

## **Copperton Township Planning Commission**

### **Public Meeting Agenda**

**Monday, March 21, 2016 6:30 P.M.**

#### **Location**

BINGHAM CREEK LIBRARY  
4834 WEST 900 SOUTH  
WEST JORDAN, UTAH  
(385) 468-6700

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

#### **BUSINESS MEETING**

- 1) Approval of Minutes from the January 12, 2016 meetings.
- 2) Bylaws Adoption
- 3) New email addresses
- 4) Other Business Items (as needed)

#### **PUBLIC HEARING**

#### **Legislative**

**29748 – (Continued from 01/12/2016) - Amend Chapter 19.78 of the Salt Lake County Zoning Ordinance – Planned Unit Developments (PUD). **Presenter:** Max Johnson**

#### **ADJOURN**

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**MEETING MINUTE SUMMARY  
COPPERTON TOWNSHIP PLANNING COMMISSION MEETING  
Tuesday, January 12, 2016 6:30 p.m.**

**Approximate meeting length:** 46 minutes

**Number of public in attendance:** 1

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Chenworth

*\*NOTE: Staff Reports* referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

**ATTENDANCE**

**Commissioners and Staff:**

Commissioners	Public Mtg	Business Mtg	Absent
Scott Adair			x
Ronde Adams	x	x	
Kris Johnson	x	x	
Randy Johnson	x	x	
Alan Chenworth	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Zach Shaw (DA)	x	x
Max Johnson	x	x
Wendy Gurr	x	x

**BUSINESS MEETING**

**Meeting began at – 6:49 p.m.**

- 1) Approval of Minutes from the November 12, 2013 meeting.

**Motion:** To approve minutes from the November 12, 2013 meeting as presented.

**Motion by:** Commissioner Adams

**2<sup>nd</sup> by:** Commissioner R. Johnson

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

- 2) Approval of Minutes from the June 10, 2014 meeting.

**Motion:** To approve minutes from the June 10, 2014 meeting as presented.

**Motion by:** Commissioner Chenworth

**2<sup>nd</sup> by:** Commissioner R. Johnson

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

- 3) Election of Chair for 2016

**Motion:** To nominate Commissioner Chenworth for Chair. Commissioner Chenworth accepted.

**Motion by:** Commissioner R. Johnson

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

- 4) Election of Vice Chair for 2016

**Motion:** To nominate Commissioner Adams for Vice Chair. Commissioner Adams accepted.

**Motion by:** Commissioner K. Johnson

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

5) Approval of Policy on Electronic Meetings.

**Motion:** To approve the policy on Electronic Meetings as presented.

**Motion by:** Commissioner Adams

**2nd by:** Commissioner K. Johnson

**Vote:** Commissioners voted unanimous in favor

6) Other Business Items (as needed)

*No other business to discuss*

## **PUBLIC HEARINGS**

**Hearings began at – 7:08 p.m.**

### **Legislative**

**29748** – Amend Chapter 19.78 of the Salt Lake County Zoning Ordinance – Planned Unit Developments (PUD). **Presenter:** Max Johnson

*Salt Lake County Township Services Planning Supervisor Max Johnson provided an analysis of the Amended PUD Ordinance.*

*Commissioner Chenworth asked if that is for any building. Mr. Johnson explained what the considerations are. County Counsel Zach Shaw said if it comes in as a PUD application, it applies, not a subdivision. Mr. Johnson said this is if they want a conditional use.*

*Mr. Shaw said open space under current practice, we can count peoples yards and under the draft ordinance, under 40% has to be common open space enjoyed by everyone within the project. Commissioner Chenworth asked if it was open space. Mr. Shaw said it was a twofold concern, but amenities are to be used by everyone. Commissioner Chenworth asked if it is their land. Mr. Johnson said owners have the ability to subdivide the property and a developer not to restrict roadway width.*

*Commissioners Chenworth asked about parking reductions. How does it work and why? Mr. Johnson said is an option for owners with other options to own more than two cars. Builders are creating opportunities for owners to have other options. Mr. Shaw said none of the reductions are required, it is only an option. If they're required to put in parking stalls, they can put them in, but the program allows for reduction.*

*Commissioners Chenworth asked about senior housing. Do they really not drive that much and have less vehicles and are they incentivizing problems. Mr. Shaw said he doesn't know if South Salt Lake determined if the older you get you own less cars.*

## **PUBLIC PORTION OF MEETING OPENED**

*No one from the public was present to speak.*

*Commissioners Adams motioned to close the public hearing, Commissioner K. Johnson seconded.*

**PUBLIC PORTION OF MEETING CLOSED**

**Motion:** To continue file #29748 to the February 9<sup>th</sup> meeting.

**Motion by:** Commissioner R. Johnson

**2<sup>nd</sup> by:** Commissioner Adams

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

**MEETING ADJOURNED**

**Time Adjourned – 7:35 p.m.**



**COUNTY COUNCIL**

**Richard Snelgrove, Chair**  
At-Large B

**Jenny Wilson**  
At-Large A

**Jim Bradley**  
At-Large C

**Arlyn Bradshaw**  
District #1

**Michael Jensen**  
District #2

**Aimee Winder Newton**  
District #3

**Sam Granato**  
District #4

**Steven L. DeBry**  
District #5

**Max Burdick**  
District #6

February 2, 2016

Mr. Wilf Sommerkorn, Director  
Planning & Transportation Division  
Office of Regional Development  
Rm. S2-100, Government Center  
Salt Lake City, Utah

Dear Mr. Sommerkorn:

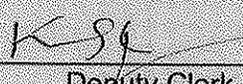
The Salt Lake County Council, at its meeting held this day, approved the attached RESOLUTION NO. 5048 approving the RULES OF PROCEDURE for the Salt Lake Planning Commission and the Copperton, Emigration, Kearns, Magna, and Millcreek Township Planning Commissions.

Respectfully yours,

SALT LAKE COUNTY COUNCIL

SHERRIE SWENSEN, COUNTY CLERK

By

  
Deputy Clerk

ks

pc: Rolen Yoshinaga/Planning & Development Division  
Chris Preston/District Attorney's Office  
Newspaper

RESOLUTION NO. 5048

February 2, 2016

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL APPROVING THE RULES OF PROCEDURE FOR THE SALT LAKE COUNTY AND TOWNSHIP PLANNING COMMISSIONS

RECITALS

1. The Salt Lake County Planning Commission and the Copperton, Emigration, Kearns, Magna, and Millcreek Planning Commissions (collectively the "Commissions") have reviewed and recommended approval of Rules of Procedure ("Bylaws") to govern their operations. Some additional modifications have been inserted by Salt Lake County Planning and Development staff to address some inconsistencies and clarify items.

2. It has been determined that the best interest of the County and the general public will be served by the approval of the Bylaws attached to this Resolution.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Salt Lake County Council that the Bylaws for the Commissions attached hereto as Exhibit A, are hereby approved.

APPROVED and ADOPTED this 2 day of February, 2016.

