

## **Chapter 19.26. Planned Community Zone.**

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### **19.26.01. Purpose.**

This Chapter is established to implement the General Plan and enable land to be planned and developed in a coordinated manner to achieve:

1. a desirable living and working environment with unique identity and character;
2. an innovative integration of uses, such as residential, commercial, recreation, entertainment, office, and light industrial uses;
3. focused development patterns that:
  - a. preserve sensitive areas, significant natural, features, and drainage patterns;
  - b. optimize open spaces; and
  - c. highlight significant natural features;
4. a diversity of uses to meet the life cycle of residents, including a range of housing types and densities and recreational, social, educational, service, and employment opportunities;
5. a variety of development and use standards, including a range of heights, setbacks, densities, and lot sizes, to achieve innovative design patterns;
6. safe pedestrian and bicycle travel that optimizes access from homes to services, shopping, education, and transit facilities;
7. a process for developers and the City to plan the potential capacity, intensity, and general types of uses, while allowing flexibility to respond to changes in the market over long build-out periods, with allowances for interim uses; and

8. the coordinated, long-term build out of an area by multiple property owners.

(Ord. 11-9)

### **19.26.02. Definitions.**

For purposes of this Chapter, the following terms shall have the meanings defined in this Section:

1. **“Community Plan”** means:
  - a. a zoning-level document as defined in Section 19.26.07 that contains a set of regulations and guidelines that apply to a defined geographic area;
  - b. is general and conceptual in nature; and
  - c. provides a community-wide level of detail in enough specificity to determine the size, scope, intensity, and character of subsequent and more detailed Village Plans.
2. **“District Area Plan”** means a document required at the time property within a proposed Large-scale Planned Community District under Section 19.26.13 is assigned the designation of Planned Community Zone, which document shall contain the information set forth in Section 19.26.13.
3. **“Equivalent Residential Unit (ERU)”**:
  - a. means a unit of measurement used to measure and evaluate development impacts on public infrastructure including water, sewer, storm drainage, parks, roads, and public safety of proposed residential and non-residential land uses; and
  - b. is intended to represent the equivalent impact on public infrastructure of one single family residence.
4. **“Planned Community District”** means a geographic area to which the Planned Community Zone designation has been applied that is subject to a Community Plan.
5. **“Village Plan”**:
  - a. means detailed plans for the development and implementation of an entire Community Plan or individual phases or sub-areas of a Community Plan;
  - b. contains a set of regulations that apply to a defined geographic area; and
  - c. combines specific development standards, design guidelines, infrastructure plans, a Master Development Agreement, and other elements as appropriate into a single document.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

### **19.26.03. Community Plan, Village Plan and Detailed Infrastructure Study Required.**

1. **Community and Village Plans.** An approved Community Plan for the entire Planned Community District containing the elements listed in Section 19.26.07 shall be required at the time of a zone change to the Planned Community Zone. A Village Plan shall be

required for each phase within the zoned area prior to the issuance of permits for the subdivision of land, grading, or building.

2. **Additional Village Plan Requirements.** In addition to the required elements of a Village Plan listed in Section 19.26.10, the following shall be required prior to or in conjunction with the first application for a Village Plan for any part of the property addressed in an approved Community Plan and shall apply to and control the entire property addressed in the Community Plan:
  - a. A detailed traffic study prepared by a traffic engineer and a backbone circulation plan of highway, arterial, and collector streets including street classifications and accompanying street sections with dimensioned travel lanes, medians, walkways, bike paths, and landscaped areas. The traffic study shall evaluate impacts to both on and off site intersections and major street networks.
  - b. A map depicting the general locations of backbone infrastructure systems (major trunk line delivery and storage systems) for water (potable and non-potable), sewer, and drainage (100-year 24-hour drainage flows, 10-year 24-hour storm water flows) and a written assessment of the proposed sizing for and adequacy of the infrastructure to serve the entire property.
  - c. Detailed architectural requirements and restrictions implementing the guiding development standards established in the Community Plan pursuant to Section 19.26.06.3, including materials lists, pallets, and pattern books.
  - d. If applicable, details regarding the creation of an owners' association, master association, design review committee, or other governing body to review, approve, and enforce architectural requirements and restrictions, and common area maintenance obligations.

