

CHAPTER 17.64 PLANNED DEVELOPMENT

17.64.00 INTENT

The Planned Development regulations are intended to:

- A. Refine and implement village development patterns designated “V” on the Comprehensive Plan Map.
- B. Allow the relocation of zones within designated villages, provided that the overall intent of the village designation is maintained.
- C. Allow a mixture of densities between base zones within the planned development.
- D. Promote flexibility in site planning and architectural design, placement, and clustering of structures.
- E. Provide for efficient use of public facilities and energy.
- F. Encourage the conservation of natural features.
- G. Provide usable and suitable recreation facilities and public or common facilities.
- H. Allow coordination of architectural styles, building forms and relationships.
- I. Promote attractive and functional business environments in non-residential zones, which are compatibility with surrounding development.

17.64.10 GENERAL PROVISIONS

- A. Combined Review. The procedures of this chapter require review of both a Conceptual Development Plan and a Detailed Development Plan. Requests may be made sequentially or for a combined review. In the event of a combined review, the Planning Commission shall forward a recommendation regarding the plans to the City Council, and the City Council shall make a final decision approving, approving with conditions or denying the application.
- B. Development Permit Issuance. Development permits are only issued following approval of a Detailed Development Plan.
- C. Planned Development Required if relocating Village zones. Areas designated “V” on the Comprehensive Plan Map require a planned development application if any zone relocation is requested. Development consistent with the “V” base zoning may proceed under the base zone provisions, subject to design review, without application for a planned development.

17.64.20 AREAS OF APPLICATION

Planned developments are allowed in all zones.

17.64.30 DEVELOPMENT STANDARDS

- A. Variation from Development Code Standards Generally. The development standards of the base zone, overlay zone or planned development overlay apply unless they are superseded by the standards of this chapter, or are modified during a Planned Development review. The Planned Development and Specific Area Plan review processes allow modification of development code standards that are dimensional and/or quantitative, however a base zone’s minimum density is not eligible for modification under any circumstances, including a modification under Chapter 17.66.

- B. Minimum Site Area. A planned development may be established on any parcel of land, or on more than one parcel of land if those parcels are abutting.

17.64.40 DENSITY CALCULATION

The maximum number of allowable dwelling units shall be the sum of densities allowed by the underlying zone(s) unless an increase is authorized as otherwise allowed in this chapter.

- A. Residential Zones. The calculation is based on a determination of gross site area and the acreage of any restricted development areas (as defined by Chapter 17.60). A specific determination of density shall be made pursuant to Chapter 17.30. When a PD is located in more than one “R” zone, the total allowed number of units is the sum of the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.
- B. Commercial and Industrial Zones. The allowed density is only restricted by the provisions of the base zone with respect to parking, setbacks, landscaping, etc., or as modified during Detailed Development Plan review.
- C. Increase in Density. An increase in density of up to 25% of the number of dwelling units may be permitted upon a finding that the Planned Development is outstanding in planned land use and design, and provides exceptional advantages in living conditions and amenities not found in similar developments constructed under regular zoning.
- D. Density Transfer. A transfer of density may be allowed by the Planning Commission when consistent with the review criteria of Chapter 17.64.100 C. Density may be transferred across zone district boundaries.
- E. Reconfiguration of Village Zones. Reconfiguration of the base zones within a Village may be modified through the Conceptual Development review process, provided that no more than a 20% change in acreage results between existing and proposed residential and non-residential zones. The intent of this provision is to allow flexibility and potential for improved Village design through the planned development process.

17.64.50 OPEN SPACE AND PARKLAND

All Planned Developments shall provide a minimum percentage of the total area in open space as specified below. . In addition to required open space, all Planned Developments that include residential housing shall also provide a required parkland dedication as specified in Chapter 17.86.

- A. Residential Zones. A minimum of 25% of the total site area.
- B. Commercial or Industrial Zones. A minimum of 15% of the total tract area.
- C. Payment in Lieu of Dedication. At the city’s discretion only, the city may accept payment of a fee in lieu of land dedication. The amount of the fee in lieu of land dedication (in dollars per acre) shall set by City Council Resolution or determined by a current land appraisal. The City may also allow open space land donation requirements to be fulfilled on another parcel.
- D. The following factors shall be used in the choice of whether to accept land or cash in lieu:
- a. The topography, geology, access to, parcel size, and location of land to be dedicated;
 - b. Potential adverse/beneficial effects on environmentally sensitive areas;

- c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
- d. Availability of previously acquired property; and
- e. The feasibility of dedication.

E. The types of open space that may be provided are as follows:

- a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
- b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.

F. Dedication Procedures. Open space as part of Planned Development application shall be dedicated according to the requirements of Section 17.86.50.

