

**APPLE VALLEY
ORDINANCE O-2023-12**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **REPEAL** “10.10.120 Planned Development Zone” of the Apple Valley Land Use is hereby *repealed* as follows:

BEFORE REPEAL

10.10.120 Planned Development Zone

- A. Purpose: The overall purpose of the planned development (PD) zone is to allow and encourage flexibility and creativity in the design and development of comprehensively planned projects, including but not limited to, cluster subdivisions that would not be possible under conventional zoning districts. The PD Zone requires creative and efficient subdivision designs that provide areas of open space and other desirable subdivision design features. The PD Zone is provided to promote efficiencies in the delivery of required infrastructure, facilities, and services, and reductions in initial subdivision development costs and long-term maintenance costs.
1. Provide for the planned, orderly, and efficient improvement of large, unique or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and/or historic features which may exist, from damage which might occur from development permitted by conventional zoning and subdivision regulations. Such features may include, but are not limited to, steep slopes, soils, streams and other water bodies, and pasturelands, wetlands, floodplains, historic structures or sites, cultural features, and scenic views.
 2. Encourage protected open space to be accumulated into larger contiguous open space tracts that may be linked throughout the community.
 3. Allow for a more efficient and imaginative development of a specific property.
 4. Permit property to be used in a manner not sanctioned by the existing zoning regulations in harmony with and without detriment to neighboring properties.
 5. Provide a review process by the planning commission, which will allow them an opportunity to evaluate whether the proposed development will be in harmony with the character of the neighborhood in which the development is located.
 6. Encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefits.
 7. Encourage better land utilization, economy in the provisions of roads and

utilities, and flexibility in design.

8. Encourage ingenuity and resourcefulness in project and site planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.
 9. Encourage the mixing of uses as appropriate including housing, neighborhood commercial, office, institutional, and other compatible uses.
 10. Discourage clearly incompatible land uses and prevent conflicts where such uses cannot be physically separated by the use of buffer strips and open space, gradations in the intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.
 11. Facilitate more affordable and efficient housing by providing possibilities for cost savings in infrastructure, installation costs, and energy costs through clustering of dwellings and other structures, and other means.
 12. Encourage pedestrian circulation within the project and connections with adjacent land uses.
 13. Provide long-range stability in the planning of public facilities and services for the area through the use of a master plan specifying the arrangement and schedule of the various lands use components and project phases.
- B. Types of Planned Development Zones: This section authorizes the following types of planned developments:

PDR Planned development residential zone

PDC Planned development commercial zone

PDO Planned development office zone

Opportunities for mixed use are provided for within each type of planned development zone. See the subsections of this section pertaining to each zone for details relating to mixed-use opportunities.

- C. Location and Siting of Planned Development: Planned developments are most appropriately located in developing areas where innovative site planning will have a positive impact on other adjacent developments and accomplish objectives of the Town's general plan.
- D. Designing a Planned Development Zone: The design of a planned development is a creative exercise that requires the designer to select from an array of elements available to assemble the development. A planned development project may consist of five (5) separate components. The required components will vary depending upon the elements planned for the project.
1. Preliminary Master Plan: General concept designed to elicit preliminary feedback from staff and Planning Commission.
 2. Master Plan: The overall concept plan/zoning plan for the development, locking in land uses, proposed circulation, and other elements.
 3. Phase Plan: Individual phase(s) of the development.
 4. Preliminary Plat: Layout of individual lot(s) or parcel(s) within a phase.
 5. Construction Drawings: Construction drawings for items requiring review and

approval by the utility providers, Town engineer and others .

E. Planned Development Residential Zone (PDR)

1. General Purpose and Description: The PDR district allows residential development in a manner open to and advocating innovation in design and layout. The principal uses of land in this district are residential with related recreational, cultural, neighborhood commercial and educational facilities normally required in providing the basic elements of a balanced, orderly, convenient, and attractive residential area.
2. Location of PDR Zones: PDR zones may be located where sufficient land and infrastructure exist or are planned which will allow for a development that meets the standards and requirements of this subsection. Planned developments should not be proposed on vacant lots lying between other single-family dwellings or single family developments.
3. Permitted Uses: No structure or land shall be used except for one or more of the following:

Town facilities, including fire protection facilities, public works facilities, etc;

Detached units, including standard large lot single-family detached residences, zero lot line residences and cluster housing;

Townhouses. Conditional Uses: The following conditional uses may be approved at time of Final Plan or Phase plan. If a use changes from that approved, an amendment will be necessary. Assisted living or independent living care; Churches, with attendant educational and recreational buildings; Clubs, private and public, including, but not limited to, golf and country clubs; Home occupations as defined herein and approved by the planning commission. Neighborhood commercial uses in PDR zone under the following conditions:

- a. Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. The minimum and maximum component of each use and types of uses within the development to be recommended by planning commission and approved by Town Council;
- b. Provide sidewalks, at such widths as may be approved by the planning commission, and which will connect the pedestrian system within the project to sidewalks in existing development areas outside the project area;
- c. Residential units above retail space are not included in density count, but layout and numbers must be approved by planning commission, also parking and access issues must be addressed;

Public libraries; Public utility structures, including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses and structures; except warehouses, storage buildings, vehicle maintenance, truck or road equipment storage, radio and television studios and

cell towers; Schools (private or public), offering general educational courses similar to public elementary schools, high schools, and colleges, Timeshares /fractional interests.

4. Dimensional Requirements: See table 2 of this section for dimensional requirements.

F. Planned Development Commercial Zone (PDC)

1. General Purpose and Description: The PDC zone provides for primarily commercial development in a manner encouraging innovation in site design and layout. The principal uses of land in this district are commercial with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.
2. Location of PDC Zones: PDC zones should be located adjacent to a major arterial roadway and be centrally located to serve a wide area of the community.
3. Permitted Uses: No building, structure, or land shall be used except for one or more of the following uses:

Bank or other similar financial institution;

City facilities, including fire protection facilities, public works facilities, etc.;

Convention center, meeting facility or other similar use;

Hotel, motel or bed and breakfast;

Recreation building or land including theaters;

Restaurant, including a dining club or other eating or drinking establishment;

Retail sales and the servicing or repair of items sold at retail, not including servicing or repair of automobiles;

Trade shop or service business such as shoe repair; dry cleaning or laundering service; pressing, altering, or tailoring of wearing apparel; radio, TV or appliance repair; watch or jewelry repair; barber or beauty shop.

4. Conditional Uses: The following conditional uses may be approved at time of Phase Plan or Master Plan. If a use changes from that approved, an amendment will be necessary.

Accessory structure;

Ambulance service;

Auto repair, completely enclosed;

Daycare facility;

Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. (The minimum and maximum component of each use and type of uses within the development to be approved by the planning commission. Office and residential uses must clearly be subordinate to the principal commercial use.);

Off street parking facilities;

Office, not including a wholesale outlet or storage of commodities;

Parking lot or garage as a principal use;

Public utility structure and lands;

Self-service laundry, laundry or dry cleaning processing facility.

5. Dimensional Requirements: See table 2 of this section for general dimensional requirements.

G. Planned Development Office Zone (PDO)

1. General Purpose and Description: The PDO zone provides for primarily office development in a manner encouraging innovation in design layout. The principal uses of land in this district are office with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive office area.
2. Location of PDO Zone: PDO zones are most suitably located on arterial or nonresidential collector streets between uses of higher and lower intensity or in areas where other office uses are located. PDO zones can serve as an effective transitional area between a more intensive use, such as commercial or light industrial and residential uses. PDO zones should not be located at major street intersections but are more suitably sited in mid-block areas or interior areas of sites.
3. Permitted Uses: No building, structure, or land shall be used except for one or more of the following:

Business service such as photocopying and related services, dental laboratory, or temporary employee service;

City facilities, including fire protection facilities, public works facilities, etc.;

Daycare facility;

Fine arts or performing arts studio or school;

Hospital or public health center;

Institution of higher education (college);

Library;

Medical or dental office or clinic;

Museum or art gallery;

Office, not including a wholesale outlet or storage of commodities;

Veterinary clinic or hospital (small animals only and in a completely enclosed building).

4. Conditional Uses: The following conditional uses may be approved at the time of Phase Plan or Master Plan. If a use changes from that approved, an amendment will be necessary.

Accessory retail uses clearly subordinate to the principal use. Such uses shall be limited to the first floor and may not be established in separate buildings. The minimum and maximum component of each use to be approved by the planning commission. Examples include banks, newsstands, pharmacies, coffee shops, dry cleaners (without on-site cleaning plant), clothing store, and other similar uses approved by the Planning Commission.;

Ambulance service as an accessory use;

Church or other religious, fraternal, or social organizations;

Funeral home or crematorium;

Nursing or personal care home;

5. Dimensional Requirements: See table 2 of this section for dimensional requirements.

H. Planned Development Standards and Requirements: All planned developments, in addition to meeting the intent of this section, as detailed in subsection A of this section, shall meet the following standards and such other requirements as are set forth with respect to each of the three (3) permitted types of uses. Setback standards specifically may be modified to allow creative development to occur provided a recommendation from the Planning Commission and motion from Town Council at the Master Plan stage approving the request for such modifications is approved.

1. General Standards and Requirements:

- a. Preservation of Features: The development shall be compatible with existing topography of the land and shall preserve any unusual topography or natural features. Requests to waive this standard must be accompanied by a certified engineering report indicating that the

- proposed development is a significant community need that transcends the need to preserve the topography and/or features.
- b. Design Focus: The development shall utilize design and development features that would not be possible by the application of lot by lot zoning regulations.
 - c. Land Disturbance: No alteration or disturbance of land in a planned development district or the natural or cultural resources thereon shall be permitted until the Master Plan has received approval from Town Council, preliminary plat or site plan and construction plans has been approved. Any subsequent land disturbance must be consistent with the approval granted by the Town Council.
 - d. Subdivision Regulations: Land within a planned development shall be treated in its entirety as a subdivision and thus subject to the provisions of the Town of Apple Valley subdivision regulations, except as follows:
 - (1) Preliminary and Final plats shall follow the procedures and meet all of the requirements of the Town's subdivision ordinance which shall be supplemented by the requirements of this subsection. Wherever there is a conflict between the provisions of the subdivision ordinance and this ordinance, the more restrictive shall apply.
 - (2) Each planned development project in the approval process will identify how the property is intended to be subdivided, whether it will be a PDR, PDC, PDO, traditional subdivision, condominium or a combination of the above. This information is important, as it will affect the procedures required for formal approval of the project and subdivision of the land.
 - e. The Master Plan approved and adopted by the Town Council pursuant to this section is intended to be utilized as a final plan in relation to the zoning, regulation, and development of properties designated therein. The design guidelines and standards approved and adopted by the Town Council pursuant to its adoption of the planned development Master Plan shall control and regulate the development and construction within the project. To the extent that the Master Plan does not specify the design or other standards applicable to the planned development, the generally adopted Town standards and specifications shall apply.
 - f. Interconnectivity of Phases/Development Components: Each phase of the project shall not be isolated from adjacent phases or development components. Each phase shall be served by at least one public roadway that shall connect to all adjacent phases or development components. In addition, each phase or development components adjacent to land outside of the project boundary shall connect to such

adjacent land if such a connection is available. If one phase cannot reasonably be connected to another via a public roadway, then a private road or drive shall be required. Such a private road must be open to the public at all times for travel to the adjacent phase area. The project must contain a minimum of two (2) primary access points from the outside. Any deviation from the requirement of two (2) primary access points must be recommended by the planning commission and approved by the Town Council.