(Ord. 13-16, Ord. 11-9)

#### **19.26.04. Uses Permitted within a Planned Community District.**

1. **Permitted and Conditional Uses.** Since the character and land use designations of each Community Plan may vary widely, a specific list of uses that are permitted by-right or conditionally permitted is not dictated in this zone. Instead, the detailed list of uses that are permitted by right or conditionally permitted shall be established in each Village Plan. Generally, however, the establishment of uses that are permitted by right, or conditionally permitted within a particular Village Plan, shall be guided but not limited to the following Sections of the Land Development Code:
  - a. Agricultural: Subsections 19.04.08 (2) and (3).
  - b. Residential: Subsections 19.04.09 (2) and (3).
  - c. Neighborhood Commercial: Subsections 19.04.20 (2) and (3).
  - d. Mixed Use: Subsections 19.04.21 (2) and (3).
  - e. Regional Commercial: Subsections 19.04.22 (2) and (3).
  - f. Office Warehouse: Subsections 19.04.23 (2) and (3).
  - g. Industrial: Subsections 19.04.24 (2) and (3).
  - h. Mixed Waterfront: Subsections 19.04.25 (2) and (3).
  - i. Business Park: Subsections 19.04.26 (2) and (3).

2. **Interim Uses.** Any use which has a valid conditional use permit prior to being zoned or rezoned to the Planned Community Zone is permitted to continue prior to the approval of a Village Plan, provided that the use may only be continued pursuant to the terms and conditions upon which the conditional use permit was approved by the prior zoning authority.
  - a. The continuation of such an interim use after the approval of any Village Plan may only occur with the express approval of the City Council, and on such terms and conditions as the Council may dictate.
  - b. In approving the Village Plan, the City may require mitigation measures, including buffers, transitions, or alternate access routes to ensure that the interim uses are compatible with the other intended uses in the Village Plan and the community as a whole.
  
3. **Location of Uses.** The pattern, arrangement, and location of each land use shall generally be guided by the General Plan Land Use Map; however, in the Community Plan, the applicant may refine the location and pattern of land uses shown on the General Plan Land Use Map in order to improve design, accessibility, and marketability using the General Plan as guidance for overall character and intent.

(Ord. 15-29, Ord. 13-16, Ord. 11-9)

#### **19.26.05. Adoption and Amendment of Community Plans.**

1. No property of less than 500 contiguous acres shall be zoned as a Planned Community District.
  
2. Community Plans require a recommendation from the Planning Commission and approval by the City Council per Chapter 19.17 and as detailed throughout the rest of this Section.
  
3. **Application for Community Plan.** Concurrently with a zone change to Planned Community Zone, the Planning Commission shall consider an application to adopt a Community Plan. The Planning Commission shall review the application, hold a public hearing, and certify its recommendation to the City Council. Before certifying a recommendation of approval, or approval with conditions, the Planning Commission must find that the Community Plan:
  - a. is generally consistent with the goals, objectives, and policies of the General Plan, with particular emphasis placed upon those policies related to community identity, distinctive qualities in communities and neighborhoods, diversity of housing, integration of uses, pedestrian and transit design, and environmental protection;
  - b. contains sufficient standards to guide the creation of innovative design that responds to unique conditions;
  - c. is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;
  - d. includes adequate provisions for utilities, services, roadway networks, and emergency vehicle access; and public safety service demands will not exceed the capacity of existing and planned systems without adequate mitigation;

- e. is consistent with the guiding standards listed in Section 19.26.06; and
  - f. contains the required elements as dictated in Section 19.26.07.
4. **Adopted Community Plans.** Adopted Community Plans shall be indicated on the Zoning Map and maintained on file in the City Offices.
  5. **Community Plan Amendment.** Modifications to the Community Plan text or exhibits may occur in accordance with the following amendment process:
    - a. **Major Amendments:** If an amendment is deemed major by the Planning Director (or in the case of a District Area Plan, by the Development Review Committee), it will be processed in the same manner as the original Community Plan. Major amendments are modifications that change the intent of the Community Plan such as:
      - i. those that significantly change the character or architecture of the Community Plan;
      - ii. those that increase or reallocate residential density and non-residential intensity beyond any provisions for transfers provided within the Community Plan, as provided in Section 19.26.06;
      - iii. those that materially reduce the amount of land dedicated to parks, trails, public use space, natural areas, or public facilities as shown on the approved Community Plan; and
      - iv. modifications to development standards as allowed in the Community Plan.
    - b. **Minor Amendments.** Minor amendments are accomplished administratively by the Planning Director. Minor amendments include simple modifications to text or exhibits such as:
      - i. minor changes in the conceptual location of streets, public improvements, or infrastructure;
      - ii. minor changes in the configuration or size of parcels;
      - iii. transfers of density as described within the Community Plan, as provided for in Section 19.26.06;
      - iv. minor modification of land use boundaries; and
      - v. interpretations that facilitate or streamline the approval of unlisted uses that are similar in nature and impact to listed uses.

