

**APPLE VALLEY
ORDINANCE O-2022-26**

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

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

BEFORE AMENDMENT

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. Master Plan: General concept designed to elicit preliminary feedback from staff and planning commission.
 2. Final 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. Site Plan: Site plan review of individual lot(s) or parcel(s) within a phase.
 5. Construction Drawings: Construction drawings for items requiring review and

approval by the Town engineer and/or the building department.

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.

4. 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;

Condominiums;

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.

- 5. 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 Final 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 Final 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 Final Plan stage approving the request for such modifications.

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 Final Plan has received approval from Town Council. 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) 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 Final 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

Final Plan shall control and regulate the development and construction within the project. To the extent that the Final 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 requirements 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 subsidize until 75 percent of the lots or units are sold, at which point the responsibility will be turned over to the owners).

(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.
- (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 city 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 Final 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. All interior streets and roads must meet the requirements (Town of Apple Valley standards and specifications) for such facilities for the Town of Apple Valley as well as the following:
 - (1) The Town may require 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.
 - (2) The provision and/or design of streets is subject to review 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.
- 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.
- 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 Phase 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 Phase Plan requirements as part of the Phase Plan submittal. The Phase Plan shall show landscaping in more detail, but calculations and construction drawings are not required until the final plat has been submitted and approved, or a unit site plan

- approval has been received, as in the case of areas not platted or subdivided.
- 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. Master Plan: Master Plan review by staff is required and applicants are strongly encouraged, but not required, to submit the Master Plan for review by the planning commission. Master Plans provide a general concept of the project. There are no specific requirements for a 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 Master Plan to indicate land use distribution, open space, circulation systems, a summary of residential and nonresidential density, and other major elements.
2. Final Plan: The Final Plan is the plan for the development of the entire planned development. The Final 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 Final 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 Final 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. Final 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 Final Plan. The Final 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 Final 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 Final 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 Final Plan review, at least one review is mandatory.

- c. Review of Final Plan by Planning Commission: After staff officially accepts the Final 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 Final 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 Phase Plan stage.
 - d. Review of Final 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 Final Plan becomes the official plan of the district, which will determine how Phase Plans are developed.
3. Phase Plan: The Phase Plan shall serve as the preliminary plat for a specific phase of the project or the project as a whole. Most planned developments will consist of a Final 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 final plat approval. Phase Plans must be consistent with the Final Plan or the Final Plan must be revised and approved by the Town. Phase Plans must show lot subdivision, if proposed, internal site circulation within the phase or land use area, specific open space set aside, as well as the requirements for Phase Plans that are provided below.

After the Final Plan has been formally reviewed and accepted by staff, recommended for approval by planning commission and approved by the Town council, the applicant shall submit a Phase Plan for the improvement of specific phase(s) of the project. Phase Plans may be submitted concurrently

with a Final Plan if desired. Fifteen (15) copies of each graphic and written text on 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 heavy-duty paper shall be submitted to the Town for review and approval. The Phase Plan shall meet all requirements for a preliminary plat, as outlined in the Town's subdivision ordinance and this subsection, and shall be submitted in the following format:

a. Phase Plan Elements:

(1) Site Location Plan: Showing where phase is located in relation to overall Final plan. This plan shall identify other proposed phases within the project area. This plan shall be submitted at a scale no greater than one inch equals four hundred feet (1" = 400') and show completed phases and future phases in relation to the phase currently proposed.

(2) Site Development Plan: This plan shall include:

- (A) Existing boundary streets and access streets to the project;
- (B) The boundaries of the site and boundaries of proposed phases;
- (C) The delineation of parcel lines, if subdivision will be a part of the development;
- (D) Tabulation of site acreage;
- (E) Delineation of the development of the entire site. If only a portion of the site is to be improved in the current phase (i.e., development in phases), that portion shall be shown in detail on the plan. Subsequent phases or portions on the project may be shown conceptually except that land use, density, and other dimensional requirements shall be provided for these areas. Failure to provide this information or a proposal to modify the proposed elements of a phase as submitted will require the applicant to file a revised PD Phase Plan;
- (F) Common facilities, such as recreation amenities, service buildings, garages, and trash collection stations;
- (G) Site amenities such as benches, fountains, outdoor art, waste containers, kiosks, etc;
- (H) The location of each proposed new building or structure, together with a plan or statement showing the number of stories, height, number of dwelling or commercial units (including details regarding the square footage and/or number of bedrooms, as applicable), proposed uses, and ground coverage of

each building;

