



Community Development Department

TOM DOLAN
Mayor

BYRON JORGENSON
Chief Administrative Officer

MICHAEL G. COULAM
Department Director

MEMO

To: City Council Members
Michael Applegarth, Council Office Director
Mike Coulam, Community Development Director

From: Brian McCuiston, Zoning Administrator

Date: March 2, 2017

RE: 5 acre minimum for PUD's

I have been asked to provide some history on the 5 acre minimum lot size for a PUD development. The 1988 Land Development Code is the first time that the Planned Unit Development (PUD) had a requirement that there must be at least 5 acres in order to develop. In the fall of 1999 a subcommittee was formed to review the PUD ordinance. The committee reviewed past developments, current development practices in the United States, and proposed a new ordinance to regulate future PUD developments. Prior to the re-write, there were a couple of amendments dealing with density bonuses and parking ratios.

On February 15, 2000 the City Council adopted the new PUD ordinance. I have attached the staff report which includes the suggested changes from the committee. You will notice on page 9 of the staff report, under Feasible Development, is where a change was suggested to remove the 5 acre minimum and replace it with:

A PUD shall be of sufficient size, composition and arrangement to enable its feasibility as a complete development.

After reviewing the minutes of the Planning Commission and City Council, there were no specific discussion comments regarding the acreage requirement for a PUD.

Since this change in 2000, staff can find four different PUD's that have been approved and developed (or planned for development) that are under 5 acres in size:

1. Red Feather Estates (PUD-6) on 4.4 acres.
2. Whisper Cove (PUD-6) on 3.1 acres.
3. Lilac Lane Condominiums (PUD-8) on 2.1 acres.
4. Pepperwood View (PUD-4) on 3.49 acres (to be developed).

Listed below are projects where the developers were directed by staff to build under the RM

Zone versus the PUD:

1. Bridlewood Court Townhomes - 2.38 acres (RM-8)
2. Creek Road Villas - 1.2 acres (RM-12)
3. Park View Villas - 1.7 acres (RM-8)

Listed below are recent proposed PUD's that were not approved:

1. 789 Townhomes (789 E. 7800 S.) 3.6 acres
2. Turner Haven (233 E. 11000 S.) - 4.3 acres

Most of the developments in the future will be infill projects on parcels that are less than 5 acres. The zoning tools we have to use are the Residential Conservation Overlay Zone, Historic Sandy Development Overlay Zone, the RM Zone and the PUD Zone. Also of note, there is a provision in the RM Zoning standards that if a property is over 5 acre in size it must be developed as a PUD.

Please contact me if you have any questions. You can reach me at 801-568-7268.



Community Development Department

TOM DOLAN
MAYOR

BYRON JORGENSON
CHIEF ADMINISTRATIVE OFFICER

MICHAEL G. COULAM
DIRECTOR

CITY COUNCIL AGENDA & ACTION REQUEST

TITLE: CODE AMENDMENT - Rewrite of Chapter 15-15, Planned Unit Development

Executive Approvals:

Council Use:

Date Received: _____

Chair. Approval: _____

Agenda Date: _____

Department Head

CAO

Date of Request: January 10, 2000

Requesting Department: Community Development

Contact Employee: Brok Armantrout, Zoning Administrator

Telephone: 568-6071

Approved Agenda Date:

Nature of Request: The Sandy City Community Development Department is requesting review and approval for a complete rewrite of Chapter 15-15, Planned Unit Development ordinance. The proposed rewrite reorganizes the entire chapter, creates mandatory development amenities, provides for optional development amenities, and lists specific development standards that must be included with all developments. The Planning Commission has reviewed the proposed ordinance and is recommending to the City Council that it be adopted.

Proposed Motion for Action: Approval

Planning Commission Recommendation: Approval

Other Department Involved/Impacted? No
If Yes, How?