SALT LAKE COUNTY COUNCIL

By: Max Burdick  
Max Burdick, Chair

ATTEST:

Sherrie Swensen  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

R. Christopher Preston  
R. Christopher Preston  
Deputy District Attorney  
Date: 2/2/2016

Council Member Bradley voting	<u>"Aye"</u>
Council Member Bradshaw voting	<u>"Aye"</u>
Council Member Burdick voting	<u>"Aye"</u>
Council Member DeBry voting	<u>"Aye"</u>
Council Member Granato voting	<u>"Aye"</u>
Council Member Jensen voting	<u>Absent</u>
Council Member Newton voting	<u>"Aye"</u>
Council Member Snelgrove voting	<u>Absent</u>
Council Member Wilson voting	<u>"Aye"</u>

EXHIBIT A

# Salt Lake County and Township Planning Commissions

## RULES OF PROCEDURE

These Rules and Procedures (“Rules of Procedure”) shall govern the proceedings of the Salt Lake County and Township Planning Commissions (herein referred to individually as “the Commission”) and shall be consistent with applicable provisions of the Utah Code and Salt Lake County Code of Ordinances.

### **I. Authority and Duties**

Individual Township Planning Commissions shall act on all planning matters that arise within the jurisdiction of their defined Township as required or permitted by the Salt Lake County Code of Ordinances. The Salt Lake County Planning Commission shall act on all planning matters that arise outside of the jurisdiction of the Townships but within the unincorporated Salt Lake County jurisdiction, except for those matters that arise within the Mountainous Planning District, as required or permitted by the Salt Lake County Code of Ordinances. The Salt Lake County Planning Commission shall also act on behalf of the White City Township on all planning matters that arise within the jurisdiction of the White City Township.

### **II. Membership**

Section 1. Appointment of Members– Any resident of unincorporated Salt Lake County interested in the authority and duties of the Salt Lake County Planning Commission may be appointed a Member as outlined in County ordinance and in line with the approved policies and procedures of the Mayor’s office. Any resident residing within one of the Townships interested in the authority and duties of the applicable Township Planning Commission for the area in which they reside may be appointed a Member of the applicable Township Planning Commission as outlined in County ordinance and in line with the approved policies and procedures of the Mayor’s office. All members including those seeking reappointment must follow the application and appointment policies set forth by the Mayor’s office. Membership shall be available without regard to race, color, creed, sex, religion, age, disability, sexual orientation, marital status, or national origin.

1. Membership – The Commission shall be composed of seven (7) Regular Members and two (2) alternates members (“Alternate Members”) appointed by the Mayor with the advice and consent of the County Council. Regular Members, together with Alternate Members (when applicable) shall be referred to as “Members.”
2. Alternates – Two (2) appointed Alternates designated as “Alternate One” and “Alternate Two” shall serve in place of any absent Regular Member. Alternates should attend and participate as Commission Members at each meeting, but shall only vote when not all Regular Members are present. If only one Regular Member is absent for a meeting, the designated “Alternate One” shall serve as a Regular Member for that meeting. If “Alternate One” is not present, “Alternate Two” shall serve as a Regular Member for that Meeting. If two Alternates are needed, “Alternate One” and “Alternate Two” shall both serve as Regular Members for that meeting.

Section 2. Rights of Members– All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action. Proxy votes shall not be permitted and

Members must be present to vote unless otherwise allowed by a duly adopted policy on electronic meetings.

Section 3. Supporting Agency – Salt Lake County Township Services, Planning and Development Services shall be the supporting agency of the Commission (“Supporting Agency”) and shall digitally record all meetings, make recordings available to the public within three (3) business days, take written minutes, and post all agendas and meeting activities to the Utah Public Notice website twenty-four (24) hours prior to each meeting.

1. Creation of Agenda – The Supporting Agency staff, with consultation from the Chair, shall create the agenda for each regular meeting and shall send an agenda to the Commission. Additional items may be placed on the business meeting section of the agenda at the business meeting by the Commission or Supporting Agency staff.

2. Other County and State agencies are encouraged to attend meetings and build partnerships with the Commission. These agencies include but are not limited to:

- a. UDOT
- b. UTA
- c. SLCo Engineering
- d. SLCo Parks and Recreation
- e. SLCo Public Works Operations
- f. SLCo Transportation
- g. SLCo DA Office
- h. Unified Police
- i. Unified Fire
- j. Salt Lake County Health Department
- k. All County Community Councils
- l. SLC Public Utilities
- m. U.S. Forest Service
- n. U.S. Army Corp of Engineers
- o. Utah State Department of Natural Resources Division of Water Rights
- p. County Council Members
- q. County Mayor or Staff
- r. Other Township Planning Commission Members

Section 4. Commission Member Terms– Regular and Alternate Members shall be appointed for a term of three (3) consecutive years. Members shall not be appointed for more than two (2) consecutive three (3) year terms. A Member may continue to serve beyond their appointed term until a successor is appointed. A Regular Member who has served two (2) full consecutive terms shall not be appointed as an Alternate Member following their final term for a period of at least one (1) year. All appointments shall be made with consideration for staggered terms.

Section 5. Training – Within three (3) months of being first appointed, all Members should meet with the Supporting Agency staff to review the Rules of Procedure, the General Plan, and County Ordinances and Policies. Failure to comply with this provision may result in removal of the Member from the Commission. All Members should attend additional trainings scheduled from time to time by the Support Agency.

Section 6. Attendance – Members shall regularly attend meetings. A Member may be removed from the Commission if he/she has three (3) unexcused absences from Commission meetings within a one-year time period.

Section 7. Excused and Unexcused Absences – A Member unable to attend a meeting must contact the Supporting Agency at least twenty-four (24) hours prior to the scheduled meeting and indicate the reason for being absent. Members who give less than 24 hour notice shall be considered unexcused, except when the Chair has approved a valid reason. Any absences, excused or unexcused, shall be recorded in the meeting minutes.

Section 8. Member Responsibilities – As a Member of the Commission, each member shall be responsible to:

1. Read and study the agenda, staff reports and all attached documents prepared by Supporting Agency staff so that they are fully informed about each application prior to the scheduled public meeting.
2. Act in a courteous and respectful manner to their fellow Members, the Supporting Agency staff, and the public, during all meetings.
3. Attend the meetings and arrive on time.

Section 9. Removal Proceedings – Removal from the Commission shall be in accordance with County Ordinance by the Mayor with the advice and Consent of the County Council. In the event the Commission determines, by a majority vote of all Members, that it is in the best interest of the Commission and the County that a Member be removed, the Commission shall make a recommendation to the Mayor or his/her designee and the County Council to initiate removal proceedings.

Section 10. Vacancies – A Member may resign at any time by giving written notice of such resignation to the Chair and Supporting Agency. Resignations shall be recorded in the meeting minutes. Any vacancy during a Member's term shall be filled in the same manner as a regular appointment and the person appointed shall serve the remainder of the unexpired term.

Section 11. Compensation and Reimbursement – Members shall receive no compensation for their services. If authorized by the Mayor or his/her designee, Members may be reimbursed for any reasonable expense they may incur for activities conducted. All reimbursements shall be processed through the Mayor and must be in accordance with Utah Code and County Ordinances.

### **III. Officers**

Section 1. Election of Officers – As the first order of business at the first regularly scheduled meeting of the year, the Commission shall hold elections for the positions of Chair and Vice Chair from among Regular Members by a majority vote of the present Members. All election practices shall comply with Robert's Rules of Order.

Section 2. Officer Terms - Officers shall serve a term of one (1) year and are allowed to serve up to two (2) consecutive terms. Members shall not serve in an office beyond their Commission appointment term.

