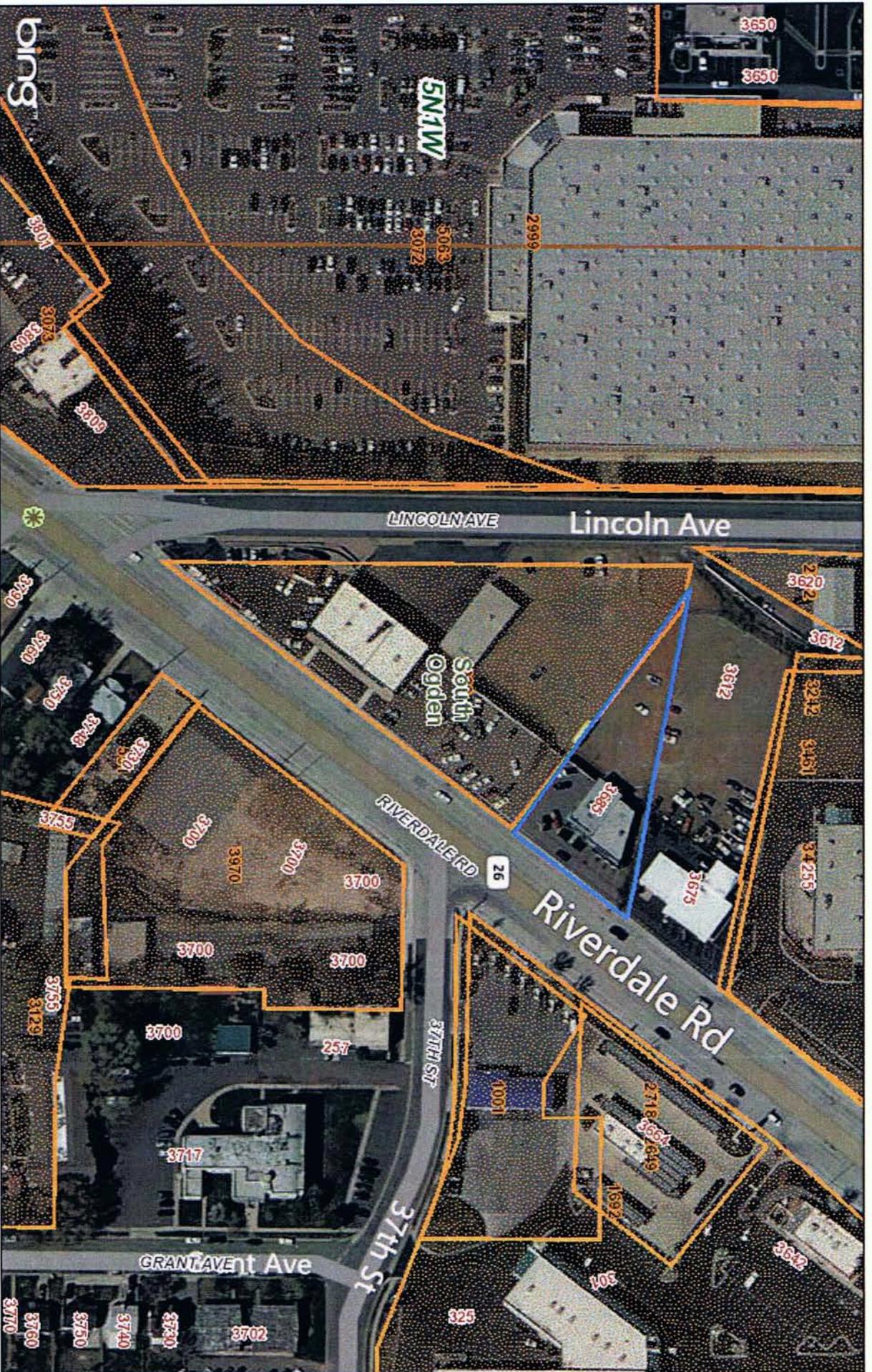


From: Rick Beyer <rickcbeyer@yahoo.com>
Subject: filename-1.pdf
Date: June 18, 2015 5:47:45 PM MDT
To: "kentvk@earthlink.net" <kentvk@earthlink.net>

1 Attachment, 1 MB

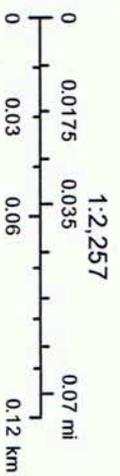


Enter Your Title



June 15, 2015

- Street Labels
- Parcel Address
- City Labels
- Benchmarks
- Section Corners
- Street Monuments
- Surveyed Section Lines
- Property Point
- Property Line
- Property Area
- Utility Line



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The data, lines, and/or images shown hereon are for
orientation/informational purposes only and do not represent a
survey or opinion of boundary lines or ownership.

Date:

6/15/15

Provided by:


Weber County Recorder/Surveyor's Office

The Van Kampen Group, Inc.

Consultants in

PATHOLOGY CLINICAL STUDIES BUSINESS MANAGEMENT REGULATORY AFFAIRS

1008 Lake Winds Drive, Hoover, AL 35244

Tel: (205) 982-3320

Fax: (205) 982-3322

E-Mail: kentvk@earthlink.net

September 18, 2009

South Ogden City Council,

Re: Variance for retaining wall on Van Kampen Property on the diagonal of Riverdale Road and Lincoln Avenue.

To Whom It May Concern:

During the past year, we have been interacting with Mr. Jones and Mr. Jensen to work out a plan for removing an eye sore that is partially on city property that abuts to property owned by the Rudy Van Kampen Partnership (Van Kampen Investments). The property is leased to Rick Beyer and has as a tenant, Mount Ogden Motors.

The embankment along Lincoln Avenue has eroded and presents a visual eye sore in my mind. We would like to improve the property by adding a decorative retaining wall, sloping inward towards the property according to the drawings that have been submitted to your engineer, Mr. Brad Jensen. Brad has given his approval for the drawings, pending input and engineering from the block company from which we'll purchase the blocks for the wall. We will seek their expertise, making certain that the load on the wall is appropriate and will not result in damage to the finished wall. The drawings show the wall to begin 10 feet in from the curb on Lincoln. We are requesting a variance from the city so that the wall can begin 4 feet in from the curb. This would be the wall in line with the cyclone fence that is on the lower part of our property on Lincoln.

Our plan is to replace the building presently on that property after the wall is in place.

I thank you for your consideration.

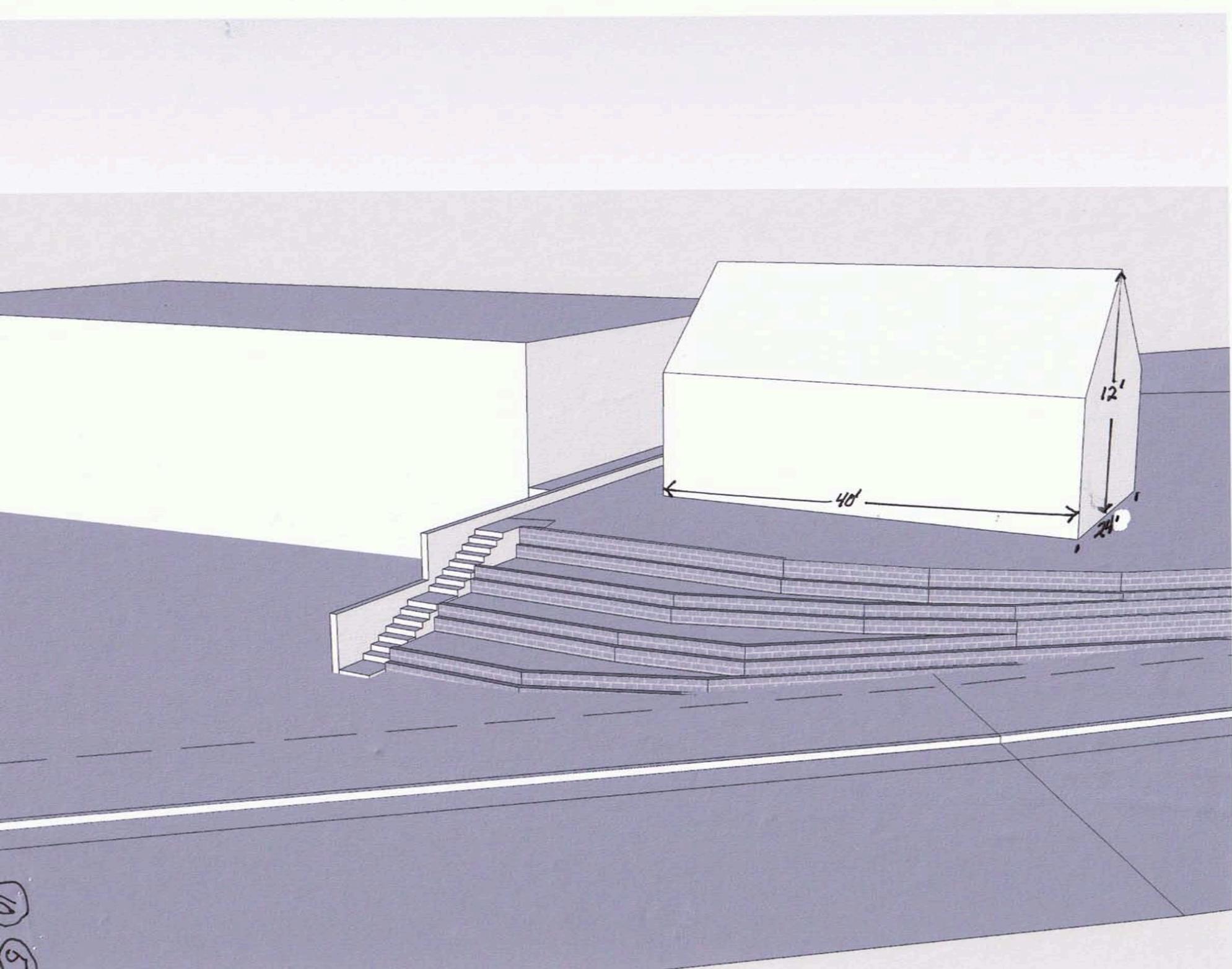
Sincerely,



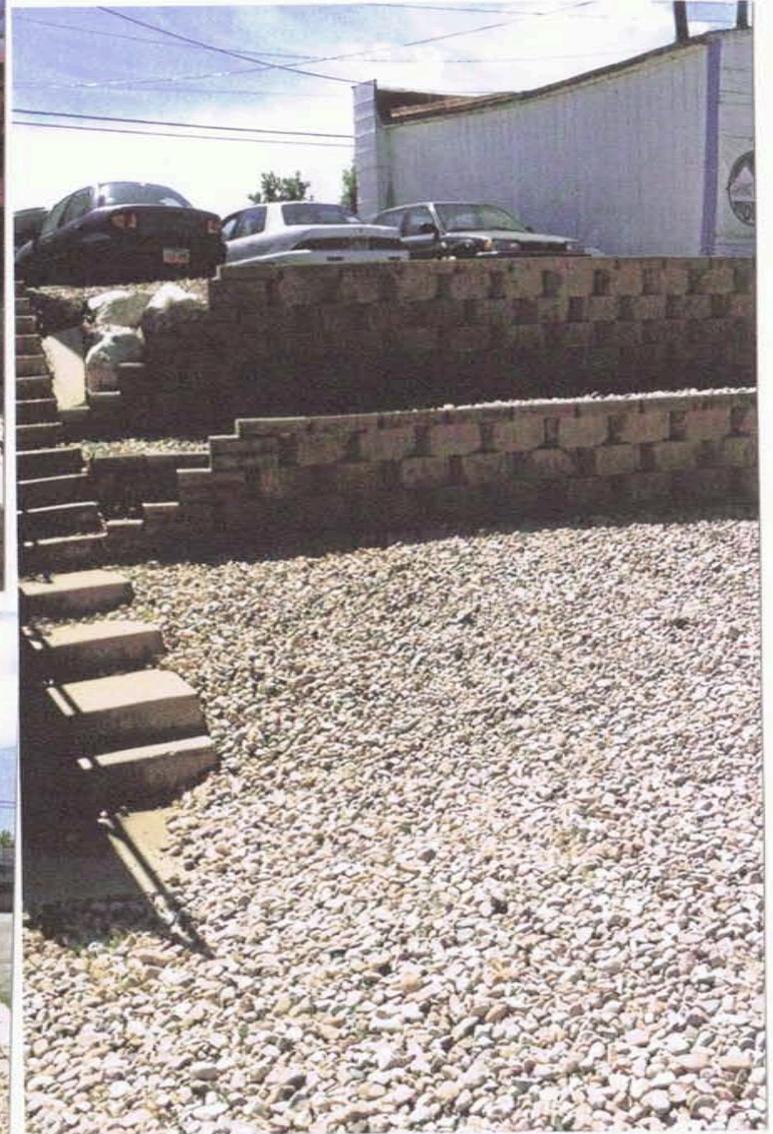
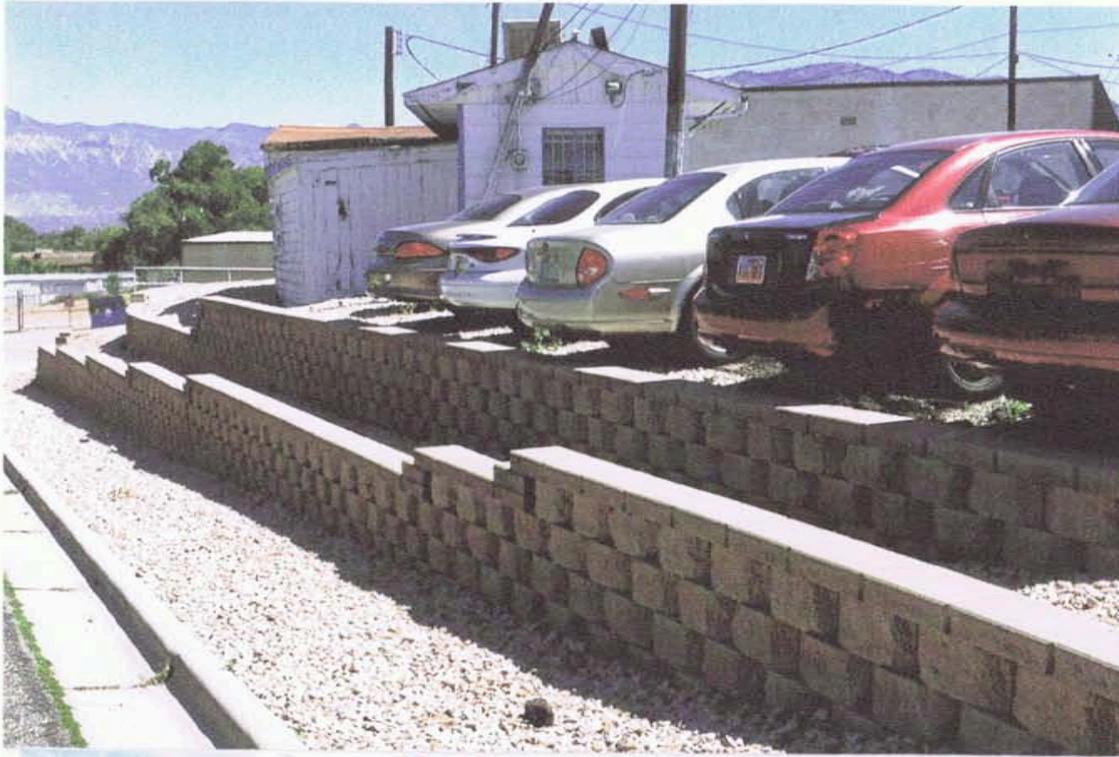
Kent R. Van Kampen, DVM, Ph.D.
General Partner – Van Kampen Investments.

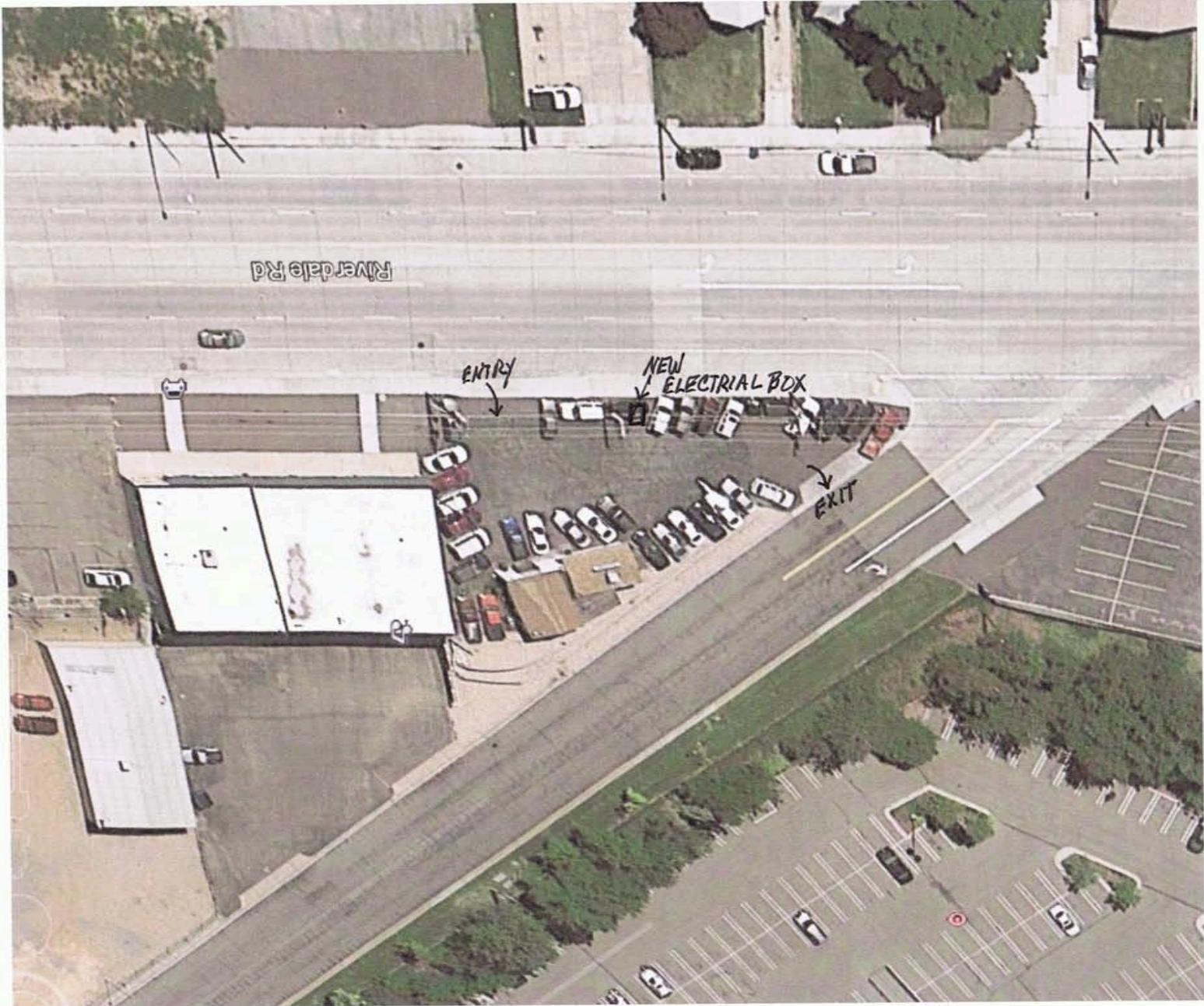


12/15/2038



11
5







3733 Lincoln Ave Exit Street View

POLE TO BE REMOVED

SIGN

Google earth

© 2015 Google

Imagery Date: 9/2011 41°11'46.19" N 111°58'35.48" W elev 4541 ft eye alt 4387 ft

Tour Guide

Desktop 12:08 PM

9

RIVERDALE ROAD
175' ±

6



143' ±

232' ±

LINCOLN AVE

7. Use of Property: No change – continued use as a Used Car Lot

Our proposal is to remodel/replace an aging, existing building with a new building with a slightly different footprint but containing approximately the same square footage. Exterior will be wood or metal; roof, asphalt or metal; and culinary water and sewer will be connected to the lines currently serving that building. This will require demolition of the current wooden structure, replacement of the foundation, and erection of the new building at the same site. Height will remain approximately the same as the current structure.