(Ord. 15-17, Ord. 14-4, Ord. 11-9)

#### **19.26.06. Guiding Standards of Community Plans.**

1. **Development Type and Intensity.** The allowed uses and the conceptual intensity of development in a Planned Community District shall be as established by the Community Plan.
2. **Equivalent Residential Unit Transfers.** Since build-out of a Planned Community District will occur over many years, flexibility is necessary to respond to market conditions, site conditions, and other factors. Therefore, after approval of a Community Plan, residential density or non-residential intensity may be transferred within the

Planned Community District as necessary to improve design, accessibility, and marketability. Guiding transfer provisions shall be provided in the Community Plan and detailed transfer provisions shall be established in the Village Plans. Transfer provisions shall adhere to the following standards:

- a. The overall intent and character of the Community Plan shall be maintained and the transfer of Equivalent Residential Units shall not materially alter the nature of each land use, land use designation, or district established in the Community Plan.
  - b. The maximum number of Equivalent Residential Units established in the Community Plan shall not be exceeded.
  - c. The method to transfer Equivalent Residential Units shall be established within a Community Plan, provided that the transfer of Equivalent Residential Units into or out of any land use designation or district established in the Community Plan shall not exceed fifteen percent without approval of the City Council. In no case shall the transfer of Equivalent Residential Units into or out of any land use designation or district exceed twenty percent of that established in the Community Plan.
  - d. Equivalent Residential Units may not be transferred from a more intensive into a less intensive land use designation or district established in the Community Plan such that it exceeds the underlying maximum density and intensity limits.
  - e. Equivalent Residential Units may not be transferred into any open space, park, or school unless said use is replaced elsewhere within the same district.
  - f. Each Community Plan shall identify the manner in which transfers of Equivalent Residential Units shall occur.
3. **Development Standards.** Guiding development standards shall be established in the Community Plan.
- a. The Community Plan standards shall be sufficient to establish an overall theme and appearance for the entirety of the Planned Community District by establishing a common landscape philosophy, common lighting, consistent fencing and buffer treatments, signage, and a hierarchy of entry monuments.
  - b. The Community Plan shall establish common architectural guidelines meeting the City's design standards to address style authenticity, color, material, form and massing, and building entry.
  - c. The Community Plan shall establish a mechanism to assure architectural quality and consistency throughout the Planned Community District.
  - d. Detailed development standards and regulations shall be contained in a Village Plan and may replace or supplement the standards contained in the Land Development Code, except where specifically provided in the Village Plan.
  - e. Any matters not specifically addressed in the Village Plan will be governed by other applicable regulations and standards of the City.
  - f. Community Plans or Village Plans shall not supersede engineering standards adopted by the City. Notwithstanding, alternative road cross sections may be approved by the City Council subject to the legislative discretion of the City Council.
4. **Open Space Requirements.** Open space, as defined in Section 19.02.02, shall comprise a minimum of thirty percent of the total Planned Community District area.

- a. Open space is defined as:
    - i. active open spaces such as parks, playgrounds, pathways and trails, pavilions, community gardens, ball fields, community centers, swimming pools, plazas, sports courts, and informal spaces which encourage the use and enjoyment of the open space;
    - ii. sensitive lands, including, but not be limited to: canyons and slopes in excess of thirty percent, ridge lines, streams or other natural water features, creek corridors, historic drainage channels, wildlife habitat, native vegetation, wetlands, geologically sensitive areas, and significant views and vistas; however, no more than fifty percent of the required open space area shall be comprised of sensitive lands;
    - iii. agricultural lands and equestrian facilities worthy of preservation for continued use; and
    - iv. entry features and any portion of a park strip or landscaped median that exceeds City standards, or other amenities, such as fountains and public art, that creates attractive neighborhoods.
  - b. Open space shall not include:
    - i. lands occupied by residential, commercial, light industrial, office structures, parking areas, streets or sidewalks;
    - ii. setbacks and spaces between buildings or parking areas or other hard surfaces that have no recreational value; and
    - iii. areas between multi-family structures or similar treatments that are not larger than 5,000 square feet, are not part of a community trail system, and are not developed as a recreational or community amenity (e.g. park, pool, community garden, and picnic area).
  - c. Open Space shall be preserved and maintained through one or a combination of the following:
    - i. dedication of the land as a public park or parkway system;
    - ii. dedication of the land as permanent open space on the recorded plat;
    - iii. granting the City a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation use, with ownership and maintenance being the responsibility of an owner's association, master association, or other governing body;
    - iv. through compliance with the provisions of the Condominium Ownership Act, as outlined in Utah Code Title 57, and which provides for the payment of common expenses for the upkeep of common areas and facilities; or
    - v. in the event the common open space and other facilities are not maintained in a manner consistent with the approved plan, the City may at its option cause such maintenance to be performed and assess the costs to the affected property owners' association, master association, or other governing body.
5. No structure (excluding signs and entry features) may be closer than twenty feet to the peripheral property line of the Planned Community District boundaries.
- a. The area within this twenty foot area is to be used as a buffer strip and may be counted toward open space requirements, but shall not include required back yards or building set back areas.