Budget Impact: No

Attachments:

E-mail: Sandypo.plan@state.ut.us

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Community Development Department

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MAYOR

BYRON JORGENSEN
CHIEF ADMINISTRATIVE OFFICER

MICHAEL G. COULAM
DIRECTOR

MEMORANDUM

February 1, 2000

To: City Council
via Planning Commission

From: Community Development Department

Subject: CODE AMENDMENT - Rewrite of Chapter 15-15, Planned Unit Development
Title 15, Sandy City Land Development Code, Revised Ordinances of Sandy City
CA# 00-A

BACKGROUND

Several months ago, the Planning Commission formed a sub-committee comprised of several planning commission members and key members of the City staff (attorneys, police, fire, planning, utilities) to review the City's Planned Unit Development Ordinance. The committee was charged to review past developments, current development practices within the United States for PUD's, and to propose a new ordinance to replace the existing PUD ordinance to govern future development in the City.

The committee met on numerous occasions, and has presented the attached document (exhibit "B") for final review and consideration by the full Planning Commission body.

ZONING HISTORY

Historically the City has regulated Planned Unit Developments using a variety of methods. Prior to the adoption of an actual PUD ordinance, the City regulated such projects using the Special Development District (SD zone). The early requirements for these zones are very similar to the ordinance later adopted for other PUD type developments.

Within Sandy, a development was typically given the "PUD" designation for multi-family developments, and the "SD" designation for detached higher density single family developments. There are exceptions to this generality, but for the most part, most developments in the City follow this pattern (biggest exception is the Pepperwood Development Area, which has the PUD 1.62 designation).

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Within the past five years, the PUD ordinance has been reviewed and revised three times. The issues of density bonuses (if extra amenities are in place), and parking ratios were reviewed and amended several times.

NON-CONFORMING USES

The majority of the existing Planned Unit Developments will become legal nonconforming developments if the proposed ordinance rewrite is adopted. They will be allowed to continue to operate as built, but may be required to upgrade the facility if any site work is done.

GENERAL PLAN COMPLIANCE

The proposed rewrite of the Planned Unit Development Ordinance is compliant with the stated goals and polices of the Sandy City General Plan, specifically:

GOAL: 1.0 PROVIDE FOR ALTERNATIVE HOUSING CHOICES BY THE USE OF THE PLANNED UNIT DEVELOPMENT CONCEPT.

POLICIES:

- 1.1 Review the existing planned unit development ordinance to see if the zoning implementation technique is the most appropriate for Sandy City.
- 1.2 Educate the public on the planned unit development concept. Prepare or obtain publications for public review which describe the obligations and responsibilities of community association members, local government, and developers.
- 1.3 Maximize the compatibility for planned unit developments and other types of residential developments through appropriate buffering techniques.
- 1.4 Encourage large planned unit developments to include a variety of housing types.
- 1.5 Consider a range of planned unit development residential densities.
- 1.6 Encourage planned unit developments which will meet the needs of a variety of households - single, couple, families, elderly, and handicapped.
- 1.7 Promote the use of the planned unit development concept on lands which are sensitive or costly to develop such as hillsides or floodplains.

GOAL: 2.0 ENCOURAGE A VARIETY OF PLANNED UNIT DEVELOPMENTS IN SANDY CITY.

POLICIES:

- 2.1 Decide which types and what scales of land uses may be used in planned unit developments which would be appropriate in Sandy City.
- 2.2 Consider which types of accessory land uses normally located within

residential neighborhoods (e.g., educational and religious) will be permitted in planned unit developments.

- 2.3 Consider requiring major developments which would include non-residential land uses in a planned unit development to prepare a fiscal impact analysis report.

GOAL: 3.0 TREAT THE DEVELOPERS AND THE RESIDENTS OF PLANNED UNIT DEVELOPMENTS SIMILAR TO CONVENTIONAL RESIDENTIAL DEVELOPMENTS.

POLICIES:

- 3.1 Review which services the residents of planned unit developments will receive from the City for their tax dollars.
- 3.2 Review the site plan review procedure for planned unit developments to ensure developers are not delayed excessively.

GOAL: 4.0 DEVELOP A ZONING ORDINANCE REGULATING PLANNED UNIT DEVELOPMENTS WHICH WILL ENCOURAGE GOOD DESIGN THROUGH EFFECTIVE SITE PLAN REVIEW.