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Summary: Remodeling/Replacement of a weathered existing building with a new structure with a modified foundation, and new walls and roof. The old structure will be demolished and the debris removed.

Planning Commission Report



Subject: Proposed Revisions to the PRUD Ordinance
(Title 10, Chapter 11 of South Ogden City Code)

Author: Mark Vlastic

Department: Planning & Zoning

Date: July 9, 2015

Background

During the June Planning Commission meeting staff was requested to review the Ogden PRUD and Group Dwellings Ordinances as possible models for South Ogden to consider as a replacement for the existing PRUD and/or Group Dwellings Special Requirements.

Upon further review, staff has determined that both ordinances are inadequate and should be updated, utilizing the corresponding Ogden ordinances as templates. This has now been completed.

Recommendation:

Staff recommends that the following ordinance replace the existing PRUD Ordinance (Title 10, Chapter 11 of South Ogden City Code.)

Chapter 11

PLANNED RESIDENTIAL UNIT DEVELOPMENT (Clean Version)

10-11-1: PURPOSE AND INTENT:

10-11-2: DEFINITIONS

10-11-3: USE REGULATIONS:

10-11-4: AREA REGULATIONS:

10-11-5: DENSITY DETERMINATION:

10-11-6: MINIMUM DEVELOPMENT REQUIREMENTS:

10-11-7: BONUSES FOR MAXIMUM DENSITY:

10-11-8: BONUS DENSITY CALCULATIONS:

10-11-9: BONUS DENSITY DESIGN REQUIREMENTS:

10-11-10: SUBMISSION AND APPROVAL PROCESS:

10-11-11: PLANNING COMMISSION ACTION:

10-11-12: CITY COUNCIL ACTION:

10-11-13: FINAL SITE PLAN APPROVAL:

10-11-14: BUILDING PERMIT ISSUANCE:

10-11-15: TIME LIMIT:

10-11-16: EASEMENT OVER COMMON AREAS:

10-11-17: VIOLATIONS:

10-11-1: PURPOSE AND INTENT:

- A. The purpose of a planned residential unit development (PRUD) is to encourage better utilization of land, to develop a sense of community and to ensure compatibility with the surrounding neighborhoods. This is accomplished by allowing flexibility in the placement and design of buildings and infrastructure not ordinarily allowed in conventional zoning regulations. It allows flexibility in development standards for creative design and yet provides specific requirements to ensure surrounding properties and natural features are protected.
- B. A planned residential unit development is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well-planned circulation system, and attractive entrances as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD.

10-11-2: DEFINITIONS:

As used in this Chapter, the following terms shall mean:

ATTACHED DWELLING UNITS: Two (2) or more dwelling units connected by at least one wall or floor of common construction.

DEVELOPED COMMON ACTIVITY AREA: Open green space which is designed to provide activity areas for use by all residents such as playgrounds, recreational courts, picnic pavilions, gazebos and water features. Common developed activity areas shall be held by all residents in common ownership through a homeowners' association or shall be available

for use by all residents if the PRUD will be held in single ownership.

FACADE: All exterior walls of a building or structure.

GROSS ACREAGE: The total amount of acreage in a PRUD development.

NET ACREAGE: The total amount of acreage in a PRUD development, excluding right of ways or roads.

OPEN GREEN SPACE: A planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership. It should be unoccupied and unobstructed by buildings and hard surface such as asphalt or cement, except that such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

PERIPHERY: A one hundred foot (100') depth around the perimeter of the project measured inward from the property line.

10-11-3: USE REGULATIONS¹:

- A. Zones Permitted: A planned residential unit development shall be permitted in the R-1-10, R-1-8, R-1-6, R-2, R-3, R-4 and R-5 zones, and notwithstanding any other provisions as hereinafter set forth, shall be applicable if any conflict exists. (Ord. 673, 1-8-1980; amd. Ord. 718, 4-3-1984)
- B. Development Plan Approval: An overall development plan for a planned residential unit development showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping, may be approved by the planning commission and city council and building permits issued in accordance with such plan, even though the residential uses, housing types and the location of the buildings proposed differ from the residential uses, housing types and regulations governing such uses in effect in the zone in which the development is proposed, provided the provisions of this chapter are complied with.
- C. Accessory, Nonresidential Uses: Accessory uses to the PRUD which are located in a common main building may be permitted. Accessory uses shall be limited to daycares, personal services and recreational facilities so long as adequate parking is provided as determined by the planning commission. (Ord. 673, 1-8-1980)

10-11-4: AREA REGULATIONS:

The minimum area for a planned residential unit development shall be as follows:

<u>Zone</u>	<u>Acres</u>	
R-1-10	10	

R-1-8	8	
R-1-6	6	
R-2	1	(40,000 square feet)
R-3	4	
R-4	4	
R-5	3	

(Ord. 673, 1-8-1980; amd. Ord. 718, 4-3-1984; Ord. 08-01, 1-8-2008, eff. 1-8-2008)

10-11-5: DENSITY DETERMINATION:

A. Developable Acreage: Density in a PRUD shall be determined by using the developable acreage of the entire proposed development. Developable acreage is land under thirty percent (30%) slopes which is capable of being improved with landscaping, recreational facilities, buildings or parking. Land devoted to street usage (the right of way for public streets and the area from back of curb to back of curb for private streets) shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density.

B. Baseline Density: The maximum number of residential units allowed per developable acre in a PRUD which meet only the minimum development requirements per developable acre shall be calculated using the following chart. This shall be referred to as the baseline density:

<u>Zone</u>	<u>Square Footage</u>	<u>Baseline Density Units/Acre</u>
R-1-10	1 unit per 15,000 square ft.	2.9
R-1-8	1 unit per 12,000 square ft.	3.6
R-1-6	1 unit per 9,000 square ft.	4.8
R-2	1 unit per 8,000 square ft.	5.4
R-3	1 unit per 7,000 square ft.	6.2
R-4	1 unit per 6,000 square ft.	7.3
R-5	1 unit per 5,000 square ft.	8.7

10-11-6: MINIMUM DEVELOPMENT REQUIREMENTS:

All proposed PRUD developments shall comply with all minimum development requirements as provided in this section:

A. General Regulations:

1. The minimum acreages indicated in the chart in 10-11-4 is required for a proposal to be developed as a PRUD.

2. The minimum setback for all buildings (excluding fences) and parking in the periphery of the development shall be the front setback of the zone at those locations where development abuts a street and thirty foot (30') setback at those locations where development abuts other parcels of land. Notwithstanding the above provision, if the development has subdivided single-family lots which abut other parcels of land, the specific zone regulations shall apply for rear yard setbacks and accessory uses of the subdivided lots. The required setback area shall be landscaped.
3. Minimum distance between main buildings in the development shall be ten feet (10') for single-story buildings, fifteen feet (15') for two (2) story buildings, and twenty feet (20') for three (3) or more stories.
4. If fencing is proposed adjacent to a public or private street, the maximum fence height shall be four feet (4') for fences located in the required front yard and side yard setback facing a street as determined in the underlying zone. The width of the setbacks shall be according to the required setback of the zone in which the development is proposed. Fence heights located outside of these setbacks shall be limited to a maximum height of seven feet (7'). The planning commission may vary the height or location if it determines the proposed fence design, materials and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:
 - a. Not isolate the surrounding neighborhoods;
 - b. Be consistent with the theme of the development; and
 - c. Be compatible with the neighborhood.If fencing isolates property between the fence and the public street, the development shall provide means to ensure continued maintenance of this area.
5. Two (2) parking stalls shall be required for each unit in the development. All parking and access shall be hard surfaced. Required parking for the unit shall be located within a one hundred foot (100') radius measured from any entrance to the dwelling unit. Units which have an attached garage shall have the garage set back a minimum of eighteen feet (18') from the road, street or from the walkway if a walkway is designed along the road or street. Units with an attached garage shall also have the garage recessed a minimum of five feet (5') from the front of the building.
6. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.
7. If a group RV parking area is provided for the development, it shall be at a minimum of one RV space per five (5) dwelling units. The RV parking area shall not be located in the periphery of the development and shall be completely screened.
8. All utilities shall be placed underground where possible.

B. Compatibility:

1. The number of units per building within the periphery of the project shall be the same as seventy five percent (75%) of the surrounding neighborhood within three hundred feet (300') of the project boundary line; provided however, that where an adjacent residentially zoned property is vacant or occupied by schools or churches, then only single-family units are allowed along that side. The corner of the periphery development shall be developed with the least intense number of units when sides of the periphery development are different. The limitation on units per building does not apply if adjacent to a commercial, manufacturing, open space zone or property used for parks or cemeteries.

2. The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face the public street bordering the PRUD. Units which are on corners may front either street. The planning commission may waive this provision due to unusual topographic features or unusual conditions, provided such waiver does not negatively impact the continuity of the existing streetscape.

3. The height of the buildings within the periphery shall not exceed the average height of the existing residential structures adjacent to each side of the development. When the periphery is next to vacant residentially zoned land, the maximum height shall be limited to thirty five feet (35'). The maximum height allowed beyond the internal edge of the periphery shall be limited to the height allowed in the periphery plus one additional foot in height for every ten feet (10') from the internal edge of the periphery.

4. The type of exterior building material and ratio of surface coverage for the proposed facade for other than single-family dwelling units shall be similar in material and ratio of coverage to fifty one percent (51%) of the existing residential structures adjacent to the development (e.g., the majority of the existing buildings have the lower $\frac{1}{3}$ of the facade in brick on the front and the rest is siding, the new development shall have as a minimum $\frac{1}{3}$ of the front in brick and the rest in siding). This provision shall not limit the use of brick in place of other material.

5. If a building has an attached garage and the garage doors are located along the front of the building facing a public or private street, the garage doors shall not occupy more than forty percent (40%) of the ground level building frontage facing the street. The portion of the building facing the street shall have ten percent (10%) of the wall surface area on the main level in glazing.

C. Design Theme:

1. Entrance designs to the development are required. The minimum entrance design to the development shall consist of a monument sign naming the development, surrounded by a variety of ground cover, shrubs, and trees.

2. All dumpsters shall be stored in screened enclosures which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not visible from the main circulation routes and do not

restrict vehicular movement or parking. Enclosures shall not be located within the periphery of the project.

3. Attached dwelling units shall have visual relief in facade and roofline which adds variety and rhythm to the design and avoids monotonous straight lines.

D. Open Space:

1. A minimum of forty percent (40%) of the entire site shall be in open green space. Each phase of development shall provide its proportionate required open green space needed for that phase.
2. Developed common activity area for single-family and attached dwelling units shall be provided as follows:
 - a. Developments with attached dwelling units shall provide developed common activity area at a ratio of one square foot of developed common activity area per one square foot of floor area of living space. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
 - b. Subdivided, single-family lots shall provide developed common activity area at a ratio of one thousand (1,000) square feet per lot. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
3. Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs. The Planning Commission shall review the appropriateness of removal of portions of these types of vegetation if proposed in the development plan. The Planning Commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create.

As one of the purposes of a PRUD is to protect natural features, the Planning Commission may deny approval of a PRUD if it is determined there has been removal of trees or shrubs prior to submittal.

4. A minimum of two (2) 2-inch caliper deciduous trees shall be required to be planted for each unit in the development and one 4-foot tall evergreen tree for every two (2) units in the development. The placement and types of deciduous trees shall take into

consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as wind breaks, screening, and accent plantings.

- E. Street Design: PRUDs shall be designed to meet the circulation requirements of the General Plan, the design needs of the surrounding area, and the project. Projects which are located on or next to a collector or arterial street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local public streets may be required to extend the street through the development based on the proposed circulation needs of the area as determined by the Planning Commission. The Planning Commission, upon recommendation of the Engineering Division, shall determine if the street should be extended as a through street or as a cul-de-sac during the concept or preliminary approval.

Local streets which are internal to the development and do not provide access through the project may be designed as either public or private streets, provided they meet the following criteria:

1. Public Street Requirements:

- a. Right-Of-Way Width: Public streets, sidewalks, curb/gutter and other street facilities shall meet the appropriate right-of-way widths and design requirements as required in the *Public Works Standard Drawings, Details and Technical Specifications*.

2. Private Street Requirements:

- a. Right-Of-Way Width: Private streets, sidewalks, curb/gutter and other street facilities shall meet the appropriate right-of-way widths and design requirements as required in the *Public Works Standard Drawings, Details and Technical Specifications*.

c. Maintenance And Cost: Homeowners' associations are responsible for maintenance, repair and replacement of private streets and sidewalks. To ensure adequate funds are set aside for the maintenance of private roads and sidewalks, the developer shall provide a cost analysis of the life expectancy of the entire private road and sidewalk system. The cost analysis shall include maintenance schedule and projected cost for sealing, resurfacing, and replacement of the road and the repair and replacement of sidewalks and an estimate of the annual homeowner fee to cover these projected costs.

10-11-7: BONUSSES FOR MAXIMUM DENSITY:

Density in excess of the baseline density for the underlying zone may be considered for projects which comply with the bonus density design requirements. The amount of density bonus shall be determined by the type of bonus density design requirements incorporated in the development proposal. In no case shall the density bonus exceed the maximum density allowed for the zone in which the development occurs according to the following chart:

Zone	Baseline Density	Maximum Density
------	------------------	-----------------

R-1-10	2.9 units/acre	4.3 units/acre
R-1-8	3.6 units/acre	5.4 units/acre
R-1-6	4.8 units/acre	7.2 units/acre
R-2	5.4 units/acre	7.2 units/acre
R-3	6.2 units/acre	8.7 units/acre
R-4	7.3 units/acre	8.7 units/acre
R-5	8.7 units/acre	20.3 units/acre

10-11-8: BONUS DENSITY CALCULATIONS:

For applicants requesting a density greater than the baseline density, the planning commission shall determine whether the applicant has complied with the necessary design components as provided in section [10-11-6](#) of this chapter and shall assign density points as applicable. The additional units per acre allowed above the baseline density for the PRUD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the baseline density. This number, when added to the baseline, will determine the total density per acre for the project; provided, that the number shall not exceed the maximum density allowed in the zone. (Example: The project is in an R-4 zone and the design is awarded 75 bonus points. $75 \times 0.0441 = 3.3$ additional units per acre. $3.3 + 7.3$ [baseline density] = 10.6 maximum units per acre for the development.) The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

<u>Zone</u>	<u>Density Coefficient</u>	<u>Maximum Density Points</u>
R-1-10	0.0175	80
R-1-8	0.02	85
R-1-6	0.024	100
R-2	0.02	90
R-3	0.0177	85
R-4	0.0441	295
R-5	0.0492	380

10-11-9: BONUS DENSITY DESIGN REQUIREMENTS:

If greater density is requested above the baseline density, a PRUD development shall comply with one or more of the bonus density design requirements outlined in this section, depending upon the desired density increase. The planning commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive the maximum density allowed in the zone, the development shall have received bonus density points from at least one design component in each of the following categories: energy

efficiency or building design, design theme, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. The bonus density design requirements are as follows:

A. Energy Efficiency:

1. All dwellings and main buildings shall have R-19 wall insulation and R-38 ceiling insulation. (10)
2. All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning Commission. (Single feature per unit throughout the entire project, 20 points. Combination features per unit throughout the entire project, 30 points.)

B. Building Design:

1. All facades of each dwelling structure, exclusive of windows or doors, have a minimum coverage of eighty percent (80%) of the exterior surface in either brick or stone. (30)
2. Required parking for each unit is provided for by an attached garage. (25)
3. All required dwelling unit parking (2 stalls per unit) is covered by carports. (10)

C. Design Theme:

1. Theme lighting is used throughout the development for street lighting, lighting of walkways, entrances and building exteriors. (15)
2. Landscaping is designed and installed along all streets of the development according to a theme which provides unity and interest to the development. (20)
3. Architectural details of all buildings have a common theme which unifies the entire development. This theme is not so dominant, however, that all buildings are identical. (20)
4. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (25)
5. Large special features such as lakes and golf courses which define the theme of the development and are utilized throughout the entire project. (40)

D. Parking Areas:

1. Parking lots of twenty (20) or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (20)

2. Parking lots of twenty (20) or more stalls or a continuous row of parking over ninety feet (90') in length has a landscaped island which provides landscaping at a ratio of one square foot of landscaping per thirteen (13) square feet of hard surface. (15)
3. Areas with five (5) or more uncovered parking stalls are designed to include a sufficient number of two inch (2") caliper trees located in such a manner as to shade fifty percent (50%) of the parking area upon maturation of the trees. (15)

E. Recreation Amenities:

1. The PRUD development includes a recreational amenity primarily for the use of the residents of the development. Recreational amenities include swimming pools, sports courts, spas, or other features as approved by the Planning Commission. The Planning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (5 to 35)
2. Development of a common building which shall be used for meetings, indoor recreation, or other common uses as approved by the Planning Commission. (20)
3. Dedication of land for public park, public access along a stream, or public access along a planned trail. The City must be willing to accept the proposed dedication before points are awarded. (Public access 15 points, public park 30 points)
4. Construction according to City standards of trail or park which has been dedicated to the City according to subsection E3 of this Section. (Trail 15 points, public park 40 points)

F. Landscaping:

1. Design and planting a minimum of four (4) 2-inch caliper deciduous trees for each dwelling unit in the development and two (2) 4-foot tall evergreen trees for every two (2) dwelling units in the development. (20)
2. Increasing caliper size of all the required trees from a minimum two inch (2") caliper to:

3" caliper	(5)
4" caliper	(10)
6' evergreen	(5)
8' evergreen	(10)

3. Increasing caliper size of all elected bonus design requirement trees to:

3" caliper	(10)
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4" caliper	(20)
6' evergreen	(10)
8' evergreen	(20)

4. The majority of new plant material used for landscaping the development are drought-tolerant plants. The landscaping design shall locate plant materials in similar water usage demand zones to ensure proper irrigation coverage and reduce wasteful watering. (20)
5. For the purpose of water conservation, the use of turf grass is limited to areas of high foot traffic, play areas, and other appropriate areas as determined by the Planning Commission. All other areas which are normally planted in lawn shall be planted with ground covers, shrubs or trees. (35)
6. Drip irrigation systems are designed and installed to irrigate all shrub and tree areas as needed. (20)
7. Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs or trees. (15)

G. Open Green Space:

1. Open green space is designed (not left over space between buildings) and flows uninterrupted through the entire development, linking dwellings and recreation amenities. (25)
2. Storm water detention facility areas are designed and used for multiple purposes which blend with the overall theme of the open space design, i.e., shape of the area is free flowing, the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (20)

H. Public Streets: All streets within the development are dedicated public streets. (25)

10-11-10: SUBMISSION AND APPROVAL PROCESS:

A. Steps Outlined: The PRUD approval process consists of three (3) basic review steps. The first step is submission and review of a conceptual sketch plan. The purpose of this step is to evaluate the appropriateness of the development as PRUD based on the consideration of the existing features of the proposed site and the relationship to adjacent properties. The second step is submission and review of a preliminary development plan based on the conceptual sketch plan. The purpose of this step is to determine if the preliminary plan shall be granted. The third step is submission and review of a final development plan. The purpose of this step is to review compliance with preliminary plan. For purposes of recordation, the PRUD shall be recorded as a subdivision. Upon compliance with final approval, a final plat shall be recorded.