- g. Calculation of Density: Land uses for open space, common areas, and interior streets, drives, sidewalks, and other circulation ways may be included as part of the land area used for determining the number of dwelling units allowed, or the amount of required land. Land characterized by flood way, steep slopes, wetlands, or other un-buildable or sensitive lands may not be included as part of the land area for density calculations, including lands with a slope factor of 20% or greater overall slope, except that a twenty five percent (25%) density provision may be applied to the buildable portion of the development. Therefore, twenty five percent (25%) of the land area of the un-buildable area may be added to the buildable portion of the property to increase net density. Density is calculated for the project and for individual phases. Within phases, density for a specific phase may exceed that permitted provided that the overall density for the project meets the required maximum density. The phase with the highest density may not be the first phase developed. See Table 1.
 - h. General Private Deed Covenants: The entire planned development district shall be made subject to appropriate covenants, conditions and restrictions that shall be recorded as running with the land to assure the continuance and maintenance of the planned development in accordance with the approved plans and approved uses. See subsection h.2. "Ownership and Management Standards and Requirements", of this subsection for additional requirements and information. A copy of any covenants, conditions and restrictions must be submitted to Town to ensure that there is no conflict with zoning ordinance.
2. Ownership and Management Standards and Requirements:
- a. Ownership and Management Control:
 - (1) Initial Ownership: If the property located in a planned development shall be owned individually or jointly, where the property is not intended to be resold in separate parcels, the property shall be made subject to permanent covenants, conditions and restrictions requiring that the property be built and operated consistent with the approved planned development zone.
 - (2) Subdivided Properties: Properties in a planned development zone that are intended to be subdivided and sold in separate

ownership shall be made subject to covenants, conditions and restrictions which shall require that the property be built and maintained consistent with the requirements of the planned development zone for the property. If the property shall have commonly owned properties, they shall be owned by an appropriate owners' association who shall be responsible for the ownership and maintenance of the project, consistent with the requirements of the zone. In this event, the owners' association shall be separately incorporated as a Utah nonprofit corporation with appropriate articles of incorporation and bylaws, and a declaration of covenants, conditions and restrictions that are subject to the approval of the town attorney of the Town of Apple Valley as being legally sufficient. In the event that the property shall be a condominium project, the property shall be made subject to a declaration of condominium and other documentation prepared pursuant to the requirements of the Utah Condominium Ownership Act and shall include a provision that the owners' association thereof shall manage the property consistent with the requirements of the planned development zone. Any property in a planned development zone that is intended for subdivision shall also comply with the requirement's of the Town of Apple Valley subdivision ordinance.

(3) Owner/Developer Responsibilities: Initial owners/developers of PD projects are responsible for the following elements of the project:

(A) Development and Maintenance: Development and maintenance of general common areas (this may be accomplished through the establishment of an owners' association, which the developer shall agree to manage until 75 percent of the lots or units are sold, at which point the responsibility will be turned over to the owners). Developer shall subsidize the association, until its financially able to function on its own.

(a) In the case of condominiumization or subdivision of the property, the developer shall deed the common areas to the owners' association, free and clear of all liens or encumbrances, or in the case of a blanket lien, the lender shall subordinate its security interest in the project to the planned unit development or condominium plan. This shall be reflected in the declaration of

covenants, conditions and restrictions (or declaration of condominium, as the case may be) that shall require this to be accomplished upon completion of construction of the project, provided that if at least forty percent (40%) of the units in the project have been sold, the developer shall also be required to make this conveyance. The Town of Apple Valley shall not be responsible to the unit or lot owners in the event that the conveyance is not actually made, but the documentation shall provide for this requirement, which shall confer upon any purchasing unit owners the right to enforce the deeding of the common areas as required just above.

- (B) Arterials, Roadways, Related Infrastructures: Development of arterial and other major roadways and related infrastructures serving the development including the extension of utilities to serve the development including stubbing utilities and roads to adjacent properties as needed.
 - (C) Development of Management Plan: Development of a management plan including management association setup, and related responsibilities to assure that ownership and management standards are met in full.
 - (D) Approvals and Conditions: Obtain all approvals and comply with all conditions related to the PD and its elements.
 - (E) Landscaping and Open Space: All overall requirements such as landscaping and open space meet PD requirements.
 - (F) Change of Ownership: Any conditions attached to an approved PD plan or subdivision plat shall not lapse or be waived as a result of any subsequent change in tenancy or ownership of said land.
3. Infrastructure Standards and Requirements: Water, sewerage, street, electric, and other required infrastructure shall be provided according to the requirements of the Town of Apple Valley subdivision ordinance and Town, Water District, sewer district and all utility companies construction design standards, or as may be recommended by the planning commission and approved by the Town Council for other purposes. Exceptions to Town standards and subdivision requirements relating exclusively to roadway design standards and layout must be supported by appropriate studies and approved by the Town Council pursuant to its adoption of the Master Plan and shall

control and regulate the development and construction within the project as guidelines and standards specific to the project. The following infrastructure requirements are required as a part of all PD developments:

- a. Roads/Streets: All interior streets and roads may be owned and maintained by the owners association of the development upon recommendation of the planning commission and approval of the Town Council. Private ownership of roads must be outlined in the Master Plan. All interior streets and roads must meet the Design standards and specifications for roads for the Town of Apple Valley as well as the following:

- (1) The Town requires interior streets and sidewalks through the development and require that the interior streets and sidewalks connect to existing street and sidewalk infrastructure of the Town, unless otherwise approved in the Master Plan. (Town of Apple Valley standards and specification's)
- (2) The provision and/or design of streets is subject to review and a recommendation by the planning commission and approval of the Town Council, which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower right of way, pavement widths, medians, traffic calming features, etc., and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant (based upon appropriate traffic engineering studies) and/or verified by the Planning Commission. Such modifications and exceptions must be outlined as part of the Master Plan.

- b. Sidewalks: Sidewalks shall be provided according to the requirements of the Town of Apple Valley's specifications and standards. Sidewalks will be owned and maintained by the owners association or the Town, as outlined in the Master Plan..

- c. Parking:

- (1) Conflict between Provisions: Wherever there is a conflict between the provisions of AVL 10.16 "Off Street Parking Requirements", and this subsection, the more restrictive shall govern unless otherwise recommended by the planning commission and approved by the Town council.
- (2) Spaces Physically Separated: Spaces calculated for residential units, commercial uses, and other permanent spaces shall be physically separated and dedicated exclusively for that use, excluding mixed use components.
- (3) Shared Parking: A shared parking plan may be submitted which indicates a shared parking formula and supporting information. Up to thirty percent (30%) of the total combined

required parking may be waived with an approved plan.

- (4) Location of Parking: Parking for PD developments shall be located to the rear, a mixture of side and rear, or underground.
- (5) Illumination of Parking: All parking areas shall be illuminated with light to be focused down so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the PD development nor to uses adjacent or nearby the PD development. Wherever there is a conflict between the provisions of AVL 10.26 "Outdoor Lighting Ordinance," and this subsection, the more restrictive shall govern unless otherwise recommended by the Planning Commission and approved by the Town Council.

d. Utilities: All utility lines in a PD project shall be placed underground.

- 4. Landscaping Standards and Requirements: Minimum standards for landscaping in PD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed development together.

The Town has certain water conservation requirements it is passing on to Builders and individual homeowners. In general, area homeowners in the past have utilized approximately fifty percent of their water consumption outdoors. Non-residential activities also tend to use substantial amounts of water outdoors. For these reasons, landscaping is an important aspect of creating a water-efficient community.

A landscaping concept, which is intended to transform typical landscaping techniques, known as "Xeriscape" is a water-efficient landscape concept that involves landscaping with drought-tolerant plants that are either native to the region or suitable to the climate and then providing irrigation to those plants appropriately. Native plants normally get all or most of their water from rainfall. Thirsty plants from other climates often demand much more water and, therefore, are not suitable for use in this type of landscape.

- 5. Landscape Concept/Theme:
 - a. A landscaping plan must be submitted as part of the Master Plan. The level of detail is general in nature illustrating themes, locations and other elements within the overall project. This can be a separate plan or may be integrated with the Master Plan requirements as part of the Master Plan submittal. The Preliminary Plat shall show landscaping in more detail, but calculations and landscape details shall be part of the construction drawings for each phase.
 - b. Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the development.

- c. Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.
 - d. For commercial developments, the area between the curb and the setback line shall be landscaped except for areas where the sidewalk extends from the curb to the front of the building, and is part of the sidewalk plan approved by the Planning Commission.
 - e. A minimum of forty percent (40%) of the project open space shall be landscaped utilizing Xeriscaping and traditional landscaping, or non-Xeriscaping, may account for ten percent (10%) of the total landscaping. Xeriscaping is encouraged and permitted to be utilized in order to meet the minimum landscape percentage requirement.
 - f. Up to fifty percent (50%) of areas allowing general public access may be used to meet landscaping requirements detailed in this section, this credit must be recommended by the Planning Commission and approved by the Town Council.
 - g. See general open space requirements below for additional landscaping requirements.
 - h. Deviations from these requirements may be approved upon recommendation of the Planning Commission and approval of the Town Council, based upon special circumstances enumerated in the recommendation and approval of the deviation.
6. Open Space Standards and Requirements: Common open space is an important element in any planned development serving to provide resting and gathering places, recreation areas, aesthetic complements, storm water percolation areas, and other purposes. Open space for the purpose of the PDR district shall be defined as a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, scenic, recreational, resting, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public. Open space may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or adjacent landowners, or a general appearance of openness. ROADS ARE NOT PART OF OPEN SPACE CALCULATIONS.
- a. General Open Space Requirements:
 - (1) Naturally Occurring Open Areas:
 - (A) Naturally occurring open areas are untouched or undeveloped areas existing in their natural state. Examples include slopes, riparian areas, floodplains, washes, and lava beds. The qualification of lands as naturally occurring areas in proposed developments is through the recommendation of the Planning Commission and approval of Town Council based

upon site visits, maps, drawings, pictures, etc.
Naturally occurring open areas are excluded from total open space and landscaping requirements of the proposed development.

- (B) If naturally occurring areas are deemed appropriate for development by the Town then landscaping and open space requirements, as defined herein, apply to said area to be developed.

(2) Common Open Space Areas:

- (A) Five percent (5%) of developed area must be dedicated as common open space as defined in this section. Specifically, common open space areas do not include areas where a charge may be made for use, such as a golf course, or access is limited due to runoff, such as retention basins or other areas that may be deemed restrictive as determined by the planning commission and Town council.

(3) Open Space Substitutions: Pedestrian and bicycle amenities may substitute for required open space in the following manner:

- (A) Dedicated bike path connecting to existing or planned bike route.
- (B) Open pedestrian bridge.
- (C) Raised pedestrian deck.