POLICIES:

- 4.1 Develop reasonable criteria for good design standards for planned unit developments.
- 4.2 Consider the following design factors during the site plan review process:
 - size of development
 - land uses, their compatibility, and proportions in the development
 - size of lots and/or spacing of buildings
 - setbacks
 - open spaces, recreational facilities, and landscaped areas
 - buffering and compatibility between adjacent land uses within and exterior to the development
 - interaction with adjacent land uses
 - transportation systems for automobiles, mass transit, bicycles, and/or pedestrians
 - resident, guest, and recreational vehicle parking
 - placement of utilities
 - street landscaping, and design elements
 - service buildings
 - continuous use of design elements to integrate the entire community within the planned unit development
 - emergency vehicle access
- 4.3 Locate large planned unit developments on major collector or arterial roads.
- 4.4 Review applicable development standards to see if they meet the functional needs of the facilities in a planned unit development.

- 4.5 Balance the necessity of development standards to assure quality of development with the need for the ease of administration and ordinance flexibility.
- 4.6 Require appropriate construction phasing of planned unit developments so that the development may stand as a functional complete community at all stages of development and will not place undue financial burdens on the developer, the community association, or the City.
- 4.7 Prohibit the development of planned unit developments which are isolated from other residential developments unless they are of sufficient scale to create their own community.

PROPOSAL

For this section, please review to Exhibit "A" (discussion exhibit). Those items with strikeout exist in the current code and are proposed to be deleted. Those items in bold italics are existing code requirements that have been moved to other more logical locations within the code. The items in bold italics double underline are new sections of the code not previously existing. In some cases, text that has been relocated to another section may have had language clarifying its intent or direction. As this is a complete rewrite of the entire chapter, not all instances of corrections for grammar, spelling, or sentence simplification have been identified.

The major changes to the code are:

1. The "Purpose" of this chapter has been greatly expanded and clarified to identify exactly what would qualify to be considered for review as a PUD development.
2. "Design Objectives" have been created.
3. In the final draft (exhibit B), the sections for Permitted Uses and Conditional Uses have been combined in table form as to be similar to other codes within the Land Development Code. This change is necessary to be consistent with the current method of land use reference within the Code.
4. The "Development Requirements" have been made to be **required**, and not desired. This change will alert future developers of what has to be included with their development, and puts them on notice that these elements are not negotiable for approval.
5. Development Standards have been more clearly spelled out, and the limited listing of desirable amenities has been shortened.
6. Other minor changes have been made to clarify the application and review process.

FUTURE CONSIDERATIONS

As development continues to occur within the City, the section will be reviewed to see if modern planning techniques could be implemented to reach the desired goals as stated in the City's General Plan.

STAFF RECOMMENDATION

The Community Development Department staff respectfully requests that the Planning Commission forward a positive recommendation to the City Council for adoption of the proposed code amendment as shown in exhibit "B", attached, for the following reasons:

1. The proposed ordinance rewrite of the Planned Unit Development regulations is consistent with the stated goals and policies of the Sandy City General Plan, specifically goals 1 through 4 and their related policies of the Planned Unit Development sub-element of the Housing Element of the General Plan, as adopted January 7, 1997.
2. The proposed ordinance rewrite does not create conflicts with other Land Development Code ordinances or other Sandy City ordinances as found in the Revised Ordinances of Sandy City.
3. The proposed ordinance rewrite provides clear direction to future developers of a planned unit development project by stating the requirements upfront prior to application for review, and clearly states what will be required of every project, regardless of size.

Planner:

Reviewed by:

Brok Armantrout
Zoning Administrator

Exhibit "A"

CHAPTER 15-15 PLANNED UNIT DEVELOPMENT (PUD)

- 15-15-1 Purpose
- 15-15-2 Design Objectives
- 15-15-3 Permitted Uses
- 15-15-4 Conditional Uses
- 15-15-5 Development Requirements
- 15-15-6 Development Standards
- 15-15-7 Non-residential Uses
- 15-15-8 Maintenance of Common Facilities
- 15-15-9 Planned Unit Development Review Process

15-15-1 Purpose

The purpose of the Planned Unit Development is to allow diversification in the relationship of residential uses and structures to their sites and to permit a more flexible development of such sites. The application of planned unit concepts is intended to encourage good neighborhood and housing design. This chapter calls for substantial compliance with the intent of the Development Code regulations and other provisions of this code related to the public health, safety, and general welfare but also offers the advantages of large-scale planning for residential development and an efficient use of the land.