Section 3. Officers Duties

1. The Chair Shall:
  - a. Serve as the Presiding Officer of the Commission
  - b. Implement the Rules of Procedure
  - c. Coordinate with the Supporting Agency staff to provide an agenda for each public meeting, and timely reports and other relevant information to the Commission
  - d. Execute all official documents and letters of the Commission
  - e. Identify and bring before the Commission such policy matters as are within the purview of the Commission
  
2. The Vice Chair Shall:
  - a. Assist the Chair in all necessary capacities
  - b. Assume the duties and responsibilities for the Chair in all instances where the Chair is not available or unable to carry out the duties and responsibilities
  - c. Identify and bring before the Commission such policy matters as are within the purview of the Commission

Section 4. Chair *pro tem* – In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Regular Members present at the meeting shall elect a Chair *pro tem* to serve as Presiding Officer only for that meeting. Alternate Members shall not serve as Chair *pro tem*.

#### **IV. Meetings of Members**

Section 1. A Quorum shall consist of four (4) of the current appointed Members and shall be necessary to conduct any business of the Commission.

Section 2. Adherence to County, State, and Federal Law – All meetings shall generally adhere and comply with Roberts Rule of Order. All meeting shall adhere to the Utah Open Meetings Act, and the Government Records Access Management Act (GRAMA).

Section 3. Regular Meetings – Meeting locations shall be publicly noticed and held each month. Annual notice of meeting dates shall be published at the beginning of each calendar year. In addition, dates and times of the meeting shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to each meeting in accordance with state law.

Section 4. Special Meetings – Special meetings may be called by the Chair or Supporting Agency staff, with the consent of the Chair, at any time, provided that a preferred seventy-two (72) hours' notice (minimum of twenty-four (24) hours' notice) is given to each Member before the meeting is held and a minimum of twenty-four (24) hours' notice is posted on the Utah Public Notice website. Such meetings may include fieldtrips.

Section 5. Meeting Cancellation – Notice of cancellation of a meeting shall be posted. If a meeting is rescheduled the new meeting time, date, and location shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to the meeting in accordance with state law.

#### **V. Subcommittees**

The Chair may create nine-month time limited subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.

## VI. Procedures

### A. Business Meeting

Section 1. The Commission shall conduct a business meeting as a component of each regularly scheduled meeting. The Supporting Agency staff, or the Commission, by a majority vote, may adjust the scheduled time as needed. Members of the public may attend such meetings, but will not participate unless invited to do so by the Chair.

Section 2. The first order of business shall be the review and acceptance of the agenda. The second order of business shall be the review, correction, and approval of the minutes from the previous meeting. Additional items may be added to the business meeting section of the agenda by the Supporting Agency staff or the Commission, by a majority vote. The Commission may also discuss and render decisions on policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from the Supporting Agency staff that do not require a decision may also be made. During a business meeting, there shall be no discussion of an application, request, or approval scheduled for the regular meeting.

### B. Meeting Procedures

Section 1. Order – The order of business at the regular meeting shall follow the noticed agenda. The Chair, with the consent of the Commission, by a majority vote, or upon recommendation of the Supporting Agency staff, may consider matters out of the agenda order.

Section 2. Decisions – A matter for decision will be placed before the Commission by motion made by any Regular Member present at the meeting. The Chair shall not make motions before the Commission except in the absence of a response from other Regular Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Regular Member may second a motion. Alternates may make motions and second motions only if they are serving as a Regular Member for the meeting.

Section 3. A majority vote by the present Members in favor of a motion shall carry the motion.

Section 4. Following a seconded motion, the Supporting Agency staff may ask each Member to verbally pronounce their name and vote and shall record each individual vote in the written minutes as an “aye” or “nay”.

### C. Procedures for Applications

#### Section 1. Application Public Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission
2. Unless altered by the Chair, the order of the procedure at a public hearing on an application shall be:
  - a. Presentation of the application by the Supporting Agency staff, including its recommendations and a summary of pertinent written comments and reports concerning the application

- b. The applicant's presentation, not to exceed fifteen (15) minutes
- c. Any group representing the area in which the subject property is located, not to exceed five (5) minutes
- d. Persons other than the applicant in favor of, or not opposed to, the application, not to exceed three (3) minutes per person
- e. Persons opposing the application, in whole or in part, not to exceed three (3) minutes per person
- f. Rebuttal by the applicant as necessary to respond to new issues raised by other parties, not to exceed five (5) minutes
- g. Surrebuttals may be allowed at the discretion of the Chair.

Section 2. Application Public Hearing Rules

- 1. Each speaker, before talking, shall give his or her name and address
- 2. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members
- 3. Only one speaker is permitted before the Commission at a time
- 4. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application
- 5. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record
- 6. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding
- 7. No applause or public outbursts shall be permitted
- 8. The Chair or Supporting Agency staff may request police support to remove offending individuals who refuse to abide by these rules

Section 3. Discussion and Vote – After all presentations have been made the Chair may request or entertain a motion to close the public hearing. Members may continue to discuss the application among themselves. Following this discussion on the application, a motion must be made and seconded, which may include; Approval, Approval with Conditions, Denial, a Recommendation to the Council (as appropriate), or Continuation of the item to a future meeting for decision.

Section 4. Decisions –A decision of the Commission on an application shall be documented in writing by the Supporting Agency staff and shall include reasons for the decision. The written decision shall be posted.

**VII. Ethics and Conflicts of Interest**

Section 1. Compliance -All Members shall abide by Utah Code and, annually complete the necessary volunteer forms, documents, and training.

Section 2. Voting Recusal: Member – See Section 2.07.201 and Chapter 2.70 of County Ordinance for complete requirements. A member of the Commission who has a restricted conflict of interest as defined by County Ordinance shall declare the conflict of interest and recuse themselves from the meeting. Members, who have unrestricted conflicts of interest as defined in County Ordinance, shall declare the conflict of interest at the meeting, and may recuse themselves, but are not required to do so.

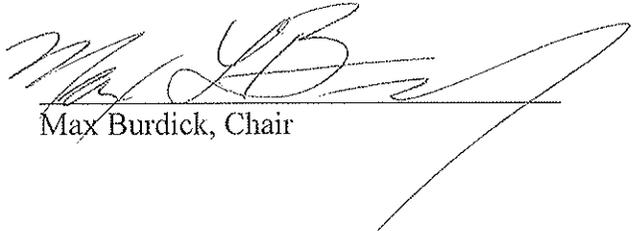
Section 3. Ex Parte Communications – No member of the Commission shall have any ex parte discussion regarding any administrative land use application before the Commission. Ex parte communication means any communication with interested parties of an administrative land use application coming before the Commission prior to the Commission reaching a final decision. An administrative land use application means any land use application where by statute or ordinance the Commission is the final decision-maker.

**VIII. Amendments and Adoption**

A. Adoption and Amendment Procedure

The Commission may recommend approval and/or amendments of these Rules of Procedure to the County Council. All amendments must be consistent with all other County ordinances and policies.