Each amenity may be substituted with a one to one (1:1) ratio related to square feet up to fifty percent (50%) of required open space.

7. Non-residential Standards and Requirements:

- a. Location: Location of commercial phases shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the zones, workers within the zones, and visitors. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include the lobby of a building containing other allowable uses. Strip commercial with front parking is generally not acceptable.
- b. Common Walls: Common walls between residential and nonresidential uses are required to be constructed so as to minimize the transmission of noise.
- c. Nuisances: No commercial use shall be designed or operated so as to expose residential uses to offensive odors, dust, electrical interference, and/or vibration.
- d. Outdoor Lighting: All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed

toward residential units and shall not include lighting that blinks, flashes, oscillates, or is of unusual brightness or intensity. Outdoor lighting will be directed downward unless otherwise approved in order to ensure the integrity of the night sky and preclude negative effects on surrounding property owners.

- e. Finishing Materials: Nonresidential planned development shall utilize masonry or decorative wood exterior finishing materials for, at a minimum, the front and sides of the building. If the rear of a building faces a public street or road, this side shall utilize a masonry or decorative wood exterior finish as well. Acceptable masonry finishing materials include brick, stucco, natural or cultured stone, decorative concrete, or terrazzo tile. Unfinished concrete, cinder block, metal panels, plywood, Masonite, and vinyl siding are not acceptable finishes.

I. Application Procedures and Requirements PD projects have five (5) distinct elements:

1. Preliminary Master Plan: Preliminary Master Plan review by staff is required and applicants are strongly encouraged, but not required, to submit the Preliminary Master Plan for review by the Planning Commission. Preliminary Master Plans provide a general concept of the project. There are no specific requirements for a Preliminary Master Plan because this step is provided solely for the benefit of the applicant to get an initial review and response to the project by staff and the Planning Commission. The level of detail is low because the applicant is seeking a general reaction to the concept and does not need to spend large amounts of money on detailed engineering drawings. However, it would be useful for the Preliminary Master Plan to indicate land use distribution, open space, circulation systems, a summary of residential and nonresidential density, and other major elements.
2. Master Plan: The Master Plan is the plan for the development of the entire planned development. The Master Plan shall identify the proposed general circulation/transportation facilities, land uses and proposed densities, and open spaces and natural site features to be preserved between phase locations. If only one phase of the project is proposed, the project must combine the requirements of the Master Plan and Phase Plans into one submittal. Proposed major streets and other circulation infrastructure along major corridors including sidewalks must be clearly indicated on the plan.

The Master Plan shall consist of a professionally designed schematic plan indicating the layout of the development and appropriate written text. Fifteen (15) copies of each graphic and written text in eleven inch by seventeen inch (11" x 17") format; and two (2) color renderings of the plan on thirty-six inch by forty-eight inch (36" x 48") clay coat or similar heavy-duty paper shall be submitted to the Town for review and approval. This plan shall contain the following elements:

- a. Master Plan Elements:
 - (1) Identify the boundary of the project property;

- (2) Provide a delineation of phases (if applicable) and acreage associated with each phase;
 - (3) Indicate total project site area and area by type of land use (i.e., residential, commercial, industrial, office, open space, utilities and right of way, other);
 - (4) Indicate proposed land uses including square footage or acreage and percentage of each component;
 - (5) Indicate the number of residential units and/or square footage of floor area of nonresidential uses by type (i.e., commercial and office);
 - (6) Indicate the density of uses within each land use component or phase using units per acre for residential uses and floor area ratio (FAR) for nonresidential components;
 - (7) Show a proposed vehicular and pedestrian circulation plan including entrances and exits and connections to vehicular and pedestrian facilities external to the project property. The project must have a reasonable mix of public and private roadways to maximize circulation efficiency (proposed right of way width and width of roadway must be shown).
 - (8) Show existing natural features of the site including rivers, lakes, ponds, streams, wetlands, steep slopes, mature trees and tree stands, topography at contour intervals of two feet (2'), and other natural features;
 - (9) Show where proposed open space will be provided by type of open spacelandscaping area, community green, plaza, formal or informal garden, natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project, also indicate where public open space will be provided and limits on accessibility;
 - (10) Indicate location of landscaping and buffers and lighting plan; and
 - (11) Typical elevations.
- b. Rezoning Application: In addition, the applicant shall provide a complete rezoning application and a cover letter requesting review of the Master Plan. The Master Plan shall be reviewed by staff and discussed in an informal meeting with the applicant to examine potential areas of nonconformity. Staff, upon review of the plan, will determine whether the project meets the intent of the district and includes the required elements. If the project does not meet with the intent or lacks required elements, staff may reject the Master Plan and notify developer of where deficiencies exist so corrections may be made. However, should the plan meet the intent and contain the required elements, staff will accept the Master Plan and provide the applicant with suggestions for changes and modifications, if any, that

will prepare the applicant for the submittal of Phase Plans. While the applicant may ask for more than one Master Plan review, at least one review is mandatory.

- c. Review of Master Plan by Planning Commission: After staff officially accepts the Master Plan (completed application submitted and full review by staff completed), the plan will be placed on the Planning Commission agenda provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) prior to the Planning Commission meeting. The Planning Commission shall review the Master Plan and make a recommendation on the plan and the rezoning of the property. The Planning Commission shall review the plan for the following elements: how the proposed project meets the purpose of a planned development as provided in subsection A of this section; how the proposed project meets the purpose of the specific planned development zones; the overall project density as well as the density of land use components; land use mix and percentages; general vehicular and pedestrian circulation including the location and capacity of the facilities and connections internally and externally; and open space type, amount and location. Other site and development design criteria shall be reviewed at the Preliminary Plat stage.
- d. Review of Master Plan by Town Council: Upon receiving a recommendation from the Planning Commission and before enacting an amendment to the zoning ordinance, the Town Council shall hold a public hearing thereon. If approved, the rezoning becomes effective and the Master Plan becomes the official plan of the district, which will determine how the Preliminary Plat isare developed.

3. Preliminary Plat :

a. A preliminary plat must be approved THAT INCLUDES all phases of the developmentdevelopment. All planned developments will consist of a Master plan identifying a number of areas of the site with unique or individual land use types. Each of these areas, if developed separately, will require separate set of construction plans and a final plat approval if they are to be subdivided or preliminary and final site plan if they are for commercial use. The Final Plat for each subdivided phase must be consistent with the Preliminary Plat and the Master Plan or the Master Plan and/or Preliminary Plat must be revised and re-approved by the Town. The Preliminary Plat application must follow the process outlines in 11.02.060 Preliminary Plat Process and the format outlined in 11.02.070.

After the Preliminary Plat. has been formally reviewed and accepted by staff, recommended for approval by Planning Commission and approved by the Town council, the applicant shall submit Construction Plans for the improvement of specific phase(s) of the project. Construction Plans may be submitted concurrently with a Master Plan if desired. They shall follow the process and requirements outlined in 11.02.080 Construction Drawings.

b. If the project is to be developed in more than one phase, each phase of the development shall be submitted for separate construction plan and final plat approvals as outlined above. Any proposed change from the approved Master Plan, or Preliminary Plat may require approval of a revised Master Plan or Preliminary Plat, which, except where Town council approval is required, may be concurrent with approval of the Preliminary Plat.c. Final Plat Approval: If land subdivision was required for a phase or land use area, the applicant shall submit an application for final plat approval using the criteria and procedures required under the Town's subdivision ordinance 11.02.090 and 11.02.100. Covenants, conditions and restrictions are required to be submitted at this time.d. Submittal of Subsequent Phases:1. If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the initial first phase, as outlined above. . Phases completed shall be shown with as built site renderings on the project locator map indicating what has been already developed.e. Amendments to Preliminary Plat: The Planning Commission shall make a recommendation to Town Council and the Town Council shall approve all amendments to the Preliminary Plat

4. Site Plan: A site plan shall be required for any of the following uses;

The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted.

Site plans must meet all of the requirements for site plan review submittal. Single-family residential lots are not required to submit a site plan for planning commission review. Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot. Site plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals for planned developments must also contain the following items:

- A. Provide a landscaping plan;
- B. Provide a plan showing how the lot relates to the approved Phase Plan including previously developed sites in the project, the location, required open space, ingress and egress to the lot from the rest of the phase and other adjacent land;
- C. Location of building(s); and
- D. Typical elevations.

Upon completion of the review process, recommendations shall be forwarded to the Town council for their consideration of the applicant's request for a development order.

- A. 1. Construction Drawings: Construction drawings must be reviewed and approved prior to construction.

The setback and height minimums and maximums listed below are intended to serve as a guide to the Planning Commission. Town council and the project developer in reviewing the standard requirements for development throughout the Town. Realizing that a specific planned development may vary significantly from these standards, through innovative and creative design, the Town council, upon recommendation from the planning commission, may adopt modifications to the above specifications as they see fit in order to provide harmony within a PD zone and as may be requested by the developer. Items of a life/safety nature (i.e., building separation as per fire code, and building code requirements) may not be modified. However, other elements of the plan may be approved according to the specific development plan, map and text being considered as a part of the PD zone change approval.

TABLE 1:

Base Density 1 Unit per Acre w/ 5% Open Space		
1.5 Units per Acre w/ 10% Open Space		
	2 Units per Acre w/ 20% Open Space	
		3 Units per Acre w/ 20% Open Space and 5% Contributed to Conservation Easement Area
Recreational Credit Items (Bold Items Credited to Open Space)		
100% Density Transfer Credit (Non Fee Public Access)		45% Density Transfer Credit (Recreation Fee Based Items)
Public Parks in excess of 3 acres.		Sports Complexes - such as: Baseball fields, soccer, Camping, equestrian facilities, Skate parks, BMX, water parks, Gun & archery clubs.
Trails; Bike, Pedestrian, Equestrian, ATV Access Trails leading to Public Lands.		
Ground donations for; Town, Churches, Schools, Building & Infrastructure for community benefit. Emergency Services, Fire, Ambulance, Police, Hospital.		Privately operated education center Such as nature center, museums.