The purpose of the Planned Unit Development is:

(1) To encourage a better environment through greater flexibility of design than is possible solely through the strict application of zoning regulations.

(2) To encourage a more efficient use of the land and the reservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.

(3) To encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans so as to give imagination and variety in the physical pattern of the development.

This chapter calls for substantial compliance with the intent of the General Plan and Development Code

regulations and other provisions of this code related to the public health, safety, and general welfare but also offers the advantages of large-scale planning for residential development and efficient use of land.

15-15-2 Design Objectives

Every Planned Unit Development shall be designed to achieve the following design objectives:

(1) Provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking and development amenities.

(2) Be related to existing and proposed land use and circulation plans of the community, and not constitute a disrupting element in the neighborhood.

(3) The internal street system should be designed for the efficient and safe movement of vehicles without disrupting pedestrian circulation and activities and functions of the common areas.

(4) Open and recreational areas and facilities should be located adjacent to all dwelling units or easily accessible therefrom.

(5) Open and recreational areas should be the focal point for the overall design of the development.

15-15-3 Permitted Uses

- (1) Dwelling, Duplex
- (2) Dwelling, Single Family
- (3) Dwelling, Multiple Unit
- (4) Dwelling, Group Planned
- (5) Dwelling, Residential Facility for Elderly Persons(non-business)
- (6) Dwelling, Residential Facility for the Handicapped
- (7) Recreation Center
- (8) Home Occupation Category I & II, Reference 15-21-15

15-15-4 **Conditional Uses** (Refer to Chapter 15-23, Conditional Uses)

- (1) Commercial uses of a complimentary nature which are shown to be compatible and necessary for the development project.
- (2) Day Care
- (3) Dwelling, Earth Sheltered
- (4) Dwelling, Residential Facility for Elderly Persons (business)
- (5) Equestrian Facilities
- (6) Convalescent
- (7) Model Home
- (8) Nursing Care Facility
- (9) Public Service
- (10) PUD Subdivision
- (11) Recreation, Outdoor
- (12) Religious or Cultural Activity
- (13) Residential Health Care Facility
- (14) School, Private or Quasi-Public
- (15) School, Public
- (16) Small Residential Health Care Facility
- (17) Social Reception Center
- (18) Alcoholic Beverage Class E
- (19) Home Occupation Category III, Reference 15-

21-15

15-15-5 **Development Requirements**

a. To be approved, a PUD project must show a high commitment to excellence, ensuring quality of life for future tenants and no significant effects on area property values. The following are required for all PUD projects:

~~1. Covered parking for all units (see 15-15-4(j)1,2,3.~~

A. **Ownership.** *The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.*

B. **Open Space.** *Common and private open space shall be provided and shall not cover less than 50 percent of the gross site area. The required open space shall be land areas that are not occupied by buildings, structures, parking area, streets or alleys, and shall be accessible*

by the residents. Said open space shall be devoted to landscaping, preservation of natural features, patios, and recreational areas. Private open space (that provided for each dwelling unit for personal use) shall be located immediately adjacent to, attached to, or within the dwelling unit if it is designed to serve and shall be for the exclusive use of the residents of the dwelling unit. Common open space may be distributed throughout the planned unit development and need not be in a single large area. Landscaped roof areas or decks attached to individual units may not be calculated as part of required common open space.