17.64.60 ALLOWED USES

A. Residential Districts:

- 1. Uses permitted in the underlying district
- 2. Housing types may include, but are not limited to, single family dwellings, duplexes, row houses, clustered dwelling units, multiple family dwellings, or manufactured dwellings.
- 3. Related commercial uses as part of the development
- 4. Related community service uses as part of the development
- 5. Accessory buildings and uses

B. Commercial Districts:

- 1. Uses permitted in the underlying district
- 2. Community service uses
- 3. Other uses approved as part of the Detailed Development Plan
- 4. Accessory buildings and uses

17.64.70 OFFICIAL ZONING MAP

When a Planned Development project has been approved, the official Zoning Map shall be amended by ordinance to denote the new “PD” Planned Development overlay designation. Such an amendment is a ministerial act, and Chapter 17.26, Zoning District Amendments, shall not apply when the map is amended to denote a PD overlay.

17.64.80 CONCEPTUAL DEVELOPMENT PLAN PROCEDURE

- A. The Planning Commission shall review the Conceptual Development Plan at a public hearing and forward a recommendation for approval, approval with modifications, or denial of the application to the City Council for consideration.
- B. The City Council shall review the recommendation at a public hearing and take action based on the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the application. Approval of the Conceptual Development Plan shall be limited to the tentative acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse precise locations of uses nor engineering feasibility.

- C. If an affirmative decision is made, the City Council shall adopt findings that specify how the application has or has not complied with this chapter's standards, as well as any other relevant standards, and approve the request by an ordinance that amends the Zoning Map.
- D. Within 12 months of approval of the Conceptual Development Plan, the applicant shall file a Detailed Development Plan. The Detailed Development Plan shall incorporate any modification or condition required by approval of the Conceptual Development Plan.

17.64.90 CONCEPTUAL DEVELOPMENT PLAN APPLICATION

A Conceptual Development Plan is intended as a general guide to land use, transportation and utility placement within a planned development. A Conceptual Development Plan application requires significantly less detail than a Detailed Development Plan.

- A. Application Requirements. An application for Conceptual Development Plan review shall be made on forms provided by the Director. The person filing the application must be the owner or a person having an interest in the land to be included in the Planned Development. If the Planned Development is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having an interest in each of the separately owned properties to be included.

The application shall be accompanied by the following:

- 20 copies of the required narrative.
- 20 sets of full-scaled black line drawings of the conceptual development plan graphic(s) drawn at a typical engineering scale.
- One set of plans reduced to 8 ½" by 11" sheets of paper. Graphics and related names/numbers must be legible on this sheet size.
- List and mailing labels of all affected property owners within 300 feet.
- List of all proposed deviations from City development standards.

- B. Additional Submittals. A Conceptual Development Plan shall include the following information where applicable:

1. Existing land use map (typically a topographic map that extends at least 300 feet beyond the site). The map shall include building footprints and make a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainage ways, parks and schools.
2. Site plan(s) and other graphics drawn to scale. The site plan(s) shall contain the following:
 - a) Title sheet, date, north arrow, and legend
 - b) Existing site conditions including contours at 10-foot intervals, watercourses, flood plains and natural features.
 - c) Boundary of the proposed Planned Development and any interior boundaries related to proposed development phases or land divisions.
 - d) General location of existing and proposed land uses, including residential densities and non-residential building types. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.
 - e) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.
 - f) Existing and proposed general circulation system including collector and arterial streets and major points of access to public rights-of-way and adjacent property.

Notations of proposed ownership (public or private) should be included where appropriate.

- g) General pedestrian and bicycle circulation system, including its interrelationship with the motor vehicular system and indicating proposed treatments at existing or potential points of conflict.
- h) Existing and proposed utility systems including sanitary sewer, water, storm sewer, and drainage ways.
- i) Sufficient information on land areas within at least 300 ft. of the subject property to indicate their relationships with the proposed development including land uses, lot lines, circulation systems (including potential for connectivity of streets and pedestrian ways), public facilities, and unique natural features of the landscape.

The Director may waive any of the above requirements or require additional information when deemed necessary to properly evaluate the proposed Planned Development.