SALT LAKE COUNTY COUNCIL

By:   
Max Burdick, Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
R. Christopher Preston  
Deputy District Attorney  
Date: \_\_\_\_\_

File # 0000029748

## Staff Report Summary and Recommendation

**Public Body:** Copperton TPC

**Meeting Date:** March 15, 2016

**Parcel ID:** N/A

**Current Zone:** N/A    **Proposed Zone:** N/A

**Property Address:** N/A

**Request:** Amend Planned Unit Development (PUD) Ordinance

**Community Council:** Copperton

**Township/Unincorporated:** Copperton

**Planner:** Max Johnson

**Community Council Recommendation:** Recommend Approval

**Planning Staff Recommendation:** Recommend Approval

**Applicant Name:** PUD Ordinance Amendment

**Applicant Address:** SL County Government Center, 2001 South State Street, Suite #N3-600, SLC, UT 84109

**Applicant Email:** [mrjohnson@slco.org](mailto:mrjohnson@slco.org)

**Phone:** (385) 468-6699

### PROJECT DESCRIPTION

This project serves to update the PUD ordinance throughout unincorporated Salt Lake County. The proposed ordinance has undergone significant change as it has been several years since major updates to this ordinance have occurred.

This item was continued at the Copperton TPC meeting of January 12, 2016 as the Copperton Community Council continued this item at their November 18, 2015 meeting. The community council has provided questions to staff regarding this ordinance and staff has submitted a response to the community council. Subsequently, the Copperton Community Council recommended Approval at their meeting of January 20, 2016.

### EXECUTIVE SUMMARY

Neighborhood compatibility has been of paramount importance throughout the process to create this update to PUD developments. Significant changes include:

- 1) Reduced impacts on existing neighborhoods:
  - a. Height limitations, particularly in R-M zones (28' on the perimeter, otherwise 35')
  - b. Refined setbacks for perimeter dwelling structures (15')
- 2) A greater predictability for developers, staff, planning commission, and the community
- 3) Refuse collection station requires a ten foot setback from residential properties

- 4) All garages to be 22 feet in width by 20 feet long or 20 feet in width by 22 feet long for a two-car garage. Single-car garages are to be the same size per space as a two-car garage.

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### **GENERAL PLAN CONSIDERATIONS**

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Neighborhood quality and impact to existing neighborhoods are important considerations for all communities.

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### **ZONE CONSIDERATIONS**

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Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with Landscaping Requirements Verified.	Yes
Compliance with the General Plan.	Yes

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### **ISSUES OF CONCERN/PROPOSED MITIGATION**

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The existing PUD ordinance has proved difficult to protect existing neighborhoods when developing adjacent property, specifically R-M zoned property due to extensive height and density allowances available in R-M zones that prove incompatible while transitioning to additional residential development as PUD's. Also, ancillary issues regarding street presence, building materials, parking space size, open space, placement of trash receptacles, etc., have been refined to improve PUD quality, aesthetics, location, and overall neighborhood improvement.

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### **NEIGHBORHOOD RESPONSE**

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No neighborhood response has been received to date as the public process has been informational at the community council level. Staff expects neighborhood comment at the planning commission hearing of this PUD ordinance in March 2016.

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### **COMMUNITY COUNCIL RESPONSE**

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The Copperton Community Council recommended Approval of the PUD ordinance update at their meeting on January 20, 2016.

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### **REVIEWING AGENCIES RESPONSE**

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AGENCY: N/A

DATE: N/A

RECOMMENDATION: N/A

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be required prior to final approval of all future PUD's.

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### **PLANNING STAFF ANALYSIS**

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Extensive research, public outreach, specific public comment on various projects throughout the past few years, as well as several stakeholder working groups have yielded results indicative that the resulting modifications and adjustments to the PUD ordinance are desired in the hopes of limiting detrimental impacts to communities, especially when R-M zoned properties are developed.

## **PLANNING STAFF RECOMMENDATION**

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Staff recommends approval as this request is an update that has been initiated and supported by planning commissions in support of concerns and public comment from various communities in the county as they become impacted by developments that are deemed intrusive, or out of neighborhood character, by the public.

## CHAPTER 19.78 PLANNED UNIT DEVELOPMENTS

- 19.78.010 PURPOSE
  - 19.78.020 APPLICABILITY AND AREA REQUIREMENTS
  - 19.78.030 DEVELOPMENT REQUIREMENTS
  - 19.78.040 PLANNED UNIT DEVELOPMENT MIXED-USE
  - 19.78.050 MAINTENANCE OF COMMON FACILITIES
  - 19.78.060 REVIEW PROCESS
  - 19.78.070 PRELIMINARY REVIEW
  - 19.78.080 PLANNING COMMISSION REVIEW
  - 19.78.090 VALIDITY OF PRELIMINARY REVIEW
  - 19.78.100 POST-PLANNING COMMISSION APPROVAL
  - 19.78.110 AMENDMENTS TO THE DEVELOPMENT PLAN
  - 19.78.120 FAILURE TO BEGIN DEVELOPMENT
  - 19.78.130 PHASED PLANNED UNIT DEVELOPMENT
- 

### 19.78.010 PURPOSE

The purpose of a planned unit development (PUD) is:

1. To provide a high quality living environment, and to utilize and incorporate natural features in the land development design.
2. To provide a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.
3. To provide good and compatible neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to allow for greater flexibility and diversity in the physical pattern of the development.
4. To provide developments compatible with existing residential uses while maintaining a harmonious environment within the community.
5. To create mixed use areas designed to be beneficial to the neighborhood.
6. To ensure substantial compliance with the intent of this chapter related to the public health, safety and general welfare, while securing the efficient use of the land for residential, or a combination of commercial and residential development ~~or combinations thereof.~~

It is the intent of this chapter that the development plan for a planned unit development shall be prepared by a designer(s) having professional competence in urban planning.

### 19.78.020 APPLICABILITY AND AREA REQUIREMENTS

A planned unit development is a conditional use that is only allowed for residential uses, except as provided in section 19.78.040, and in zones that allow residential uses. The provisions in this chapter shall govern over the chapters relating to these other zones ~~and other chapters in this Title, with the exception of the FCOZ ordinance, chapters 19.72 and 19.73, and the RCOZ~~

ordinance, chapter 19.71. A planned unit development in these zones shall have a minimum area of three acres, with the following exceptions:

1. Existing condominium developments that cannot be sold or refinanced without the common area adjoining the homes in the development being divided up into individual lots that include the adjoining homes, and where these newly created lots would not qualify as traditional subdivision lots under County ordinance. In such cases, the newly created lots may qualify as a planned unit development if the development is at least one acre in size. Such a development shall be exempt from the provisions of this chapter, except sections 19.78.090 – 19.78.130 relating to review of the development.
2. Developments abutting or contiguous to a corridor ~~or major or minor arterial~~ as defined in the general plan shall have a minimum area of one acre. To qualify as a development that is abutting or contiguous to a corridor ~~or major or minor arterial~~, said development shall have a minimum frontage of the sum of the required minimum lot width of two lots as determined by the current zoning designation.

### 19.78.030 DEVELOPMENT REQUIREMENTS

The following are required for all developments:

1. **Ownership.** The property shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
2. **Open Space.** Common and private open space shall be provided and shall cover no less than 40 percent of the gross site area. Common open space shall be provided in the amount of at least 20 percent of the gross site area. ~~For purposes of this chapter, gross site area is defined as the total area of a planned unit development excluding anything in the public right of way.~~

The required common open space shall be land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, ~~public park strips~~, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, ~~fully accessible landscaped roof areas~~, or other natural areas. Common open space also includes common walkways (but not curb-gutter-sidewalk), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Common open space may include sensitive areas, such as areas with 30 percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project.