TABLE 2: PLANNED DEVELOPMENT ZONE DIMENSIONAL
STANDARDS

	Zoning District
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	PDR	PDC	PDO
Project and Phase Dimensions:	None	None	None
Minimum Zone size (acres)	5	3	3
Base density (units/acre)	1	n/a	n/a
Minimum open space	5%	5%	5%
Minimum/maximum landscaped area	50%	50%	50%
Lot Area Dimension:			
Building setbacks, detached residences:			
Front setback	20 feet	-	-
Side setback	10 feet	-	-
Street side setback	20 feet	-	-
Rear setback	10 feet	-	-
Building setbacks, attached residences:			
Front setback	20 feet	-	-
Side setback	10 feet	-	-
Street side setback	20 feet	-	-
Rear setback	20 feet	-	-
Building setbacks, other uses:			
Front setback	20 feet	20 feet	20 feet
Side setback	10 feet	10 feet	10 feet
Street side setback	20 feet	20 feet	20 feet
Rear setback	10 feet	10 feet	10 feet
Minimum lot depth	100 feet	100 feet	100 feet
Principal building height	35 feet	35 feet	35 feet
Accessory building height	20 feet	20 feet	20 feet
Storefront development option:			
Front setback	None	None	None
		None	None

Side setback	None except 10 feet adjacent to residential districts	except 10 feet adjacent to residential districts	except 10 feet adjacent to residential districts
Street side setback	None	None	-
Rear setback	None	None	-
Minimum lot depth	100 feet	100 feet	-
Principal building height	35 feet	35 feet	-
Accessory building height	20 feet	20 feet	-
Minimum distance between buildings	10 feet	10 feet	-

AFTER REPEAL

10.10.120 Planned Development Zone

~~A. Purpose: The overall purpose of the planned development (PD) zone is to allow and encourage flexibility and creativity in the design and development of comprehensively planned projects, including but not limited to, cluster subdivisions that would not be possible under conventional zoning districts. The PD Zone requires creative and efficient subdivision designs that provide areas of open space and other desirable subdivision design features. The PD Zone is provided to promote efficiencies in the delivery of required infrastructure, facilities, and services, and reductions in initial subdivision development costs and long-term maintenance costs.~~

- ~~1. Provide for the planned, orderly, and efficient improvement of large, unique or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and/or historic features which may exist, from damage which might occur from development permitted by conventional zoning and subdivision regulations. Such features may include, but are not limited to, steep slopes, soils, streams and other water bodies, and pasturelands, wetlands, floodplains, historic structures or sites, cultural features, and scenic views.~~
- ~~2. Encourage protected open space to be accumulated into larger contiguous open space tracts that may be linked throughout the community.~~
- ~~3. Allow for a more efficient and imaginative development of a specific property.~~
- ~~4. Permit property to be used in a manner not sanctioned by the existing zoning regulations in harmony with and without detriment to neighboring properties.~~
- ~~5. Provide a review process by the planning commission, which will allow them an opportunity to evaluate whether the proposed development will be in harmony with the character of the neighborhood in which the development is~~

located:

6. Encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefits.
 7. Encourage better land utilization, economy in the provisions of roads and utilities, and flexibility in design.
 8. Encourage ingenuity and resourcefulness in project and site planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.
 9. Encourage the mixing of uses as appropriate including housing, neighborhood commercial, office, institutional, and other compatible uses.
 10. Discourage clearly incompatible land uses and prevent conflicts where such uses cannot be physically separated by the use of buffer strips and open space; gradations in the intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.
 11. Facilitate more affordable and efficient housing by providing possibilities for cost savings in infrastructure, installation costs, and energy costs through clustering of dwellings and other structures, and other means.
 12. Encourage pedestrian circulation within the project and connections with adjacent land uses.
 13. Provide long-range stability in the planning of public facilities and services for the area through the use of a master plan specifying the arrangement and schedule of the various lands use components and project phases.
- B. Types of Planned Development Zones: This section authorizes the following types of planned developments:

PDR Planned development residential zone

PDC Planned development commercial zone

PDO Planned development office zone

Opportunities for mixed use are provided for within each type of planned development zone. See the subsections of this section pertaining to each zone for details relating to mixed-use opportunities.

- C. Location and Siting of Planned Development: Planned developments are most appropriately located in developing areas where innovative site planning will have a positive impact on other adjacent developments and accomplish objectives of the Town's general plan.
- D. Designing a Planned Development Zone: The design of a planned development is a creative exercise that requires the designer to select from an array of elements available to assemble the development. A planned development project may consist of five (5) separate components. The required components will vary depending upon the elements planned for the project.
1. Preliminary Master Plan: General concept designed to elicit preliminary

~~feedback from staff and Planning Commission.~~

- ~~2. Master Plan: The overall concept plan/zoning plan for the development, locking in land uses, proposed circulation, and other elements.~~
- ~~3. Phase Plan: Individual phase(s) of the development.~~
- ~~4. Preliminary Plat: Layout of individual lot(s) or parcel(s) within a phase.~~
- ~~5. Construction Drawings: Construction drawings for items requiring review and approval by the utility providers, Town engineer and others.~~

E. Planned Development Residential Zone (PDR)

- ~~1. General Purpose and Description: The PDR district allows residential development in a manner open to and advocating innovation in design and layout. The principal uses of land in this district are residential with related recreational, cultural, neighborhood commercial and educational facilities normally required in providing the basic elements of a balanced, orderly, convenient, and attractive residential area.~~
- ~~2. Location of PDR Zones: PDR zones may be located where sufficient land and infrastructure exist or are planned which will allow for a development that meets the standards and requirements of this subsection. Planned developments should not be proposed on vacant lots lying between other single-family dwellings or single family developments.~~
- ~~3. Permitted Uses: No structure or land shall be used except for one or more of the following:-~~

~~Town facilities, including fire protection facilities, public works facilities, etc;~~

~~Detached units, including standard large lot single-family detached residences, zero lot line residences and cluster housing;~~

~~Townhouses. Conditional Uses: The following conditional uses may be approved at time of Final Plan or Phase plan. If a use changes from that approved, an amendment will be necessary. Assisted living or independent living care; Churches, with attendant educational and recreational buildings; Clubs, private and public, including, but not limited to, golf and country clubs; Home occupations as defined herein and approved by the planning commission. Neighborhood commercial uses in PDR zone under the following conditions:~~

- ~~a. Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. The minimum and maximum component of each use and types of uses within the development to be recommended by planning commission and approved by Town Council;~~
- ~~b. Provide sidewalks, at such widths as may be approved by the planning commission, and which will connect the pedestrian system within the project to sidewalks in existing development areas outside the project area;~~
- ~~c. Residential units above retail space are not included in density count;~~

~~but layout and numbers must be approved by planning commission;
also parking and access issues must be addressed;~~

~~Public libraries; Public utility structures, including distribution lines,
transformer stations, transmission towers, telephone exchanges and other
similar uses and structures; except warehouses, storage buildings, vehicle
maintenance, truck or road equipment storage, radio and television studios and
cell towers; Schools (private or public), offering general educational courses
similar to public elementary schools, high schools, and colleges, Timeshares
/fractional interests.~~

- ~~4. Dimensional Requirements: See table 2 of this section for dimensional requirements.~~

F. Planned Development Commercial Zone (PDC)

- ~~1. General Purpose and Description: The PDC zone provides for primarily commercial development in a manner encouraging innovation in site design and layout. The principal uses of land in this district are commercial with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.~~
- ~~2. Location of PDC Zones: PDC zones should be located adjacent to a major arterial roadway and be centrally located to serve a wide area of the community.~~
- ~~3. Permitted Uses: No building, structure, or land shall be used except for one or more of the following uses:~~

~~Bank or other similar financial institution;~~

~~City facilities, including fire protection facilities, public works facilities, etc.;~~

~~Convention center, meeting facility or other similar use;~~

~~Hotel, motel or bed and breakfast;~~

~~Recreation building or land including theaters;~~

~~Restaurant, including a dining club or other eating or drinking establishment;~~

~~Retail sales and the servicing or repair of items sold at retail, not including servicing or repair of automobiles;~~

~~Trade shop or service business such as shoe repair, dry cleaning or laundering service; pressing, altering, or tailoring of wearing apparel; radio, TV or appliance repair; watch or jewelry repair; barber or beauty shop.~~

- ~~4. Conditional Uses: The following conditional uses may be approved at time of Phase Plan or Master Plan. If a use changes from that approved, an amendment will be necessary.~~

~~Accessory structure;~~

~~Ambulance service;~~

~~Auto repair, completely enclosed;~~

~~Daycare facility;~~

~~Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. (The minimum and maximum component of each use and type of uses within the development to be approved by the planning commission. Office and residential uses must clearly be subordinate to the principal commercial use.);~~

~~Off street parking facilities;~~

~~Office, not including a wholesale outlet or storage of commodities;~~

~~Parking lot or garage as a principal use;~~

~~Public utility structure and lands;~~

~~Self-service laundry, laundry or dry cleaning processing facility.~~

5. ~~Dimensional Requirements: See table 2 of this section for general dimensional requirements.~~

~~G. Planned Development Office Zone (PDO)~~

1. ~~General Purpose and Description: The PDO zone provides for primarily office development in a manner encouraging innovation in design layout. The principal uses of land in this district are office with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive office area.~~
2. ~~Location of PDO Zone: PDO zones are most suitably located on arterial or nonresidential collector streets between uses of higher and lower intensity or in areas where other office uses are located. PDO zones can serve as an effective transitional area between a more intensive use, such as commercial or light industrial and residential uses. PDO zones should not be located at major street intersections but are more suitably sited in mid-block areas or interior areas of sites.~~
3. ~~Permitted Uses: No building, structure, or land shall be used except for one or more of the following:~~

~~Business service such as photocopying and related services, dental laboratory, or temporary employee service;~~

~~City facilities, including fire protection facilities, public works facilities, etc.;~~

~~Daycare facility;~~

~~Fine arts or performing arts studio or school;~~

~~Hospital or public health center;~~

~~Institution of higher education (college);~~

~~Library;~~

~~Medical or dental office or clinic;~~

~~Museum or art gallery;~~

~~Office, not including a wholesale outlet or storage of commodities;~~

~~Veterinary clinic or hospital (small animals only and in a completely enclosed building).~~

4. ~~Conditional Uses: The following conditional uses may be approved at the time of Phase Plan or Master Plan. If a use changes from that approved, an amendment will be necessary:~~

~~Accessory retail uses clearly subordinate to the principal use. Such uses shall be limited to the first floor and may not be established in separate buildings. The minimum and maximum component of each use to be approved by the planning commission. Examples include banks, newsstands, pharmacies, coffee shops, dry cleaners (without on-site cleaning plant), clothing store, and other similar uses approved by the Planning Commission.;~~

~~Ambulance service as an accessory use;~~

~~Church or other religious, fraternal, or social organizations;~~

~~Funeral home or crematorium;~~

~~Nursing or personal care home;~~

5. ~~Dimensional Requirements: See table 2 of this section for dimensional requirements.~~

- H. ~~Planned Development Standards and Requirements: All planned developments, in addition to meeting the intent of this section, as detailed in subsection A of this section, shall meet the following standards and such other requirements as are set forth with respect to each of the three (3) permitted types of uses. Setback standards specifically may be modified to allow creative development to occur provided a recommendation from the Planning Commission and motion from Town Council at the Master Plan~~

stage approving the request for such modifications is approved.

