Ordinance 2019-13

Amendments to the Senior PUD Ordinance

[**12.150 Senior Citizen Housing Planned Unit Development (PUD)**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150_Senior_Citizen_Housing_Planned_Unit_Development_(PUD))

[12.150.010 Purpose](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150.010_Purpose)  
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[**12.150.010 Purpose**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150.010_Purpose)

~~In accordance with the General Plan of Hyde Park City the housing needs of senior citizens are a priority.~~ It is the intent of this ordinance to allow development in a unified and coordinated manner for the benefit of senior citizens, including higher density and increased availability. Tracts of land suitable in size, location, and character for the uses and structures proposed can be planned and developed as units.

In such circumstances where municipal planning and development may effectively proceed together, it is necessary and appropriate that there be requirements and regulations other than lot-to-lot or subdivision basis so as to provide flexibility and innovation in site planning and land use relationships while also insuring substantial compliance with the intent, objectives and purpose of this ordinance and the City’s General Plan~~—2000.~~

HISTORY  
*Adopted by Ord.* [*2015-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/HPMC-adoptingord.pdf) *on 5/13/2015*

[**12.150.020 Definitions**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150.020_Definitions)

For the purpose of this ordinance:

1. Planned Unit Development (PUD) means a development based upon integrated design in which one or more of the regulations of the zone in which the development is to be situated is waived, substituted or varied for development of higher densities in accordance with an approved plan and imposed general requirements as specified in this ordinance. A PUD may be:
2. The development of compatible land uses arranged in such a way as to provide desirable senior citizen living environments that may include private open spaces for access, recreation, aesthetic or other uses;
3. The development of desirable amenities associated with senior housing not otherwise possible by typical or lot-to-lot development standards.
4. Common areas:
5. All land, other than individual units or lots, within the PUD boundaries;
6. Any buildings or structures intended or reserved for the common use of the residents and owners of the PUD;
7. Installations of/or easements for central utility services or streets;
8. Such community and commercial facilities as may be provided for in the declaration of the PUD;
9. All other parts of the PUD necessary for or normally in common use
10. Senior citizen means citizens over the age of fifty-five (55). ~~One resident of a PUD must be a senior citizen.~~

HISTORY  
*Adopted by Ord.* [*2015-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/HPMC-adoptingord.pdf) *on 5/13/2015  
Amended by Ord.* [*2017-02*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/2017-02%20Open%20Space%20Bonus%20Density.docx) *on 5/10/2017*

[**12.150.030 Conditional Use**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150.030_Conditional_Use)

1. Senior citizen PUD’s shall be allowed as a conditional use in all residential zones.
2. Accessory uses may be included in PUD’s to provide necessary services to the occupants of the development as determined by the Planning Commission, provided that agreements and restrictive covenants controlling the proposed uses, ownership, characteristics and design are filed by and entered into by the developer and approved by the Planning Commission and City Council to assure that the approved necessary services are maintained.

HISTORY  
*Adopted by Ord.* [*2015-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/HPMC-adoptingord.pdf) *on 5/13/2015*

[**12.150.040 Location**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150.040_Location)

In making decisions and/or recommendations as to the approval of a senior citizen PUD, the DRC, Planning Commission and City Council shall apply the following standards for location:

1. The concept of the PUD is an important factor in the implementation of the City’s General Plan~~—2000.~~
2. The PUD should be so located with respect to streets and public ways as to provide easy access to the senior citizen occupants, their visitors and public transportation.
3. The site should be suitable for development without hazards to persons or property, on or off the tract, from flooding, erosion, or other dangers nor annoyances.
4. A slopes report and a preliminary title report shall be required.
5. Senior Citizen Housing Planned Unit Developments must be a minimum of 1800 feet apart from each other, and a minimum of 1200 feet apart from any other Planned Unit Development (non-Senior Citizen Housing). (Straight-line as the crow flies, measured from the physical center of the PUD to the next PUD, distance from each other)
   1. ~~The purpose of these guidelines is to create a PUD that enhances that area of the City.~~

HISTORY  
*Adopted by Ord.* [*2015-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/HPMC-adoptingord.pdf) *on 5/13/2015  
Amended by Ord.* [*2019-05*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/Ordinance%202019-05%20LUA%20to%20DRC.pdf) *on 4/24/2019*

[**12.150.050 Unified Control**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150.050_Unified_Control)

All land included in the development shall be under the legal control of the applicant, whether the applicant is an individual, partnership, corporation or a group; such control to be in the form of ownership or the option to purchase dependent on project approval. Evidence of unified control of the entire tract comprising the development in written legal form establishing that applicant has the unrestricted right to impose all of the covenants; conditions and restrictions (CC&R’s) upon the land as are contemplated by the provisions of this ordinance shall be delivered to the City prior to approval. Any future changes to the CC&R’s must be approved by the City Council.

~~One resident of each PUD unit shall be fifty-five (55) years of age or older.~~

HISTORY  
*Adopted by Ord.* [*2015-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/HPMC-adoptingord.pdf) *on 5/13/2015*

[**12.150.060 Standards And Conditions**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150.060_Standards_And_Conditions)

1. Area. A tract of land proposed for development as a senior citizen PUD shall contain acreage in accordance with the following table:

|  |  |  |
| --- | --- | --- |
| **Minimum Acreage** | **Maximum Acreage** |  |
| 4 Acres | 7 Acres | All Zones |

1. Density. The maximum number of lots and/or units shall not exceed five (5) units per acre.
2. Occupancy. One resident of each living unit must be a senior citizen age fifty-five (55) or older. No more than two (2) persons may occupy each living unit unless all such persons are a family and are related by blood, marriage, or adoption, and then no more than four (4) such persons may occupy each living unit. Of those who are so related, no more than two (2) of those persons may be children of one or both of the other said persons. This restriction is to be understood to limit the occupancy of each home to four (4) persons. A person shall be deemed a resident for purposes of this section upon residing within the development for a period of fourteen (14) days in any thirty (30) day period. Renters are considered to be residents and are subject to these same restrictions.
3. Lot Requirements. Lot area, width, setback, yard coverage and building height and location requirements shall be determined by the standards outlined in item J; (Arrangements) of this section along with approval of the site plan.

|  |  |
| --- | --- |
| **Setback** | **Minimum** |
| Side yard | 8 feet, or |
|  | zero lot line on one side, with 16 feet between each single family dwelling |
| Rear | 20 feet |
| Front\* (see note) | 18 feet |

\*No driveway approach shall be less than 18 feet from the garage to the sidewalk, for parking purposes

1. Landscaping. All areas not covered by building, by off-site parking or streets shall be landscaped to be compatible with adjacent properties and the community (see Landscape Ord 12.160), ~~with a minimum of three trees and six shrubs per unit or lot.~~
2. Access. Every unit, lot or other permitted use in the PUD shall have access to a public street by an approved ~~private~~ road or area dedicated to public use guaranteeing access. It is the intent of the City, where possible, that all roads and streets within a PUD be built to City construction specifications. Public streets within a PUD can be developed to a 50’ ROW as long as the street only serves the PUD residents and does not tie into an existing city street. Private streets may be used as a common alley for back loaded garages. ~~All streets within the PUD will be private and maintained (snow removal, etc.) by the PUD.~~  See “Street Cross Sections” under City Regulations. If the road through a PUD is a continuation of a normal city street, then the 66’ ROW will be required.
3. Parking: Two parking spaces in the garage and two off-street parking spaces shall be provided for each unit. Additional visitor parking shall be provided at a ratio of 1 space per 2 units within the PUD.
4. Open Space. Functional and aesthetic usable open spaces for use by the ~~senior citizen~~ occupants are deemed essential to and must ~~may~~ be included within a PUD in accordance with the following:
   1. There shall be a minimum of usable open space of thirty (30) percent of the total gross area of the PUD, including all walkways, sidewalks and greenways.
   2. Open space needs to be identified as an area to facilitate snow retention during the winter months.
   3. The preservation, maintenance and ownership of usable open space within the PUD must be held by an entity or association that includes all owners within the PUD in a manner evidenced by appropriate legal documentation approved by the City Council and City attorney.
5. Utilities. All utilities within the PUD shall be installed underground with all appurtenances above ground installed in a manner that will allow adequate screening with natural landscaping. All utilities will be installed in accordance with City standards and will be placed in dedicated Public Utility Easements for City and/or utility supplier maintenance. Water lines to the meter and sewer main lines within the PUD will be maintained by the City once the developer’s warranty period has been completed and inspection demonstrates they have been installed in accordance with City standards. ~~All service lines (water and sewer) will be maintained privately~~. Each unit will pay water and sewer impact fees and have an individual water meter.
6. Arrangements. Arrangement of structures, lots or units, and usable open space within the PUD shall be such as to assure that adjacent properties and their uses will not be adversely affected. Lots with frontage on a City street must meet the same requirements as adjacent properties and in accordance with a Standard subdivision. Rear and side lots adjacent to existing properties will maintain the setback requirements of those zones. Homes must be a different design than the home to either side of it, with 4 or more different designs offered for all homes in the Senior PUD.
7. Changes.
   1. Minor changes in the location, sitting or character of buildings and structures may be authorized by the DRC if required by engineering or other circumstances not foreseen at the time of final plan approval.
   2. All other changes in the project, including changes in the site plan and in the development schedule must be approved by the DRC, Planning Commission and City Council.
   3. Deviations from the approved plans or failure to comply with any requirements imposed by the DRC, Planning Commission or City Council in approving the PUD shall constitute a violation of the ordinance.
8. Postal Delivery. All postal mail will be delivered to a common site as agreed with the United States Postal Service.
9. Signage. A sign specifying that the PUD is a Senior Citizen PUD and that at least one resident of each unit must be 55 years of age or older must be posted in a visible area in all approved Planned Unit Developments and as approved by the DRC. This sign will be the responsibility of the developer or the Homeowners Association.
10. Fencing. A perimeter 6’ privacy fence will be installed.

HISTORY  
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Amended by Ord.* [*2016-06*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/2016-06%20Senior%20Citizen%20PUD.pdf) *on 8/24/2016  
Amended by Ord.* [*2017-02*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/2017-02%20Open%20Space%20Bonus%20Density.docx) *on 5/10/2017  
Amended by Ord.* [*2018-07*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/2018-07%20PUD%20Setbacks.docx) *on 5/23/2018  
Amended by Ord.* [*2019-05*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/Ordinance%202019-05%20LUA%20to%20DRC.pdf) *on 4/24/2019*

[**12.150.070 Time Limit**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150.070_Time_Limit)

1. The applicant must begin and substantially complete the development of the PUD within two (2) years from the date of approval of written authorization to proceed.
2. If the applicant does not substantially complete the development within the time limits imposed, the DRC and Planning Commission shall review the PUD and may extend the time limit, revoke the approval or amend the plan. The developer may appeal the decision of the DRC and Planning Commission to the City Council which shall review the record and decision of the DRC and Planning Commission and affirm, set aside, remand or modify the DRC and Planning Commission’s decision. Such appeal must be filed in writing within ten (10) calendar days of the date of the decision.
3. Phasing a PUD project may be permitted and will be considered on a case-by-case basis.

HISTORY  
*Adopted by Ord.* [*2015-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/HPMC-adoptingord.pdf) *on 5/13/2015  
Amended by Ord.* [*2019-05*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/Ordinance%202019-05%20LUA%20to%20DRC.pdf) *on 4/24/2019*

[**12.150.080 Procedures**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.150.080_Procedures)

1. Application.
   1. An application for a senior citizen PUD shall be on a form approved by the City and be duly executed and filed jointly by all owners and persons or entities having legal control of the property.
   2. The required filing fee shall be paid at the time of filing and before the application may be considered.
   3. The application shall be accompanied by a preliminary development plat for the PUD which shall contain or show the following:
      1. The name or title of the PUD
      2. The names of any professional planner or engineer for the project and the names of all owners or persons or entities having legal control of the property
      3. Scale, date, North arrow and general location map of the project
      4. The boundaries and legal description of the property to be included in the PUD and the legal descriptions, owners and tax numbers of all individual tracts comprising the proposed development
      5. Unified and organized arrangement and location of buildings, structures and building groups
      6. Provisions for off-street parking
      7. Internal and external traffic circulation
      8. Proposed density
      9. Proposed street cross-sections
      10. Proposed usable open space, parks and common areas
      11. Location and type of proposed landscaping
      12. Relation to future land use and development of the surrounding area as proposed by the General Plan
      13. Proposed location of utilities
      14. Easements
      15. Schematic drawings demonstrating the design and character of the PUD
      16. Drainage and water retention
   4. The applicant shall also:
      1. Provide the owner’s name and address and a brief description of each adjacent property;
      2. State the waivers or modifications requested from the zone in which the PUD will be located as well as waivers or modifications requested from other City ordinances and the reasons thereof.
   5. The City shall confirm that the application has been duly executed and filed, the filing fee paid and that the preliminary plat complies with the above requirements and upon such confirmation shall place the application upon the agenda of the next regularly scheduled meeting of the DRC and Planning Commission which shall be no sooner than ten (10) days from the date of filing.
2. DRC and Planning Commission Review and Approval
   1. Upon its initial review of an application for approval of a senior citizen PUD, the DRC and Planning Commission shall:
      1. Meet with the applicant and assist the applicant in bringing the application and attachments as nearly as possible into conformity with the requirements of this ordinance and/or define specifically those variations from such requirements which appear justified in the circumstances; and
      2. Establish a public hearing date in not more than thirty (30) days and direct the Planning Commission Secretary to give at least fifteen (15) days notice by mail to all adjacent landowners and by publication at least once in the newspaper of the time, date, place and purpose of the public hearing.
   2. The DRC and Planning Commission may require additional materials, information or maps, which it deems necessary to make the necessary findings and recommendations. The applicant shall submit all evidence deemed necessary by the DRC and Planning Commission of his ability to undertake the project.
   3. After the public hearing the Planning Commission may recommend to the City Council that the application for approval of the PUD be granted as requested or be granted subject to specific conditions and stipulations. The Planning Commission may also disapprove the application in which case the application will not be considered by the City Council, except on appeal.
   4. The Planning Commission, in order to approve the application, with or without conditions or stipulations, must find specifically that:
      1. The application and the proposed PUD comply with all the requirements imposed by this ordinance;
      2. The proposed PUD is consistent with the objectives and purpose of this ordinance;
      3. The proposed PUD is designed to be compatible with the adjacent and surrounding properties and with the physical features of the proposed site;
      4. The desired waiver or modification of City ordinances applied to the particular case would be justified and appropriate;
      5. Adequate usable open space over conventional development is provided for the occupants of the PUD.
      6. Desirable natural and cultural features indigenous to the site are to be preserved.
   5. The amount of security for performance for all improvements within the PUD will be required as outlined in HPMC 13.40, Subdivision Ordinance.
3. City Council Approval
   1. Within fifteen (15) days of the date of approval of the Planning Commission, the application shall be submitted to the City Council for its consideration. The City Council, without the necessity of a public hearing, shall review the application and the Planning Commission’s findings and recommendation and may give preliminary approval to the PUD application, with or without modification, including stipulations and/or conditions for approval and development, remand the matter to the Planning Commission with instructions for further action or consideration, or disapprove the application.
   2. The City Council shall state its reasons for disapproval or remand.
   3. The City Council may require additional information or materials from the applicant or Planning Commission before taking action.
   4. The City Council may at its discretion require a public hearing to give the public additional information based on changes required by the Council to the PUD or based on the desire to hear additional comments from its citizens.
   5. The City Council shall, in the event of approval, set the amount of security for performance to be required of the applicant.
4. Construction Drawings
   1. Construction Drawings as required by the Subdivision Ordinance shall be submitted to the DRC for review and approval.
5. Final Plat and Approval
   1. A final development plat, conforming to all stipulations, conditions and requirements imposed by the City Council and this ordinance shall be submitted and shall show in detail the unified and organized arrangements of buildings, off-street parking, all other details required on the preliminary plan, as well as the final grading, irrigation and landscaping plans.
   2. No building permit shall be issued until the final development plan has been approved by the DRC, Planning Commission and the City Council and has been duly recorded in the office of the Cache County Recorder by the City Recorder.
   3. The final development plat must have the signature of the City engineer approving the plat and the signature of the City attorney approving the plat as to form.
   4. The City Council shall require that all restrictive covenants or other agreements or appropriate documents be recorded in the office of the County Recorder along with the final plat.
   5. Copies of the final plat and the CC&R’s as approved and recorded shall be kept on file in the office of the City Recorder.
6. Fees and Costs
   1. The applicant shall pay a preliminary plat fee and a final plat fee in accordance with the most recent prevailing fee schedule adopted by resolution of the City Council for a subdivision.
   2. In addition to these fees, the applicant shall reimburse the City for all costs incurred, but not limited to, reproduction costs, attorney’s fees, recording fees, engineering fees, mailing and advertising costs and other costs specifically incurred by the City with regards to the subject application and project.

HISTORY  
*Adopted by Ord.* [*2015-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/HPMC-adoptingord.pdf) *on 5/13/2015  
Amended by Ord.* [*Ordinance 2017-01*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/2017-01%20Special%20Event%20Regulations.docx) *on 2/22/2017  
Amended by Ord.* [*2019-05*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/Ordinance%202019-05%20LUA%20to%20DRC.pdf) *on 4/24/2019*