- (I) Any adjacent property owned by the applicant and the uses planned for that property;
- (J) The location and type of open space to be provided including landscaped area, community green, plaza, formal or informal garden, or natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project land by phase, if applicable. Required open space shall be provided as common area and be maintained by a homeowners' or merchants' association.
- (K) The proposed minimum and maximum floor areas of buildings and statements and illustrations of the elevations, design, materials, and floor plans of buildings and their identification on the Phase Plan;
- (L) A narrative including tables delineating the percentages of land uses to be a part of the development;
- (M) A statement on the present and anticipated future ownership and control or management of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, sidewalks, drives, parking areas, utilities, common areas, and common facilities; and
- (N) Typical elevations.

The Phase Plan shall be prepared by a registered land surveyor, licensed architect, or licensed engineer.

b. Reviews and Approval of Phase Plan by Planning Commission:

- (1) After a Phase Plan is submitted, the plan shall be placed on the planning commission agenda for the following month provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) before the planning commission meeting. The planning commission shall review the Phase Plan and make a decision on the plan as a preliminary plat.
- (2) If the project is to be developed in more than one phase, each phase of the development may be submitted for separate final approval. Any proposed change from the approved preliminary plat shall require approval of a revised preliminary plat, which, except where Town council approval is required, may be concurrent with approval of the phase 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. 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 Phase Plan. Phases completed shall be shown with as built site renderings on the project locator map indicating what has been already developed.

e. Amendments to Phase Plan: The planning commission is authorized to approve amendments to the Phase Plan provided that:

- (1) The applicant submits a revised set of plans detailing the proposed change.
- (2) The proposed change may not:
 - (A) Involve more than a five percent (5%) increase in residential density.
 - (B) Involve more than a ten percent (10%) increase in nonresidential floor area.
 - (C) Involve more than a five percent (5%) decrease in parking allocated.
 - (D) Involve more than a five percent (5%) modification to a dimension including setbacks, height, or lot width.
 - (E) Involve more than a five percent (5%) modification to any other measurable project criteria.
 - (F) Involve more than five percent (5%) change in landscape requirements.
- (3) The proposed change meets all of the requirements and provisions of this subsection and the applicable subdivision requirements.
- (4) The proposed amendments do not alter any approved site development regulations of the plan and do not materially alter other aspects of the plan, including traffic circulation, mixture of use types, or general physical layout.

Any proposed amendments not conforming to these provisions shall be considered major amendments and resubmitted as a revised Final Plan.

4. Site Plan: 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.

5. 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 AMENDMENT

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 ~~p~~Planning ~~e~~Commission.
 2. ~~Final~~ 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. ~~Site Plan~~ Preliminary Plat: ~~Site plan review~~ 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 ~~/or the building department~~.
- 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.

4. 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;

~~Condominiums;~~

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.

~~Timeshares /fractional interests.~~

5. 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 ~~Final~~ 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 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 ~~Final~~ 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 ~~p~~ Planning ~~e~~ Commission and motion from Town Council at the ~~Final~~ 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 ~~Final~~ 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 ~~Final~~ Master Plan approved and adopted by the Town ~~e~~ 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 ~~e~~ Council pursuant to its adoption of the planned development ~~Final~~ Master Plan shall control and regulate the development and construction within the project. To the extent that the ~~Final~~ 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 ~~Hh.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 requirements 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 ~~subsidize~~ 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 ~~city~~ 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 ~~e~~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 ~~e~~Council pursuant to its adoption of the ~~Final~~ 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 ~~e~~ Council. Private ownership of roads must be outlined in the Master Plan. All interior streets and roads must meet the ~~requirements (Town of Apple Valley standards and specification s)~~ Design standards and specifications for roads ~~such facilities~~ for the Town of Apple Valley as well as the following:
- (1) The Town ~~may~~ 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 ~~e~~ 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 ~~p~~ Planning ~~e~~ 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 ~~p~~Planning ~~e~~Commission and approved by the ~~t~~Town ~~e~~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 ~~Phase~~Phase-~~Master~~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 ~~Phase~~Phase-~~Master~~Master Plan requirements as part of the ~~Phase~~Phase-~~Master~~Master Plan submittal. The ~~Preliminary Plat~~Preliminary Plat ~~Phase~~Phase-~~Plan~~Plan shall show landscaping in more detail, but calculations and landscape details shall be part of the construction drawings for each phase. ~~are not required until the final plat has been submitted and approved, or a unit site plan approval has been received, as in the case of areas not platted or subdivided.~~
 - 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 ~~p~~ Planning ~~e~~ 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 ~~p~~ Planning ~~e~~ Commission and approved by the Town ~~e~~ Council.
 - g. See general open space requirements below for additional landscaping requirements.
 - h. Deviations from these requirements may be approved upon recommendation of the ~~p~~ Planning ~~e~~ Commission and approval of the Town ~~e~~ 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 area-s in proposed developments is through the recommendation of the ~~p~~ Planning ~~e~~