Private open space ~~(is that space which~~ is provided for each dwelling unit for personal use, ~~including a balcony) shall be.~~ Private open space is typically located immediately adjacent to, or attached to, ~~or within~~ the dwelling unit it is designed to serve and ~~shall be~~ for the exclusive use of the residents of the dwelling unit. Landscaped roof areas, balconies, or decks attached to individual units ~~may not~~ are considered private open space and ~~is~~ are not ~~to be~~ calculated as part of required common open space.

The planning commission may reduce the open space requirements of this section in order to accommodate a density bonus provided for in this chapter.

3. **Interior Streets.** The design of public and private streets within a development shall follow County standards for roadway development ~~outlined~~ **as defined by the general plan County transportation engineer.** Private streets shall be subject to the same inspections and construction standards as required for public streets. The County shall be granted a utility easement of the entire interior street system in a development project. All private streets shall be conveyed to a private association.
4. **Garbage and Recycling.** The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. ~~Dumpster~~ **dumpster** enclosures ~~shall be~~ provided for the development ~~and~~, no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.
5. **Parking.** The following minimum parking shall be provided for all multi-family projects under this ordinance:
  - a. Table of Parking Ratios

One bedroom unit	1.5 parking spaces per unit
Two or more bedroom units	2.0 parking spaces per unit
Guest parking spaces	0.33 parking spaces per unit (min. of 6)
Storage parking spaces for recreational vehicle storage	Not Allowed

- b. The parking requirements identified in this section supersede other parking requirements in this Title.
- c. All parking areas, covered or open, **except garages**, shall have a landscaped buffer in accordance with chapter 19.77, Water Efficient Landscape Design and Development Standards.
- d. ~~Parking ratios may be modified by~~ **Developments offering the amenities listed below are entitled to the applicable parking reductions. These reductions are not mandatory, but if they are chosen, are cumulative. The planning commission may further modify the required parking with support of a traffic study, or as follows:**

**Eligible Unit Parking ~~Rate~~ Reductions**

<b>Amenity</b>	<b>Recommended Reduction (stalls/unit)</b>
Car Sharing (minimum 100 dwelling units)	0.05 per car share vehicle
Bicycle Lockers/Storage (1 space per unit required)	0.05
Bicycle Share (on-site self-serve bike station)	0.05
Development Supplied Transit Passes for all residents	0.15
<b>Proximity of development within ¼ mile of a transit facility rail or Bus Rapid Transit (BRT) station</b>	<b>0.20</b>

Proximity of development within ½ mile of a transit facility rail or Bus Rapid Transit (BRT) station	0.10
Senior Housing	0.20
Housing for students (< .25 miles from campus)	0.10

e. Parking is prohibited within approved fire access and turn-around facilities.

f. Garages are encouraged. ~~There shall be no less than one covered parking stall per unit. The Planning Commission may consider the following criteria in determining whether or not the number of garages/carports should be increased or reduced:~~

- (1) Garage parking ~~(with, if used, shall have a minimum unobstructed size of 11 feet wide by 10 feet in length per space, or 10 feet wide by 11 feet in length per space. 22 feet wide by 20 feet in length, or 20 feet wide by 22 feet in length) throughout the development would allow for a five percent density bonus, while installation of underground parking throughout, would allow a ten percent density bonus. Developments with carports shall not be allowed a density bonus under this chapter.~~
- (2) Covered parking, ~~if used,~~ shall be placed in locations adjacent or convenient to the buildings that they are intended to serve. ~~There shall be no less than one covered parking stall per unit.~~
- (3) Tandem spaces may be allowed with a minimum size requirement of 20 feet long by 9 feet wide per parking space, up to a maximum of two contiguous spaces per unit.

g. ~~Underground parking. Installation of underground parking adequate to meet 50 percent of the parking requirements of this section excluding guest parking, shall receive a 10 percent density bonus for the planned unit development.~~

**6. Building Materials.** Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. ~~No single material is allowed to exceed 50 percent on-f street-facing facades.~~ Other materials may be considered ~~for soffits, or~~ as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required.

**7. Landscaping on Public Right-of-Way.** Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per chapter 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per chapter 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per chapter 19.77 with a five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per chapter 19.77.

8. **Perimeter Fencing.** Fencing around the perimeter of all developments shall be provided ~~as illustrated on the approved development plan.~~ Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete, ~~post and rail of.~~ Fencing with materials using composite products, wrought iron, wood ~~construction, or the highest quality,~~ or vinyl ~~may be allowed with a minimum two foot wide, six foot tall brick or stone pillar spaced every ten feet on center.~~ Unless otherwise allowed by the Planning Commission, exterior fencing along a public right of way shall be limited to brick, stone, or block, or pre-cast concrete, ~~or post and rail~~ be setback a minimum of ~~wood construction materials~~ 5 feet from the property line to allow for a landscaping buffer designed in accordance with chapter 19.77 to soften long expanses of walls. Interior fencing shall comply with section 19.78.030(11) (f).
9. **Interior Street Lights.** Street and pedestrian lighting for streets on the interior of the PUD is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for local residential roads (35 feet maximum) shall be 0.3, and shall be 0.5 for residential collector roads (36 feet – 45 feet).
10. **Signage.** Only low profile signs with a maximum size of 50 square feet, and 5 feet in height are allowed. No temporary signs are allowed other than for sale or rent signs with a maximum of 6 square feet in area per side. Only three such signs are allowed per 300 feet of frontage. The size, location, design and nature of signs, if any, and the intensity and direction of any associated lighting shall be detailed in the application, and, ~~except as provided in this chapter,~~ shall be consistent with the characteristics of the community and chapter 19.82, Signs.
11. **Site Plan.** All developments shall be guided by a total design plan in which the following development standards may be varied to allow density bonuses and flexibility and creativity in site design and building location. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following criteria shall be used by the Planning Commission principally to assure the design objectives of this section are met.
- a. **Density.** ~~The~~ Subject to the following density bonuses, the density allowed for a development shall be no greater than that allowed in the zone in which it is located, ~~except that a.~~ Density shall be calculated using only net developable acreage. A density bonus in the following amounts is allowed if ~~either or both~~ ~~any~~ either of the following conditions exist:
- (1) For developments ~~on corridors as defined in~~ with underground parking that is adequate to meet the general plan parking requirements of this chapter excluding guest parking, a density bonus of 10 percent is allowed; pursuant to 19.78.030 (5) (g); and/or
  - (2) For developments within one-half quarter mile (improved walking distance) of a rail or Bus Rapid Transit (BRT) station, a density bonus of 10 percent is allowed.

b. **Maximum Height.** For the purpose of this chapter, building height is to be measured from the lowest point of original grade to the highest ridge.

(1) For any PUD adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("single-family residential zone"), the maximum height for structures on the perimeter of the PUD adjoining said zones shall be 28 feet. The maximum height of all other structures in such a PUD shall be 35 feet. ~~Rooftop patios or rooftop living spaces are not allowed on a structure on the perimeter of such PUD.~~ PUD's with only one building are allowed a rooftop garden or patio provided the rooftop garden or patio has a minimum setback of 75 feet from the property line. For purposes of this chapter, a structure on the perimeter is defined as any structure within 50 feet of the property line of the PUD.

(a) The height of buildings along the perimeter of a planned unit development adjoining a single-family residential zone may be increased to the maximum height allowed in ~~this Title~~ the underlying zone by one foot increments, with each additional one foot height increment requiring an additional one foot in setback from the perimeter (see table 1 below for graphical rendering).