1. General Standards and Requirements:

- a. Preservation of Features: The development shall be compatible with existing topography of the land and shall preserve any unusual topography or natural features. Requests to waive this standard must be accompanied by a certified engineering report indicating that the proposed development is a significant community need that transcends the need to preserve the topography and/or features.
- b. Design Focus: The development shall utilize design and development features that would not be possible by the application of lot by lot zoning regulations.
- c. Land Disturbance: No alteration or disturbance of land in a planned development district or the natural or cultural resources thereon shall be permitted until the Master Plan has received approval from Town Council, preliminary plat or site plan and construction plans has been approved. Any subsequent land disturbance must be consistent with the approval granted by the Town Council.
- d. Subdivision Regulations: Land within a planned development shall be treated in its entirety as a subdivision and thus subject to the provisions of the Town of Apple Valley subdivision regulations, except as follows:
 - (1) Preliminary and Final plats shall follow the procedures and meet all of the requirements of the Town's subdivision ordinance which shall be supplemented by the requirements of this subsection. Wherever there is a conflict between the provisions of the subdivision ordinance and this ordinance, the more restrictive shall apply.
 - (2) Each planned development project in the approval process will identify how the property is intended to be subdivided; whether it will be a PDR, PDC, PDO, traditional subdivision, condominium or a combination of the above. This information is important, as it will affect the procedures required for formal approval of the project and subdivision of the land.
- e. The Master Plan approved and adopted by the Town Council pursuant to this section is intended to be utilized as a final plan in relation to the zoning, regulation, and development of properties designated therein. The design guidelines and standards approved and adopted by the Town Council pursuant to its adoption of the planned development Master Plan shall control and regulate the development and construction within the project. To the extent that the Master Plan does not specify the design or other standards applicable to the planned development, the generally adopted Town standards and specifications shall apply.

- f. ~~Intereconnectivity of Phases/Development Components: Each phase of the project shall not be isolated from adjacent phases or development components. Each phase shall be served by at least one public roadway that shall connect to all adjacent phases or development components. In addition, each phase or development components adjacent to land outside of the project boundary shall connect to such adjacent land if such a connection is available. If one phase cannot reasonably be connected to another via a public roadway, then a private road or drive shall be required. Such a private road must be open to the public at all times for travel to the adjacent phase area. The project must contain a minimum of two (2) primary access points from the outside. Any deviation from the requirement of two (2) primary access points must be recommended by the planning commission and approved by the Town Council.~~
- g. ~~Calculation of Density: Land uses for open space, common areas, and interior streets, drives, sidewalks, and other circulation ways may be included as part of the land area used for determining the number of dwelling units allowed, or the amount of required land. Land characterized by flood way, steep slopes, wetlands, or other un-buildable or sensitive lands may not be included as part of the land area for density calculations, including lands with a slope factor of 20% or greater overall slope, except that a twenty five percent (25%) density provision may be applied to the buildable portion of the development. Therefore, twenty five percent (25%) of the land area of the un-buildable area may be added to the buildable portion of the property to increase net density. Density is calculated for the project and for individual phases. Within phases, density for a specific phase may exceed that permitted provided that the overall density for the project meets the required maximum density. The phase with the highest density may not be the first phase developed. See Table 1.~~
- h. ~~General Private Deed Covenants: The entire planned development district shall be made subject to appropriate covenants, conditions and restrictions that shall be recorded as running with the land to assure the continuance and maintenance of the planned development in accordance with the approved plans and approved uses. See subsection h.2. "Ownership and Management Standards and Requirements", of this subsection for additional requirements and information. A copy of any covenants, conditions and restrictions must be submitted to Town to ensure that there is no conflict with zoning ordinance.~~

2. ~~Ownership and Management Standards and Requirements:~~

a. ~~Ownership and Management Control:~~

- (1) ~~Initial Ownership: If the property located in a planned development shall be owned individually or jointly, where the property is not intended to be resold in separate parcels, the~~

property shall be made subject to permanent covenants, conditions and restrictions requiring that the property be built and operated consistent with the approved planned development zone.

- (2) ~~Subdivided Properties: Properties in a planned development zone that are intended to be subdivided and sold in separate ownership shall be made subject to covenants, conditions and restrictions which shall require that the property be built and maintained consistent with the requirements of the planned development zone for the property. If the property shall have commonly owned properties, they shall be owned by an appropriate owners' association who shall be responsible for the ownership and maintenance of the project, consistent with the requirements of the zone. In this event, the owners' association shall be separately incorporated as a Utah nonprofit corporation with appropriate articles of incorporation and bylaws, and a declaration of covenants, conditions and restrictions that are subject to the approval of the town attorney of the Town of Apple Valley as being legally sufficient. In the event that the property shall be a condominium project, the property shall be made subject to a declaration of condominium and other documentation prepared pursuant to the requirements of the Utah Condominium Ownership Act and shall include a provision that the owners' association thereof shall manage the property consistent with the requirements of the planned development zone. Any property in a planned development zone that is intended for subdivision shall also comply with the requirement's of the Town of Apple Valley subdivision ordinance.~~

- (3) ~~Owner/Developer Responsibilities: Initial owners/developers of PD projects are responsible for the following elements of the project:~~

- ~~(A) Development and Maintenance: Development and maintenance of general common areas (this may be accomplished through the establishment of an owners' association, which the developer shall agree to manage until 75 percent of the lots or units are sold, at which point the responsibility will be turned over to the owners). Developer shall subsidize the association, until its financially able to function on its own:~~

- ~~(a) In the case of condominiumization or subdivision of the property, the developer~~

~~shall deed the common areas to the owners' association, free and clear of all liens or encumbrances, or in the case of a blanket lien, the lender shall subordinate its security interest in the project to the planned unit development or condominium plan. This shall be reflected in the declaration of covenants, conditions and restrictions (or declaration of condominium, as the case may be) that shall require this to be accomplished upon completion of construction of the project, provided that if at least forty percent (40%) of the units in the project have been sold, the developer shall also be required to make this conveyance. The Town of Apple Valley shall not be responsible to the unit or lot owners in the event that the conveyance is not actually made, but the documentation shall provide for this requirement, which shall confer upon any purchasing unit owners the right to enforce the deeding of the common areas as required just above.~~

- ~~(B) Arterials, Roadways, Related Infrastructures: Development of arterial and other major roadways and related infrastructures serving the development including the extension of utilities to serve the development including stubbing utilities and roads to adjacent properties as needed.~~
- ~~(C) Development of Management Plan: Development of a management plan including management association setup, and related responsibilities to assure that ownership and management standards are met in full.~~
- ~~(D) Approvals and Conditions: Obtain all approvals and comply with all conditions related to the PD and its elements.~~
- ~~(E) Landscaping and Open Space: All overall requirements such as landscaping and open space meet PD requirements.~~
- ~~(F) Change of Ownership: Any conditions attached to an approved PD plan or subdivision plat shall not lapse or be waived as a result of any subsequent change in tenancy or ownership of said land.~~

~~3. Infrastructure Standards and Requirements: Water, sewerage, street, electric,~~

~~and other required infrastructure shall be provided according to the requirements of the Town of Apple Valley subdivision ordinance and Town, Water District, sewer district and all utility companies construction design standards, or as may be recommended by the planning commission and approved by the Town Council for other purposes. Exceptions to Town standards and subdivision requirements relating exclusively to roadway design standards and layout must be supported by appropriate studies and approved by the Town Council pursuant to its adoption of the Master Plan and shall control and regulate the development and construction within the project as guidelines and standards specific to the project. The following infrastructure requirements are required as a part of all PD developments:~~

~~a. Roads/Streets: All interior streets and roads may be owned and maintained by the owners association of the development upon recommendation of the planning commission and approval of the Town Council. Private ownership of roads must be outlined in the Master Plan. All interior streets and roads must meet the Design standards and specifications for roads for the Town of Apple Valley as well as the following:~~

~~(1) The Town requires interior streets and sidewalks through the development and require that the interior streets and sidewalks connect to existing street and sidewalk infrastructure of the Town, unless otherwise approved in the Master Plan. (Town of Apple Valley standards and specification's)~~

~~(2) The provision and/or design of streets is subject to review and a recommendation by the planning commission and approval of the Town Council, which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower right of way, pavement widths, medians, traffic calming features, etc., and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant (based upon appropriate traffic engineering studies) and/or verified by the Planning Commission. Such modifications and exceptions must be outlined as part of the Master Plan.~~

~~b. Sidewalks: Sidewalks shall be provided according to the requirements of the Town of Apple Valley's specifications and standards. Sidewalks will be owned and maintained by the owners association or the Town, as outlined in the Master Plan.~~

~~c. Parking:~~

~~(1) Conflict between Provisions: Wherever there is a conflict between the provisions of AVL 10.16 "Off Street Parking Requirements", and this subsection, the more restrictive shall govern unless otherwise recommended by the planning~~

commission and approved by the Town council.

(2) ~~Spaces Physically Separated:~~ Spaces calculated for residential units, commercial uses, and other permanent spaces shall be physically separated and dedicated exclusively for that use, excluding mixed use components.

(3) ~~Shared Parking:~~ A shared parking plan may be submitted which indicates a shared parking formula and supporting information. Up to thirty percent (30%) of the total combined required parking may be waived with an approved plan.

(4) ~~Location of Parking:~~ Parking for PD developments shall be located to the rear, a mixture of side and rear, or underground.

(5) ~~Illumination of Parking:~~ All parking areas shall be illuminated with light to be focused down so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the PD development nor to uses adjacent or nearby the PD development. Wherever there is a conflict between the provisions of AVL 10.26 "Outdoor Lighting Ordinance," and this subsection, the more restrictive shall govern unless otherwise recommended by the Planning Commission and approved by the Town Council.

d. ~~Utilities:~~ All utility lines in a PD project shall be placed underground.

4. ~~Landscaping Standards and Requirements:~~ Minimum standards for landscaping in PD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed development together.

The Town has certain water conservation requirements it is passing on to Builders and individual homeowners. In general, area homeowners in the past have utilized approximately fifty percent of their water consumption outdoors. Non-residential activities also tend to use substantial amounts of water outdoors. For these reasons, landscaping is an important aspect of creating a water-efficient community.

A landscaping concept, which is intended to transform typical landscaping techniques, known as "Xeriscape" is a water-efficient landscape concept that involves landscaping with drought-tolerant plants that are either native to the region or suitable to the climate and then providing irrigation to those plants appropriately. Native plants normally get all or most of their water from rainfall. Thirsty plants from other climates often demand much more water and, therefore, are not suitable for use in this type of landscape.

5. ~~Landscape Concept/Theme:~~

a. A landscaping plan must be submitted as part of the Master Plan. The level of detail is general in nature illustrating themes, locations and

other elements within the overall project. This can be a separate plan or may be integrated with the Master Plan requirements as part of the Master Plan submittal. The Preliminary Plat shall show landscaping in more detail, but calculations and landscape details shall be part of the construction drawings for each phase.