- b. The City Council may grant a waiver to the requirement set forth in this Subsection upon a finding that the buffer requirement will result in the creation of non-functional or non-useable open space area and will be detrimental to the provision of useful and functional open space within the Project.

(Ord. 19-38, Ord. 13-16, Ord. 11-9)

#### **19.26.07. Contents of Community Plans.**

Community Plans are general and conceptual in nature; however, they shall provide the community-wide structure in enough detail to determine the size, scope, intensity, and character of subsequent and more detailed Village Plans. Community Plans shall include:

1. **Description.** A metes and bounds legal description of the property and a vicinity map.
2. **Use Map.** A map depicting the proposed character and use of all property within the Planned Community District. This map shall be of sufficient detail to provide clear direction to guide subsequent Village Plans in terms of use and buildout. This map is not required to specify the exact use and density for each area and instead, to allow flexibility over the long-term, may describe ranges of buildout and ranges of uses.
3. **Buildout Allocation.** An allocation of all acreage within the Planned Community District by geographic subarea or parcel or phase with ranges of buildout levels calculated based on the City's measure of equivalent residential units, including residential and non-residential density allocations and projections of future population and employment levels.
4. **Open Space Plan.** A plan showing required open space components and amenities.
5. **Guiding Principles.** A general description of the intended character and objectives of the Community Plan and a statement of guiding land use and design principles that are required in subsequent and more detailed Village Plans and are necessary to implement the Community Plan. The guiding land use and design principles shall address:
  - a. Community-wide systems and themes including streetscape treatments, drainage and open space corridors, pedestrian systems, park and recreation systems, and public realm elements.
  - b. The desired character of the Community Plan, including conceptual landscaping plan showing the general character and nature of live plant species and potential design treatment of major features.
  - c. Guiding development standards critical to ensure the desired character of each geographic sub-area or parcel or phase is maintained in the subsequent Village Plans. Guiding standards shall include density and floor area ratio and, as appropriate, guidance for standards addressing height, setbacks, parking requirements, parking lot locations, and minimum private open space.
6. **Utility Capacities.** A general description of the current capacities of the existing on- and off-site backbone utility, roadway, and infrastructure improvements and a general



description of the service capacities and systems necessary to serve the maximum buildout of the Community Plan. This shall be accompanied by a general analysis of existing service capacities and systems, potential demands generated by the project, and necessary improvements.

7. **Conceptual Plans.** Other elements as appropriate including conceptual grading plans, wildlife mitigation plans, open space management plans, hazardous materials remediation plans, and fire protection plans.
8. **Development Agreement.** A Master Development Agreement, as described in Section 19.26.11.
9. **Additional Elements.** The following shall be included in the Community Plan or submitted separately in conjunction with the Community Plan:
  - a. description of and responses to existing physical characteristics of the site including waterways, geological information, fault lines, general soils data, and slopes (two foot contour intervals);
  - b. a statement explaining the reasons that justify approval of a Community Plan in relation to the findings required by Section 19.26.05;
  - c. an identification and description of how environmental issues, which may include wetlands, historical sites, and endangered plants, will be protected or mitigated; and
  - d. the means by which the Applicant will assure compliance with the provisions of the Community Plan, including architectural standards and common area maintenance provisions, and a specific description of the means by which phased dedication and improvement of open space will occur to assure the adequate and timely provision and improvement of open spaces.
10. **Application and Fees.** The following shall be submitted in conjunction with the Community Plan:
  - a. completed Community Plan application;
  - b. fees as determined by the City Recorder; and
  - c. copies of submitted plans in the electronic form required by the City.

(Ord. 14-4, Ord. 13-16, Ord. 11-9)

#### **19.26.08. Effect of a Community Plan.**

An approved Community Plan constitutes conceptual approval and entitles the applicant to pursue Village Plan approval in accordance with the approved Community Plan. The density allowances, uses, and conceptual development pattern granted in the Community Plan shall be deemed a vested right of the applicant, subject to compliance with then existing City ordinances, rules, and regulations, and engineering principles of common application.