~~(2) Height for developments located in the R-1, R-2, A-1, and A-2 zones shall be limited to 28 feet for all structures when the gross area of the development is less than three acres. When the gross area of the development exceeds three acres, the maximum height shall be 28 feet for all structures on the perimeter and 35 feet for all structures not on the perimeter.~~

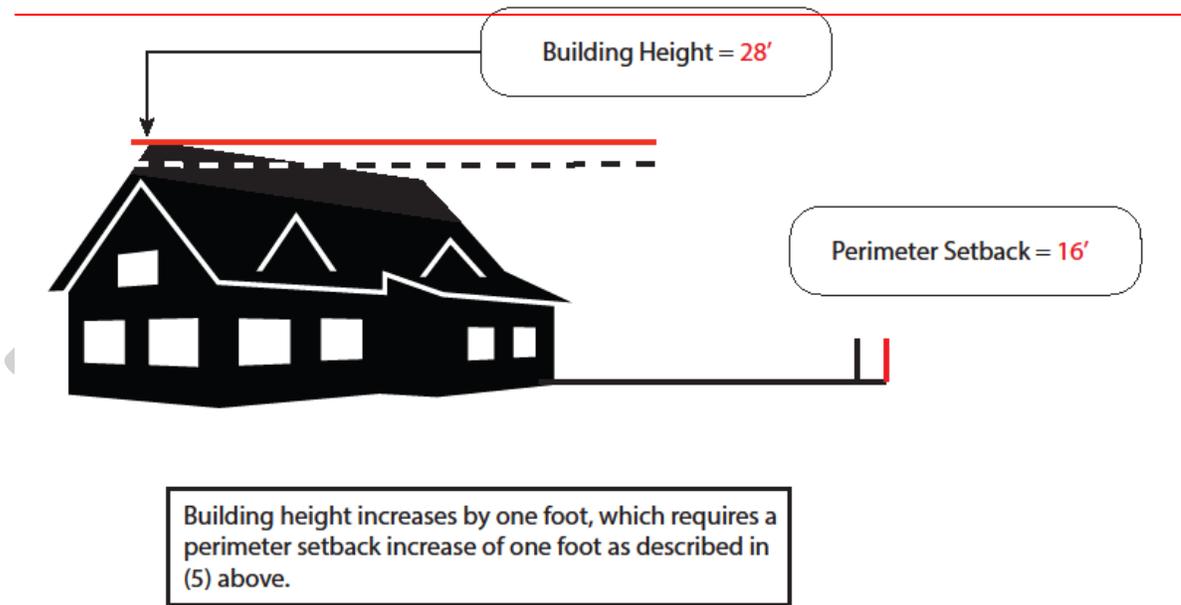
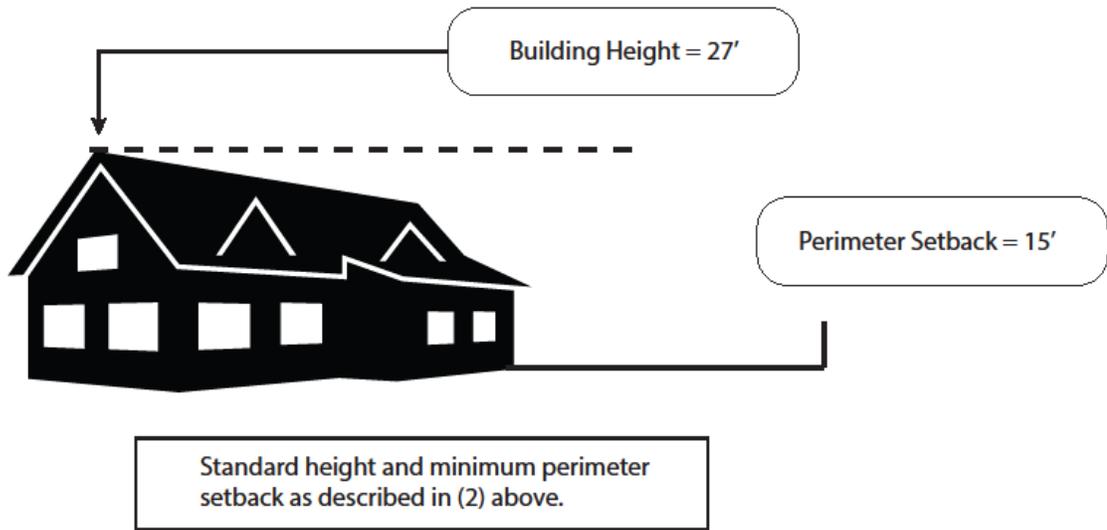
~~(3) Height for developments located in the R-M zone where said development is contiguous with any single family residential, R-2, R-3, and R-4, or agricultural zone shall be limited to 28 feet for all structures located on the perimeter, and 35 feet for all structures not on the perimeter.~~

(2) ~~Developments located in all other zones that allow a~~ The height of structures in all other planned unit developments shall conform to the otherwise applicable ordinances.

(3) At the discretion of the planning commission, height for dwelling structures along corridors as defined in the general plan and not adjoining a single-family residential zone, may be increased by an additional five feet to accommodate a density bonus provided for in this chapter.

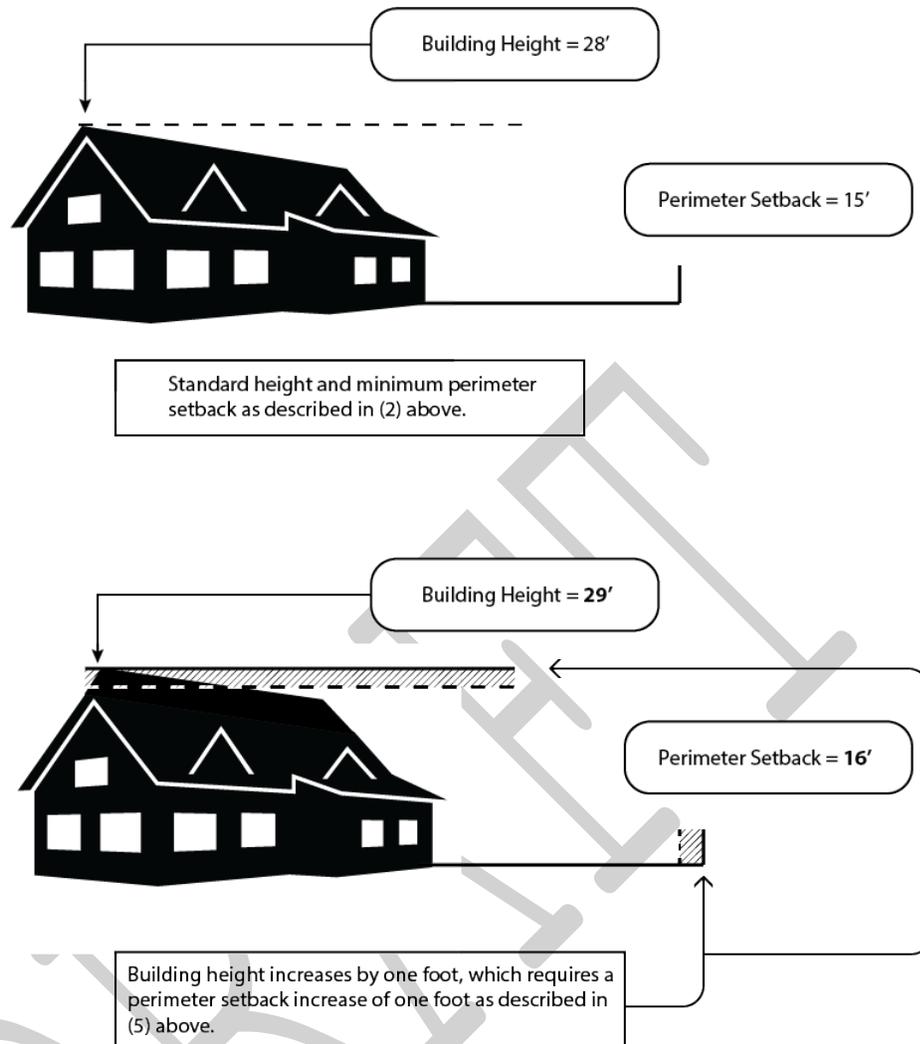
(4) Notwithstanding the above, the Planning Commission may at its discretion reduce or increase the otherwise stated maximum heights if mitigation is warranted, but only in cases where unusual topographical or other exceptional conditions or circumstances exist, such as the height of surrounding buildings.