C. Narrative Requirements for a Conceptual Development Plan. A written statement shall be provided, including the following information:

1. Statement of objectives to be achieved by the Planned Development. This statement should indicate:
 - A description of the character of the proposed development.
 - The rationale behind the design assumptions and choices made.
 - The rationale behind any design change to an existing Village and reasons why the proposal is superior.
 - A discussion indicating how the application meets the review criteria in 17.64.100 below.
2. Statement of intentions with regard to future sale or lease of all or portions of the Planned Development.
3. Quantitative data for the following, where appropriate:
 - Total number and type of dwelling units
 - Parcel size(s)
 - Proposed lot coverage of buildings and structures where known
 - Gross densities per acre
 - Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas)
 - Total amount of nonresidential construction
4. General statement of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements, such as parks, open space improvements, pedestrian connections, irrigation, private roads and drives, landscape, and maintenance.
5. Description of how the Planned Development contributes to the completion and connectivity of the pedestrian and vehicular circulation system.

17.64.100 CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCESS

A. Acceptance of Application. The Director shall review the application in accordance with Chapter 17.18 – Processing Applications.

B. Staff Evaluation. The Director shall prepare a report that evaluates whether the Conceptual Development Plan complies with the review criteria below. The report shall also include a

recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

- C. Review Criteria for Conceptual Development Plan. Requests for approval of a Conceptual Development Plan shall be reviewed to:
1. Assure consistency with the Intent of this chapter;
 2. Assure compliance with the General Provisions, Development Standards and Application provisions of this chapter; and
 3. When located in a Village, assure consistency with the appropriate Comprehensive Plan policies for Village designations.
- D. Major Modification(s) of a Conceptual Development Plan. A major modification to an approved Conceptual Development Plan must be processed as a new CDP application. Major Modifications include:
1. Changes in proposed land use
 2. More than a 5 percent increase in dwelling unit density
 3. Substantial change in building elevation or materials
 4. Substantial changes in type and location of access ways and parking areas where off-site traffic would be negatively affected
 5. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified
 6. Reduction of more than 10 percent of the area reserved for common open space and/or usable open space from what was previously specified
 7. Increase in the total ground area proposed to be covered by structures by more than 5 percent from what was previously specified
 8. Reduction of specific setback requirements by more than 20 percent from what was previously specified
 9. Reduction of project amenities provided, such as recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified
 10. Any other modification to specific requirements established at the time of Conceptual Development Plan approval
- E. Minor Modification(s) of a Conceptual Development Plan. Minor Modifications may include any of the changes listed in Section 17.64.100 D above, provided that the change is quantified below the thresholds for a Major Modification. A Minor Modification shall be processed as a Type II application, consistent with the standards of Chapter 17.12.
- F. Application for Major Modification(s) of a Conceptual Development Plan
1. An applicant may petition for review of an approved PD for purposes of modification(s), stating reasons for the change.
 2. Where the Director determines that the proposed change is a Major Modification from one or more of the review criteria listed above in 17.64.100 D, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 17.20-Public Hearings.
 3. In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Conceptual Development Plan submittal and review. The Commission shall consider the review criteria in 17.64.100 C to determine whether to authorize a Major Modification.
 4. Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Conceptual Development Plan and

forward a recommendation for approval, approval with modifications, or denial of the application to the City Council for consideration.

5. The City Council shall consider the petition for modification at a public hearing and take action based on the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the application.
6. If an affirmative decision is made, the City Council shall approve the modification by an ordinance.
7. Within 12 months of approval of a Major Modification, the applicant shall file a Detailed Development Plan. The Detailed Development Plan shall incorporate any modification or condition required by approval of the Conceptual Development Plan as modified.

17.64.110 DETAILED DEVELOPMENT PLAN PROCEDURE

- A. If the Detailed Development Plan will involve the subdivision of land, the applicant shall prepare and submit a tentative subdivision plat along with the Detailed Development Plan to be considered at the same time.
- B. The Planning Commission shall review the Detailed Development Plan at a public hearing and may approve, approve with modifications or deny the application.

17.64.120 DETAILED DEVELOPMENT PLAN APPLICATION

A Detailed Development Plan is intended as a master plan for land use, transportation and utility placement within a planned development. A Detailed Development Plan application follows an approved Conceptual Development Plan or both applications may be submitted simultaneously. Where land divisions are proposed, the Detailed Development Plan shall be combined with a Tentative Subdivision Plat application according the requirements of Chapter 17.100. An application for a Detailed Development Plan shall be reviewed in accordance with the following procedures:

- A. Application Requirements. An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan as listed above and shall also include the following:
 1. Graphic Requirements
 - a) Topographic contours at two-foot intervals for slopes under 15 percent and at five-foot intervals for slopes at or greater than 15 percent. A grading plan is required to show how runoff or surface water from the subject property will be managed, including ultimate disposal of surface waters.
 - b) Location and floor area of existing and proposed structures and other improvements, including maximum heights, building types, gross density per acre (for residential developments).
 - c) Detailed utility plan indicating how sanitary sewer, water, storm sewer, and drainage systems will function.
 - d) Location of existing utilities, including existing fire hydrants, overhead utility lines in the abutting right of way, easements and walkways.
 - e) Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development.
 - f) Landscape plan drawn to scale showing location of existing trees and vegetation proposed to be removed from or to be retained on the site, location and design of