B. Conceptual Sketch Plan Approval Process: Prior to the submission of a PRUD proposal, the applicant shall meet with the current planning staff to discuss their proposal and its appropriateness for development as a PRUD. Upon completion of the pre-application meeting with the current planning staff, the applicant may choose to present the conceptual sketch plan to the Planning Commission. The purpose of this presentation is to provide the applicant with an opportunity to present why the PRUD proposal is appropriate for the site. The Planning Commission may comment as to the potential suitability of the site for a PRUD and present any concerns or comments they may have for the applicant relative to the proposed PRUD. If the applicant chooses to not present the conceptual sketch plan, it shall be done as part of the preliminary plan approval. For sites located in the FLOOD PLAIN OVERLAY ZONE (FP)1,2 or the SENSITIVE AREA OVERLAY ZONE (SA)1, a conceptual review by the Planning Commission is required to determine if and what special studies are required in accordance with the zone. The application shall provide a conceptual sketch plan which shall include the following:

1. Basic site analysis which includes existing features of the site, such as existing plant materials, steep slopes or rock outcroppings, views and how they will be incorporated into the proposed development;
2. Traffic patterns into, through and out of the proposed development, including vehicular, pedestrian, and other;
3. The general location of the housing units by type (i.e., detached dwelling units and attached dwelling units), along with other appropriate uses and amenities; and
4. The existing land uses bordering the proposed site.

C. Preliminary Development Plan/Conditional Use Permit Submission: An application for a PRUD preliminary plan/conditional use permit shall be presented to the Planning Commission and shall include the following information:

1. Topographic maps of the entire site, including contour intervals of no greater than ten feet (10');
2. A tabulation of the total acreage of the site and the percentages to be designated for parking, streets and travel ways, various types of residential units, other buildings and structures, open space, and waterways, along with other relevant aspects of the site;
3. The proposed circulation patterns, including private and public streets, and any other path systems;
4. The proposed location of all parking and ingress and egress;
5. The proposed location of parks, common open spaces, playgrounds, school sites, recreation facilities, and other similar types of improvements;

6. The proposed location of all dwellings by type and number of dwelling units per building, along with other buildings (e.g., recreational buildings or club houses) or structures (e.g., fencing, lighting, and signage);
7. The proposed location of each phase, if the project is to be done in phases;
8. A table of densities for each development phase with a overall density for the development;
9. A general landscape plan showing the areas to be landscaped and the retention of existing plant materials and landscape features, along with the use of plant materials for buffers and screening;
10. Preliminary building elevations with notation of building materials of all building types proposed within the development, excluding detached single-unit dwellings;
11. A preliminary subdivision design, showing a general lot layout and buildable area;
12. A preliminary utility plan showing the manner in which adequate sewage disposal, subsurface drainage, storm drainage, and water are to be provided to the site, including the location from which said services will need to be extended;
13. If located in the FLOOD PLAIN OVERLAY ZONE (FP)1,2 or the SENSITIVE AREA OVERLAY ZONE (SA)1, all necessary reports or information required for compliance; and
14. Such other information as may be necessary to determine whether the proposed PRUD is desirable and in accordance with the applicable standards.

D. Preliminary Development Plan Review Process:

1. In reviewing the proposed PRUD, the Planning Commission shall ensure that the PRUD:
 - a. Encourages better utilization of the land, develops a sense of community and is compatible with the neighborhood;
 - b. Meets the minimum requirements in this Chapter;
 - c. Meets the requirements for any bonus density requested for the PRUD;
 - d. Provides an adequate traffic circulation system and whether streets should be designated as public or private; and
 - e. Meets the general intent and purpose of this Chapter and the General Plan.

E. Final Development Plan Submission: The final development plan, based on the conceptual sketch and preliminary plans, shall be presented to the Planning Commission and include the following information:

1. All of those items required by the Planning Commission as part of the approval of the preliminary development plan and conditional use permit;
2. A complete and accurate legal description of all property proposed for development;
3. A detailed site plan showing the precise location of all buildings and structures, the location of developed common activity area and recreational uses, waterways, detailed circulation patterns, including proposed ownership of common areas, streets and trails, along with other relevant aspects of the site;
4. Parking layout showing the location of individual stalls and all areas of ingress and egress;
5. Design of entryways, along with elevations of proposed signage;
6. A detailed landscape plan showing the location, types and sizes of all plant materials, sprinkling or irrigation systems, screening and fencing;
7. Final elevations of all buildings proposed within the development with notation of building materials, excluding detached single-unit dwellings;
8. A final plat of the PRUD, along with all covenants, conditions and restrictions which the City deems necessary to provide adequate guarantees for retention and maintenance of the development as approved;
9. Detailed engineering plans including site grading, street improvements, drainage and public utility locations; and
10. A time schedule for the completion of landscaping and amenities (e.g., common buildings, playground equipment, recreational facilities, trails and entry signage).

F. Final Development Plan Review Process:

1. In reviewing the proposed PRUD, the Planning Commission shall ensure that the final development plan meets the following:
 - a. Whether or not the requirements provided during the conceptual, preliminary processes and the conditions have been adequately addressed in the final development plan;
 - b. Any additional changes from the preliminary development plan proposed by the developer; and
 - c. Any additional information relevant to the success of the proposed development.The planning commission, subject to the requirements of this chapter, may recommend approval or denial or approval with conditions, of the preliminary plan for the proposed planned residential unit development to the city council.

10-11-11: PLANNING COMMISSION ACTION:

The planning commission, after holding a public hearing thereon, subject to the requirements of this chapter, may recommend approval or denial of the preliminary plan for the proposed planned residential unit development to the city council. (Ord. 673, 1-8-1980)

10-11-12: CITY COUNCIL ACTION:

The city council, may approve or disapprove the application. The city council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this chapter. Approval of the city council, together with any conditions imposed, constitutes approval of the proposed development as a "permitted use" in the zone in which it is proposed. (Ord. 673, 1-8-1980)

10-11-13: FINAL SITE PLAN APPROVAL:

After city council approval of the preliminary site plans, final site plans reflecting all conditions of preliminary approval must be submitted to the planning commission for approval. Approved final site plans will be forwarded to the building official for issuance of building permits. (Ord. 673, 1-8-1980)

10-11-14: BUILDING PERMIT ISSUANCE:

The building official shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed. Approved development plans shall be filed with the planning commission, city engineer, building official and city recorder. (Ord. 673, 1-8-1980)

10-11-15: TIME LIMIT:

Unless there is substantial action leading toward completion of a planned residential unit development or an approved phase thereof within a period of eighteen (18) months from the date of approval, as determined by the city council, such approval shall expire, unless after reconsideration of the progress of the project, an extension is approved. (Ord. 673, 1-8-1980)

10-11-16: EASEMENTS OVER COMMON AREAS:

In every planned residential unit there shall be reserved proper easements over the common areas to accommodate public services, including, but not limited to, the right of police and fire personnel to enter upon any part of the common areas, and to allow the city to repair or replace facilities or improvements thereon if any association fails so to do. The declaration for any such development shall include a provision covenanting with the city and all unit owners to maintain the common areas and facilities for the use of declarant and all unit owners prior to being turned over to an association. (Ord. 673, 1-8-1980)

[Footnote 1:](#) See also subsection [7-2-4D](#) of this code for basic landscaping requirements.

10-11-17: VIOLATIONS:

- A. The preliminary development plan and the final development plan which have been issued in accordance with the provisions of this chapter shall have the full force of this title. Any violation of such approved plan or permit shall be grounds for the city to order that all construction be stopped, and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the city.

- B. Violations of any plan approved under this chapter or of the conditional use permit issued in accordance with the provisions of this chapter, or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan or permit, shall be considered a violation of this title.

PRUD.

10-11-2: DEFINITIONS:

As used in this Chapter, the following terms shall mean:

ATTACHED DWELLING UNITS: Two (2) or more dwelling units connected by at least one wall or floor of common construction.

DEVELOPED COMMON ACTIVITY AREA: Open green space which is designed to provide activity areas for use by all residents such as playgrounds, recreational courts, picnic pavilions, gazebos and water features. Common developed activity areas shall be held by all residents in common ownership through a homeowners' association or shall be available for use by all residents if the PRUD will be held in single ownership.

FACADE: All exterior walls of a building or structure.

GROSS ACREAGE: The total amount of acreage in a PRUD development.

NET ACREAGE: The total amount of acreage in a PRUD development, excluding right of ways or roads.

OPEN GREEN SPACE: A planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership. It should be unoccupied and unobstructed by buildings and hard surface such as asphalt or cement, except that such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

PERIPHERY: A one hundred foot (100') depth around the perimeter of the project measured inward from the property line.

~~A. A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures, to permit more flexibility, to encourage new and imaginative concepts in the design of neighborhood and housing projects in urban areas. To this end, the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located in separate unrelated lots.~~

~~B. Substantial compliance with the zone regulations and other provisions of this title in requiring adequate standards related to the public health, safety and general welfare shall be observed, without unduly inhibiting the advantages of large scale site planning for residential and related purposes. (Ord. 673, 1-8-1980)~~

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10-11-23: USE REGULATIONS

A. Zones Permitted: A planned residential unit development shall be permitted in the R-1-10, R-1-8, R-1-6, R-2, R-3, R-4 and R-5 zones, and notwithstanding any other provisions as hereinafter set forth, shall be applicable if any conflict exists. (Ord. 673, 1-8-1980; amd. Ord. 718, 4-3-1984)

B. Development Plan Approval: An overall development plan for a planned residential unit development showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping, may be approved by the planning commission and city council and building permits issued in accordance with such plan, even though the residential uses, housing types and the location of the buildings proposed differ from the residential uses, housing types and regulations governing such uses in effect in the zone in which the development is proposed, provided the provisions of this chapter are complied with.

C. Accessory, Nonresidential Uses: Accessory uses to the PRUD which are located in a common main building may be permitted. Accessory uses shall be limited to daycares, personal services and recreational facilities so long as adequate parking is provided as determined by the planning commission. ~~Accessory nonresidential uses may be included in the development to provide a necessary service to the residents of the development as determined by the planning commission.~~ (Ord. 673, 1-8-1980)

10-11-43: AREA REGULATIONS

The minimum area for a planned residential unit development shall be as follows:

Zone	Acres	
R-1-10	10	
R-1-8	8	
R-1-6	6	
R-2	1	(40,000 square feet)
R-3	4	
R-4	4	
R-5	3	

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(Ord. 673, 1-8-1980; amd. Ord. 718, 4-3-1984; Ord. 08-01, 1-8-2008, eff. 1-8-2008)

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10-11-5: DENSITY DETERMINATION:

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A. Developable Acreage: Density in a PRUD shall be determined by using the developable acreage of the entire proposed development. Developable acreage is land under thirty percent (30%) slopes which is capable of being improved with landscaping, recreational facilities, buildings or parking. Land devoted to street usage (the right of way for public streets and the area from back of curb to back of curb for private streets) shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density.

B. Baseline Density: The maximum number of residential units allowed per developable acre in a PRUD which meet only the minimum development requirements per developable acre shall be calculated using the following chart. This shall be referred to as the baseline density:

<u>Zone</u>	<u>Square Footage</u>	<u>Baseline Density Units/Acre</u>
<u>R-1-10</u>	<u>1 unit per 15,000 square ft.</u>	<u>2.9</u>
<u>R-1-8</u>	<u>1 unit per 12,000 square ft.</u>	<u>3.6</u>
<u>R-1-6</u>	<u>1 unit per 9,000 square ft.</u>	<u>4.8</u>
<u>R-2</u>	<u>1 unit per 8,000 square ft.</u>	<u>5.4</u>
<u>R-3</u>	<u>1 unit per 7,000 square ft.</u>	<u>6.2</u>
<u>R-4</u>	<u>1 unit per 6,000 square ft.</u>	<u>7.3</u>
<u>R-5</u>	<u>1 unit per 5,000 square ft.</u>	<u>8.7</u>

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10-11-64: MINIMUM DEVELOPMENT REQUIREMENTS:

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All proposed PRUD developments shall comply with all minimum development requirements as provided in this section:

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A. General Regulations:

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1. The minimum acreages indicated in the chart in 10-11-4 is required for a proposal to be developed as a PRUD.
2. The minimum setback for all buildings (excluding fences) and parking in the periphery of the development shall be the front setback of the zone at those locations where development abuts a street and thirty foot (30') setback at those locations where development abuts other parcels of land. Notwithstanding the above provision, if the development has subdivided single-family lots which abut other parcels of land, the specific

zone regulations shall apply for rear yard setbacks and accessory uses of the subdivided lots. The required setback area shall be landscaped.

3. Minimum distance between main buildings in the development shall be ten feet (10') for single-story buildings, fifteen feet (15') for two (2) story buildings, and twenty feet (20') for three (3) or more stories.

4. If fencing is proposed adjacent to a public or private street, the maximum fence height shall be four feet (4') for fences located in the required front yard and side yard setback facing a street as determined in the underlying zone. The width of the setbacks shall be according to the required setback of the zone in which the development is proposed. Fence heights located outside of these setbacks shall be limited to a maximum height of seven feet (7'). The planning commission may vary the height or location if it determines the proposed fence design, materials and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:

a. Not isolate the surrounding neighborhoods;

b. Be consistent with the theme of the development; and

c. Be compatible with the neighborhood.

If fencing isolates property between the fence and the public street, the development shall provide means to ensure continued maintenance of this area.

5. Two (2) parking stalls shall be required for each unit in the development. All parking and access shall be hard surfaced. Required parking for the unit shall be located within a one hundred foot (100') radius measured from any entrance to the dwelling unit. Units which have an attached garage shall have the garage set back a minimum of eighteen feet (18') from the road, street or from the walkway if a walkway is designed along the road or street. Units with an attached garage shall also have the garage recessed a minimum of five feet (5') from the front of the building.

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6. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

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7. If a group RV parking area is provided for the development, it shall be at a minimum of one RV space per five (5) dwelling units. The RV parking area shall not be located in the periphery of the development and shall be completely screened.

8. All utilities shall be placed underground where possible.

B. Compatibility:

1. The number of units per building within the periphery of the project shall be the same as seventy five percent (75%) of the surrounding neighborhood within three hundred feet (300') of the project boundary line; provided however, that where an adjacent residentially zoned property is vacant or occupied by schools or churches, then only single-family units are allowed along that side. The corner of the periphery development shall be developed with the least intense number of units when sides of the periphery development are different. The limitation on units per building does not apply if adjacent to a commercial, manufacturing, open space zone or property used for parks or cemeteries.

2. The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face the public street bordering the PRUD. Units which are on corners may front either street. The planning commission may waive this provision due to unusual topographic features or unusual conditions, provided such waiver does not negatively impact the continuity of the existing streetscape.

3. The height of the buildings within the periphery shall not exceed the average height of the existing residential structures adjacent to each side of the development. When the periphery is next to vacant residentially zoned land, the maximum height shall be limited to thirty five feet (35'). The maximum height allowed beyond the internal edge of the periphery shall be limited to the height allowed in the periphery plus one additional foot in height for every ten feet (10') from the internal edge of the periphery.

4. The type of exterior building material and ratio of surface coverage for the proposed facade for other than single-family dwelling units shall be similar in material and ratio of coverage to fifty one percent (51%) of the existing residential structures adjacent to the development (e.g., the majority of the existing buildings have the lower $\frac{1}{3}$ of the facade in brick on the front and the rest is siding, the new development shall have as a minimum $\frac{1}{3}$ of the front in brick and the rest in siding). This provision shall not limit the use of brick in place of other material.

5. If a building has an attached garage and the garage doors are located along the front of the building facing a public or private street, the garage doors shall not occupy more than forty percent (40%) of the ground level building frontage facing the street. The portion of the building facing the street shall have ten percent (10%) of the wall surface area on the main level in glazing.

C. Design Theme:

1. Entrance designs to the development are required. The minimum entrance design to the development shall consist of a monument sign naming the development, surrounded by a variety of ground cover, shrubs, and trees.

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2. All dumpsters shall be stored in screened enclosures which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not visible from the main circulation routes and do not restrict vehicular movement or parking. Enclosures shall not be located within the periphery of the project.

3. Attached dwelling units shall have visual relief in facade and roofline which adds variety and rhythm to the design and avoids monotonous straight lines.

D. Open Space:

1. A minimum of forty percent (40%) of the entire site shall be in open green space. Each phase of development shall provide its proportionate required open green space needed for that phase.

2. Developed common activity area for single-family and attached dwelling units shall be provided as follows:

a. Developments with attached dwelling units shall provide developed common activity area at a ratio of one square foot of developed common activity area per one square foot of floor area of living space. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.

b. Subdivided, single-family lots shall provide developed common activity area at a ratio of one thousand (1,000) square feet per lot. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.

3. Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs. The Planning Commission shall review the appropriateness of removal of portions of these types of vegetation if proposed in the development plan. The Planning Commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create.

As one of the purposes of a PRUD is to protect natural features, the Planning Commission may deny approval of a PRUD if it is determined there has been removal of trees or shrubs prior to submittal.

4. A minimum of two (2) 2-inch caliper deciduous trees shall be required to be planted for each unit in the development and one 4-foot tall evergreen tree for every two (2) units in the development. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as wind breaks, screening, and accent plantings.

E. Street Design: PRUDs shall be designed to meet the circulation requirements of the General Plan, the design needs of the surrounding area, and the project. Projects which are located on or next to a collector or arterial street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local public streets may be required to extend the street through the development based on the proposed circulation needs of the area as determined by the Planning Commission. The Planning Commission, upon recommendation of the Engineering Division, shall determine if the street should be extended as a through street or as a cul-de-sac during the concept or preliminary approval.