~~(1) (5) Rooftop patios or rooftop living spaces are not allowed on perimeter units contiguous with any single family residential, R-2, R-3, and R-4, or agricultural zone.~~



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**Table 1.** An illustration of height allowance, when approved by the Planning Commission, where for every foot increase in height requires a foot increase in minimum setback. This provision is designed to soften the impact to adjacent properties while allowing for increases in height where appropriate.

- c. **Perimeter Setbacks.** Buildings (including covered decks or covered patios, or decks or patios in excess of 18 inches above existing grade) located on lots on the perimeter (excluding the public frontage defined in chapter 19.78.040. of the development), shall have **not less than** a 15 foot setback from the perimeter lot line, and shall have a setback from a right-of-way as prescribed by the underlying zone and chapter 19.77. Otherwise, no specific yard, setback, or lot size requirement is imposed by this chapter. However, the purpose and design objectives of this chapter must be complied with in the final development plan, and the Planning Commission may require specific setbacks within all or a portion of the development to maintain harmony with the existing character of the neighborhood.

- d. **Site Calculations.** Specific calculations which address the percentage of open space, impervious versus pervious surfaces, and site improvements shall be submitted by the applicant with all project applications.
- e. **Traffic Circulation.** Points of primary vehicular access to the development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Minor streets within the development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic. Adequate emergency vehicle access shall be provided. Internal circulation systems shall include pedestrian paths, and may include bicycle paths, preferably separated from vehicular traffic. Where recreational facilities exist or are planned adjacent to the proposed development, such pedestrian and bicycle paths shall connect to these facilities.
- f. **Privacy.** Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, landscaping, and sound reducing construction techniques shall be used as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
- g. **Sidewalks.** As required elements of a development, interior sidewalks shall be installed to serve the units and connect to the public street.
- h. **Utilities.** All utilities shall be located underground, except as may be provided for in State law. Utility equipment shall be screened from view and preferably, not located fronting on a public street.
- i. **Private outdoor spaces.** Each residential unit shall be required to have an outdoor patio/rear yard space with a minimum of 100 square feet, or a balcony with a 50 square foot minimum.

**12. Desirable Amenities.** Amenities that are identified in the *Salt Lake County Recreation and Open Space Standards Policy* shall be installed in accordance with that Policy. Where conflicts exist with this chapter and the *Salt Lake County Recreation and Open Space Standards Policy*, requirements identified in this chapter shall supersede.

**13. Miscellaneous.** Installation of xeriscaping is encouraged as an alternative to excessive lawn areas or other landscaping treatments that excessively consume water. Low impact / water retention development techniques are encouraged to manage stormwater onsite including but not limited to planter boxes, rain gardens, and bioswales in the open spaces.

Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and non-residential development shall be designed as integrated portions of the total development and shall project the residential character.

#### 19.78.040 PLANNED UNIT DEVELOPMENT MIXED-USE

In a Planned Unit Development, vertical mixed-use is allowed in zones that allow both residential and commercial and/or office uses, provided it meets the following requirements: in addition to the other requirements in this chapter. For purposes of this

section, vertical mixed-use means commercial or office uses sharing the same building as residential uses.

- A. The property is abutting or contiguous to a corridor as defined in the general plan, or major or minor arterial ("street") as defined in the general plan.
- B. Commercial uses shall only be allowed on the first floor of buildings fronting on the street. Office uses shall only be allowed on the first and second floor of buildings fronting on the street. Entrances to the first floor of these buildings shall front on the street. Windows shall make up at least 50% of street-facing facades of these floors. These floors shall have architectural differentiation from the other floors in the building.
- C. Parking is not allowed between the building(s) and the street.
- D. The front yard setback shall be 15 feet, except as provided in subsection (E), and the side and rear yards shall be 20 feet minimum. Corner lots are deemed to have two front yards.
- E. The front yard setback is the build-to-line. At least 50% percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line or as approved by the planning commission. A build-to-line is defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street.
- F. Landscaping along the street shall comply with this chapter and chapter 19.77.
- G. Signage for commercial or office uses shall be limited to signs on the building(s) that comply with chapter 19.82, or temporary A-frame signs and painted murals on the inside of a storefront window.

#### 19.78.050 MAINTENANCE OF COMMON FACILITIES

- 1. A development shall be approved subject to the submission and recordation of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan.
- 2. Terms in the final development plan governing maintenance of common open space and other facilities shall comply with applicable provisions of the Utah Condominium Ownership Act, Title 57-8-101, et seq., or the Utah Community Association Act, Title 57-8a-101, et seq.

#### 19.78.060 REVIEW PROCESS

- 1. **Pre-Submittal Development Review.** To help expedite review of a development proposal, prior to submitting a complete application for development, persons interested in undertaking development shall meet with a member(s) of the planning staff for a planner / applicant meeting, to become acquainted with the substantive and procedural requirements of this chapter.
- 2. **Standard Operating Procedure (SOP).** Staff creates, revises, and adheres to a Development Review Standard Operating Procedure, to assist in the management

and processing of applications. Applicants are encouraged to obtain a copy of the current SOP from Planning and Development Services staff, and to seek guidance with respect to the review and understanding of the Development Review SOP from staff.

**3. Application.** An application for a development must be submitted to Planning and Development Services. As each development application is different and unique, application documents ~~will~~may vary with respect to content and need for specific reports and/or studies. Consultation with staff and examination of the Development Review SOP will guide the applicant through the review process and identify all submittal documents that will be required to formalize a complete application.

- a. Site Plan that satisfies the requirements of section 19.78.030(11).
- b. Landscaping plan. A landscape plan is to be prepared in accordance with chapter 19.77 of this title. Staff can ask for justification of elements included in the landscape plan.
- c. Architectural building elevations. The location and floor area of all existing and proposed buildings, structures, and other improvements including heights, types of dwelling units, non-residential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures and improvements, shall be prepared by a licensed architect or other qualified professional.
- d. Lighting Plan.
- e. Subdivision Plat.