- proposed landscaped areas, quantities, varieties, quantities, and sizes of trees and plant materials to be planted, other landscape features including walks and fences, and irrigation systems required to maintain plant materials.
- g) Circulation plan showing street, driveway, parking area, service area, loading area, pedestrian way and bikeway improvements, their dimensions and connectivity to surrounding parcels, existing and proposed streets.
 - h) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas.
 - i) Exterior lighting plan indicating the location, size, height, typical design, material, and method and direction of illumination.
 - j) Concurrent Design Review graphic elements

- B. Narrative Requirements for a Detailed Development Plan. In addition to the narrative requirements specified for a Conceptual Development Plan, the Detailed Development Plan narrative shall also include:
- 1. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided (in ratio to gross floor area or number of units).
 - 2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance.
 - 3. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.
 - 4. Statement describing project phasing, if proposed. Phases shall be:
 - a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
 - b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
 - c) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.
 - 5. Statement of “substantial compliance” with the Conceptual Development Plan.
- C. Minor Modification(s) of a Detailed Development Plan. Minor Modifications to a Detailed Development Plan may include any of the changes listed in Section 17.64.100(D), provided the change is quantified below the thresholds for a Major Modification. A Minor Modification shall be processed as a Type II application, consistent with the standards of Chapter 17.12.
- D. Major Modification(s) of a Detailed Development Plan. Major Modifications to a Detailed Development Plan shall not be permitted. A new application must be submitted in order to make Major Modifications to a Detailed Development Plan.

17.64.130 APPEALS

- A. The decision of the Director or Planning Commission may be appealed in accordance with the provisions of Chapter 17.28-Appeals.
- B. Where an appeal has been filed for a Detailed Development Plan subsequent to Conceptual Development Plan approval, an appeal shall only be heard by the City Council for those items specifically addressed by the Planning Commission for the Detailed Development Plan.

17.64.140 EFFECTIVE PERIOD OF APPROVAL

- A. Conceptual Development Plan. Approval of a Conceptual Development Plan shall be valid for a 12-month period from the date of approval, with possible six-month extension(s) when requested in writing and granted by the Director for good cause.
- B. Detailed Development Plan.
 - 1. Approval of a Detailed Development Plan shall be valid for a 24-month period from the date of approval, with possible six-month extension(s) when requested in writing and granted by the Director for good cause.
 - 2. When a Detailed Development Plan is submitted and approved for a single phase, 24-month periods are allowed for submission of each subsequent phase. If the applicant has not begun construction within this time frame, all approvals shall expire.
 - 3. When shown that conditions have not changed, the Commission may extend the approval for two additional years at its discretion and without a public hearing.
 - 4. Total elapsed time for submission of Detailed Plans for all phases of a Planned Development shall not exceed ten years from the date of Conceptual Development Plan approval (or the initial Detailed Development Plan approval in the case of a concurrent application), including extensions.

17.64.150 NONCOMPLIANCE WITH THE APPROVED DETAILED DEVELOPMENT PLAN

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer in writing. Thereafter, the city may issue orders to the developer within the range of discretion available, and upon continued noncompliance may withhold building permits for further construction or revoke those permits previously issued until compliance is achieved, or pursue any other remedies available to the City.

17.64.160 PLANNED DEVELOPMENT NULLIFICATION

If no development has occurred for an approved Planned development, and development plan approval has expired under 17.64.140, an applicant may seek to have the PD zoning overlay designation removed from the subject property.

- A. Property owner(s) or their authorized agents may apply to nullify an established Planned Development designation by filing an application on a form provided by the Director.
 - 1. The City Council shall conduct a public hearing and provide notice of the hearing and the decision in accordance with Chapter 17.20-Public Hearings.

- B. The burden of proof is placed on the applicant to justify nullification of the Planned Development designation, giving substantial evidence that:
1. Developing the property under conventional district standards and regulations will not create nonconforming development.
 2. Special circumstances such as building relationships, drainage ways, public improvements, topography, and so forth that were to be responded to specifically through the Planned Development process can be dealt with as effectively with conventional standards.
 3. Conditions attached to the approved Planned Development by the hearing authority can be met or are no longer necessary.
 4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the city, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.
- C. If the Planned Development is nullified, the PD overlay designation shall be removed from the Official Zoning District Map after the appeal period has expired. The removal of the designation from the map shall be a ministerial act and shall not implicate Chapter 17.26, Zoning District Amendments.