Local streets which are internal to the development and do not provide access through the project may be designed as either public or private streets, provided they meet the following criteria:

1. Public Street Requirements:

a. Right-Of-Way Width: Public streets, sidewalks, curb/gutter and other street facilities shall meet the appropriate right-of-way widths and design requirements as required in the *Public Works Standard Drawings, Details and Technical Specifications*.

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2. Private Street Requirements:

a. Right-Of-Way Width: Private streets, sidewalks, curb/gutter and other street facilities shall meet the appropriate right-of-way widths and design requirements as required in the *Public Works Standard Drawings, Details and Technical Specifications*.

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c. Maintenance And Cost: Homeowners' associations are responsible for maintenance, repair and replacement of private streets and sidewalks. To ensure adequate funds are set aside for the maintenance of private roads and sidewalks, the developer shall provide a cost analysis of the life expectancy of the entire private road and sidewalk system. The cost analysis shall include maintenance schedule and projected cost for sealing, resurfacing, and replacement of the road and the repair and replacement of sidewalks and an estimate of the annual homeowner fee to cover these projected costs.

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10-11-7: BONUS FOR MAXIMUM DENSITY:

Density in excess of the baseline density for the underlying zone may be considered for projects which comply with the bonus density design requirements. The amount of density bonus shall be determined by the type of bonus density design requirements incorporated

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in the development proposal. In no case shall the density bonus exceed the maximum density allowed for the zone in which the development occurs according to the following chart:

<u>Zone</u>	<u>Baseline Density</u>	<u>Maximum Density</u>
<u>R-1-10</u>	<u>2.9 units/acre</u>	<u>4.3 units/acre</u>
<u>R-1-8</u>	<u>3.6 units/acre</u>	<u>5.4 units/acre</u>
<u>R-1-6</u>	<u>4.8 units/acre</u>	<u>7.2 units/acre</u>
<u>R-2</u>	<u>5.4 units/acre</u>	<u>7.2 units/acre</u>
<u>R-3</u>	<u>6.2 units/acre</u>	<u>8.7 units/acre</u>
<u>R-4</u>	<u>7.3 units/acre</u>	<u>8.7 units/acre</u>
<u>R-5</u>	<u>8.7 units/acre</u>	<u>20.3 units/acre</u>

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10-11-8: BONUS DENSITY CALCULATIONS:

For applicants requesting a density greater than the baseline density, the planning commission shall determine whether the applicant has complied with the necessary design components as provided in section 10-11-6 of this chapter and shall assign density points as applicable. The additional units per acre allowed above the baseline density for the PRUD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the baseline density. This number, when added to the baseline, will determine the total density per acre for the project; provided, that the number shall not exceed the maximum density allowed in the zone. (Example: The project is in an R-4 zone and the design is awarded 75 bonus points. $75 \times 0.0441 = 3.3$ additional units per acre. $3.3 + 7.3$ [baseline density] = 10.6 maximum units per acre for the development.) The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

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<u>Zone</u>	<u>Density Coefficient</u>	<u>Maximum Density Points</u>
<u>R-1-10</u>	<u>0.0175</u>	<u>80</u>
<u>R-1-8</u>	<u>0.02</u>	<u>85</u>
<u>R-1-6</u>	<u>0.024</u>	<u>100</u>
<u>R-2</u>	<u>0.02</u>	<u>90</u>
<u>R-3</u>	<u>0.0177</u>	<u>85</u>
<u>R-4</u>	<u>0.0441</u>	<u>295</u>
<u>R-5</u>	<u>0.0492</u>	<u>380</u>

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10-11-9: BONUS DENSITY DESIGN REQUIREMENTS:

If greater density is requested above the baseline density, a PRUD development shall comply with one or more of the bonus density design requirements outlined in this section, depending upon the desired density increase. The planning commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive the maximum density allowed in the zone, the development shall have received bonus density points from at least one design component in each of the following categories: energy efficiency or building design, design theme, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. The bonus density design requirements are as follows:

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A. Energy Efficiency:

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1. All dwellings and main buildings shall have R-19 wall insulation and R-38 ceiling insulation. (10)
2. All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning Commission. (Single feature per unit throughout the entire project, 20 points. Combination features per unit throughout the entire project, 30 points.)

B. Building Design:

1. All facades of each dwelling structure, exclusive of windows or doors, have a minimum coverage of eighty percent (80%) of the exterior surface in either brick or stone. (30)
2. Required parking for each unit is provided for by an attached garage. (25)
3. All required dwelling unit parking (2 stalls per unit) is covered by carports. (10)

C. Design Theme:

1. Theme lighting is used throughout the development for street lighting, lighting of walkways, entrances and building exteriors. (15)
2. Landscaping is designed and installed along all streets of the development according to a theme which provides unity and interest to the development. (20)
3. Architectural details of all buildings have a common theme which unifies the entire development. This theme is not so dominant, however, that all buildings are identical. (20)

4. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (25)

5. Large special features such as lakes and golf courses which define the theme of the development and are utilized throughout the entire project. (40)

D. Parking Areas:

1. Parking lots of twenty (20) or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (20)

2. Parking lots of twenty (20) or more stalls or a continuous row of parking over ninety feet (90') in length has a landscaped island which provides landscaping at a ratio of one square foot of landscaping per thirteen (13) square feet of hard surface. (15)

3. Areas with five (5) or more uncovered parking stalls are designed to include a sufficient number of two inch (2") caliper trees located in such a manner as to shade fifty percent (50%) of the parking area upon maturation of the trees. (15)

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E. Recreation Amenities:

1. The PRUD development includes a recreational amenity primarily for the use of the residents of the development. Recreational amenities include swimming pools, sports courts, spas, or other features as approved by the Planning Commission. The Planning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (5 to 35)

2. Development of a common building which shall be used for meetings, indoor recreation, or other common uses as approved by the Planning Commission. (20)

3. Dedication of land for public park, public access along a stream, or public access along a planned trail. The City must be willing to accept the proposed dedication before points are awarded. (Public access 15 points, public park 30 points)

4. Construction according to City standards of trail or park which has been dedicated to the City according to subsection E3 of this Section. (Trail 15 points, public park 40 points)

F. Landscaping:

1. Design and planting a minimum of four (4) 2-inch caliper deciduous trees for each dwelling unit in the development and two (2) 4-foot tall evergreen trees for every two (2) dwelling units in the development. (20)

2. Increasing caliper size of all the required trees from a minimum two inch (2") caliper to:

<u>3" caliper</u>	<u>(5)</u>
<u>4" caliper</u>	<u>(10)</u>
<u>6' evergreen</u>	<u>(5)</u>
<u>8' evergreen</u>	<u>(10)</u>

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3. Increasing caliper size of all elected bonus design requirement trees to:

<u>3" caliper</u>	<u>(10)</u>
<u>4" caliper</u>	<u>(20)</u>
<u>6' evergreen</u>	<u>(10)</u>
<u>8' evergreen</u>	<u>(20)</u>

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4. The majority of new plant material used for landscaping the development are drought-tolerant plants. The landscaping design shall locate plant materials in similar water usage demand zones to ensure proper irrigation coverage and reduce wasteful watering. (20)

5. For the purpose of water conservation, the use of turf grass is limited to areas of high foot traffic, play areas, and other appropriate areas as determined by the Planning Commission. All other areas which are normally planted in lawn shall be planted with ground covers, shrubs or trees. (35)

6. Drip irrigation systems are designed and installed to irrigate all shrub and tree areas as needed. (20)

7. Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs or trees. (15)

G. Open Green Space:

1. Open green space is designed (not left over space between buildings) and flows uninterrupted through the entire development, linking dwellings and recreation amenities. (25)

2. Storm water detention facility areas are designed and used for multiple purposes which blend with the overall theme of the open space design, i.e., shape of the area is free flowing, the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (20)

H. Public Streets: All streets within the development are dedicated public streets. (25)

GENERAL REGULATIONS: 

~~A. Density: The number of dwelling units in a planned residential unit development may be ten percent (10%) higher than the number of dwelling units permitted by the area regulations of the zone in which the planned residential unit development is located in accordance with the following:~~

- ~~1. Land for schools, churches and other nonresidential service-type uses and land uses exclusively for access to the useable area of a planned residential unit development shall not be included in the area used for determining the number of allowable dwelling units.~~
- ~~2. The amount of bonus, if any, shall be determined by the planning commission after considering the proposed site in relation to public services and facilities surrounding residential density and land use, adequacy of appropriate physical boundaries that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. (Ord. 673, 1-8-1980)~~

~~B. Yard And Height Requirements: The yard and height requirements of the adjacent zone around the periphery of the project shall be considered by the planning commission and may be modified (greater or smaller), as the planning commission deems necessary, in order to provide the privacy to the existing land uses, as well as the proposed land uses in the PRUD project. However, in no event shall the rear yard setback requirement of the peripheral be less than fifty percent (50%) of the adjacent zoning requirement when the adjacent zone is residential. (Ord. 858, 6-13-1994)~~

~~C. Site Development Standards; Signs: Site development standards and sign regulations shall be determined by approval of the site development plan.~~

~~D. Land Dedication: The city council, upon recommendation of the planning commission, may require dedication to the city land for public park or parkway purposes.~~

~~E. Guarantee: The developer shall provide a financial guarantee approved by and in an amount determined by the city engineer guaranteeing the completion of all off-site improvements related to the proposed PRUD. The financial guarantee shall be approved by the city council and shall be filed with the city recorder.~~

~~F. Access Roads Creating Corner Lots: Where access roads create corner lots on adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum corner lot side yard requirements of the zone in which the corner lot is located, plus an additional ten foot (10') planting and walking area.~~

~~G. Subdivision Of Development: If the planned residential unit development is to be subsequently divided either as a "subdivision", into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the~~

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development plan and preliminary subdivision approval concurrently obtained in the case of "subdivision".

H. ~~Applicability Of Subdivision Regulations: Any part of a PRUD which is proposed as a subdivision is subject to the provisions of the subdivision title, except for reference therein to lot dimensions and size, which is to be determined as part of the PRUD review process.~~

I. ~~Revisions: In the event an approved preliminary or final site plan requires revision by the developer, the site plan and its revision shall be resubmitted to the planning commission for consideration of approval. The planning commission may require reapproval by the city council. In the event revision is for final site plan, all new property owners in the development shall be notified in writing by the planning commission that a revision has been submitted and will be considered by the planning commission.~~

J. ~~Condominiums: In PRUDs that are proposed as condominiums or other forms of multiple, separate ownership, agreement shall be reached between the planning commission and developer as to a condition of approval of the preliminary plan. Amenities shall include all recreational facilities.~~

K. ~~Checking Fees: Checking fees for PRUDs shall be based on the same standards contained in the subdivision title and fees established for lots shall be applicable to housing units. (Ord. 673, 1-8-1980)~~

10-11-5: SUBMISSION OF APPLICATION:

~~A. Required: An application for a planned residential unit development shall be submitted to the planning commission and shall be accompanied by an overall preliminary development plan showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools, playground, landscaping, recreational facilities and open spaces, areas reserved and proposals for accommodating the design and character of the proposed development, access and parking.~~

~~B. Other Necessary Information: Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinary applicable under this title. (Ord. 673, 1-8-1980)~~

10-11-10: SUBMISSION AND APPROVAL PROCESS:

A. Steps Outlined: The PRUD approval process consists of three (3) basic review steps. The first step is submission and review of a conceptual sketch plan. The purpose of this step is to evaluate the appropriateness of the development as PRUD based on the consideration of the existing features of the proposed site and the relationship to adjacent properties. The second step is submission and review of a preliminary development plan based on the conceptual sketch plan. The purpose of this step is to determine if the preliminary plan shall be granted. The third step is submission and review of a final development plan. The purpose of this step is to review compliance

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with preliminary plan. For purposes of recordation, the PRUD shall be recorded as a subdivision. Upon compliance with final approval, a final plat shall be recorded.

B. Conceptual Sketch Plan Approval Process: Prior to the submission of a PRUD proposal, the applicant shall meet with the current planning staff to discuss their proposal and its appropriateness for development as a PRUD. Upon completion of the pre-application meeting with the current planning staff, the applicant may choose to present the conceptual sketch plan to the Planning Commission. The purpose of this presentation is to provide the applicant with an opportunity to present why the PRUD proposal is appropriate for the site. The Planning Commission may comment as to the potential suitability of the site for a PRUD and present any concerns or comments they may have for the applicant relative to the proposed PRUD. If the applicant chooses to not present the conceptual sketch plan, it shall be done as part of the preliminary plan approval. For sites located in the FLOOD PLAIN OVERLAY ZONE (FP)1,2, or the SENSITIVE AREA OVERLAY ZONE (SA)1, a conceptual review by the Planning Commission is required to determine if and what special studies are required in accordance with the zone. The application shall provide a conceptual sketch plan which shall include the following:

1. Basic site analysis which includes existing features of the site, such as existing plant materials, steep slopes or rock outcroppings, views and how they will be incorporated into the proposed development;
2. Traffic patterns into, through and out of the proposed development, including vehicular, pedestrian, and other;
3. The general location of the housing units by type (i.e., detached dwelling units and attached dwelling units), along with other appropriate uses and amenities; and
4. The existing land uses bordering the proposed site.

C. Preliminary Development Plan/Conditional Use Permit Submission: An application for a PRUD preliminary plan/conditional use permit shall be presented to the Planning Commission and shall include the following information:

1. Topographic maps of the entire site, including contour intervals of no greater than ten feet (10');
2. A tabulation of the total acreage of the site and the percentages to be designated for parking, streets and travel ways, various types of residential units, other buildings and structures, open space, and waterways, along with other relevant aspects of the site;
3. The proposed circulation patterns, including private and public streets, and any other path systems;
4. The proposed location of all parking and ingress and egress;

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5. The proposed location of parks, common open spaces, playgrounds, school sites, recreation facilities, and other similar types of improvements;
6. The proposed location of all dwellings by type and number of dwelling units per building, along with other buildings (e.g., recreational buildings or club houses) or structures (e.g., fencing, lighting, and signage);
7. The proposed location of each phase, if the project is to be done in phases;
8. A table of densities for each development phase with a overall density for the development;
9. A general landscape plan showing the areas to be landscaped and the retention of existing plant materials and landscape features, along with the use of plant materials for buffers and screening;
10. Preliminary building elevations with notation of building materials of all building types proposed within the development, excluding detached single-unit dwellings;
11. A preliminary subdivision design, showing a general lot layout and buildable area;
12. A preliminary utility plan showing the manner in which adequate sewage disposal, subsurface drainage, storm drainage, and water are to be provided to the site, including the location from which said services will need to be extended;
13. If located in the FLOOD PLAIN OVERLAY ZONE (FP)1,2 or the SENSITIVE AREA OVERLAY ZONE (SA)1, all necessary reports or information required for compliance; and
14. Such other information as may be necessary to determine whether the proposed PRUD is desirable and in accordance with the applicable standards.

D. Preliminary Development Plan Review Process:

1. In reviewing the proposed PRUD, the Planning Commission shall ensure that the PRUD:
 - a. Encourages better utilization of the land, develops a sense of community and is compatible with the neighborhood;
 - b. Meets the minimum requirements in this Chapter;
 - c. Meets the requirements for any bonus density requested for the PRUD;
 - d. Provides an adequate traffic circulation system and whether streets should be designated as public or private; and

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e. Meets the general intent and purpose of this Chapter and the General Plan.

E. Final Development Plan Submission: The final development plan, based on the conceptual sketch and preliminary plans, shall be presented to the Planning Commission and include the following information:

1. All of those items required by the Planning Commission as part of the approval of the preliminary development plan and conditional use permit;
2. A complete and accurate legal description of all property proposed for development;
3. A detailed site plan showing the precise location of all buildings and structures, the location of developed common activity area and recreational uses, waterways, detailed circulation patterns, including proposed ownership of common areas, streets and trails, along with other relevant aspects of the site;
4. Parking layout showing the location of individual stalls and all areas of ingress and egress;
5. Design of entryways, along with elevations of proposed signage;
6. A detailed landscape plan showing the location, types and sizes of all plant materials, sprinkling or irrigation systems, screening and fencing;
7. Final elevations of all buildings proposed within the development with notation of building materials, excluding detached single-unit dwellings;
8. A final plat of the PRUD, along with all covenants, conditions and restrictions which the City deems necessary to provide adequate guarantees for retention and maintenance of the development as approved;
9. Detailed engineering plans including site grading, street improvements, drainage and public utility locations; and
10. A time schedule for the completion of landscaping and amenities (e.g., common buildings, playground equipment, recreational facilities, trails and entry signage).

F. Final Development Plan Review Process:

1. In reviewing the proposed PRUD, the Planning Commission shall ensure that the final development plan meets the following:
 - a. Whether or not the requirements provided during the conceptual, preliminary processes and the conditions have been adequately addressed in the final development plan;

b. Any additional changes from the preliminary development plan proposed by the developer; and

c. Any additional information relevant to the success of the proposed development. ~~10-11-~~

6: PLANNING COMMISSION CONSIDERATION: 

~~In considering the proposed planned residential unit development, the planning commission shall consider;~~

~~A. Design: The design of buildings and their relationship to the site and their relationship to development beyond the boundaries of the development.~~

~~B. Streets, Traffic, Parking: Which streets shall be public and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.~~

~~C. Landscaping, Screening: The landscaping and screening as related to the several uses within the development as a means of its integration into its surroundings.~~

~~D. Signs: The size, location, design and nature of signs, if any, and the intensity and direction of area of floodlighting.~~

~~E. Density: The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or master plan as being a desirable future residential density.~~

~~F. Financial Ability: The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established. (Ord. 673, 1-8-1980)~~

10-11-7: PLANNING COMMISSION ACTION: 

~~The planning commission, subject to the requirements of this chapter, may recommend~~

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approval or denial or approval with conditions, of the preliminary plan for the proposed planned residential unit development to the city council. (Ord. 673, 1-8-1980)

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10-11-11: PLANNING COMMISSION ACTION:

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The planning commission, after holding a public hearing thereon, subject to the requirements of this chapter, may recommend approval or denial of the preliminary plan for the proposed planned residential unit development to the city council. (Ord. 673, 1-8-1980)

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10-11-128: CITY COUNCIL ACTION:

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The city council, ~~after holding a public hearing thereon,~~ may approve or disapprove the application. The city council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this chapter. Approval of the city council, together with any conditions imposed, constitutes approval of the proposed development as a "permitted use" in the zone in which it is proposed. (Ord. 673, 1-8-1980)

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10-11-139: FINAL SITE PLAN APPROVAL:

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After city council approval of the preliminary site plans, final site plans reflecting all conditions of preliminary approval must be submitted to the planning commission for approval. Approved final site plans will be forwarded to the building official for issuance of building permits. (Ord. 673, 1-8-1980)

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10-11-140: BUILDING PERMIT ISSUANCE:

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The building official shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed. Approved development plans shall be filed with the planning commission, city engineer, building official and city recorder. (Ord. 673, 1-8-1980)

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10-11-154: TIME LIMIT:

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Unless there is substantial action leading toward completion of a planned residential unit development or an approved phase thereof within a period of eighteen (18) months from the date of approval, as determined by the city council, such approval shall expire, unless after reconsideration of the progress of the project, an extension is approved. (Ord. 673, 1-8-1980)

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10-11-162: EASEMENTS OVER COMMON AREAS:

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In every planned residential unit ~~cluster subdivision or condominium-type development,~~

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there shall be reserved proper easements over the common areas to accommodate public services, including, but not limited to, the right of police and fire personnel to enter upon any part of the common areas, and to allow the city to repair or replace facilities or improvements thereon if any association fails so to do. The declaration for any such development shall include a provision covenanting with the city and all unit owners to maintain the common areas and facilities for the use of declarant and all unit owners prior to being turned over to an association. (Ord. 673, 1-8-1980)

Footnote 1: See also subsection 7-2-4D of this code for basic landscaping requirements.