C. **Interior Streets.** *The design of public and private streets within a planned unit development shall follow City standards for width of right-of-way and construction. Existing City standards of design and construction may be modified if recommended by the Transportation Engineer and approved by the Planning Commission if it is determined that the plan submitted is appropriate (such as sidewalk on one side, or waiver of parkstrip area). The pavement width shall be a minimum of 27 feet with at least a 37-foot right-of-way. Private streets shall be subject to the same inspections and construction standards as required for public streets. The interior street system in the entire planned unit development project shall be dedicated to the City as a utility easement. All private streets shall be conveyed to a private association. The original developer/builder will also be required to establish a City approved road maintenance fund for all private streets. This provision will be required in the CC&R's for all projects with a private street system.*

D. **Parking.** *Required parking shall be provided (in addition to requirements of Chapter 15-18) for all multi-family PUD's as follows:*

1. *One-bedroom unit: 1.5 parking spaces per unit.*

2. *Two-bedroom unit: 2.0 parking spaces per unit.*

3. *Three or more bedroom unit: 2.5 parking spaces per unit.*

4. *Guest Parking Spaces: 0.25 parking spaces per unit.*

5. *Storage parking spaces for recreational vehicle storage shall be provided, as determined necessary by the Planning Commission.*

6. *All parking areas, covered or open, shall have a landscaped buffer adjacent to any public right of way.*

7. *There shall be no less than 1.5 covered parking spaces (1.0 carports, 0.5 garages) per unit. The Planning Commission may consider the following criteria in determining whether or not the number of garages should be increased or reduced:*

a. *The topography of the proposed site.*

b. *To enhance and protect local property values of adjacent developments and neighborhoods.*

c. *To improve the overall appearance of the development for the density of units - i.e., attached garages, underground garages, etc.*

d. *To assist the project in reaching affordable rent levels for low and median income individuals as determined by the U. S Department of Housing and Urban Development.*

The Planning Commission shall review the location of all garages, and may require that they be attached or underground to the multi-family units. All covered parking shall be placed in locations adjacent and convenient to the buildings that they are intended to service.

8. *Garages shall be used primarily for vehicle parking only.*

E. *Building Materials. Building materials, roofing materials, and building design shall be reviewed and approved by the Planning Commission. High quality exterior materials*

shall be used including brick, stone, synthetic stucco, prefinished panel, or other materials of similar quality, durability, and low maintenance as accepted by the Planning Commission.

F. *Landscaping on Public Right-of-Way. Where a planned unit development is adjacent to a public right-of-way, a permanent open space at least 20 feet in width shall be required along the property line(s). This area shall be kept free of buildings and structures (except fences as approved by the Planning Commission) and permanently maintained in street trees and other landscaping, screened or protected by natural features, or as approved by the Planning Commission. (No building shall be closer than 20 feet to a public right-of-way)*

G. *Exterior Fencing. Exterior fencing shall be provided as approved by the Planning Commission. Acceptable fencing materials include architecturally designed brick or block fences, wrought iron fences, post and rail fences, vinyl fences, or structural wood fences with square metal posts with tongue-in-groove redwood siding and redwood for all other wood members. Additional landscape buffers may also be required, with the width and landscaping specifications as determined by the Planning Commission.*

H. *Street Lights. Appropriate street lighting is required. If the streets are to be dedicated to the public, the lights shall comply with the City street light plan. If the streets are private, the lights may be altered, but must be approved by the Planning Commission. The applicant shall submit a plan which indicates the type and location of street lights in relation to the proposed site landscaping.*

15-15-6 Development Standards

Planned Unit Development (PUD). Residential developments shall be guided by a total design plan in which ~~one or more~~ of the following development standards may be varied to allow flexibility and creativity in site design, building design, and location. *This applies*

to PUD Zoning Districts, PUD's approved as a conditional use in residential zones, and overlay zones (Traditional Neighborhood Development Area - TND) applied in residential zones. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan as they determine appropriate. The Commission may require specific setbacks, a lower residential density, a height limitation and/or similar type of land use as adjoining land. These criteria shall be used by the Commission principally to assure the design objectives in Section 15-15-2 of this chapter are met.

a. ~~Minimum Land Area.~~ The minimum land area required for development of a PUD in a PUD Zoning District is 5 acres.

a. *Feasible Development.* A PUD shall be of sufficient size, composition and arrangement to enable its feasibility as a complete development.

b. ~~Ownership.~~ The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.