- b. Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the development.
 - c. Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.
 - d. For commercial developments, the area between the curb and the setback line shall be landscaped except for areas where the sidewalk extends from the curb to the front of the building, and is part of the sidewalk plan approved by the Planning Commission.
 - e. A minimum of forty percent (40%) of the project open space shall be landscaped utilizing Xeriscaping and traditional landscaping, or non-Xeriscaping, may account for ten percent (10%) of the total landscaping. Xeriscaping is encouraged and permitted to be utilized in order to meet the minimum landscape percentage requirement.
 - f. Up to fifty percent (50%) of areas allowing general public access may be used to meet landscaping requirements detailed in this section, this credit must be recommended by the Planning Commission and approved by the Town Council.
 - g. See general open space requirements below for additional landscaping requirements.
 - h. Deviations from these requirements may be approved upon recommendation of the Planning Commission and approval of the Town Council, based upon special circumstances enumerated in the recommendation and approval of the deviation.
6. Open Space Standards and Requirements: Common open space is an important element in any planned development serving to provide resting and gathering places, recreation areas, aesthetic complements, storm water percolation areas, and other purposes. Open space for the purpose of the PDR district shall be defined as a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, scenic, recreational, resting, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public. Open space may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or adjacent landowners, or a general appearance of openness. **ROADS ARE NOT PART OF OPEN SPACE CALCULATIONS.**

- a. General Open Space Requirements:

(1) Naturally Occurring Open Areas:

(A) Naturally occurring open areas are untouched or undeveloped areas existing in their natural state. Examples include slopes, riparian areas, floodplains, washes, and lava beds. The qualification of lands as naturally occurring areas in proposed developments is through the recommendation of the Planning Commission and approval of Town Council based upon site visits, maps, drawings, pictures, etc. Naturally occurring open areas are excluded from total open space and landscaping requirements of the proposed development.

(B) If naturally occurring areas are deemed appropriate for development by the Town then landscaping and open space requirements, as defined herein, apply to said area to be developed.

(2) Common Open Space Areas:

(A) Five percent (5%) of developed area must be dedicated as common open space as defined in this section. Specifically, common open space areas do not include areas where a charge may be made for use, such as a golf course, or access is limited due to runoff, such as retention basins or other areas that may be deemed restrictive as determined by the planning commission and Town council.

(3) Open Space Substitutions: Pedestrian and bicycle amenities may substitute for required open space in the following manner:

(A) Dedicated bike path connecting to existing or planned bike route.

(B) Open pedestrian bridge.

(C) Raised pedestrian deck.

Each amenity may be substituted with a one to one (1:1) ratio related to square feet up to fifty percent (50%) of required open space.

7. Non-residential Standards and Requirements:

a. Location: Location of commercial phases shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the zones, workers within the zones, and visitors. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include the lobby of a building containing other allowable uses. Strip commercial with front parking is generally not acceptable.

b. Common Walls: Common walls between residential and nonresidential uses are required to be constructed so as to minimize

~~the transmission of noise.~~

~~e. Nuisances: No commercial use shall be designed or operated so as to expose residential uses to offensive odors, dust, electrical interference, and/or vibration.~~

~~d. Outdoor Lighting: All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed toward residential units and shall not include lighting that blinks, flashes, oscillates, or is of unusual brightness or intensity. Outdoor lighting will be directed downward unless otherwise approved in order to ensure the integrity of the night sky and preclude negative effects on surrounding property owners.~~

~~e. Finishing Materials: Nonresidential planned development shall utilize masonry or decorative wood exterior finishing materials for, at a minimum, the front and sides of the building. If the rear of a building faces a public street or road, this side shall utilize a masonry or decorative wood exterior finish as well. Acceptable masonry finishing materials include brick, stucco, natural or cultured stone, decorative concrete, or terrazzo tile. Unfinished concrete, cinder block, metal panels, plywood, Masonite, and vinyl siding are not acceptable finishes.~~

~~I. Application Procedures and Requirements PD projects have five (5) distinct elements:~~

~~1. Preliminary Master Plan: Preliminary Master Plan review by staff is required and applicants are strongly encouraged, but not required, to submit the Preliminary Master Plan for review by the Planning Commission. Preliminary Master Plans provide a general concept of the project. There are no specific requirements for a Preliminary Master Plan because this step is provided solely for the benefit of the applicant to get an initial review and response to the project by staff and the Planning Commission. The level of detail is low because the applicant is seeking a general reaction to the concept and does not need to spend large amounts of money on detailed engineering drawings. However, it would be useful for the Preliminary Master Plan to indicate land use distribution, open space, circulation systems, a summary of residential and nonresidential density, and other major elements.~~

~~2. Master Plan: The Master Plan is the plan for the development of the entire planned development. The Master Plan shall identify the proposed general circulation/transportation facilities, land uses and proposed densities, and open spaces and natural site features to be preserved between phase locations. If only one phase of the project is proposed, the project must combine the requirements of the Master Plan and Phase Plans into one submittal. Proposed major streets and other circulation infrastructure along major corridors including sidewalks must be clearly indicated on the plan.~~

The Master Plan shall consist of a professionally designed schematic plan indicating the layout of the development and appropriate written text. Fifteen (15) copies of each graphic and written text in eleven inch by seventeen inch (11" x 17") format; and two (2) color renderings of the plan on thirty-six inch by forty-eight inch (36" x 48") clay coat or similar heavy-duty paper shall be submitted to the Town for review and approval. This plan shall contain the following elements:

a. Master Plan Elements:

- (1) Identify the boundary of the project property;
- (2) Provide a delineation of phases (if applicable) and acreage associated with each phase;
- (3) Indicate total project site area and area by type of land use (i.e., residential, commercial, industrial, office, open space, utilities and right of way, other);
- (4) Indicate proposed land uses including square footage or acreage and percentage of each component;
- (5) Indicate the number of residential units and/or square footage of floor area of nonresidential uses by type (i.e., commercial and office);
- (6) Indicate the density of uses within each land use component or phase using units per acre for residential uses and floor area ratio (FAR) for nonresidential components;
- (7) Show a proposed vehicular and pedestrian circulation plan including entrances and exits and connections to vehicular and pedestrian facilities external to the project property. The project must have a reasonable mix of public and private roadways to maximize circulation efficiency (proposed right of way width and width of roadway must be shown);
- (8) Show existing natural features of the site including rivers, lakes, ponds, streams, wetlands, steep slopes, mature trees and tree stands, topography at contour intervals of two feet (2'), and other natural features;
- (9) Show where proposed open space will be provided by type of open space/landscaping area, community green, plaza, formal or informal garden, natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project, also indicate where public open space will be provided and limits on accessibility;
- (10) Indicate location of landscaping and buffers and lighting plan; and
- (11) Typical elevations.

b. Rezoning Application: In addition, the applicant shall provide a complete rezoning application and a cover letter requesting review of the Master Plan. The Master Plan shall be reviewed by staff and

~~discussed in an informal meeting with the applicant to examine potential areas of nonconformity. Staff, upon review of the plan, will determine whether the project meets the intent of the district and includes the required elements. If the project does not meet with the intent or lacks required elements, staff may reject the Master Plan and notify developer of where deficiencies exist so corrections may be made. However, should the plan meet the intent and contain the required elements, staff will accept the Master Plan and provide the applicant with suggestions for changes and modifications, if any, that will prepare the applicant for the submittal of Phase Plans. While the applicant may ask for more than one Master Plan review, at least one review is mandatory.~~

- ~~e. Review of Master Plan by Planning Commission: After staff officially accepts the Master Plan (completed application submitted and full review by staff completed), the plan will be placed on the Planning Commission agenda provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) prior to the Planning Commission meeting. The Planning Commission shall review the Master Plan and make a recommendation on the plan and the rezoning of the property. The Planning Commission shall review the plan for the following elements: how the proposed project meets the purpose of a planned development as provided in subsection A of this section; how the proposed project meets the purpose of the specific planned development zones; the overall project density as well as the density of land use components; land use mix and percentages; general vehicular and pedestrian circulation including the location and capacity of the facilities and connections internally and externally; and open space type, amount and location. Other site and development design criteria shall be reviewed at the Preliminary Plat stage.~~
- ~~d. Review of Master Plan by Town Council: Upon receiving a recommendation from the Planning Commission and before enacting an amendment to the zoning ordinance, the Town Council shall hold a public hearing thereon. If approved, the rezoning becomes effective and the Master Plan becomes the official plan of the district, which will determine how the Preliminary Plat isare developed.~~

~~3. Preliminary Plat:~~

~~a. A preliminary plat must be approved THAT INCLUDES all phases of the developmentdevelopment. All planned developments will consist of a Master plan identifying a number of areas of the site with unique or individual land use types. Each of these areas, if developed separately, will require separate set of construction plans and a final plat approval if they are to be subdivided or preliminary and final site plan if they are for commercial use. The Final Plat for each subdivided phase must be consistent with the Preliminary Plat and the Master Plan or the Master Plan and/or Preliminary Plat must be revised and re-approved by the Town. The Preliminary Plat application must follow the process outlines in 11.02.060 Preliminary Plat Process and the format outlined in 11.02.070.~~

~~After the Preliminary Plat has been formally reviewed and accepted by staff, recommended for approval by Planning Commission and approved by the Town council, the applicant shall submit Construction Plans for the improvement of specific phase(s) of the project. Construction Plans may be submitted concurrently with a Master Plan if desired. They shall follow the process and requirements outlined in 11.02.080 Construction Drawings.~~

~~b. If the project is to be developed in more than one phase, each phase of the development shall be submitted for separate construction plan and final plat approvals as outlined above. Any proposed change from the approved Master Plan, or Preliminary Plat may require approval of a revised Master Plan or Preliminary Plat, which, except where Town council approval is required, may be concurrent with approval of the Preliminary Plat.~~
~~c. Final Plat Approval: If land subdivision was required for a phase or land use area, the applicant shall submit an application for final plat approval using the criteria and procedures required under the Town's subdivision ordinance 11.02.090 and 11.02.100. Covenants, conditions and restrictions are required to be submitted at this time.~~
~~d. Submittal of Subsequent Phases: 1. If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the initial first phase, as outlined above. . Phases completed shall be shown with as built site renderings on the project locator map indicating what has been already developed.~~
~~e. Amendments to Preliminary Plat: The Planning Commission shall make a recommendation to Town Council and the Town Council shall approve all amendments to the Preliminary Plat~~

4. Site Plan: A site plan shall be required for any of the following uses;

The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted.

Site plans must meet all of the requirements for site plan review submittal. Single-family residential lots are not required to submit a site plan for planning commission review. Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot. Site plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals for planned developments must also contain the following items:

- A. Provide a landscaping plan;
- B. Provide a plan showing how the lot relates to the approved Phase Plan including previously developed sites in the project, the location, required open space, ingress and egress to the lot from the rest of the phase and other adjacent land;
- C. Location of building(s); and
- D. Typical elevations.

Upon completion of the review process, recommendations shall be forwarded to the Town council for their consideration of the applicant's request for a development order.

- A. 1. Construction Drawings: Construction drawings must be reviewed and approved prior to construction.

The setback and height minimums and maximums listed below are intended to serve as a guide to the Planning Commission. Town council and the project developer in reviewing the standard requirements for development throughout the Town. Realizing that a specific planned development may vary significantly from these standards, through innovative and creative design, the Town council, upon recommendation from the planning commission, may adopt modifications to the above specifications as they see fit in order to provide harmony within a PD zone and as may be requested by the developer. Items of a life/safety nature (i.e., building separation as per fire code, and building code requirements) may not be modified. However, other elements of the plan may be approved according to the specific development plan, map and text being considered as a part of the PD zone change approval.