10-11-17: VIOLATIONS:

A. The preliminary development plan and the final development plan which have been issued in accordance with the provisions of this chapter shall have the full force of this title. Any violation of such approved plan or permit shall be grounds for the city to order that all construction be stopped, and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the city.

B. Violations of any plan approved under this chapter or of the conditional use permit issued in accordance with the provisions of this chapter, or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan or permit, shall be considered a violation of this title.

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Planning Commission Report



Subject: Proposed Revisions to the Group Dwellings Special Regulations (also known as Multiple Dwellings on a Single Lot - Title 10, Chapter 13 of the South Ogden City Code)

Author: Mark Vlastic

Department: Planning & Zoning

Date: July 9, 2015

Background

During the June Planning Commission meeting staff was requested to review the Ogden PRUD and Group Dwellings Ordinances as possible model for South Ogden to consider as a replacement for the existing PRUD and/or Group Dwellings Special Regulations.

Upon further review, staff has determined that each of the existing South Ogden ordinances serve a unique purpose and need. Staff also believes that both ordinances are inadequate, and should be updated utilizing the corresponding Ogden ordinance as a template, which has been completed

Recommendation:

Staff recommends that the following ordinance replace the existing Group Dwellings Special Regulations (also known as Multiple Dwellings on a Single Lot), Title 10, Chapter 13 of the South Ogden City Code.

Staff also recommends that the Chapter be renamed as follows:

Multiple Dwellings on a Single Lot

Chapter 13
Multiple Dwellings on a Single Lot

11-13-1: PURPOSE AND INTENT:

11-13-2: TYPES OF MULTIPLE DWELLINGS ON A SINGLE LOT:

11-13-3: MINIMUM DESIGN STANDARDS:

11-13-4: SUBMISSION AND APPROVAL PROCESS:

11-13-5: TIME LIMITATIONS:

11-13-6: FINANCIAL GUARANTEE; INSTALLMENT OF IMPROVEMENTS:

11-13-7: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:

11-13-8: REVOCATION OF PERMIT:

11-13-9: VIOLATIONS:

11-13-1: PURPOSE AND INTENT:

- A. The purpose of a of this chapter is to encourage better utilization of parcels of land in the R-3, R-4 and R-5 zones, and all their variations, to ensure neighborhood compatibility and to provide land development patterns which meet the needs of those living in the developments and the surrounding community. This is accomplished by allowing more than one building on a lot, flexible placement of buildings, and allowing private infrastructure systems not ordinarily allowed.

- B. A project with multiple dwellings on a single lot project is a residential development which has more than one residential building on a lot and which is planned as a single complex. The ownership may be either in single ownership or units sold according to the condominium requirements. It incorporates a definite development theme which includes usable open space, a well-defined circulation system, and is designed to be compatible with the land and the surrounding neighborhood.

- C. A complex of multiple dwellings on a single lot may be utilized if the area of the complex is equal to or less than the following zone maximums:

<u>Zone</u>	<u>Acres</u>
<u>R-3 and variations</u>	<u>4</u>
<u>R-4 and variations</u>	<u>4</u>
<u>R-5 and variations</u>	<u>3</u>

Otherwise all developments must meet the minimum requirements of the zone in which it is found.

11-13-2: TYPES OF MULTIPLE DWELLINGS ON A SINGLE LOT:

There are two (2) types of multiple dwellings on a single lot: a small lot project with multiple dwellings on a single site and a neighborhood project with multiple dwelling on a single lot. Because of the different character and impact of these two (2) types of developments, some development standards may be different. The types of multiple dwellings on a single lot are distinguished by their size:

- A. Small Lot Group: Small lot group dwelling is development on a small parcel of land which is equal to or less than one acre in total area; and
- B. Neighborhood Group: Neighborhood group dwelling is a development on property which is between one acre and the maximum acreage listed in **11-13-1-C**.

11-13-3: MINIMUM DESIGN STANDARDS:

A. Building Setbacks:

- 1. Any building which is adjacent to a public street shall meet the minimum front yard setback required for the respective zone. If the building is on a corner, then the shortest side facing a street or either side of a square building shall meet the corner side yard setback of the respective zone. Only the building closest to the corner shall meet the corner side yard setback. Other buildings adjacent to the public street shall be required to meet the front yard setback of the respective zone. The minimum setbacks for all buildings from the interior property lines shall be based on the orientation and the comparative length of the sides of the buildings.
- 2. If any main building is adjacent to any residential zoned property and is over two (2) stories in height, it shall be set back an additional ten feet (10') from the interior property lines for every additional story the building is over two (2) stories as allowed in the applicable zone.

- A. Distance Between Buildings: The minimum distance between buildings shall be ten feet (10') for single-story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for three-story buildings. Buildings which are over three (3) stories in all zones except the CBD shall have a separation of twenty feet (20'), plus ten feet (10') for every story over three (3) stories. In commercial zones twenty feet (20') shall be the minimum separation. If a lower building is next to a taller building, then the larger separation distance will apply.

B. Building Orientation:

- 1. Requirement: Those buildings which are adjacent to a public street shall have the front elevation of the building face the public street in order to retain the front yard appearance of the community. If the building is on a corner which abuts two (2) streets, only one front elevation is required for the building.
- 2. Exception: The planning commission may consider other orientations of the building if there is not an existing neighborhood which fronts the street or if other conditions exist which restrict such development and the planning commission determines that the surrounding neighborhood identity, front yard appearances and streetscape continuity will not be impacted by such a design. If it is determined that the front elevation should not face the street, an additional ten foot (10') setback shall be added to the front yard setback. This ten foot (10') area shall be landscaped with trees and plants in order to provide a transition from the public street to the private development. Any fencing which is installed shall not be placed in this ten foot (10') area.

C. Building Design:

1. All four (4) sides of the building, excluding doors and windows, shall have the same proportionate use of exterior finish materials (e.g., if brick is used on the front of the building it also is used on the other 3 elevations of the building). The use of vinyl siding materials on fifty percent (50%) or more of all four (4) sides is not acceptable. The planning commission may consider other options to having all four (4) sides of the building finished in the same materials. In considering other options the design needs to bring continuity to the entire building, development and neighborhood (e.g., privacy fences made of similar building materials which block the view of other portions of the building, quoins used to give relief to corners, facades having physical changes in the vertical planes so a flat facade is avoided). The commission may also consider other options when there are substantial grade differences from one side of the building to another and variations in the material will not impact neighborhood continuity.

2. Architectural detailing is required in order to provide interest and theme to the buildings. At a minimum, the building designs shall have a covered entry porch and at least two (2) of the following architectural elements which provide a defined character to the building:

a. Bay windows.

b. Quoins.

c. Dormers.

d. Cantilevered floor.

e. Decorative cornice work.

f. Corbeling on wall.

g. Decorative lintel.

h. Roof style other than gable.

3. The architecture shall be visually compatible with the common elements of the existing architecture in the area. The planned architectural theme shall as a minimum use the common elements of the existing architecture in the area with respect to: a) the roof design and pitch, provided that pitch shall in all cases be four to twelve (4:12) or greater, b) the ratio of solid materials (walls) to glazing materials (windows). In the event the neighborhood is in transition or does not have a dominant architectural theme, the commission may approve architecture designs which enhance the neighborhood fabric.

4. The architecture of the dwellings shall have visual relief in facade and rooflines that add variety and rhythm to the design, and avoids monotonous straight lines.

5. The front of each dwelling structure shall be designed so that:

- a. If a building has an attached garage or an area where a garage can be built along the front of the building, the garage doors or area where the garage can be built shall not occupy more than forty percent (40%) of the ground level building frontage.
- b. If the attached garage or area where the garage can be built is accessed from the front the garage or area where the garage can be built shall be set back a minimum of five feet (5') from the building front.
- c. The front of the building has as a minimum the design elements of a main entry door and ten percent (10%) of the wall surface area on the main level in glazing.

D. Site Layout:

The materials and height of the building are to be sensitive to the existing topography and vegetation that exist on site. The buildings shall be built into the existing topography so that no major cuts occur (i.e., if for example the site slopes the building should be stepped into the hill). The existing vegetation shall be identified and shown how it will be preserved on site. In the event that areas of vegetation are proposed to be removed, removal shall occur only upon approval by the planning commission based upon a site analysis and revegetation plan that is sensitive to the existing topography and vegetation.

E. Building Height:

The height of the main buildings shall be limited to the maximum height allowed in the respective zone of the project. Accessory buildings shall be one story with a maximum height of fifteen feet (15').

F. Parking Requirements And Design:

1. Two (2) parking stalls per dwelling shall be required for each unit in the development in all zones except the CBD. All parking and access shall be hard surfaced. Garages attached to the unit and used for required parking shall be set back eighteen feet (18') from the road or street or eighteen feet (18') from the walkway if a walkway is designed along the road or street. Detached unit parking shall be located within a one hundred foot (100') radius measured from any entrance to the dwelling unit. One and one-half (1^{1/2}) stalls per unit shall be the minimum requirement in the CBD zone. Parking in the CBD shall be located within a five hundred foot (500') radius measured from any main entrance to the dwelling.
2. Driveways shall be a minimum of twenty eight feet (28') in width whenever the driveway is used to provide ingress and egress to any parking space between dwellings including parking within attached garages.
3. Parking adjacent to any public street and any access parallel to the street shall be set back the required front yard setback for the respective zone of the development. Parking stalls and access lanes shall be set back a minimum of eight feet (8') from any property line which is not adjacent to a street. The eight foot (8') setback area shall be landscaped. The planning commission may reduce the eight foot (8') setback for access lanes if it is

determined that the accessway is adequately screened, the proximity and amount of traffic will not adversely impact existing neighboring uses, and there is adequate landscaping to soften the appearance of the access area.

4. Landscaped islands shall be required at the end of each row of stalls if the row exceeds ten (10) parking stalls in length. A row of parking that has over twenty (20) parking stalls shall have one landscaped island placed between every twenty (20) stalls in the row. Required parking areas shall install landscaped islands with raised curbs. Islands shall not be placed over hard surface. The landscaped island shall be a minimum width of nine feet (9') and a minimum length of eighteen feet (18').

G. Open Green Space And Landscaping:

1. Required Yard Setbacks: All required yard setbacks shall be landscaped.

2. Parkways: All parkways within the public right of way which abut the development shall be landscaped with grass, or other material approved by the planning commission, and two inch (2") caliper shade trees spaced no farther than forty feet (40') apart. Street trees are required along interior roads whether public or private at a maximum spacing distance of thirty-five feet (35') apart.

3. Incorporation Of Natural Features: Developments shall be designed to incorporate existing trees, clusters of trees or clusters of shrubs and natural settings along rivers, streams or canals. The planning commission shall review the appropriateness of removal of portions of these types of vegetation if removal is planned. The planning commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create. If existing vegetation is removed prior to submittal or not in keeping with the approved plan, the maximum density allowed for the development shall be the area requirement for single-family units in the zone of the project.

4. Use Of Turf Grass Limited: Grass shall not be the ground cover used in areas which are eight feet (8') or less in width within the property lines. Shrubs or planted ground covers shall be used in these areas and shall be planted at such a spacing that they will cover the entire designed area within five (5) years. Mulches shall be part of the initial planting design in these areas. The use of turf grass shall be limited to areas of high foot traffic, recreation areas and planned open spaces.

5. Minimum Plantings Required: A minimum of one 2-inch caliper tree and five (5) 5-gallon shrubs (at least 1 shrub a flowering shrub) shall be planted on the property for each unit in the development of a small lot project with multiple dwellings on a single lot. Neighborhood multiple dwellings on a single lot require a minimum of two (2) 2-inch caliper trees and five (5) 5-gallon shrubs (at least 1 shrub a flowering shrub) to be planted on the property for each unit in the development. Multiple dwellings on a single lot located

in the CBD zone shall require one 2-inch caliper tree and five (5) 5-gallon shrubs for each three (3) units in the development.

6. Minimum Landscaped Area Abutting Parking Or Access Lanes: A minimum six foot (6') landscaped area excluding sidewalk is provided between the unit and any parking or access lanes.
7. Entrance Feature Required: An entrance feature to the development is required. The minimum entrance feature shall consist of a monument sign naming the development surrounded by a variety of ground covers, shrubs and trees.
8. Screened Enclosures: All dumpsters shall be stored in screened enclosures which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not in the required setback areas, not visible from the public street and do not restrict vehicular parking or circulation.
9. Storm Water Detention Facilities: Storm water detention facilities are designed and used for multiple functions. The design of the facility shall blend in with the overall theme of the open space. Factors which will be used in determining compliance may include, but not be limited to, freeform design, grading and landscaping to provide gradual transitions, or artistic design elements.
10. Small Lot Multiple dwellings on a single lot: Rear and abutting dwelling units within small lot multiple dwellings on a single lot shall be separated by a minimum thirty foot (30') landscaped area.
11. Neighborhood Project with Multiple Dwellings on a Single Lot: All neighborhood multiple dwellings on a single lot shall include open space designed as either visual passive open space, courtyard open space, active area open space or natural features open space as provided herein. Such open space shall be a minimum of thirty percent (30%) of the total lot area. The required yard setbacks from property lines shall not be included in meeting the thirty percent (30%) open space minimum.
 - a. Visual Passive Open Space: Common open space designed to create a viewing or garden path experience by having planting areas with minimal or no sod that creates a visual experience provided that all of the following conditions are met:
 - (1) A minimum of eighty percent (80%) of the open space area needs to be covered with a variety of plants, including trees, shrubs, annuals and perennials to create a garden atmosphere that can be viewed from windows or pedestrianways.
 - (2) The size of the passive area shall be a minimum of ten percent (10%) of the required thirty percent (30%) open space.
 - (3) The plants used shall provide a variety of colors, textures and leaves for all seasons.
 - (4) Fountains, sundials, statues or other similar elements shall be included in the design and shall take into account the scale of the space in which they are located.

(5) A maintenance plan shall be submitted that will identify how these areas will be cared for in the future.

b. Courtyard Open Space: Common open space whose perimeter is defined by the placement of buildings or walls that enclose the open space area provided that all of the following conditions are met:

(1) Dimensions:

(A) Minimums: The minimum width and length of the courtyard shall be two (2) times the height of the surrounding buildings.

(B) Exception: The distance may be reduced by the planning commission in the CBD zone if the courtyard area is designed with a decorative paved plaza having a combination of plantings, seatings, lighting and artistic features as shown below.

(2) Views And Access: The building elevation of the dwelling units facing the courtyard shall be designed to allow views of and access to the adjacent courtyards.

(3) Minimum Coverage Of Plantings: A minimum of forty percent (40%) of the courtyard areas shall be covered with a variety of trees, shrubs and ground covers. For multiple dwellings on a single lot in the CBD zone this coverage may be reduced by using an appropriate amount of decorative paving material in combination with plantings, seating, lighting and artistic features.

(4) Private Space: The courtyard space shall be designed to create a private space for the development. In addition to the buildings a low fence or wall, low plantings or a combination of these shall be used to define the boundaries of each area. A fence or wall should have a gate or entryway that provides easy access to the open space area.

(5) Playground: If a children's playground area is to be part of the courtyard it shall be visible from the main living space of the adjacent dwelling units.

(6) Shaded Areas: Thirty percent (30%) of the courtyard area needs to be designed to provide shade during the midday of the summer months. The use of trees, buildings, awnings and pergolas can be used to provide for shade in the courtyard areas. If a swimming pool is used then the swimming pool area is excluded.

c. Active Area Open Space: Common open space designed to provide active recreation such as basketball, volleyball, soccer, trails, open field play or swimming pool. In developing active area it can be one or a multiple of the above mentioned uses provided that all of the following conditions are met:

(1) Playgrounds shall be separated by a minimum of thirty feet (30') from sport areas (i.e., tot lots would not be closer than 30 feet from a basketball court).

(2) Active areas shall not be located in areas next to local, collector or arterial streets.

- (3) The active area needs to be more than an open field.
- (4) Elements of shade need to be provided in the active area.
- (5) When trails are used they shall meet the following requirements:
 - (A) The length of trail shall be a minimum of 0.5 mile long, except if it ties into another trail that meets this minimum.
 - (B) The trail shall be located a minimum of thirty feet (30') from the rear of any dwelling units and fifteen feet (15') from the side of any dwelling units and separated with shrubs, trees or landforms so the trail and the back of the units have a visual separation.
 - (C) Trail width needs to be a minimum of four feet (4') wide and pavement materials are limited to concrete or asphalt.
 - (D) The trail needs to lead to destination areas or focal points within the open space.
 - (E) When lighting is provided along the trail it shall be directed downward so it does not impact adjacent residence. The lighting shall not be taller than two feet (2').
- (6) The required active areas shall begin at a point fifteen feet (15') from the rear of any dwelling unit.
- d. Natural Features Open Space: A site that has unique natural features such as woodlands, ponds, ravines, canals, streams and wetlands provided that all of the following conditions are met:
 - (1) If a natural feature is used an analysis of the site needs to be submitted which identifies how the natural features will be preserved and how it will function as an open space.
 - (2) A plan is submitted that identifies how the natural features will be integrated into the landscaped areas.
 - (3) Shrubs, trees and ground covers shall be added to the natural features that would enhance the setting of the natural features.
 - (4) If a trail system is used, the trail system needs to be accessible from the units to these areas that leads to a focal point or destination area. The trail shall meet the following conditions:
 - (A) The trail shall be located a minimum of thirty feet (30') from the rear of any dwelling units and separated with vegetation and or landforms so the trail and the back of the units have a visual separation.
 - (B) The width and material needs to be a minimum of four feet (4') wide and constructed out of crushed gravel or a material approved by the planning commission that is compatible with the natural features in the area.

(C) When lighting is provided along the trail it shall be directed downward so it does not impact adjacent residence. The lighting shall not be taller than two feet (2').