c. ~~Development.~~ The Planning Commission shall require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan as necessary. The Commission may require specific setbacks, a lower residential density, a height limitation and/or a similar type of land use as adjoining land. These criteria shall be used by the Commission principally to assure that adjacent properties will not be adversely affected by the PUD development.

b. *Density.* The density allowed for a PUD shall be no greater than the zone in which the PUD is located.

c. *Site Calculations.* Specific calculations addressing the percentage of open space (common and private), impervious vs. pervious coverage, and site improvements must be submitted with all project applications.

d. *Lot Requirements.* No specific yard, setback, or lot size requirement shall be imposed in the

planned unit development however, the purpose and objectives of this Chapter must be complied with in the Final Development Plan. The Planning Commission may require certain setbacks within all or a portion of the planned unit development.

e. *Traffic Circulation.* Points of primary vehicular access to the planned unit development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and bicycle traffic. Minor streets within the planned unit development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic. Adequate emergency vehicle access shall be provided.

f. *Driveways & Alleys.* When consistent with Section 15-15-2 of this chapter, a private driveway or alley may be provided for access to a maximum of four lots, provided that sufficient guest parking is available. A private driveway or alley must comply with all established standards in Section 15-35-12 of the Development Code.

g. *Privacy.* Each planned unit development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise. All structures shall meet the required building and fire safety codes.

h. *Noise Attenuation.* When in the opinion of the Community Development Director, a proposed planned unit development may be situated in a noisy environment which will adversely affect the peace, tranquility and privacy of its inhabitants or surrounding inhabitants, an acoustical analysis may be required. Said analysis shall be conducted by a qualified acoustical engineer and include a description of the noise environment and the construction

or other methods necessary to attenuate the noise to the required level according to the noise standards of the City's Noise Ordinance.

- i. *Security. The development shall be designed to support security services, taking into account public safety recommendations from the Sandy City Police Department.*
- j. *Pedestrian and Bicycle Paths. Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential, and recreational facilities in or adjacent to the development. The Planning Commission may require when recommended by the Transportation Engineer, pedestrian and/or bicycle overpasses, underpasses or traffic signalization in the vicinity of schools, playgrounds, parks, shopping areas, or other uses that will receive considerable pedestrian and/or recreational trails use from the development.*
- k. *Signs. The size, location, design, and nature of signs, if any, shall be described in the application. Signs shall be located and constructed according to the standards and requirements outlined in Chapter 15-17, Sign Regulations.*

~~3. Except for approved PUD subdivisions, at least 50 percent of the required open space shall be designated for use as common open space (recreational, park, or environmental amenity) for common enjoyment and use for all residents of the planned unit development. Private open space (that provided for each dwelling unit for personal use) shall be located immediately adjacent to, attached to, or within the dwelling unit if it is designed to serve and shall be for the exclusive use of the residents of that dwelling unit. Common open space may be distributed throughout the planned unit development and need not be in a single large area. Landscaped roof areas or decks attached to individual units may not be calculated as part of required common open space.~~

The following are desirable amenities or design options,

which may be required by the Planning Commission depending on the size, scale, impacts, and nature of each individual PUD project including PUD zoning districts, conditional uses in residential zones and overlay zones:

1. Increase in common or private open space above the fifty (50) percent minimum, particularly when the project contains significant non-buildable open space.
2. Creation of significant recreation or site amenities, including, but not limited to clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.
3. Additional project landscaping and other open space amenities, as may be deemed appropriate under a conditional use permit.
4. Pedestrian, bicycle, and/or recreational trails or access to such, which are separated from vehicular traffic, both within and outside the project.
5. Quality interior provisions including such amenities as fireplace, vaulted ceilings, and in-unit washer/dryer.

15-15-7 Non-Residential Uses

(a) Non-commercial, non-residential uses of a religious, educational, or recreational nature shall be designed primarily for the use of the residents of the proposed planned unit development. The applicant shall submit as part of the Preliminary Development Plan such evidence to substantiate his/her request for such use as the Community Development Director may require.