(Ord. 11-9)

## 19.26.09. Village Plan Approval.

1. **Application for Village Plan.** Subsequent to the approval of a Community Plan, further development of any phase within a Planned Community Zone District shall require approval of a Village Plan. A Village Plan is a preliminary approval prior to subdivision or site plan approval and is intended to commit and provide detailed standards to assure compliance with the guiding principles and intent of the Community Plan and to further commit land uses, supporting infrastructure, and design principles. The Planning Commission shall review each Village Plan application in accordance with the provisions of Chapter 19.17 and certify its recommendation to the City Council. Before certifying a recommendation of approval, or approval with conditions, the Planning Commission must find that the Village Plan:
  - a. is consistent with the adopted Community Plan;
  - b. does not exceed the total number of equivalent residential units dictated in the adopted Community Plan;
  - c. for an individual phase, does not exceed the total number of equivalent residential units dictated in the adopted Community Plan unless transferred per the provisions of the Community Plan;
  - d. is consistent with the utility, infrastructure, and circulation plans of the Community Plan; includes adequately sized utilities, services, and roadway networks to meet demands; and mitigates the fair-share of off-site impacts;
  - e. properly integrates utility, infrastructure, open spaces, pedestrian and bicycle systems, and amenities with adjacent properties;
  - f. contains the required elements as dictated in Section 19.26.10; and
  - g. meets the minimum required space in adopted Community Plan, and adopted District Area Plan if applicable.
  
2. **Village Plan Amendment.** A Village Plan is a zoning level approval, and modifications may occur in accordance with the following amendment process:
  - a. **Major Amendments:** If an amendment is deemed major by the Planning Director, it will be processed in the same manner as the original Village Plan. Major amendments are modifications that change the intent of the Village Plan such as:
    - i. those that significantly change the character or architecture of owners' associations (if applicable);
    - ii. those that increase or reallocate residential density and non-residential intensity beyond any provisions for transfers provided in the Village Plan, as provided in Section 19.26.06;
    - iii. those that materially reduce the amount of land dedicated to parks, trails, public use space, natural areas or public facilities; and
    - iv. modifications to development standards as allowed in the Village Plan.
  - b. **Minor Amendments:** Minor amendments are accomplished administratively by the Planning Director and may be appealed to the Hearing Examiner. Minor amendments include simple modifications to text or exhibits such as:
    - i. minor changes in the conceptual location of streets, public improvements, or infrastructure;
    - ii. minor changes in the configuration or size of parcels;

- iii. transfers of density as described within the Village Plan, as provided for in Section 19.26.06;
- iv. minor modification of land use boundaries; and
- v. interpretations that facilitate or streamline the approval of unlisted uses that are similar in nature and impact to listed uses.

(Ord. 15-17, Ord. 13-16, Ord. 11-9)

**19.26.10. Contents of a Village Plan.**

Village Plans are detailed plans for the development and implementation of an entire Community Plan or individual phases or subareas of a Community Plan. Village Plans shall include:

1. **Description.** A legal description of the Village Plan area.
2. **Detailed Use Map.** A list of all permitted and conditional uses and a map depicting the proposed land uses by type for all property within the Village Plan Area, and demonstrating appropriate buffering from neighboring land uses, including uses within and outside of the Planned Community District.
3. **Detailed Buildout Allocation.** An allocation of all acreage within the Village Plan area by land use type and geographic subarea, parcel, or phase with maximum buildout levels calculated based on the City’s measure of equivalent residential units, including residential and non-residential density allocations and projections of future population and employment levels.
4. **Development Standards.** Detailed development standards for each land use type including specific provisions governing height, setbacks, parking requirements, parking lot locations, and minimum private open space.
5. **Design Guidelines.** Detailed design guidelines for each land use type including specific provisions governing density and floor area ratios.
6. **Associations.** If not previously established pursuant to Subsection 19.26.03.2.d., details regarding the creation of an owners’ association, master association, design review committee, or other governing body to review, approve, and enforce architectural requirements and restrictions and common area maintenance obligations.
7. **Phasing Plan.** A conceptual phasing and maintenance plan for development of all uses and supporting infrastructure and open space within the Village Plan Area.
8. **Lotting Map.** A conceptual plat map depicting conceptual lotting patterns.
9. **Landscaping Plan.** A landscaping plan and plant palette including a legend which includes height, caliper, and numbers of all plant materials and is consistent with the Community Plan.

10. **Utility Plan.** Utility and infrastructure plan that is consistent and links seamlessly with the communitywide systems outlined in the Community Plan.
11. **Vehicular Plan.** Vehicular circulation and mobility plan that is consistent and links seamlessly with the community-wide systems outlined in the Community Plan.
12. **Pedestrian Plan.** Pedestrian and bicycle mobility plan that is consistent and links seamlessly with the community-wide systems outlined in the Community Plan.
13. **Density Transfers.** Detailed transfer of density and non-residential square footage provisions.
14. **Additional Detailed Plans.** Other elements as necessary to detail plans and direction contained in the Community Plan, such as grading plans, storm water drainage plans, wildlife mitigation plans, open space management plans, sensitive lands protection plans, hazardous materials remediation plans, and fire protection plans.
15. **Site Characteristics.** A description of existing physical characteristics of the site including any sensitive lands, waterways, geological information, fault lines, general soils data, and contour data.
16. **Findings.** A statement explaining the reasons that justify approval of a Village Plan in relation to the findings required by the Planned Community District.
17. **Mitigation Plans.** Plans describing the protection and mitigation of significant environmental issues, such as wetlands, historical sites, and endangered plants, identified in the Community Plan.
18. **Offsite Utilities.** An estimate of the cost to provide off-site utilities and other public infrastructure facilities to the site.