I. Street Design: Multiple dwellings on a single lot shall be designed to meet area transportation plans. Developments which are located on or next to a collector or arterial public street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local streets or in areas where local streets may be of benefit to the development of the general area may be required to design and install a local public street through the development. The planning commission shall review the future and existing circulation needs of the area, existing road patterns, and emergency access needs in determining if a local public street should be required or extended. Interior private streets shall have a minimum twenty four foot (24') pavement width.

J. Fencing:

1. Requirements: The portions of the development that do not front a street shall be fenced with a maximum six foot (6') high fence. The fence needs to be constructed out of either masonry, wood, vinyl or black powder coated chainlink. Fencing in the front yard is optional. The maximum height for a fence in the front yard setback is four feet (4') high. Front yard fencing shall be constructed out of masonry, wood, vinyl or decorative wrought iron.

2. Exceptions; Maintenance; Waivers:

a. The planning commission may vary the height of the fence fronting a street if the buildings do not front the street and it is determined the proposed fence design, materials, and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:

(1) Not isolate the surrounding neighborhoods;

(2) Be consistent with the theme of the development; and

(3) Be compatible with the neighborhood.

b. If fencing isolates property between the fence and the public street, the development shall provide a means to ensure continued maintenance of this area.

c. The planning commission may waive the six foot (6') high fencing requirement provided it is determined that:

(1) Waiving such fencing will not impact adjoining properties by creating potential trespassing conditions; and

(2) There is a natural or manmade feature that fencing would hinder access to or damage the aesthetic attributes of the feature as it relates to the development.

15-10-4: SUBMISSION AND APPROVAL PROCESS:

A. General Review Process:

1. Two Step Process: The group dwelling process consists of a two (2) step review process. The first step is submission and review of a preliminary plan. The purpose of this review is to determine general compliance with the regulations of this chapter and the appropriateness of the development. The second step is submission and review of a final plan. The purpose of the final review is to ensure all conditions and details needed to build the project are met.
2. Group Dwelling Condominiums: If the development is to be developed as a condominium, the condominium approval process can either occur together with the general approval process or as a condominium conversion after development approvals have been given.

B. Preliminary Plan Permit Submission: A complete application for a permit shall be submitted to the planning office for review and comment. Once the plan has been reviewed and found meeting the minimum site plan requirements for submittal, it shall be scheduled for the next appropriate planning commission meeting for review of the project to consider whether or not the request should be approved. The minimum site plan requirements for the submittal shall include the following accurate information:

1. The property boundary location, direction and length;
2. Contour lines at no greater than five foot (5') intervals if there is more than a ten foot (10') grade difference on any portion of the site;
3. Existing vegetation, buildings, canals, ditches, streams, easements, utility poles, or other existing features whether manmade or natural;
4. Any adjacent buildings, parking lots, streets, sidewalks and curbs within thirty feet (30') of the property boundary;
5. The proposed location of buildings, parking, carports, driveways, sidewalks and fences. These shall be dimensioned. The distance of these items from property lines and from each other shall also be dimensioned;
6. A general landscaping plan which shows areas to be landscaped, general types of landscaping to be used (i.e., trees, shrubs and grass), areas to be preserved in their existing conditions, and any open space amenities;
7. A table which indicates total acreage of the development, total hard surface, building coverage and landscape area square footage;
8. Preliminary building elevations of all four (4) sides and the types of materials proposed to be used on the building;
9. Preliminary utility plan showing the manner in which water, sewer and storm sewer services will be provided; and

10. If located in the sensitive area overlay zone, all necessary reports or information required for compliance with the sensitive area overlay zone.
- C. Preliminary Plan Permit Review and Consideration: The planning commission, subject to the requirements of this chapter, may approve, approve with conditions or deny the preliminary plan permit for a group dwelling. In reviewing a preliminary plan permit, the planning commission shall consider if the group dwelling:
1. Meets the minimum lot area and design standard requirements of this chapter;
 2. Provides an adequate interior traffic circulation system which does not adversely impact neighboring properties. In considering impacts to the neighbors, such things as car lights, visibility of parking areas, screening, access location and distance of parking areas from neighboring buildings shall be considered;
 3. Interrupts or restricts future local or community traffic patterns;
 4. Site design is compatible with the topography and other existing features of the site;
 5. Architecture is compatible with the character of the neighborhood. In determining compatibility, the planning commission shall consider types of building materials, color, architectural relief to the face of the building, roof style and height of the building;
 6. Site design and building design does not adversely impact neighboring properties. Such things as building location and orientation, landscaping, screening, privacy and other specific site issues shall be considered in determining if the neighborhood is adversely impacted beyond permitted development possibilities;
 7. Open space development meets the needs of the residents of the development by providing private outdoor areas, common play areas and areas of interest;
 8. Meets the design requirements of this chapter for increased density.
- D. Final Development Plan Submission: Once preliminary plan approval has been given, a final development plan shall be submitted for review and approval. The final plan shall meet all the conditions established when the preliminary plan was approved. A small lot group dwelling may submit for a permit/final approval without going through the preliminary plan, provided the submitted plan has all information needed as required for submittal for both approval processes. Only upon approval of the final development plan shall the use become effective. The final development plan shall include the following accurate information:
1. The property boundary with bearings and length of each property line;
 2. Final site grading plan at no more than two foot (2') contour intervals showing all walls, cuts and fills proposed;

3. A detailed site plan showing the precise location and size of all buildings and structures, parking areas, access lanes, canals, ditches, streams, easements, utility poles, sidewalks, and public street, curb, gutter and sidewalk;
 4. A final landscape plan showing the location, types and sizes of all plant material;
 5. Final building elevations of all four (4) sides and the types of materials proposed to be used on the building;
 6. Detailed engineering plan including site drainage, street improvements, and utility plans (showing location, sizes and slopes of lines); and
 7. All conditions established with the preliminary plan permit approval.
- E. Final Development Plan Permit Approval: The planning commission may approve, deny or approve with conditions the final development plan permit for the group dwelling. The planning commission review of the final development plan permit approval shall consider the following:
1. Whether or not the issues addressed as conditions for preliminary plan permit have been adequately addressed.
 2. Any changes from the preliminary plan permit which are now being proposed by the developer.
 3. Compliance with all applicable requirements of this chapter and the development code.

15-10-5: TIME LIMITATIONS:

A final development plan permit shall be submitted for approval within twelve (12) months of the preliminary plan permit approval. Failure to submit a final development plan permit within the year time period shall result in a revocation of the preliminary approval permit and the permit and approval shall be null and void. Once a final development plan permit has been approved, the applicant has six (6) months to obtain a building permit and begin construction. Failure to obtain a building permit within the six (6) month time period shall result in a revocation of the approval of the project and all approvals shall be null and void.

15-10-6: FINANCIAL GUARANTEE; INSTALLMENT OF IMPROVEMENTS:

- A. Prior to issuance of any building permit on the property approved for a group dwelling, a financial guarantee shall be required. The guarantee shall be sufficient to cover the cost of all infrastructure, right of way improvements and landscaping shown on the final approved plan. Unless otherwise approved pursuant to subsection B of this section, landscaping and site improvements shall be installed prior to occupancy of any structure within the group dwelling unless inclement winter weather prevents their completion. In no case shall time for completion be extended beyond June 1 immediately following the completion date. If the development is to occur in phases, then the landscaping and other improvements which make the phase functional shall be installed prior to occupancy.

B. In a neighborhood group dwelling, the City Manager may approve occupancy of one or more of the buildings without completion of all improvements, if all of the following required improvements have been installed and determined to be in compliance with the approved plan and an adequate financial guarantee is in place to ensure completion of the remaining improvements:

1. All private roads and utilities within the project with multiple dwellings on a single lot;
2. All landscaping within the common open space to be established for the entirety of the project with multiple dwellings on a single lot and along the private roads;
3. Entryway signage and associated landscaping;
4. All accessways and parking associated with the building to be occupied; and
5. All landscaping around and associated with the building to be occupied.

15-10-7: FAILURE TO COMPLY; CERTIFICATE OF OCCUPANCY:

In case of failure or neglect to comply with any and all of the provisions of this chapter and the conditions and stipulations herein established and as specifically made applicable to a multiple dwellings on a single lot project, the building official shall not authorize occupancy of any structure. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this chapter.

(Ord. 2004-28, 7-13-2004)

15-10-8: REVOCATION OF PERMIT:

The permit may be revoked if any of the conditions or terms are violated; however, the holder of the permit shall first be afforded an opportunity to be heard before the planning commission and show cause as to why the permit should not be revoked. A violation of a condition or term of a permit shall constitute a violation of this code, and the revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation. The decision of the planning commission to revoke the permit may be appealed to the mayor, in writing, within fifteen (15) days of the planning commission's decision.

15-10-9: VIOLATIONS:

Violations of any plan approved under this chapter or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan or permit, shall be considered a violation of this title

CHAPTER 13

~~GROUP MULTIPLE DWELLINGS ON A SINGLE LOT SPECIAL REGULATIONS~~

~~10-13-1: YARD REGULATIONS:~~

~~Group multiple dwellings on a single lot shall be considered as one building for the purpose of front, side and rear yard requirements, the entire group as a unit requiring one front, one rear and two (2) side yards as specified for dwelling structures. The minimum distance between structures shall be ten feet (10') for single story buildings, fifteen feet (15') for two (2) story buildings and twenty feet (20') for three (3) or more story buildings. (Ord. 673, 1-8-1980)~~

~~10-13-2: GROUP MULTIPLE DWELLINGS ON A SINGLE LOT PRUD:~~

~~A group multiple dwellings on a single lot complex must be developed as a PRUD if the area of the complex is equal to or exceeds the following zone minimums:~~

Zone	Aeres
R-3	4
R-4	4
R-5	3

~~(Ord. 673, 1-8-1980; amd. 2001 Code)~~

~~10-13-3: CONDITIONAL USE:~~

~~All group dwellings multiple dwellings on a single lot with thirteen (13) or more dwelling units in an R-3 zone, with twenty five (25) or more dwelling units in an R-4 zone, or with fifty (50) or more dwelling units in an R-5 zone, are considered as a conditional use and as such must comply with the provisions of chapter 15 of this title. (Ord. 673, 1-8-1980)~~

Planning Commission Report



Subject: Proposed Modifications to the Conditional Use Ordinance (Title 10, Chapter 10 of the South Ogden City Code);

Author: Mark Vlastic

Department: Planning & Zoning

Date: July 9, 2015

Background and Recommendation: 1) Modifications to the Conditional Use Ordinance

Staff has reviewed the proposed modifications to the Conditional Use Ordinance prepared by Neil Lindberg. Based on discussions with members of the Planning Commission during the June meeting and follow-up investigations, staff recommends the following:

- That a positive recommendation be forwarded to the City Council for the proposed modifications as prepared;
- Inclusion of the definition of “substantial action” provided by Mr. Lindberg for the benefit of Section 10-15-15, as follows:

Substantial Action: Action taken in good faith to diligently pursue any matter necessary to obtain approval of an application filed pursuant to the provisions of this title, or to exercise development rights authorized pursuant to such an approval.

- Inclusion of the general provisions provided by Mr. Lindberg for inclusion in Chapter 1 of Title 10 of the city zoning ordinance (if approved, it should be verified that it is fully consistent with the current version of LUDMA.) A copy of these provisions is provided in the following pages, after the Draft ordinance changes.

Neil Lindberg response email (dated May 22, 2015)

Hi Matt,

Here is a draft of the revised conditional use chapter as we discussed (clean and legislative versions). While the zoning code could benefit from a number of updates, I've prepared the revision so it fits within the now existing zoning ordinance framework. The principal change is language, based on the Land Use, Development, and Management Act, that requires approval of a conditional use unless reasonably anticipated detrimental effects cannot be substantially mitigated by imposing reasonable conditions. As a result of this state law "presumption of approval" requirement, many communities have revised their zoning ordinances to remove many, if not most, conditional uses from various zones where approval might be a problem.

The standards section addresses a number of potential concerns and may need to be pared back. There may also be some which should be added. Since many different kinds of conditional uses are possible, the standards section (10-15-6) requires the Planning Commission to decide which ones apply to a particular conditional use request. A "detrimental effects" analysis is required only for those standards deemed relevant. This allows a standard to be in place in case it is needed for a particular case. It also relieves the Planning Commission from having to conduct a detrimental effects analysis when a concern is not relevant.

The draft also includes revisions to existing sections and a number of new ones regarding the status of a CUP once it is approved (effect of approval, later amendment, transfer to another party, periodic review, revocation, and expiration). I recommend that the Planning Commission add a definition of "substantial action" as follows for the benefit of the expiration section. It may also be applicable to other sections of the code.

Substantial Action: Action taken in good faith to diligently pursue any matter necessary to obtain approval of an application filed pursuant to the provisions of this title, or to exercise development rights authorized pursuant to such an approval.

Also attached is a sample of general provisions that could be included in Chapter 1 of Title 10 of the city zoning ordinance. I have used it in a number of zoning codes that I've rewritten. Although it includes several things that appear in LUDMA, I favor including them in a local ordinance because it helps both the city and public be aware of applicable rules. (I haven't verified that it is totally consistent with the current version of LUDMA, so if you decide to use it, that should be done.) It also includes a description of the difference between legislative and administrative approvals and their associated standards (which LUDMA does not include).

Please let me know if you have comments or questions. Thanks.

Chapter 15
CONDITIONAL USES:

10-15-1: PURPOSE AND INTENT:

10-15-2: [AUTHORITY](#):

[10-15-3](#): CONDITIONAL USE PERMIT [REQUIRED](#):

10-15-~~3~~4: REVIEW PROCEDURE:

~~10-15-4~~: ~~DETERMINATION~~:

10-15-5: ~~BASIS FOR ISSUANCE OF~~ [PLANNING COMMISSION ACTION](#):

[10-15-6](#): CONDITIONAL USE [STANDARDS](#):

[10-15-7](#): [NOTICE OF DECISION](#):

[10-15-8](#): [APPEAL OF DECISION](#):

[10-15-9](#): [EFFECT OF APPROVAL](#):

[10-15-10](#): [AMENDMENT](#):

[10-15-11](#): [TRANSFER OF PERMIT](#):

10-15-~~6~~ [BUILDING](#) [12](#): [ENFORCEMENT OF PERMIT REQUIREMENTS](#):

10-15-~~7~~ [13](#): [PERIODIC REVIEW](#):

[10-15-14](#): [REVOCAATION](#):

[10-15-15](#): [EXPIRATION](#):

10-15-1: PURPOSE AND INTENT:

~~The purpose and intent of conditional uses is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out and constructed on the proposed site in a particular manner.~~

[This chapter sets forth requirements for considering and approving conditional use permits. The purpose of a conditional use permit is to allow evaluation of a land use proposed at a particular location to determine if the use may detrimentally affect the city, surrounding neighbors, or adjacent land uses. Conditional uses are allowed unless the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by imposing reasonable conditions to achieve compliance with the standards set forth in this chapter.](#)

10-15-2: [AUTHORITY](#):

[The planning commission is authorized to approve or deny conditional use permits as provided in this chapter.](#)

[10-15-3](#): CONDITIONAL USE PERMIT [REQUIRED](#):

A conditional use permit shall be required for ~~all uses~~ [any land use](#) listed as a conditional ~~uses~~ [use](#) in the zone regulations. ~~A conditional use permit may be revoked by~~

~~the city council after review and recommendation by the planning commission, upon failure to comply with the conditions imposed with the original approval of the permit set forth in this title.~~

10-15-~~34~~: REVIEW PROCEDURE:

A. Application: Application for a conditional use permit shall be made to the City using application forms provided.

B. Information Required: Detailed location, site, and building ~~plan~~plans shall accompany ~~the complete~~an application ~~forms provided by the city for a conditional use.~~ For ~~structures in existence~~a conditional use located in an existing structure, only a location plan needs to be provided.

C. Consideration: The application, together with all pertinent information, shall be considered by the planning commission at its next regularly scheduled meeting.

D. Public Hearing: The planning commission may ~~call~~hold a ~~specific~~ public hearing on any application after adequate notice if it is deemed in the public interest. The planning commission shall take action on the application by the second meeting of the planning commission after the application filing date. ~~A record of the hearing, together with a decision for the denial or approval of the conditional use permit with conditions of approval or reasons for denial, shall be forwarded to the city council.~~

10-15-~~4~~: DETERMINATION~~5~~: PLANNING COMMISSION ACTION:

~~————The planning commission may deny or permit~~A. Approval: A conditional use ~~to be~~ located within any zone in which the particular conditional use is permitted. In authorizing any conditional use, the planning commission shall ~~impose such requirements and~~be approved if reasonable conditions ~~necessary for the protection of adjacent properties and the public welfare.~~

10-15-~~5~~: BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT:

~~————The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:~~

~~A. Necessity: That the~~are proposed ~~use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community.~~

~~B. Detriment: That such use will not, under the operation proposed, or can be imposed, to mitigate the reasonably anticipated detrimental to the health, safety and general welfare of the community, nor any part thereof, nor threaten damage of the property~~effects of the use pursuant to the standards set forth in Section 10-15-6 of this chapter. Any such conditions shall be included in a written document authorizing the conditional use permit.

~~C. Compatibility: That the use will be compatible with and not offensive to surrounding uses from the standpoint of building design, site layout, traffic both externally and internally, parking both externally and internally, signs, landscaping, pedestrian traffic, lighting considerations, material storage and operational characteristics, etc.~~

~~D. Compliance: That the proposed~~ B. Denial: A proposed conditional use may be denied only if substantial evidence demonstrates:

1. The use is not a conditional use in the zone where the use is proposed to be located.

2. The use ~~will~~ **does not** comply with the regulations and conditions specified in this title for such use; or

~~E. Conformance: That~~ 3. The anticipated detrimental effects of the use cannot be substantially mitigated by the imposition of reasonable conditions.

C. Detrimental Effects Analysis: In analyzing the potential detrimental effects of a proposed conditional use, the planning commission may consider any of the factors set forth in Section 10-15-6 of this chapter that may be applicable and whether the use should be approved as proposed by the applicant, approved with conditions, or denied. The planning commission may require an applicant to provide reasonably available information that the planning commission considers necessary to address such factors.

10-15-6: CONDITIONAL USE STANDARDS:

This section sets forth standards for determining whether a conditional use will have any detrimental effect and should be approved as proposed, approved with conditions, or denied. Because some standards may, or may not, be relevant to a particular conditional use, the planning commission shall determine which standards will be considered in analyzing the possible detrimental effects that may result from a proposed conditional use.

~~A. General Plan: The proposed use conforms to the goals, applicable policies and governing principles and land use~~ of the ~~master~~ city's general plan ~~for the city.~~

~~F. Environmental Deterioration: That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally affect, to any appreciable degree, public and private properties, including the operation of existing uses thereon, in their immediate vicinity of the community or area as a whole.~~

~~10-15-6: BUILDING PERMIT:~~

~~Upon receipt of a conditional use permit, the developer shall take such permit~~ B. Site Design: The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area.

C. Access: Access to the site is designed to avoid traffic and pedestrian conflicts and does not unreasonably impact the service level of any adjacent street.

D. Circulation: On-site vehicle circulation and truck loading areas are designed to mitigate adverse impacts on adjacent property.