(b) Commercial uses proposed within the planned unit development shall be designed primarily for the use of the residents of the project. The developer shall provide a fiscal impact study that shall demonstrate that the amount of land proposed is needed for such a commercial use, that it can realistically be supported by the residents of the project, and the impacts which will be imposed on Sandy City's municipal services and tax base by such use. The fiscal impact study shall be evaluated by the Planning Staff and their findings communicated to the Planning Commission along with the Preliminary Development Plan.

(c) Commercial development within a planned unit development shall be located so as to be accessible in a manner that does not create traffic congestion or hazards to any street within or outside of the planned unit development. Location, off-street parking, and loading requirements shall be determined by the Development Committee (15-22-2(c)) as appropriate to the particular planned development. Consideration shall be given to anticipated pedestrian, bicycle, and vehicular trade, adjacent developments that may provide multiple use of off-street parking facilities, and the types of commercial uses provided. Drive-in services shall be excluded.

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

15-15-8 Maintenance Of Common Facilities

(a) A planned unit development shall be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.

(b) The common open space and other facilities provided may be conveyed to a public agency or private association. The common open space, recreational facilities, and private streets (including a road maintenance fund established by the original developer/builder) conveyed to a private association shall include as part of the aforementioned instruments a declaration of covenants and restrictions that will govern the association and shall require maintenance of any common facilities. The provisions shall include, but not be limited to the following:

(1) The private association must be established prior to the sale of any unit(s).

(2) Membership must be mandatory for the original buyer and any successive buyers of a unit or units in a planned unit development whether or not

the unit is owner-occupied or rented.

(3) The private association must be responsible for liability insurance, local taxes (if any), the maintenance of common open space and other facilities, rules and regulations outlining the powers, enforcement authority and limitation of the associations.

(4) Each member of the association shall be assessed a prorata share of the costs incurred by the association and the association shall have the power to collect those costs.

(c) The Planning Commission may also require dedication of scenic easements to assure open space shall be maintained. In the event the common open space and other facilities are not maintained in a manner consistent with the approved final development plan, the City may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.

15-15-9 Planned Unit Development Review Process

(a) Preapplication Conference. To obtain information, each applicant shall confer with the Director or his designated representative. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered prior to submission of the planned unit development application. At this time, the Director may furnish the applicant with his written or oral comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the planned unit development application.

(b) Preliminary Development Plan. The completed application containing all pertinent information shall be submitted to the Community Development Department for review and determination that the application contains all required information, and that it complies with the requirements of the Development Code. After such determination, the Planning Commission shall review the application and any comments from the Department at its regularly scheduled meeting. The Planning Commission shall approve, approve with conditions, or deny the proposed planned unit development within 30 days from the Planning Commission review or any continuance thereof and

shall send written notification of the decision to the applicant. The completed application shall be known as the Preliminary Development Plan and shall include the following information:

(1) Written Documents

A. A legal description of the total site proposal for development, including a statement of present and proposed ownership and present land use or phasing plan.

B. A statement of planning objectives to be achieved by the planned unit development through the particular approach prepared by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

C. Quantitative data for the following: Total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures, approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space); total amount of non-residential construction including a separate figure for commercial, public, quasi-public or private facilities if applicable; fiscal impact studies where necessary, environmental assessments where necessary and other studies as required by the Director.

(2) Site Plan and Supporting Maps

A. The existing site conditions including contours at 2-foot intervals, water course, flood plains, unique natural features, and all existing trees of 2 inches or more in diameter.

B. Project size (acres), proposed lot lines and plot designs.

C. The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, density per types, non-residential structures including commercial facilities; preliminary elevations

and architectural renderings of typical structures and improvements.

D. The location and size in acres or square feet, which ever is appropriate, of all areas to be conveyed, dedicated, or served as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.

E. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas and other major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public and private, should be included where appropriate.

F. The existing and proposed pedestrian and bicycle circulation system including its interrelationship with the vehicular circulation system indicating proposed treatment of points of conflict.

G. The existing and proposed utility systems including sanitary sewers, storm sewers and water, electric, gas and telephone lines.