(Ord. 14-4, Ord. 11-9)

#### **19.26.11. Master Development Agreement.**

Subject to the legislative discretion of the City Council pursuant to Section 10-9a-102 of the Utah Code, a Master Development Agreement may be entered into upon District Area Plan or Community Plan approval and shall generally conform to and include by reference, if appropriate, the requirements found in Section 19.13., except for the following sections:

1. **Plat.** A final plat, record of survey, or Site Plan is not required until submission of the subdivision application.
2. **Declaration.** Declaration of covenants and restrictions, declaration of condominium, or architectural elevations are not required until the site plan review or submission of the subdivision application.

3. **Duration.** Master Development Agreements shall run with the life of the Community Plan.

(Ord. 14-4, Ord. 12-9, Ord. 11-9)

#### **19.26.12. Subsequent Permits Required.**

1. **Application Approval.** The review and approval of applications prior to construction within the Village Plan area will be governed by the City's Ordinances. Notwithstanding the foregoing, the Planning Director shall be authorized to review and approve a site plan submitted for a proposed non-residential use where the proposed use is shown on and is consistent with an approved Village Plan and the site plan does not require the dedication or improvement of the public street access, or the alteration of any standard or requirement of the approved Village Plan.
2. **Applications for Reuse.** The review and approval of applications for the use, reuse, or alteration or improvement of existing structures will be conducted through the provisions established by this Code, as amended by the adopted Village Plan, and include:
  - a. necessary Conditional Use Permits, as prescribed in the provisions of the adopted Community Plan and conducted per Chapter 19.15;
  - b. signage, as prescribed in the provisions of the adopted Community Plan and conducted per Chapter 19.18;
  - c. necessary business licenses as required by this Code;
  - d. Home Occupations per Chapter 19.08; and
  - e. all necessary grading, electrical, plumbing, building, energy, mechanical, and occupancy permits as required by this Code.

(Ord. 11-9)

#### **19.26.13. Large Scale Planned Community Districts.**

1. **Applicability of Section.** Planned Community Districts that include more than 2,000 acres (hereinafter referred to as "Large-scale Planned Community Districts"), affect the City's planning in unique ways and may involve a longer build-out horizon than smaller Planned Community Districts. At the election of landowners seeking the application of the Planned Community Zone to property exceeding 2,000 acres in size, and upon approval of a District Area Plan, as set forth below, such property shall be designated a Large-scale Planned Community District, and shall be governed by the provisions of this Section 19.26.13, and other sections of this Chapter as specifically indicated in this Section 19.26.13. Large-scale Planned Community Districts may consist of multiple, non-contiguous parcels.
2. **Adoption and Amendment of District Area Plans.** An approved District Area Plan shall be required at the time property within a proposed Large-scale Planned Community District is assigned the designation of Planned Community Zone. Prior to approval by the City Council, a proposed District Area Plan shall be submitted to the Planning Commission for review and recommendation. The District Area Plan shall cover the

entire proposed Large-scale Planned Community District, and shall contain the following information:

- a. Proposed name for the Large-scale Planned Community District;
  - b. A map depicting:
    - i. the location of the Large-scale Planned Community District;
    - ii. acreage;
    - iii. boundaries;
    - iv. scale;
    - v. north arrow; and
    - vi. a conceptual layout of land use designations, major thoroughfares and transit corridors;
  - c. Proposed land uses and place types, and allowable density and land use intensity ranges for such proposed place types;
  - d. Planning criteria and guidelines as described in Subsection 3. below;
  - e. A table showing the proposed:
    - i. number of residential units,
    - ii. total floor area (measured in square feet) of the various non-residential land uses, and
    - iii. total number of Equivalent Residential Units;
  - f. Major existing land uses, roads, waterways, utilities, easements and flood boundaries;
  - g. Topography and significant geographical features on or adjacent to the property; and
  - h. Other aspects of the plan for the property as desired by the applicant.
  - i. The proposed District Area Plan shall be submitted in both hard copy and electronic form. The proposed District Area Plan shall constitute a land use application for all purposes of Utah law. The adoption of the District Area Plan, and any subsequent amendment thereof, shall be accomplished in the same manner as the adoption and amendment of Community Plans under Section 19.26.05, except that the Planning Commission shall not be required to make the findings set forth in Subsections 1.c. through 1.g. In addition, amendments shall follow the process in subsection 19.26.13. Prior to adoption and approval, the City Council, taking into account the recommendations of the Planning Commission, may require such changes to the proposed District Area Plan, including without limitation the addition or deletion of detail to or from the proposed District Area Plan, as shall be necessary, in the discretion of the City Council, to justify the vested entitlements associated with the District Area Plan under Section 7.
3. **Planning Criteria and Guidelines.** The District Area Plan shall include planning criteria and guidelines generally governing the planning of the Large-scale Planned Community District, and the preparation of one or more subsequent Community Plans and Village Plans. Such criteria and guidelines shall be sufficient to establish the overall character of the various land use designations. More detailed development standards and architectural guidelines shall be required at the Community Plan and Village Plan stages. The locations and boundaries of the various land use designations may be adjusted through the approval of the subsequent Community Plans and Village Plans.

4. **Approvals Required After District Area Plan Approval.** The review and approval of applications within a Large-scale Planned Community District after approval of the District Area Plan and prior to construction shall be governed by the provisions of this Chapter, including the Community Plan requirements of Sections 19.26.03 through 19.26.08, the Village Plan requirements of Section 19.26.03 and Sections 19.26.09 through 19.26.10, and the provisions of Section 19.26.12, except as specifically modified herein.
  
5. **Amendments.** District Area Plans may be amended from time to time, and shall be amended prior to or concurrent with the approval by the City Council of a Community Plan or an amendment to a Community Plan that in either case is inconsistent with the then existing District Area Plan. If an amendment is proposed, it shall be processed in the same manner as the original District Area Plan. Amendments may include the following:
  - a. Significant changes in the conceptual layout of proposed land use designations, major thoroughfares or transit corridors;
  - b. An increase in allowable density and intensity ranges for proposed land uses and place types;
  - c. Changes in the planning criteria and guidelines that significantly change the character of the Large-scale Planned Community District; or
  - d. Changes that reduce the ranges of the amount of land dedicated to parks, trails, public use space, natural areas or public facilities as shown on the approved District Area Plan, or that reduce the total amount of open space set forth in the District Area Plan.
  - e. A change in the name of the Planned Community District;
  - f. Minor changes in the conceptual layout of proposed land use designations, major thoroughfares or transit corridors;
  - g. Minor changes in land use or other boundaries;
  - h. Changes that either reallocate or increase overall open space;
  - i. Changes that either reallocate or decrease densities or intensities of use,
  - j. Any change necessary to conform the District Area Plan to an approved Community Plan; or
  - k. Any change necessary to conform the District Area Plan to a change in the City's General Land Use Plan, Parks & Trails Master Plan, and/or Transportation Plan.
  
6. **Open Space in Large-scale Planned Community Districts.**
  - a. **Alternative Open Space Requirements.**
    - i. Open space shall constitute an integral part of Large-scale Planned Community Districts.
    - ii. Certain Large-scale Planned Community Districts may require a unique and flexible approach to the issue of open space, given
      1. the wide variety of anticipated land uses and place types, and the disparate open space needs of the City within such varying land uses and place types,
      2. the long build-out horizon for the Large-scale Planned Community as a whole, and the need to coordinate the inclusion of open space elements across long time spans and among several construction phases, and

3. the potential for the City’s open space needs and objectives to change prior to full build-out.
- iii. In cases such as those under Subsection 5.a.ii., the City Council, taking into account the recommendations of the Planning Commission, may elect, in lieu of the provisions of Subsection 19.26.06.4, to establish alternative requirements for open space in accordance with this Section.
- b. **Approved Ranges.** The District Area Plan may establish an acceptable range of the percentage of land required to be dedicated to open space uses within each identified land use or place type approved in the District Area Plan. Such ranges may or may not reflect the general thirty percent requirement present in Subsection 19.26.06.4. In approving such ranges, and any deviation from such thirty percent requirement, the City Council, taking into account the recommendations of the Planning Commission, may take into account the following factors:
  - i. minimum open space requirements, by place type, recommended by one or more accredited and nationally-recognized planning organizations acceptable to the City Council, taking into account the recommendations of the Planning Commission;
  - ii. unique factors affecting the City’s open space needs and objectives that may warrant deviation from such recommendations;
  - iii. any identified City objective to establish a unique identity through the use of open space;
  - iv. walkability objectives;
  - v. wise water management;
  - vi. cost of long-term maintenance; and
  - vii. any other factors considered relevant by the City Council.
- c. **Precise Requirements within Ranges.** When evaluating the more precise extent and design of open space at the Community Plan and Village Plan stages, within the ranges approved in the District Area Plan, the City Council shall take into account the following factors:
  - i. the desirability and balance, within certain place types, between active open space and passive open space;
  - ii. the intensity of programmed uses within the proposed open space (by way of example, a public swimming pool on three acres may provide the same open space benefit to the City as a park on ten acres);
  - iii. the capital requirements of the open space features (by way of example, a skate park may satisfy the same open space requirement as a much larger soccer field);
  - iv. the shifting of open space from one place type to another (by way of example, open space in a retail place type may be reduced to offset a larger community park in another location within the District);
  - v. the accessibility and proximity of the open space;
  - vi. the quality of the open space;
  - vii. requirements for land dedication, capital improvement, maintenance, and impact fees to ensure that cross-subsidization between the project and the remainder of the City does not occur, in order that all City residents bear their fair burden of the costs associated with such requirements; and