E. Parking: The location and design of off-street parking complies with applicable standards of this title.

F. Refuse Collection: The location and design of refuse collection areas is not likely to create an adverse impact on the occupants of adjoining property.

G. Utility Services: Utility capacity is sufficient to support the use at normal service levels.

H. Screening: The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts. Fencing, screening and landscape treatments and other features are designed to increase attractiveness of the site and protect adjoining property owners from noise and visual impacts.

I. Operating Hours: The hours of operation of the use and delivery of goods are not likely to adversely impact surrounding uses.

J. Signs: Sign size, location, and lighting are compatible with, and do not adversely impact, surrounding uses.

K. Public Services: Public facilities such as streets, water, sewer, storm drainage, public safety and fire protection, are adequate to serve the use.

L. Environmental Impact: The use does not significantly impact the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard, including cigarette smoke, to the premises or any adjacent property.

M. Nuisance: Operation of the use is unlikely to create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, glare, electromagnetic disturbance, or radiation.

10-15-7: NOTICE OF DECISION:

Within ten (10) days after the planning commission makes a final decision to approve or deny a conditional use permit, a written notice thereof shall be sent to the applicant, including any conditions of approval. If a conditional use is approved, such notice shall be recorded against the property by the city recorder.

10-15-8: APPEAL OF DECISION:

Any person adversely affected by a final decision of the planning commission regarding a conditional use permit may appeal such decision to the hearing appeals officer as provided in Section 10-4-3 of this title.

10-15-9: EFFECT OF APPROVAL:

A conditional use permit shall not relieve an applicant from obtaining any other authorization, permit ~~and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the building official may approve an application for a building,~~ or license required under this title or any other title of this code.

10-15-10: AMENDMENT:

A conditional use permit ~~and~~ may be amended subject to the original approval procedure set forth in this chapter.

10-15-11: TRANSFER OF PERMIT:

A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.

10-15-12: ENFORCEMENT OF PERMIT REQUIREMENTS:

_____ City staff shall ensure ~~that~~ development under a conditional use permit is undertaken and completed in compliance with ~~said~~the permit and any conditions pertaining thereto.

10-15-~~7~~13: PERIODIC REVIEW:

The planning commission may periodically review whether a conditional use is being conducted in compliance with applicable requirements.

10-15-14: REVOCATION:

A. Grounds: Any of the following shall be grounds for revocation of a conditional use permit:

1. The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use.
2. The holder or user of a permit has failed to construct or maintain the site as required by an approved site plan.
3. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

B. Appearance By Permit Holder or User: No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the planning commission and show cause as to why the permit should not be revoked. Revocation of a conditional use permit shall not limit the city's ability to initiate or complete other legal proceedings against the holder or user of the permit.

10-15-15: EXPIRATION:

~~Unless there is substantial action under~~ A. Substantial Action: A conditional use permit ~~within a period of~~ shall expire one (1) year ~~of its~~ after issuance unless substantial action, as determined by the planning commission, ~~the conditional use permit shall expire.~~ is taken to implement the permit. Upon request by the holder or user of a permit, filed with the city prior to the expiration date, the planning commission may grant a maximum extension of six (6) months.

B. Cessation of Use: Once substantial action has been taken under ~~exceptional circumstances.~~ a conditional use permit, the permit shall expire if the use for which the permit was granted has ceased for one (1) year or more. The permit holder shall be given written notice that the permit has expired.

Chapter 15
CONDITIONAL USES

- 10-15-1: PURPOSE AND INTENT:
- 10-15-2: AUTHORITY:
- 10-15-3: CONDITIONAL USE PERMIT REQUIRED:
- 10-15-4: REVIEW PROCEDURE:
- 10-15-5: PLANNING COMMISSION ACTION:
- 10-15-6: CONDITIONAL USE STANDARDS:
- 10-15-7: NOTICE OF DECISION:
- 10-15-8: APPEAL OF DECISION:
- 10-15-9: EFFECT OF APPROVAL:
- 10-15-10: AMENDMENT:
- 10-15-11: TRANSFER OF PERMIT:
- 10-15-12: ENFORCEMENT OF PERMIT REQUIREMENTS:
- 10-15-13: PERIODIC REVIEW:
- 10-15-14: REVOCATION:
- 10-15-15: EXPIRATION:

10-15-1: PURPOSE AND INTENT:

This chapter sets forth requirements for considering and approving conditional use permits. The purpose of a conditional use permit is to allow evaluation of a land use proposed at a particular location to determine if the use may detrimentally affect the city, surrounding neighbors, or adjacent land uses. Conditional uses are allowed unless the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by imposing reasonable conditions to achieve compliance with the standards set forth in this chapter.

10-15-2: AUTHORITY:

The planning commission is authorized to approve or deny conditional use permits as provided in this chapter.

10-15-3: CONDITIONAL USE PERMIT REQUIRED:

A conditional use permit shall be required for any land use listed as a conditional use in the zone regulations set forth in this title.

10-15-4: REVIEW PROCEDURE:

A. Application: Application for a conditional use permit shall be made to the city using application forms provided.

B. Information Required: Detailed location, site, and building plans shall accompany an application for a conditional use. For a conditional use located in an existing structure, only a location plan needs to be provided.

C. Consideration: The application, together with all pertinent information, shall be considered by the planning commission at its next regularly scheduled meeting.

D. Public Hearing: The planning commission may hold a public hearing on any application after adequate notice if it is deemed in the public interest. The planning commission shall take action on the application by the second meeting of the planning commission after the application filing date.

10-15-5: PLANNING COMMISSION ACTION:

A. Approval: A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the use pursuant to the standards set forth in Section 10-15-6 of this chapter. Any such conditions shall be included in a written document authorizing the conditional use permit.

B. Denial: A proposed conditional use may be denied only if substantial evidence demonstrates:

1. The use is not a conditional use in the zone where the use is proposed to be located.
2. The use does not comply with the regulations and conditions specified in this title for such use; or
3. The anticipated detrimental effects of the use cannot be substantially mitigated by the imposition of reasonable conditions.

C. Detrimental Effects Analysis: In analyzing the potential detrimental effects of a proposed conditional use, the planning commission may consider any of the factors set forth in Section 10-15-6 of this chapter that may be applicable and whether the use should be approved as proposed by the applicant, approved with conditions, or denied. The planning commission may require an applicant to provide reasonably available information that the planning commission considers necessary to address such factors.

10-15-6: CONDITIONAL USE STANDARDS:

This section sets forth standards for determining whether a conditional use will have any detrimental effect and should be approved as proposed, approved with conditions, or denied. Because some standards may, or may not, be relevant to a particular conditional use, the planning commission shall determine which standards will be considered in analyzing the possible detrimental effects that may result from a proposed conditional use.

A. General Plan: The proposed use conforms to applicable policies of the city's general plan.

B. Site Design: The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area.

C. Access: Access to the site is designed to avoid traffic and pedestrian conflicts and does not unreasonably impact the service level of any adjacent street.

D. Circulation: On-site vehicle circulation and truck loading areas are designed to mitigate adverse impacts on adjacent property.

E. Parking: The location and design of off-street parking complies with applicable standards of this title.

F. Refuse Collection: The location and design of refuse collection areas is not likely to create an adverse impact on the occupants of adjoining property.

G. Utility Services: Utility capacity is sufficient to support the use at normal service levels.

H. Screening: The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts. Fencing, screening and landscape treatments and other features are designed to increase attractiveness of the site and protect adjoining property owners from noise and visual impacts.

I. Operating Hours: The hours of operation of the use and delivery of goods are not likely to adversely impact surrounding uses.

J. Signs: Sign size, location, and lighting are compatible with, and do not adversely impact, surrounding uses.

K. Public Services: Public facilities such as streets, water, sewer, storm drainage, public safety and fire protection, are adequate to serve the use.

L. Environmental Impact: The use does not significantly impact the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard, including cigarette smoke, to the premises or any adjacent property.

M. Nuisance: Operation of the use is unlikely to create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, glare, electromagnetic disturbance, or radiation.

10-15-7: NOTICE OF DECISION:

Within ten (10) days after the planning commission makes a final decision to approve or deny a conditional use permit, the city shall send written notice thereof to the

applicant, including any conditions of approval. If a conditional use is approved, such notice shall be recorded against the property by the city recorder.

10-15-8: APPEAL OF DECISION:

Any person adversely affected by a final decision of the planning commission regarding a conditional use permit may appeal such decision to the hearing appeals officer as provided in Section 10-4-3 of this title.

10-15-9: EFFECT OF APPROVAL:

A conditional use permit shall not relieve an applicant from obtaining any other authorization, permit, or license required under this title or any other title of this code.

10-15-10: AMENDMENT:

A conditional use permit may be amended subject to the original approval procedure set forth in this chapter.

10-15-11: TRANSFER OF PERMIT:

A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.

10-15-12: ENFORCEMENT OF PERMIT REQUIREMENTS:

The City shall ensure development under a conditional use permit is undertaken and completed in compliance with the permit and any conditions pertaining thereto.

10-15-13: PERIODIC REVIEW:

The planning commission may periodically review whether a conditional use is being conducted in compliance with applicable requirements.

10-15-14: REVOCATION:

A. Grounds: Any of the following shall be grounds for revocation of a conditional use permit:

1. The holder or user of a permit has failed to comply with the conditions of approval or any city, state, or federal law governing the conduct of the use.
2. The holder or user of a permit has failed to construct or maintain the site as required by an approved site plan.
3. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

B. Appearance By Permit Holder or User: No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the planning commission and show cause as to why the permit should not be revoked. Revocation of a conditional use permit shall not limit the city's ability to initiate or complete other legal proceedings against the holder or user of the permit.

10-15-15: EXPIRATION:

A. Substantial Action: A conditional use permit shall expire one (1) year after issuance unless substantial action, as determined by the planning commission, is taken to implement the permit. Upon request by the holder or user of a permit, filed with the City prior to the expiration date, the planning commission may grant a maximum extension of six (6) months.

B. Cessation of Use: Once substantial action has been taken under a conditional use permit, the permit shall expire if the use for which the permit was granted has ceased for one (1) year or more. The permit holder shall be given written notice that the permit has expired.

Draft of the General Decision-Making Standards to be considered for inclusion in Chapter 1 of Title 10:

A. Legislative and Administrative/Quasi-Judicial Distinction: The decision-making standards set forth in this subsection are based on the fundamental distinction between legislative and administrative/quasi-judicial proceedings. Legislative proceedings establish public law and policy applicable generally, while administrative/quasi-judicial proceedings apply such law and policy to factually distinct, individual circumstances.

1. Legislative Proceedings: The following types of applications are hereby declared to be legislative:

- a. General Plan amendments.
- b. Zoning map amendments.
- c. Zoning text amendments.
- d. Temporary land use regulations.

2. Basis for Approving Legislative Applications: Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

a. The land use authority shall determine what action, in its sole judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare of the public.

b. In making such determination, the land use authority may consider the following:

(1) Testimony presented at a public hearing or meeting.

(2) Personal knowledge of various conditions and activities bearing on the issue at hand, such as, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the city.

c. The land use authority shall state on the record the rationale for its decision.

3. Administrative Proceedings: The following types of applications are hereby declared to be administrative:

- a. Subdivision approval.
- b. Site plan review.
- c. Conditional use permit.
- d. Permitted use review.
- e. Temporary use permit.
- f. Sign permit.

- g. Building permit review.
- h. Nonconformity determination.
- i. Administrative interpretation.

4. Basis for Approving Administrative Applications: Decisions regarding an administrative application shall be based on the "substantial evidence" standard as follows:

a. Any administrative application for which substantial evidence in the record shows compliance with requirements applicable to the application shall be approved.

(1) Substantial evidence is that quantity and quality of relevant evidence adequate to convince a reasonable mind to support a conclusion.

(2) Conditions may be imposed to conform an application with applicable requirements of this title.

b. A decision under this subsection shall include at least the following elements:

(1) A statement of approval, approval with conditions, or disapproval, as the case may be.

(2) A summary of evidence presented which forms the basis for the decision, including specific references to applicable standards set forth in this title, other provisions of the South Ogden City Code, or other applicable law.

5. Quasi-Judicial Proceedings: The following types of applications are hereby declared to be quasi-judicial:

a. Appeal of administrative decision.

b. Variance.

6. Basis for Approving Quasi-Judicial Applications: For an appeal of an administrative decision, see section ____ of this title. For a variance, see section ____ of this title.

B. Fundamental Fairness: Consideration of any land use application shall be fundamentally fair, which for the purpose of this title means:

1. In any land use proceeding, notice is provided as required by this title and fair procedure is applied to the proceeding; and

2. In a legislative proceeding, a decision by the city council advances a legitimate public purpose and could advance the public welfare.

C. Pending Zoning Map or Text Amendments:

1. An applicant is entitled to approval of a land use application if the application conforms to applicable requirements of this title in effect when a complete application is submitted and all fees have been paid, unless:

a. The city council or planning commission find, on the record, a compelling, countervailing public interest would be jeopardized by approving the application; or

b. Before a complete application is submitted, proceedings have been formally initiated to amend this title in a manner that would prohibit approval of the application.

2. If a zoning map or text amendment which may affect an application is pending when the application is submitted, the applicant shall not be entitled to rely on such provisions but may be required to comply with newly enacted provisions, as set forth below.

a. A proposed amendment shall be deemed “pending” when the amendment proposal first appears on a duly noticed planning commission or city council agenda, as the case may be.

b. An application affected by a pending amendment shall be subject to the following requirements:

(1) The application shall not be acted upon until six (6) months from the date when the pending amendment was first noticed on a planning commission or city council agenda unless:

(A) The applicant voluntarily agrees to amend his application to conform to the requirements of the proposed amendment; or

(B) The proposed amendment is sooner enacted or defeated, as the case may be.

(2) If a pending amendment is enacted within six (6) months after being noticed on a planning commission or city council agenda, an affected application which was filed while the amendment was pending shall conform to the enacted amendment.

c. If a pending amendment to this title is not enacted within one hundred eighty (180) days since the proceedings were initiated and the proceedings have not resulted in an enactment that prohibits approval of the application as submitted, the application shall be processed without regard to the proposed amendment.

D. Permit Requirements: No requirement may be imposed on a permit holder unless the requirement is expressed in the land use permit or documents on which the land use permit is based, this chapter, or the South Ogden City Code.

E. Certificates of Occupancy: Issuance of a certificate of occupancy may not be withheld because an applicant fails to comply with a requirement that is not expressed in the building permit or in documents on which the building permit is based, this title, or the South Ogden City Code.

F. Exactions:

1. An exaction may be imposed on development proposed in a land use application if:

a. An essential link exists between a legitimate governmental interest and each exaction; and

b. Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

2. If the city plans to dispose of surplus real property that was acquired under this section and has been owned by the city for less than five (5) years, the city shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the city.

a. A person to whom the city offers to reconvey property under subsection 2a has ninety (90) days to accept or reject the city's offer.

b. If a person to whom the city offers to reconvey property declines the offer, the city may offer the property for sale.

c. Subsection 2 does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.

G. Vested Rights: Except as otherwise provided in this subsection, a person who submits a complete application pursuant to the provisions of this title is entitled to have such application considered on the basis of provisions in effect when the application is submitted.

1. If within one (1) year after a complete application has been submitted the applicant has not taken substantial action to pursue approval of the application, the application shall expire and any vested rights thereunder shall terminate.

2. An applicant who has obtained vested rights under this title shall proceed with reasonable diligence to exercise development rights authorized by an approved application. Failure to take substantial action on an approved application prior to the expiration date of such application, as set forth in this title, shall terminate vested rights associated with the application.

3. An applicant with vested rights shall continually conform to all conditions of approval of an application. An applicant's failure to do so shall constitute the applicant's knowing and willful waiver of the applicant's vested rights under the application.

4. An application approved pursuant to this title only authorizes the thing applied for in the application.

5. Vested rights may be voided if the city council finds, on the record, a compelling, countervailing public interest reason to do so.

Planning Commission Report



Subject: Proposed Modifications and Tools for Limiting the Intensity and Increasing the Compatibility of Large-Scale Conditional Uses Permitted in Residential Zones

Author: Mark Vlastic

Department: Planning & Zoning

Date: July 9, 2015

Background: Proposed Modifications and Tools for Limiting the Intensity and Increasing the Compatibility of Large-scale Conditional Uses Permitted in Residential Zones

Staff was directed to review all large-scale uses permitted in residential zones, and to suggest specific changes and identify appropriate tools to help mitigate the potential impacts of such uses to the surrounding residential uses. Upon further review, staff identified the following non-residential uses that are typically large and/or have operations that are more intense than the residential uses permitted:

- Church, synagogue or similar permanent building used for regular religious worship
- Educational institution
- College or university
- Public building
- Daycare center
- Nursing home
- Public Library or museum
- Wedding chapel and reception center
- Hospital
- Clinic
- Medical laboratory
- Professional and business offices
- Beneficial Society
- Multiple-family dwelling up to 49 units
- Senior Housing
- Assisted living

The listed uses are either permitted outright or permitted as a conditional uses in at least one of the following residential zones, and in several cases more than one category:

SINGLE-FAMILY RESIDENTIAL ZONES (R-1-6, R-1-8, R-1-10)
TWO-FAMILY RESIDENTIAL ZONE (R-2)
MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3)
MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3A)
MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3B)
MULTIPLE-FAMILY RESIDENTIAL ZONE (R-4)
MULTIPLE-FAMILY RESIDENTIAL ZONE (R-4A)
MULTIPLE-FAMILY RESIDENTIAL ZONE (R-5)
MULTIPLE-FAMILY RESIDENTIAL ZONE (R-5A)
MULTIPLE-FAMILY RESIDENTIAL ZONE (R-5B)
MULTIPLE-FAMILY RESIDENTIAL ZONE, SENIOR HOUSING (R-5C)

As previously discussed, each residential zone includes **site development standards** which are the primary existing tools for controlling the size and intensity of uses. Typical site development standards address height limits, setback requirements, maximum building coverage, open and green space requirements, etc. The site specific site development standards vary by zone, with some zones containing maximum height limits, for example, and others not.

It should be stressed that the residential zones have been purposely created to allow increasing levels of density and intensity from the lowest classifications (the R-1s and R-2) through the R-5's. The R-3, R-4 and R-5 zones include uses not permitted in the lower classifications, providing a gradual change from low-density, single family uses to include high-density residential, commercial, business and large-scale institutional uses otherwise only permitted in commercial zones.

The use of possible new tools to help minimize the impacts of large structures and intense non-residential uses was also discussed at the previous Planning Commission, including the use of design guidelines and/or the formation of a design review board. Staff expressed some initial concern that such changes would be difficult to implement. After further consideration, staff does not recommend this approach.

Recommendation:

Rather than develop specific tools for mitigating the potential negative impact of each large-scale/intense use as suggested, staff has reviewed the **site development standards** for each zone, and recommends minor changes for each. Staff believes that this approach has several advantages, as follows:

- 1) It works within the existing system currently established in the City Code, making it possible to increase compatibility through minor changes instead of new and untested approaches;
- 2) It acknowledges the increase in the land use types, intensity and sizes that is inherent in the structure of the zoning classifications; and
- 3) It allows simple adjustments to be made over time as applications are received and tested.