Commission and approval of Town e 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 ~~p~~ Planning ~~e~~ 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 ~~p~~ Planning ~~e~~ 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. ~~Final~~ Master Plan: The ~~Final~~ Master Plan is the plan for the development of the entire planned development. The ~~Final~~ 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 ~~Final~~ 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 ~~Final~~ 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. ~~Final~~ 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 ~~Final~~ Master Plan. The ~~Final~~ 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 ~~Final~~ 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 ~~Final~~ 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 ~~Final~~ Master Plan review, at least one review is mandatory.

- c. Review of ~~Final~~ Master Plan by Planning Commission: After staff officially accepts the ~~Final~~ Master Plan (completed application submitted and full review by staff completed), the plan will be placed on the ~~p~~ Planning ~~e~~ Commission agenda provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) prior to the ~~p~~ Planning ~~e~~ Commission meeting. The ~~p~~ Planning ~~e~~ Commission shall review the ~~Final~~ Master Plan and make a recommendation on the plan and the rezoning of the property. The ~~p~~ Planning ~~e~~ 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 ~~Phase-Plan~~ Preliminary Plat stage.
 - d. Review of ~~Final~~ Master Plan by Town Council: Upon receiving a recommendation from the ~~p~~ Planning ~~e~~ 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 ~~Final~~ Master Plan becomes the official plan of the district, which will determine how ~~Phase-Plans~~ Preliminary Plats are developed.
3. ~~Phase-Plan Preliminary Plat~~ : ~~The Phase-Plan shall serve as the preliminary plat for a specific phase of the project or the project as a whole.~~

a. A preliminary plat must be approved for each phase of development. ~~All~~ Most planned developments will consist of a Master ~~Final~~ 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 preliminary plat and final plat approval if they are to be subdivided or preliminary and final site plan if they are for commercial use. ~~Phase Plans~~ The Final Plat for each subdivided phase must be consistent with the ~~Final Plan~~ Preliminary Plat for the phase and the Master Plan or the ~~Master Final~~ Plan must be revised and approved by the Town. Each Preliminary Plat application must follow the process outlines in 11.02.060 Preliminary Plat Process and the format outlined in 11.02.070. ~~Phase Plans must show lot subdivision, if proposed, internal site circulation within the phase or land use area, specific open space set aside, as well as the requirements for Phase Plans that are provided below.~~

After the ~~Final Plan~~ Preliminary Plat for each phase (if applicable) has been formally reviewed and accepted by staff, recommended for approval by ~~p~~ Planning ~~e~~ Commission and approved by the Town council, the applicant shall submit ~~a Phase~~ Construction ~~Plans~~ for the improvement of specific phase(s) of the project. ~~Phase~~ Construction Plans may be submitted concurrently with a ~~Master Final~~ Plan if desired. They shall follow the process and requirements outlined in 11.02.080 Construction Drawings. ~~Fifteen (15) copies of each graphic and written text on 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 heavy-duty paper shall be submitted to the Town for review and approval. The Phase Plan shall meet all requirements for a preliminary plat, as outlined in the Town's subdivision ordinance and this subsection, and shall be submitted in the following format:~~