- viii. any other factors considered relevant by the City Council, taking into account the recommendations of the Planning Commission.
  - d. **Elements of Open Space.** Open space for purposes of Large-scale Planned Community Districts may include any space, element, or feature deemed by the City Council, taking into account the recommendations of the Planning Commission, to advance the purpose for which the open space is required.
    - i. By way of example and not limitation, open space and accompanying amenities may include community parks, pocket parks, fields, playgrounds, tot lots, pathways, trails, bike paths, skate parks, pavilions, community gardens, ball fields, cemeteries, community centers, swimming pools, plazas, public squares, sport courts, dog parks, amphitheaters, fountains, water features, golf courses, theme parks, waterways, irrigation canals, drainage detention basins, park strips, planted medians, landscaping, nature preserves, wetlands, hillsides, geologically sensitive areas, viewsapes, wildlife habitat, buffers, public art, benches, and agricultural lands.
    - ii. Allowable open space elements may be approved in the District Area Plan, or in subsequent Community Plans or Village Plans.
  - e. **Preservation of Open Space.** Open space shall be preserved and maintained through one or more mechanisms designed to preserve its future use for the purpose for which it is intended. Allowable methods of preservation include, but are not limited to:
    - i. dedication of land to the City;
    - ii. recordation of restrictive covenants;
    - iii. granting to the City or other entity a permanent open space or conservation easement;
    - iv. compliance with the provisions of the Condominium Ownership Act, as outlined in Utah Code Title 57, and which provides for the payment of common expenses for the upkeep of common areas and facilities; and
    - v. in the case of property belonging to school districts or other public or private entities, the establishment of long-term contractual arrangements which preserve the right of the public to use land or facilities.
  - f. **Capital Costs.** Nothing in this Subsection 6. shall be construed as imposing on the Applicant the responsibility of assuming the capital costs of constructing open space features. The allocation of such costs shall be consistent with applicable state and federal law and any applicable City impact fee ordinance and capital facilities plan.
7. **Interim Uses.** Existing and new agricultural uses are permitted to continue prior to approval of a Village Plan for the area in which the uses occur and may continue subsequent to approval of a Village Plan if so permitted under the Village Plan. Sand and gravel operations shall be a conditional use prior to approval of a Village Plan, and thereafter to the extent required in support of development.
8. **Effect of a District Area Plan.** Approval of a District Area Plan for a Large-scale Planned Community District constitutes a legislative decision of the City Council for all purposes of land use review under Utah Law, and vests the entitlement to develop within

the Large-scale Planned Community District in accordance with the approved District Area Plan, and in accordance with the process described in this Chapter 26.

- a. Such vesting shall include the right to:
  - i. develop the approved number of dwelling units, non-residential square footage, and equivalent residential units;
  - ii. develop the land uses; and
  - iii. provide open space within the ranges, each as set forth in the District Area Plan.
- b. The City Council, taking into account the recommendations of the Planning Commission, may exercise legislative discretion at the Community Plan and Village Plan approval stages consistent with the District Area Plan, to determine and establish the development standards, design guidelines, and specific land use locations, configurations and allocations, provided that in exercising such discretion, the City Council shall not direct development patterns in a manner that unreasonably inhibits realization of the vested rights granted in an approved District Area Plan.

9. **Development Agreement.** A Development Agreement governing the general principles and terms of development may be executed between the City and the landowner concurrent with the approval of a District Area Plan.

- a. Such Development Agreement need not conform to the requirements of Chapter 19.13.
- b. The City and a Master Developer may enter into Development Agreements containing such other and further vesting provisions as the City Council, taking into account the recommendations of the Planning Commission, finds will promote the public welfare and will protect and enhance property values within the area of the District Area Plan and surrounding areas.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)