It should be further noted that if a specific use does not fit within the parameters suggested, an application could be made to re-zone the affected property to create a better

fit. This may be particularly important to help ensure that large-scale religious institutions and schools fit in the R-1 and R-2 zones.

Based on this approach, the following changes are proposed:

1) PROPOSED ADDITIONAL REQUIREMENTS TO THE SITE DEVELOPMENT STANDARDS OF THE SINGLE-FAMILY RESIDENTIAL ZONES (R-1-6, R-1-8, R-1-10) AND THE TWO-FAMILY RESIDENTIAL ZONE (R-2):

- Building Height:
 - Minimum: One story.
 - Maximum (non-residential buildings only): two and one-half (2¹/₂) stories or thirty five feet (35'), none for other buildings.
- Lot Coverage: No non-residential building or group of buildings with their accessory buildings shall cover more than forty percent (40%) of the lot area.
- Open Green Space: At least forty percent (40%) of the lot area on a non-residential use shall be left in open green space.
- Special Regulations:
 - In no case shall the ratio of total floor area to the lot area of a non-residential building exceed one to one (0.5:1)
 - In no case shall the building footprint of a non-residential structure exceed 30,000 SF.

2) PROPOSED ADDITIONAL REQUIREMENTS TO THE SITE DEVELOPMENT STANDARDS OF THE MULTIPLE-FAMILY RESIDENTIAL ZONES (R-3, R-3A, R-3B): ¹

- Building Height:
 - Minimum: One story.
 - Maximum (non-residential buildings only): two and one-half (2¹/₂) stories or thirty five feet (35'), none for other buildings.

3) PROPOSED ADDITIONAL REQUIREMENTS TO THE SITE DEVELOPMENT STANDARDS OF THE MULTIPLE-FAMILY RESIDENTIAL ZONES (R-4, R-4A, R-5, R-5A, R-5B, R-5C):

- No changes proposed.

¹ It should be noted that the maximum height allowed in these zones is 2.5 stories/35 feet, and should continue to apply.

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SOUTH OGDEN CITY
PLANNING COMMISSION BRIEFING MEETING MINUTES

June 11, 2015
Council Chambers, City Hall
5:30 P.M.

PLANNING COMMISSION MEMBERS PRESENT

Chairman Todd Heslop, Commissioners Raymond Rounds, Chris Hansen, Steve Pruess and Mike Layton

PLANNING COMMISSION MEMBERS EXCUSED

Commissioners Shannon Sebahar and Dax Gurr

STAFF PRESENT

City Planner Mark Vlastic and City Recorder Leesa Kapetanov

Chair Todd Heslop began the briefing meeting at 5:39 pm. The commissioners discussed the order of the meeting agenda and if they should change it. They felt consideration of the conditional use permit should go before the public hearings so the applicant would not have to wait through the public hearings.

Planner Mark Vlastic then reviewed the discussion items, indicating that Attorney Neil Lindberg had written the Conditional Use Ordinance that was before the Planning Commission that evening. He also said he, City Recorder Leesa Kapetanov and City Engineer Brad Jensen had met and discussed the Subdivision Ordinance. They had also made notes and changes which had been included in the "red -line" version in the packet sent to the commissioners. City Recorder Leesa Kapetanov reminded the commissioners they could vote to make recommendations to the City Council on the two ordinances being considered at the public hearing that evening or choose to discuss the ordinances further.

Mr. Heslop then discussed the order of the public hearing and how it should proceed. He then moved on to discuss the conditional use application for a small animal veterinarian office. Planner Vlastic said he had gone through the conditional use checklist as it currently existed in the code. The application met the requirements and he recommended approval; however he noted that the code did not allow overnight boarding of animals. The commission talked about different aspects of the conditional use code and what they could and couldn't control in this situation. City Recorder Leesa Kapetanov then explained how a veterinarian was licensed and regulated. There was no more discussion on the conditional use application.

Chairman Heslop then moved to the two discussion items: the PRUD Ordinance and the Conditional Use Ordinance. Mr. Vlastic said he had spoken with a planner from Ogden City on the PRUD Ordinance, since we had used their ordinance to base ours on. The Ogden Planner said that their PRUD Ordinance had only been used once in the past twenty years, as it was cumbersome and difficult to use. Developers seemed to like their Group Dwelling Ordinance much better; it worked better with smaller developments. Ogden City was also working on in Infill Ordinance. Mr. Vlastic pointed out that perhaps it was not worth the effort to revise the PRUD Ordinance when it would probably not be used since the City was almost built out. It may be better to look at the Group Dwelling Ordinance for a replacement of the PRUD Ordinance, or take the best from both and create a hybrid ordinance. City Recorder Kapetanov said the commissioners could decide to work

50 on these ordinances further after that evening's discussion, or go ahead and set a date for a public
51 hearing.
52 Planner Vlastic then addressed the Conditional Use Ordinance, specifically how to control the size
53 and intensity of some of the uses. He suggested the legal aspect of the Conditional Use Ordinance
54 be taken care of first and then address how to control the size and intensity of some of the
55 conditional uses. He thought the commissioners should review the standards set out by Mr.
56 Lindberg to determine if they were right for South Ogden.
57 The planning commissioners then discussed the nomination process for the chairman as well as the
58 order of the agenda. The briefing meeting then concluded.
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Not Approved

96 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City
97 Planning Commission Briefing Meeting held Thursday, June 11, 2015.
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99 
100 Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission

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**MINUTES OF THE
SOUTH OGDEN CITY PLANNING COMMISSION MEETING
Council Chambers, City Hall
Thursday, June 11, 2015 – 6:15 p.m.**

PLANNING COMMISSION MEMBERS PRESENT

Chairman Todd Heslop, Commissioners Raymond Rounds, Steve Pruess, Chris Hansen and Mike Layton

PLANNING COMMISSION MEMBERS EXCUSED

Commissioners Shannon Sebahar and Dax Gurr

STAFF PRESENT

City Planner Mark Vlasic and City Recorder Leesa Kapetanov

OTHERS PRESENT

Arlyn Bradshaw, Andy McCrady

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

Chairman Todd Heslop called the meeting to order at 6:19 pm and called for a motion to open the meeting.

Commissioner Rounds moved to open the Planning Commission Meeting of June 11, 2015. The motion was seconded by Commissioner Pruess. Commissioners Hansen, Rounds, Pruess, and Layton all voted aye.

Chairman Heslop indicated that the order of the agenda would be changed; the conditional use request would be heard first. He entertained a motion to amend the agenda.

Commissioner Rounds, in order to promote efficiency and help the people in attendance, moved to take Item IV up immediately and hold the public hearing after. Commissioner Hansen seconded the motion. The vote was unanimous to amend the agenda.

IV. Conditional Use Actions - Administrative

A. Consideration of Conditional Use Application for a Small Animal Veterinarian Office Located at 5640 Wasatch Drive, Ste. B

The chair asked Planner Mark Vlasic to give an overview of the application. Mr. Vlasic stated the application was to allow a veterinarian clinic in a professional office space in an R-5 zone. The clinic would be for outpatient service only as the zone did not allow overnight boarding of animals. There would be no changes to the site, including parking. Mr. Vlasic said he had gone through the requirements in the conditional use code and the application met all requirements; he recommended approval.

Chairman Heslop asked the applicant or representative to come forward. Arlyn Bradshaw, Executive Director of Best Friends Animal Society, 2005 S 1100 E, Salt Lake City, UT, 84106, came forward. He explained that Best Friends operated numerous programs that engaged municipal shelters throughout the State of Utah in order to reduce euthanasia rates. They worked closely with the South Ogden City Shelter. He

51 also noted for the record, that the address was Ste. B, not Ste. 3 as stated on the
52 agenda.

53 Mr. Bradshaw said there were six suites in the building, with three different owners.
54 They operated a facility in Orem which was similar to this one in that it was located in a
55 strip mall. He said they would work closely with the owner's association to make sure
56 the animals coming and going would not be a nuisance. He pointed out the clinic was
57 not a full service vet clinic, but rather a spay and neuter clinic for cats and dogs. They
58 had partnered with the nearby Erz Animal Hospital to provide other vet services or
59 overnight boarding if necessary. They expected to perform approximately 3500
60 surgeries the first year.

61 Commissioner Pruess asked how many parking spaces were available and was informed
62 there were 80 at the site.

63 There was no more discussion on the matter. Chairman Heslop called for a motion.
64

65 **Commissioner Rounds moved to approve the conditional use application for a small**
66 **animal veterinary office at 5640 Wasatch Drive, Ste. B. Commissioner Pruess**
67 **seconded the motion. Commissioners Pruess, Rounds, Hansen and Layton all voted**
68 **aye.**

69
70 The conditional use application was approved.

71
72 Chairman Heslop indicated it was time to move into a public hearing and entertained a
73 motion to do so.

74
75 **Commissioner Pruess moved to close the public meeting and open a public hearing,**
76 **followed by a second from Commissioner Rounds. The voice vote was unanimous to**
77 **enter the public hearing.**

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80 **II. PUBLIC HEARING – Legislative**

81 To Receive and Consider Comments on the Following Items:

- 82 **A. Proposed Changes to Title 11 of the City Code Having to do With Subdivision**
83 **Regulations**
84 **B. Proposed Changes to Title 10, Chapter 12 Having To Do With Cluster Subdivision**
85 **Regulations**

86
87 The chair said this was the time for public comments but noted there was no one in the
88 audience. He asked staff to give a review of the items for the public hearing.

89 Mr. Vlasic reminded the planning commission that the Subdivision Ordinance had been
90 reviewed to make sure it was compatible with recent changes to the Public Works
91 Standards, as well as make it more cohesive and understandable. Notes of the
92 changes and comments had been included in the packets.

93 Planner Vlasic then gave an overview of the Cluster Subdivision Ordinance. He said
94 staff had determined the existing ordinance was generally in line with changes made to
95 the Subdivision Ordinance. The only change being recommended was in Section
96 10-12-7, where language had been included to more clearly define requirements
97 concerning the upkeep of common open space in the Cluster Subdivision.

98
99 Chairman Heslop then called for a motion to close the public hearing.
100

101 Commissioner Pruess moved to close the public hearing and move to a public meeting.
102 The motion was seconded by Commissioner Rounds. All present voted aye in favor
103 of the motion.
104
105

106 **III. Zoning Actions – Legislative**

107 Discussion and recommendation on:

108 **A. Title 11 Subdivision Regulations**

109 The chair opened the floor for discussion. Commissioner Pruess said the Subdivision
110 Ordinance looked good and he had no additions. Commissioner Hansen agreed.
111

112 **Commissioner Rounds moved to forward the Subdivision Ordinance to the City Council**
113 **with the recommendation that before the City Council consider it, City Attorney**
114 **Bradshaw create a definition for Half Street. Commissioner Pruess seconded the**
115 **motion. Chairman Heslop called the vote.**
116

117 Commissioner Layton-	Aye
118 Commissioner Pruess-	Aye
119 Commissioner Hansen-	Aye
120 Commissioner Rounds-	Aye

121
122 The motion carried.
123

124 **B. Title 10, Chapter 12 Cluster Subdivision Regulations**

125 Chairman Heslop asked if there were further discussion concerning the Cluster
126 Subdivision Ordinance, and seeing none, he called for a motion.
127

128 **Commissioner Rounds moved to send the Cluster Subdivision Regulations as**
129 **presented to the City Council for consideration, followed by a second from**
130 **Commissioner Hansen. A roll call vote was made:**
131

132 Commissioner Layton-	Aye
133 Commissioner Pruess-	Aye
134 Commissioner Hansen-	Aye
135 Commissioner Rounds-	Aye

136
137 The vote was unanimous in favor of the motion.
138
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140 **V. SPECIAL ITEMS – Legislative**

141 **A. Discussion on PRUD Ordinance**

142 City Planner Vlastic reminded the commissioners they were continuing discussion on this
143 item from the last meeting. The commissioners had asked him to contact Ogden about
144 the PRUD Ordinance, since we had modeled our ordinance after theirs. The planner
145 from Ogden said that the PRUD Ordinance had only been used once in the past
146 seventeen years, the reasons being that Ogden was becoming built out as well as the
147 fact that the ordinance was very difficult to work with. The planner said most
148 developers preferred using the Group Dwelling Ordinance and suggested that we use it
149 or a combination of it and the PRUD Ordinance in crafting our PRUD Ordinance. He
150 had provided copies of the ordinances for the commission to look at, and was looking
151 for some direction as to how to proceed.

152 Commissioner Rounds said more work definitely needed to be done. They may
153 determine that nothing be done with the PRUD Ordinance and instead work on the
154 Multiple Dwellings On a Single Lot Ordinance, South Ogden's equivalent to a Group
155 Dwelling Ordinance. Mr. Vlastic agreed and thought he could have a rough draft
156 completed by the next meeting. Commissioner Pruess asked if Mr. Vlastic anticipated
157 making many changes. Planner Vlastic said he did. First, he would need to compare
158 Ogden's PRUD Ordinance with South Ogden's to see what the differences were. It
159 appeared that South Ogden's had been stripped down to the point that it was less
160 viable. Second, he would have to determine what needed to be done to rectify the
161 issues with our PRUD Ordinance; and third, would anything need to be added to the
162 ordinance to make it better.

163 Commissioner Pruess said he felt it was more important to work on an Infill Ordinance
164 rather than the PRUD Ordinance, as the likelihood the PRUD Ordinance would be used
165 at all was very slim. He pointed out the areas around City Hall as an example of the
166 need for an Infill Ordinance. City Recorder Kapetanov said the soon-to-be adopted
167 form based code would address many of the issues around City Hall. She also
168 reminded the commissioners that Attorney Neil Lindberg had said the City's current
169 PRUD Ordinance was legally weak and indefensible and he strongly recommended it be
170 changed. The question at hand was should staff change the PRUD Ordinance to make
171 it better, even if it might not be used, or should they focus on working on the Multiple
172 Dwellings On A Single Lot Ordinance that would probably serve what our community
173 needed. Commissioner Pruess said he felt an Infill Ordinance was important. Ms.
174 Kapetanov said staff should then look at three ordinances; PRUD, Multiple Dwellings on
175 a Single Lot, and Infill. Mr. Vlastic explained what an Infill Ordinance was and how
176 developers were using them to create more marketable homes, sometimes with higher
177 density, that catered to a younger generation.

178 The Planning Commission discussed what the priority should be on the ordinances, and
179 determined staff should make the PRUD Ordinance more defensible, and then work on
180 the Multiple Buildings on a Single Lot and/or Infill Ordinance.

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183 **B. Discussion on Conditional Use Ordinance**

184 Planner Vlastic began the discussion by reminding the commissioners the City Council
185 had asked that ways be found to limit the size and intensity of some conditional uses
186 such as churches, schools, etc. Staff had also looked at the legal aspect of the
187 Conditional Use Ordinance; Attorney Neil Lindberg had drafted the version before the
188 Commissioners that evening. Mr. Lindberg had asked the Commission to look at the
189 standards in 10-15-6 to determine if they were right for South Ogden City.

190 Ms. Kapetanov shared some comments City Manager Dixon had made concerning the
191 Conditional Use Ordinance as presented by Mr. Lindberg and asked the commission to
192 consider them.

193 Mr. Vlastic stated he felt the standards in 10-15-6 were all good. Commissioner Pruess
194 asked who was responsible for keeping track of conditional uses and whether the
195 conditions continued to be met after the permit was granted. He cited several
196 properties in the City where the conditions had not been kept. There was some
197 discussion on how to better track the conditional uses and whether they were being
198 met or not.

199 Commissioner Heslop asked if things like noise needed to be better defined in the
200 ordinance, e.g. put a decibel level. Mr. Vlastic said the most important aspect of
201 conditional uses was to apply them consistently. City Recorder Leesa Kapetanov said if
202 the Commission wanted the standards more tightly defined, they could give staff
203 direction to do so. There has been a recommendation from Mr. Lindberg to take each

204 conditional use and come up with standards to mitigate every issue associated with that
205 use. Staff needed direction as to what the commission wanted. Ms. Kapetanov
206 pointed out that some mitigating standards as to size already existed in the current
207 ordinance and were found under the development standards in each residential zone.
208 City Planner Vlastic added that schools and churches, uses specifically mentioned by the
209 Council, were not included in the size standards. The Commission needed to
210 determine if they City were willing to put limitations on those uses. There was
211 discussion on the matter, with the Commission determining that staff should look at
212 conditional uses and come up with mitigating standards for each. They also asked staff
213 to look at the standards in 10-15-6 to determine if any of them could be "tightened up".
214
215

216 **VI. OTHER BUSINESS**

217 At the request of Commissioner Pruess, staff gave the timeline of the 40th Street Project and
218 answered various questions concerning it.

219 Staff also shared information on UDOT's project of re-aligning Harrison Boulevard and Highway
220 89; the City was providing some money to enhance the landscaping on a large island being
221 created by the re-alignment. Chairman Heslop then indicated it was time to nominate a new
222 chair and vice chair for the upcoming year.

223 **A. Nomination and Election of Planning Commission Chair and Vice-Chair**

224
225 **Commissioner Rounds nominated Commissioner Todd Heslop to continue as the Chair
226 and Commissioner Layton to continue as the Vice Chair. The nomination was seconded
227 by Commissioner Pruess. The vote was unanimous in favor of the nomination.**

228
229 **The chair then took a roll call vote for the election of Todd Heslop as Chairman and
230 Mike Layton as Vice Chair;**

231		
232	Commissioner Layton-	Aye
233	Commissioner Pruess-	Aye
234	Commissioner Hansen-	Aye
235	Commissioner Rounds-	Aye
236		

237 **The roll call vote was unanimous.**
238
239

240 **VII. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

241 **A. Approval of May 14, 2015 Briefing Meeting Minutes**

242 Commissioner Pruess moved to approve the May 14, 2015 briefing meeting minutes,
243 followed by a second from Commissioner Hansen. Commissioner Rounds abstained
244 as he had not been present at the meeting. The rest of the commissioners all voted in
245 favor of the motion.

246 **B. Approval of May 14, 2015 Meeting Minutes**

247 The Chair then called for a motion concerning the May 14, 2015 meeting minutes.
248

249 **Commissioner Pruess moved to approve the May 14, 2015 meeting minutes.
250 Commissioner Layton seconded the motion. The voice vote was unanimous in favor
251 of the motion, with Commissioner Rounds abstaining.**
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255 **VIII. PUBLIC COMMENTS**
256 There was no one present to make comment.

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259 **IX. ADJOURN**
260 Chairman Heslop called for a motion to adjourn the meeting.

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262 **At 8:03 pm, Commissioner Rounds moved to adjourn, followed by a second from**
263 **Commissioner Pruess. All present voted aye.**

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I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, June 11, 2015.


Leesa Kapetanov, City Recorder

Date Approved by the Planning Commission