~~A. Phase Plan Elements:~~

- ~~1. Site Location Plan: Showing where phase is located in relation to overall Final plan. This plan shall identify other proposed phases within the project area. This plan shall be submitted at a scale no greater than one inch equals four hundred feet (1" = 400') and show completed phases and future phases in relation to the phase currently proposed.~~
- ~~2. Site Development Plan: This plan shall include:~~
 - ~~a. Existing boundary streets and access streets to the project;~~
 - ~~b. The boundaries of the site and boundaries of proposed phases;~~
 - ~~c. The delineation of parcel lines, if subdivision will be a part of the development;~~
 - ~~d. Tabulation of site acreage;~~
 - ~~e. Delineation of the development of the entire site. If only a portion of the site is to be improved in the current phase (i.e., development in~~

phases), that portion shall be shown in detail on the plan. Subsequent phases or portions on the project may be shown conceptually except that land use, density, and other dimensional requirements shall be provided for these areas. Failure to provide this information or a proposal to modify the proposed elements of a phase as submitted will require the applicant to file a revised PD Phase Plan;

- f. Common facilities, such as recreation amenities, service buildings, garages, and trash collection stations;
- g. Site amenities such as benches, fountains, outdoor art, waste containers, kiosks, etc;
- h. The location of each proposed new building or structure, together with a plan or statement showing the number of stories, height, number of dwelling or commercial units (including details regarding the square footage and/or number of bedrooms, as applicable); proposed uses, and ground coverage of each building;
- i. Any adjacent property owned by the applicant and the uses planned for that property;
- j. The location and type of open space to be provided including landscaped area, community green, plaza, formal or informal garden, or natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project land by phase, if applicable. Required open space shall be provided as common area and be maintained by a homeowners' or merchants' association.
- k. The proposed minimum and maximum floor areas of buildings and statements and illustrations of the elevations, design, materials, and floor plans of buildings and their identification on the Phase Plan;
- l. A narrative including tables delineating the percentages of land uses to be a part of the development;
- m. A statement on the present and anticipated future ownership and control or management of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, sidewalks, drives, parking areas, utilities, common areas, and common facilities; and
- n. Typical elevations.

The Phase Plan shall be prepared by a registered land surveyor, licensed architect, or licensed engineer.

B. Reviews and Approval of Phase Plan by Planning Commission:

- 1. After a Phase Plan is submitted, the plan shall be placed on the planning commission agenda for the following month provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) before the planning commission meeting. The planning commission shall review the Phase Plan and make a decision on the plan as a preliminary plat.
 - a. b. If the project is to be developed in more than one phase, each phase of the development shall ~~may~~ be submitted for separate ~~final~~ approvals as outlined above. Any proposed change from the approved Master Plan, or p Preliminary p Plat ~~shall~~ may require approval of a

revised Master Plan or p Preliminary p Plat, which, except where Town council approval is required, may be concurrent with approval of the ~~phase Preliminary p Plat~~.

~~b.~~ 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.

~~e.~~ d. Submittal of Subsequent Phases:

~~d.~~ 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. Phase Plan. Phases completed shall be shown with as built site renderings on the project locator map indicating what has been already developed.

~~e.~~ e. Amendments to ~~Phase Plan Preliminary Plat~~: The ~~p Planning e Commission shall make a recommendation to Town Council and the Town Council shall approve all is authorized to approve~~ amendments to the Master Phase Plan provided that:

~~(1) The applicant submits a revised set of plans detailing the proposed change.~~

~~(2) The proposed change may not:~~

~~(A) Involve more than a five percent (5%) increase in residential density.~~

~~(B) Involve more than a ten percent (10%) increase in nonresidential floor area.~~

~~(C) Involve more than a five percent (5%) decrease in parking allocated.~~

~~(D) Involve more than a five percent (5%) modification to a dimension including setbacks, height, or lot width.~~

~~(E) Involve more than a five percent (5%) modification to any other measurable project criteria.~~

~~(F) Involve more than five percent (5%) change in landscape requirements.~~

~~(3) The proposed change meets all of the requirements and provisions of this subsection and the applicable subdivision requirements.~~

~~(4) The proposed amendments do not alter any approved site development regulations of the plan and do not materially alter other aspects of the plan, including traffic circulation, mixture of use types, or general physical layout.~~

~~Any proposed amendments not conforming to these provisions shall be considered major amendments and resubmitted as a revised Final Plan.~~

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

a. Any multi-family residential use;

- b. Any public or civic use;
- c. Any commercial use;

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	-

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **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 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

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