#### **19.78.070 PRELIMINARY REVIEW**

When a complete application has been accepted by staff, reviews completed by staff and related agencies, and subsequent comments identified by staff and substantially addressed by the applicant, the application is scheduled for a **community council meeting and a public hearing** before the appropriate Planning Commission for their review and decision. Additional adjustments, revisions, or re-submittals may be required during this process to identify all concerns related to conformance with the intent of this chapter. Failure to submit complete **and consistent** information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

#### **19.78.080 PLANNING COMMISSION REVIEW**

When preliminary review of the ~~site plan, building elevations, and preliminary subdivision plat~~application has been determined to be complete and in compliance with all requirements, the plans and preliminary plat together with all supporting information, will be forwarded to the Planning Commission for review. If the property is to be subdivided, all requirements set forth in Title §18, Subdivisions, must be met.

In accordance with chapter 19.05.040 and Utah Code §17-27a-506, the Planning Commission shall review the proposed development plan to hear and receive public input and to determine if all reasonably anticipated detrimental effects have been substantially mitigated. The Planning Commission may require additional studies or analyses to enable it to determine how impacts

should be addressed and may establish reasonable conditions of approval to address those anticipated impacts, as per chapter 19.84.060.

#### **19.78.090 VALIDITY OF PRELIMINARY REVIEW**

1. Once the Planning Commission determines that preliminary review is complete, the preliminary plat or approved site plan is valid (12 months for the preliminary plat and 12 months for the site plan). The Division Director may grant a one year extension of the preliminary plat or approved site plan, provided the plat still complies with all applicable ordinances.
2. If a PUD subdivision will be recorded in phases, a final plat for the first phase must be recorded within one year of the initial Planning Commission approval or one year extension thereof, the validity of the unrecorded portions of the approved preliminary plat will extend for one year from the recording date of the plat for the previous phase. Extensions of time beyond three years from the date of initial approval require review and approval of the Planning Commission prior to the then current expiration of the preliminary plat.

#### **19.78.100 POST-PLANNING COMMISSION APPROVAL**

After completing the preliminary review by the departments, agencies, and Planning Commission, the applicant shall submit a final site plan and preliminary **and final** subdivision **plat** together with all supporting documents which comply with all requirements, corrections, additions, etc. required by the departments, agencies, and Planning Commission to the Planning and Development Services Division (hereinafter known as the “development plan”).

1. The Planning and Development Services Division, along with the other reviewing departments and agencies, shall review the proposed development plan to verify compliance with all requirements, corrections, additions, etc.
2. After such review, the item may be scheduled for review by the Planning Commission upon referral by the Division Director or at the request of the Planning Commission. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form.

#### **19.78.110 AMENDMENTS TO THE DEVELOPMENT PLAN**

The Division Director or designee may authorize minor changes in the location, siting, or character of buildings and structures if required to resolve an engineering or other technical issue, or other circumstances not identified at the time the final development plan was approved. No change authorized under this section may cause any of the following: (“**major changes**”):

1. A change in the use and/or character of the development.
2. An increase in the overall density and/or intensity of use.
3. An increase of more than **one** ~~five~~ percent in overall coverage of structures.
4. A reduction or change in character of approved open space.

5. A reduction of required off-street parking by more than five percent.
6. A detrimental alteration to the pedestrian, vehicular, bicycle, circulation, or utility networks.
7. A reduction in required street pavement widths.
8. An increase in building height.
9. A decrease in building setback.

Any major changes ~~in use or rearrangement of lots, blocks, building tracts or groupings, or any changes in the provision of open space and significant changes as noted above,~~ must be made ~~by proposed to the Planning Commission after receipt of a recommendation by planning staff, and after applicant has filed.~~ Proposals under numbers 1 through 9 above require the filing of a new application. ~~Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved.~~ Generally speaking, any major changes must be recorded as amendments in accordance with the procedure established for adopting the final development plan.

#### 19.78.120 FAILURE TO BEGIN DEVELOPMENT

If no substantial construction has occurred in the development pursuant to the final development plan within 12 months from final approval, the approved plan shall become null and void and a new development plan and application shall be required for any development on the subject property. The ~~Planning Commission~~ **Division Director**, upon a determination of good cause based on evidence submitted by the applicant, may extend the time for beginning construction a maximum period of 12 months for one time only.

#### 19.78.130 PHASED PLANNED UNIT DEVELOPMENT

If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by staff to ensure that individual phases of the development comply with all requirements, including that the open space and/or recreational facilities are installed proportionately with the approved phasing plan. ~~The approved phasing plan shall be submitted to the Salt Lake County Recorder for recordation as a covenant to run with the land, or a "notice of compliance" once the development has been built.~~

## Summary of Issues – Planned Unit Development Ordinance (PUD)

Updated March 10, 2016

### 1. 19.78.030.2. – Density bonus

Question has been raised by several planning commissions to limit overall density bonus to 20 percent. Section 19.78.030 (11) (a) already limits density bonuses to 20 percent aggregate, unless it is decided to give a 20 percent density bonus for underground parking, and units are close to a transit station, which could warrant a 30 percent bonus. It seems like section 19.78.030 (11) (a) would be the best section to address this limit.

If desired, language could be included in the last paragraph of this section.

### 2. 19.78.030.5.g. – Density bonus for underground parking

Staff has heard both 10 percent and 20 percent regarding the allowance of a density bonus. What percentage of a density bonus should be provided if underground parking is provided in a PUD?

### 3. 19.78.030.11.b.(1) – Maximum height

Single building PUD perimeter with respect to rooftop gardens or patios – Language included that requires an additional setback from the property line for rooftop gardens and patios as described: ~~Rooftop patios or rooftop living spaces are not allowed on a structure on the perimeter of such PUD.~~ PUD's with only one building are allowed a rooftop garden or patio provided the rooftop garden or patio has a minimum setback of 75 feet from the property line. For purposes of this chapter, a structure on the perimeter is defined as any structure within 50 feet of the property line of the PUD.

### 4. 19.78.030.11.b.(4) – Measuring height

Height question – Height limit in this PUD draft is 28 feet to the ridge of the structure, but in RCOZ, 30 feet is allowed to the ridge of the structure. Should height be extended to 30 feet along the perimeter in PUD's? Language has been added in 19.78.020 that RCOZ governs height. If not, changes will need to be made.

### 5. 19.78.030.11.d. – Site Calculations

Define impervious vs. pervious regarding open space calculations. Roof overhangs – impervious while balconies and patios are counted as open space. We should clearly define the lines. At PC discretion, balconies and patios can contribute open space areas.

**6. 19.78.030.11.e. – Traffic circulation clarification**

Sentence in question: **“Minor streets within the development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic.”**

This sentence is not desired by planning staff, as we encourage connectivity. Planners would suggest just the opposite viewpoint, and would therefore suggest omitting this sentence.

**7. 19.78.030.11.e. – Bike path connectivity**

Sentence in question: **“Internal circulation systems shall include pedestrian and bicycle paths, and may include bicycle paths, preferably separated from vehicular traffic.”**

If bike paths are already in existence adjacent to the proposed development, then yes, connectivity should occur and an amenity should be counted, but the creation of bike paths should not be forced upon every PUD.

**8. 19.78.030.11.i. – Private outdoor spaces**

The issue of private outdoor space has been addressed previously and this sentence may not be necessary.

**9. 19.78.110 – Amendments to the development plan**

Regarding the last paragraph, staff suggests to create some flexibility and also think about discussing “change of use” or “adding unit” questions with the planning commission chair as they arise. Staff suggests reviewing provisions 1 through 9 to identify any which do not require a new application.