TABLE 1:

Base Density 1 Unit per Acre w/ 5% Open Space		
1.5 Units per Acre w/ 10% Open Space		
	2 Units per Acre w/ 20% Open Space	
		3 Units per Acre w/ 20% Open Space and 5% Contributed to Conservation Easement Area
Recreational Credit Items (Bold Items Credited to Open Space)		
100% Density Transfer Credit (Non Fee Public Access)		45% Density Transfer Credit (Recreation Fee Based Items)
Public Parks in excess of 3 acres:	-	Sports Complexes- such as: Baseball fields; soccer, Camping; equestrian facilities; Skate parks, BMX; water parks, Gun & archery clubs.
Trails; Bike, Pedestrian; Equestrian, ATV Access Trails leading to Public Lands:		
Ground donations for; Town, Churches; Schools, Building & Infrastructure for community benefit. Emergency Services; Fire, Ambulance; Police, Hospital:		Privately operated education center Such as nature center; museums.

TABLE 2: PLANNED DEVELOPMENT ZONE DIMENSIONAL STANDARDS

	Zoning District		

PDR	PDC	PDO	
Project and Phase Dimensions:	None	None	None
Minimum Zone size (acres)	5	3	3
Base density (units/acre)	1	n/a	n/a
Minimum open space	5%	5%	5%
Minimum/maximum landscaped area	50%	50%	50%
Lot Area Dimension:			
Building setbacks, detached residences:			
Front setback	20 feet	-	-
Side setback	10 feet	-	-
Street side setback	20 feet	-	-
Rear setback	10 feet	-	-
Building setbacks, attached residences:	-	-	-
Front setback	20 feet	-	-
Side setback	10 feet	-	-
Street side setback	20 feet	-	-
Rear setback	20 feet	-	-
Building setbacks, other uses:	-	-	-
Front setback	20 feet	20 feet	20 feet
Side setback	10 feet	10 feet	10 feet
Street side setback	20 feet	20 feet	20 feet
Rear setback	10 feet	10 feet	10 feet
Minimum lot depth	100 feet	100 feet	100 feet
Principal building height	35 feet	35 feet	35 feet
Accessory building height	20 feet	20 feet	20 feet
Storefront development option:	-	-	-
Front setback	None	None	None
	None except	None	None

Side setback	10 feet adjacent to residential districts	except 10 feet adjacent to residential districts	except 10 feet adjacent to residential districts
Street side setback	None	None	-
Rear setback	None	None	-
Minimum lot depth	100 feet	100 feet	-
Principal building height	35 feet	35 feet	-
Accessory building height	20 feet	20 feet	-
Minimum distance between buildings	10 feet	10 feet	-

B.

SECTION 2: **ADOPTION** “10.10.121 Purpose And Objectives” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.121 Purpose And Objectives (Non-existent)

AFTER ADOPTION

10.10.121 Purpose And Objectives(*Added*)

- A. Purpose. The planned development overlay zone is a floating zone that is unmapped until applied to specific property in accordance with the provisions of this chapter. It is intended to allow development design flexibility, integration of mutually compatible uses, consolidation of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations. To achieve these purposes, a planned development should be planned as one complex land use with a common architectural design theme that provides variety with architectural compatibility, rather than as an aggregation of individual, unrelated buildings located on separate, unrelated lots.
- B. Objectives. Objectives to be accomplished under the provisions of this chapter include:

1. Create more attractive and desirable environments within the Town.
2. Allow a variety of housing types in one development project.
3. Encourage variety in physical development patterns, including flexibility in building location.
4. Preserve open space for visual enjoyment and recreational use.
5. Encourage development on a large scale, since the purposes of a planned development can be best realized in large scale developments.

SECTION 3: **ADOPTION** “10.10.122 Scope” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.122 Scope (Non-existent)

AFTER ADOPTION

10.10.122 Scope(*Added*)

- A. The requirements of this chapter shall apply to any planned development within the Town. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, or other laws except to the extent such provisions are altered by the requirements of this chapter.

SECTION 4: **ADOPTION** “10.10.123 Minimum Acreage” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.123 Minimum Acreage (Non-existent)

AFTER ADOPTION

10.10.123 Minimum Acreage(*Added*)

- A. The planned development overlay zone shall be applied only to projects consisting of at least five acres.

SECTION 5: **ADOPTION** “10.10.124 Use In Combination With Underlying Zone” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.124 Use In Combination With Underlying Zone (Non-existent)

AFTER ADOPTION

10.10.124 Use In Combination With Underlying Zone(*Added*)

The planned development overlay zone may be used in combination with any zone subject to the requirements of this chapter.

- A. Provisions supplementary. The provisions of the planned development overlay zone shall be supplementary to the provisions of the zone with which it is combined and shall not be applied to any land area as an independent zone.
- B. Zone designation. The planned development overlay zone designation shall be shown on the official zoning map in parentheses as a suffix to the zone designation with which it is combined. For example, if the planned development overlay zone were being combined with the commercial (C-1) zone, it would be designated on the official zoning map as "C-1 (PD)."

SECTION 6: **ADOPTION** “10.10.125 Uses Allowed” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.125 Uses Allowed (Non-existent)

AFTER ADOPTION

10.10.125 Uses Allowed(*Added*)

Uses allowed in a planned development overlay zone shall be limited to those permitted or conditional uses set forth in the zone with which the planned development overlay zone is combined and the uses set forth in this section. Any conditional use shall be subject to the issuance of a conditional use permit as set forth in this title.

- A. Density. Multiple-family dwellings shall be a permitted use in a planned development overlay zone provided total density in a particular planned development project does not exceed the greater of:

1. The density permitted by the underlying zone in which the project is situated;
or
 2. The density authorized by a density bonus pursuant to subsection 10-10-128C of this chapter.
- B. Accessory uses. Accessory uses located in a common main building may be permitted. Accessory uses may include recreational facilities and structures, daycare centers, personal services, and RV parking.
- C. Commercial uses. Any commercial use shown in 10.10.030 of this title may be permitted within a planned unit development provided such use is:
1. Specifically authorized as part of a site plan approved pursuant to the provisions of this chapter; and
 2. Designed as an integral element of the planned development, including building and landscaping design which is consistent with design elements of the development.

SECTION 7: AMENDMENT “10.10.127 Approval Of Planned Development Overlay Zone” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.127 Approval Of Planned Development Overlay Zone

AFTER AMENDMENT

10.10.127 Approval Of Planned Development Overlay Zone

- A. Approval procedure. Land shall be placed in a planned development overlay zone pursuant to a zoning map amendment as set forth in Section 10.07.070. The a preliminary site plan shall be submitted in conjunction with an application for a zoning map amendment.
- B. Approval criteria. Submittal of an application for a planned development overlay zone does not guarantee that the zone or a preliminary site plan will be approved. A zoning map amendment and preliminary site plan may be approved only if the Town Council, after receiving a recommendation from the Planning Commission, finds:
1. The proposed planned development overlay zone and associated preliminary site plan:
 - a. Does not conflict with any applicable policy of the Town general plan;
 - b. Meets the spirit and intent of this chapter as set forth in section 10-10-121 of this chapter;
 - c. Will allow integrated planning and design of the property and, on the whole, better development than would be possible under conventional land use regulations;

- d. Meets the use limitations and other requirements of the zone with which the planned development overlay zone is combined, except as otherwise allowed by this chapter;
 - e. Meets the density limitations of the underlying zone, unless a density bonus is granted pursuant to the provisions of this chapter; and
 - f. If a density bonus is authorized, provides superior site design and increased amenities, as provided in subsection 10-10-128C of this chapter, which ameliorate the potential impact of increased density; and
 - 2. The applicant has:
 - a. Sufficient control over the property to be developed to ensure development will occur as approved;
 - b. The financial capability to carry out the planned development project; and
 - c. The capability to start construction within one year of final plan approval.
 - C. Imposition of conditions. In order to make findings necessary to approve a planned development overlay zone, conditions of approval may be imposed on a preliminary site plan to assure the planned development will:
 - 1. Accomplish the purpose of this chapter;
 - 2. Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and
 - 3. Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this chapter and as shown on an approved preliminary site plan for the planned development.
 - D. Site plan approval. Within 12 months after approval of a planned development overlay zone and a corresponding preliminary site plan, and before the issuance of any building permit, an applicant shall obtain approval of a site plan pursuant to Section 10.07.100 and 10.02.070.
 - 1. A planned development may be constructed in phases as shown on an approved preliminary site plan. In such case, a site plan shall be submitted for each phase.
 - 2. At its discretion and for good cause, the Planning Commission may extend for 12 months for one time only the period for filing a site plan, or in the case of a phased planned development, a site plan for the first phase. If these time requirements are not met, the preliminary site plan approval shall be deemed revoked and the property may be rezoned to remove the planned development overlay zone.
 - E. Subdivision requirements. An application for subdivision approval may proceed concurrently with an application for a planned development. Compliance with the requirements of this chapter does not exempt any applicant from meeting the requirements of Title 11 except as may be amended by the provisions of this chapter.
 - F. Construction limitations. Upon approval of a site plan for a planned development, construction shall proceed in accordance with approved plans and specifications, and in conformity with any conditions associated with preliminary plan or site plan

approval. No permit shall be issued for any proposed building, structure or use within a planned development unless such building, structure or use accords with the approved preliminary plan and site plan and with any conditions imposed in conjunction with such approvals.

- G. Amendments. Amendments to approved plans and specifications shall be obtained by following the procedure required for preliminary plan approval.

SECTION 8: **ADOPTION** “10.10.128 Density” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.128 Density (Non-existent)

AFTER ADOPTION

10.10.128 Density(*Added*)

- A. Base density. Base density for a planned development shall be determined as set forth in subsection B of this section. Provided, however, that base density shall not exceed the density permitted in the underlying zone in which the planned development will be situated.
- B. Base density calculation. Base density shall be determined by calculating the number of dwelling units that could be developed on lots in a conventional subdivision under the provisions of the underlying zone where the planned development will be located (referred to as the "yield plan").
1. The yield plan shall be prepared as a conceptual plan based on requirements of this Code that pertain to a conventional subdivision and shall reflect the dimensional (lot area, frontage, width, setbacks, etc.) and other standards of the underlying zone in which the proposed planned development will be located.
 2. The yield plan shall be drawn to scale, but need not be based on a field survey. Each yield plan shall, however, exhibit a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements and other encumbrances on the property and any other regulatory requirements applicable to the property.
- C. Density bonus. The Town Council, after receiving a recommendation from the Planning Commission, may authorize a density bonus of up to 20 percent above the base density for a planned development. The purpose of a density bonus is to provide an incentive to an applicant to provide amenities that are not required by this chapter or

the applicable underlying zone, and which otherwise would not be provided.