H. A landscape plan, prepared under the direction of a licensed landscape architect or other qualified professional, shall be required for all open space required or provided in a planned unit development. Said landscaping plan shall indicate the spacing, sizes and specific types of landscaping material. All open space provided shall be irrigated. The only exception shall be where the Planning Commission determines an area because of its natural beauty or uniqueness would be most beneficial to the project and the community if left in its natural or existing condition. Existing trees shall be preserved wherever possible. The location of trees must be considered when planning common open space, location of buildings, underground services, walls, paved areas, playgrounds and parking areas.

I. Enough information on land areas adjacent to the proposed development to

indicate the relationships between the proposed development and existing and proposed adjacent areas including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.

J. The proposed treatment of the perimeter of the development including materials and techniques used such as berming, landscaping, screens, fences, and walls.

3. Within a maximum of 12 months following the review and acceptance of the Preliminary Development Plan, the applicant shall file with the Planning Commission the Final Development Plan containing in detail the information required. At its discretion and for good cause, the Planning Commission may extend for a maximum of 12 months, for one time only, the period for filing the Final Development Plan. If the time requirements are not complied with, the preliminary review shall be deemed to be revoked and all of that portion of the area included in the Development Plan for which final approval has not been given shall be subject to the zoning and subdivision ordinances otherwise applicable to said property.

(c) Final Development Plan. Upon receipt of the Final Development Plan, the Community Development Department shall review said plan and determine if it is complete and complies with all requirements of the Development Code and those imposed by the Planning Commission, or staff at the review of the Preliminary Development Plan. After such determination, the item may be scheduled for review by the Planning Commission. The Planning Commission shall hold a public hearing with proper notification. The Final Development Plan shall be reviewed by the Planning Commission to determine substantial compliance of the Final Development Plan with the Preliminary Development Plan. Said review shall also determine the Final Development Plan's quality and compliance with the purpose and design objectives of the Planned Unit Development, Chapter 15-15.

(1) The Final Development Plan shall include all of the information required in the Preliminary Development Plan in its finalized, detailed form. In addition, any new items not submitted with the Pre-

liminary Development Plan, any final plats, any required dedication documents and/or improvement bonds should be submitted at this time.

(2) The Planning Commission after reviewing the Final Development Plan shall in writing, either approve the Final Plan as presented, approve the plan subject to specified modification or disapprove it.

(d) Amendments to the Final Development Plan. Minor changes in the location, siting or character of buildings and structures may be authorized by the Community Development Director if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized under this section may cause any of the following:

(1) A change in the use or character of the development.

(2) An increase in the overall density or intensity of use.

(3) An increase in overall coverage of structures.

(4) A reduction or change in character of approved open space.

(5) A reduction of required off-street parking.

(6) A detrimental alteration to the pedestrian, vehicular and bicycle, circulation and utility networks.

(7) A reduction in required street pavement widths.

(8) Changes in storm drains, underdrains, irrigation.

Any major changes in use, or rearrangement of lots, blocks, building tracts or groupings, or any changes in the provision of open space and significant changes as noted above, must be made by the Planning Commission after receipt of such a recommendation by the Planning Staff. Such amendments may be made only if they are shown to be required by changes in conditions that have

occurred since the Final Development Plan was approved. Generally speaking, any major changes must be recorded as amendments in accordance with the procedure established for adopting the Final Development Plan.

(e) Failure to Begin Development. If no substantial construction has occurred in the planned unit development pursuant to the Final Development Plan within 12 months from the approval of the Final Development Plan by the Planning Commission, the approved plan shall become null and void and a new Development Plan shall be required for any development on the subject property. The Planning Commission, upon showing good cause by the developer, may extend for a maximum period of 12 months for one time only the time for beginning construction.

(f) Phased Planned Developments. If the sequence of construction of various portions of the Final Development Plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by the Planning Commission and City Council. Individual phases of the planned unit development may exceed the overall density of the zone if the approved overall phasing plan does not exceed the maximum density of the zone. Such phasing plan shall have the written approval of all property owners. In addition, the approved phasing shall be submitted to the City Recorder for recordation with the County Recorder's Office as a covenant to run with the land.