1. The basis for granting a density bonus shall be included in the findings required to approve a planned development set forth in subsection 10-10-127B of this chapter.
2. A density bonus may be authorized based upon provision of one or more of the following amenities. The maximum density bonus granted for any one class of amenities shall not exceed the percentage indicated.

a. Enhanced overall design theme (up to five percent):

- (1) Landscaping is designed and installed along all streets of the development according to a theme which provides overall design unity;
- (2) Theme lighting is used throughout the development for street lighting, walkway lighting, parking areas, entrances, and building exteriors;
- (3) Perimeter fencing is used throughout the project that matches building design, such as, masonry columns or piers using the same brick or stone as the buildings; and
- (4) Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong design theme for the development and are utilized in highly visible locations.

b. Improved building design (up to five percent):

- (1) Seventy-five percent of the front exterior of each dwelling, exclusive of windows or doors, consists of brick or stone;
- (2) Required parking for each unit is provided within a garage.

c. Improved energy efficiency (up to five percent):

- (1) Dwellings and main buildings have insulation greater than R-19 in walls and R-38 in ceilings; and
- (2) Dwellings are designed with an active or passive solar feature, including, but not limited to, solar water heaters, Trombe walls, earth insulation of building walls.

d. Parking upgrades (up to five percent):

- (1) Parking lots are screened from public view by means of increased berming or landscaping around the parking lot perimeter;
- (2) Parking lots have landscaped islands beyond the minimum required by this title;
- (3) Additional and/or larger trees that will shade 50 percent of the parking area upon tree maturation; and
- (4) Provision of screened recreational vehicle parking areas.

e. Provision of usable open space (up to five percent):

- (1) Open space is integrated into the entire development and is connected to developed areas by a system of trails and walkways; and
- (2) Stormwater detention facilities are designed, landscaped, and

used for multiple purposes that are consistent with the overall design of the planned development and which reduce the perception of the area as a stormwater detention pond.

f. Provision of recreational facilities (up to five percent):

(1) The planned development includes recreational amenities primarily for the use by residents of the development, including swimming pools, sports courts, spas, barbecue and picnic facilities;

(2) Development of one or more common buildings used for meetings, indoor recreation, daycare, or other common uses; and

(3) Dedication and improvement of land for a publicly accessible park or trail system, subject to acceptance by the Town.

g. Increased landscaping (up to five percent):

(1) Planting more than the minimum number of trees, shrubs, and other landscaping required by this title; and

(2) Use of landscaping to soften the appearance of wood or masonry fences and walls.

h. Utilization of recommended design and compatibility guidelines set forth in the Town Design Standards (up to five percent).

SECTION 9: ADOPTION “10.10.129 Residential Development Standards”
of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.129 Residential Development Standards (Non-existent)

AFTER ADOPTION

10.10.129 Residential Development Standards(*Added*)

The development standards set forth in this section shall apply to any planned development and shall prevail over any contrary standard established in residential zones of this title.

A. Residential use types. Residential use types within a planned development shall be shown on an approved site plan and may include one or more of the following:

1. Single-family detached dwelling. This dwelling type consists of a single-family dwelling located on a privately owned lot which is not attached to another dwelling unit and has a private yard on all four sides of the dwelling.
2. Twin home dwelling. This dwelling type consists of a single-family dwelling

- which has one common wall with another dwelling.
3. Townhouse dwelling. This dwelling type consists of three or more single family dwelling units where each unit has its own front and rear exterior access, no unit is located above or below another unit, and each unit is separated from any other dwelling unit by one or more common walls.
 4. Multiple dwelling. This dwelling type consists of single-family dwelling units arranged in a variety of configurations including back to back, side to side, or vertically.
- B. Lot area and width. A planned development shall not be subject to the lot width and lot area requirements of the underlying zone in which the development is located. The area and widths of lots shall be shown on an approved site plan.
- C. Lot and dwelling location requirements. Where possible, dwelling lots should be accessed from interior streets rather than from roads bordering a planned development.
- D. Required yards. Minimum required yards shall be as follows:
1. Front yard.
 - a. Dwellings: Nineteen (19) feet from back of curb.
 - b. Garages with doors facing the street: at least twenty (20) feet from back of sidewalk to accommodate cars parked in driveways.
 2. Side yard.
 - a. Single-family dwelling: five (5) feet.
 - b. Accessory buildings: three (3) feet from a property line and ten (10) feet from a dwelling located on the same lot or property.
 - c. All other uses: ten (10) feet.
 3. Aggregate side yard (on the same lot).
 - a. Single-family dwelling and twin home: fifteen (15) feet.
 - b. All other structures: twenty (20) feet.
 - c. All other uses: ten (10) feet.
 4. Rear yard.
 - a. Single-family dwelling: ten (10) feet.
 - b. Garages and accessory buildings located ten (10) feet from main building: five (5) feet.
 - c. All other structures: ten (10) feet.
- E. Distance between buildings. The minimum distance between main buildings shall be ten (10) feet. Main buildings include all buildings in a common area. The minimum distance between accessory buildings, such as garages, may be four (4) feet if the accessory building is located at least ten (10) feet from a main building.
- F. Tract perimeter setback and buffer requirements. Structures shall be situated so as to maintain a minimum setback from any tract property line equivalent to the front rear yard setback of the adjoining zone.
- G. Walls and fences. Walls and fences may be required around the perimeter of a planned development where the development abuts an adjacent zone.
- H. Height of buildings. The maximum residential building height permitted in the underlying zone shall apply unless the terms of a development agreement have set other standards.

I. Commercial and industrial. Development standards for commercial and industrial uses shall be the same as for AVLU 10.10.030 Commercial and AVLU 10.10.040 Industrial zones.

J. Common areas.

1. Areas intended for public use shall be freely accessible from streets and/or other common areas that have unrestricted entry. Areas intended for restricted use shall be interspersed within residential development so as to convey a sense of openness within the planned development. Residential development may not totally exclude open space from fronting onto streets at appropriate intervals.
2. Common areas shall include all jointly used recreation areas and related landscaping provided for the use and/or visual enjoyment of the residents of the project. Common recreation areas shall be located and improved so they may be readily accessed and used by residents of the dwelling units they are intended to serve. Where necessary, walls or landscaping may be required to protect the privacy of adjoining residents.
3. Common areas may include:
 - a. Natural areas of undisturbed vegetation or areas replanted with vegetation after development.
 - (1) Use and maintenance shall be limited to removal of litter and accumulated plant material.
 - (2) Natural waterways and drainage channels shall be maintained as free flowing and devoid of debris.
 - (3) Stream channels shall conform to the town stormwater management requirements and be maintained so as not to alter floodplain levels.
 - b. Agricultural uses where conditions are suitable for agricultural production. Minimum areas for agricultural use designation shall be five acres.
 - c. Garden plots for use by residents.
 - d. Greenways, including pedestrian-ways, bike paths and equestrian trails linking residential areas with other open space uses.
 - e. Recreation areas designed for specific recreational activities such as children's play areas, playing fields, tennis courts, and similar facilities.
 - f. Stormwater control and management areas that are designed, landscaped, and used for multiple purposes that are consistent with the overall design of the planned development and which reduce the perception of the area as a stormwater detention pond.
 - g. Roads, buildings and other impervious surfaces as needed to support common open space use. A determination as to whether the roads, buildings or other impervious surfaces may function as common open space shall be made in conjunction with approval of a preliminary site plan.

K. Public and community facilities. In addition to dwellings, a planned development may include areas for schools, churches, public or private recreation buildings, and other similar community facilities.

L. Required improvements.

1. All streets shall be public streets and shall be established according to public street standards adopted by the Town.
2. Curb and gutter shall be required along each side of all streets except:
 - a. Where an approved stormwater management system eliminates the necessity of the curb and gutter function; and
 - b. Where the roadway is approved for construction according to Town street standards.
3. Sidewalks shall be installed along both sides of all streets except where alternate pedestrian-ways are provided as part of an approved preliminary site plan.
4. Stormwater shall be controlled and managed according to a plan approved by the Town.
5. Water and sewer systems shall be provided in accordance with standards of Title 11, subdivisions.
6. Irrigation water, street signs, street lighting, fencing, and any other required improvements shall be provided in accordance with Town standards.
7. Other utilities and improvements shall be provided and installed in accordance with Town standards.

M. Maintenance of common areas. If common areas are provided within a planned development, adequate guarantees shall be provided to protect such common areas from future development. No certificate of occupancy shall be issued for any structure in a planned development until all required guarantees have been submitted to and approved by the Town. The developer of a planned development may elect any of the following to preserve common areas:

1. Fee simple donation. A fee simple donation of any portion of common area land may be made to the Town so long as the Town agrees to accept such donation. Upon receipt of such donation the Town shall impose a conservation easement on such land.
2. Condominium association. Common areas and facilities may be controlled by a condominium association as provided in the Utah Condominium Ownership Act. All common area land and facilities shall be held as a "common element."
3. Homeowners' association. Common area land and facilities may be owned by a homeowners' association, subject to applicable provisions of state law. The developer shall provide the Town with a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities. The proposed association shall be established by the owner or applicant and shall be operating (with a financial subsidy from the developer if necessary) before the sale of any dwelling units in the planned development. The association

documents shall include the following provisions:

- a. Membership in the association shall be mandatory for each owner and its grantees, successors and assigns.
 - b. Restrictions concerning common open space and/or facilities shall run with the land and not for a period of years.
 - c. The association shall be responsible for the maintenance of all common open space and/or facilities, liability insurance on all common open spaces and/or facilities and paying general property taxes on all common open spaces and/or facilities.
 - d. In the event the association does not maintain private common open space areas and facilities as shown on an approved site plan, the Town may perform any required maintenance and may thereafter recover all costs incident to performing the required maintenance from the association and/or each of its members.
 - e. Members of the association shall pay their pro rata share of costs of upkeep, maintenance, and operation of common open space and/or facilities and/or improvements not dedicated to the Town. The association bylaws shall confer legal authority on the association to place a lien on the real property of any member whose dues become delinquent. The bylaws shall also provide that such delinquent dues and all accrued interest shall be paid before the lien may be removed.
 - f. Written notice to all association members and to the Town shall be provided no less than 60 days prior to any proposed transfer of any common area land or facility, or the assumption of maintenance for common area land or facility. No such transfer shall be effective unless approved by the Town, which approval shall not be unreasonably withheld so long as it is consistent with the provisions of this chapter and applicable law.
4. Private conservation organization or the Town. Fee simple title of common area land or conservation easements may be transferred to a private nonprofit conservation organization or to the Town having jurisdiction where the land is located.
 5. Grant of easements to the Town. The Town may, but shall not be required to, accept easements for public use of any portion of common area land or facilities. Such land shall be subject to a satisfactory maintenance agreement between the developer and the Town.
 6. Noncommon private ownership. Common area land and facilities may be located on one or more privately owned lots of at least five acres provided that the lot is restricted from future development through a conservation easement, except uses allowed by an approved site plan.
- N. Protective covenants. A declaration of building use restrictions (protective covenants) shall be required for each planned development and phase thereof. The declaration in original form bearing appropriate signatures and certifications shall be submitted to the Town for approval, which approval shall not be unreasonably withheld. Such

protective covenants shall include provisions that:

1. An architectural control committee shall approve plans for all buildings proposed for erection, placement, or alteration with the planned development. The Town may require that building permit applications show evidence that the architectural control committee has approved each building plan.
2. No person, firm or entity shall change, modify or amend any of the conditions of a recorded declaration of building use restrictions for a planned development without first obtaining Town approval. No change shall be approved which would be contrary to the requirements of this chapter or an approved preliminary plan.

SECTION 10: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 11: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 12: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley