



## PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley  
Wednesday, January 04, 2023 at 6:00 PM

### HEARING NOTICE

Public Notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, January 04, 2023 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Update Title 10.10.110 Cabins Or Tiny Home Parks Zone and Title 10.12.120 Legal Nonconforming Lots, Ordinance-O-2023-02.
2. Update Title 11.08.010 Required Improvements, Ordinance-O-2023-03.
3. Update Title 11.08.020 Waste Disposal Systems, Ordinance-O-2022-04.
4. Update Title 11.08.080 Water, Ordinance-O-2023-05.
5. Update Title 11.02.030 Definitions, Ordinance-O-2023-06.
6. Update Title 11.02.080 Construction Drawings, Ordinance-O-2023-07.
7. Update Title 11.02.100 Final Plat Requirements, Ordinance-O-2023-08.
8. Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2023-09.
9. Update Title 10.28.150 Utility Requirements, Ordinance-O-2023-10.
10. Update Title 10.28.190 Curbs, Gutters, Sidewalks, And Road Improvements, Ordinance-O-2023-11.
11. Repeal and Replace Title 10.10.120 Planned Development Zone, Ordinance-O-2023-12.
12. Update Title 10.07.090 Conditional Use Permit, Ordinance-O-2023-13.
13. Repeal Title 10.28.270 Guesthouses Or Casitas and Replace Title 10.28.270 Accessory Dwelling Unit (ADU), Ordinance-O-2023-14.

Interested persons are encouraged to attend public hearings to present their views or present their views in writing at least 48 hours prior to the meeting by emailing [clerk@applevalleyut.gov](mailto:clerk@applevalleyut.gov).

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website [www.applevalleyut.gov](http://www.applevalleyut.gov) on the 21st day of December, 2022.

Dated this 21st day of December, 2022

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

**APPLE VALLEY  
ORDINANCE O-2023-02**

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

**SECTION 1:        AMENDMENT** “10.10.110 Cabins Or Tiny Home Parks Zone” of the Apple Valley Land Use is hereby *amended* as follows:

**BEFORE AMENDMENT**

**10.10.110 Cabins Or Tiny Home Parks Zone**

- A. Purpose: The purpose of this zone is to provide for the development of Cabin or Tiny Home Parks (CTP). Cabin or Tiny Home Parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc.

Cabins or Tiny Homes Parks, are designed and intended from the beginning to serve the transient or traveling public with small cabins or Tiny Homes, placed or built on a permanent foundation with the structure containing sleeping, bathing and kitchen facilities. The Minimum zone size shall be fifteen (15) Acres.

The primary location for a Cabin or Tiny Home Park is close to Highway 59 or other major roadway or may be located more remotely if utilities and proper road access is available or will be available. It shall not be located immediately next to a residential zone.

- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Accessory buildings and uses
  2. Household pets
  3. Cabins or Tiny Homes as defined in AVL 10.04 or subsection E below
  4. Park, playground, swimming pool and tennis courts or alike
  5. Other uses similar to the above and approved by the Planning Commission to be in harmony with the intent and character of this zone.
  6. Clubhouse, sales or registration office, or on-site managers dwelling.
- C. Height Regulations: No cabins/tiny home shall be erected to a height greater than eighteen (18').

No accessory building shall be erected to a height greater than fifteen (15') feet.

No club house/office may be erected to a height greater than twenty five (25') feet.

- D. Cabins or Tiny Home Park Development Standards: Definitions:

A Cabin is a small stick built or small manufactured home, built or placed on a permanent foundation and is less than 600 Sq Feet of living space.

A Tiny Home is a stick built or small manufactured home, built or placed on a permanent foundation, and is less than 400 Sq. Feet of living space.

Any Cabin or Tiny Home that has wheels or skids and not placed on a permanent foundation shall be considered a Recreational Vehicle and may not be placed or used in this zone. But it shall be placed in a Recreational Vehicle Park zone.

1. Minimum Size: Each Cabin or Tiny Home Park shall have a minimum size of fifteen (15) acres.
2. Roads:
  - a. Width: Each Cabin or Tiny Home Park shall have roads of at least twenty-four feet (24') in width and single one way driveway may be fourteen feet (14') in width.

Construction Specifications: All Units shall be served by paved roads constructed to Town standards and approved by the Town.

3. Park Access: Access to all Cabin or Tiny Home Parks shall be from a dedicated and approved public street at an approved point or points. No units shall have direct access from a public street nor may traffic enter or exit through a residential neighborhood.
4. Off Street Parking: Hard surface (Concrete or paved) parking spaces shall be provided for the minimum parking of two (2) vehicles for each unit.
5. Recreation Space: Recreation space shall be provided for each Cabin or Tiny Home Park having ten (10) or more units and shall be maintained for such use. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each such park and an additional one hundred (100) square feet shall be provided for each unit above ten (10) units. This is in addition to the outdoor living space mentioned in AVLU 10C-6-G. This recreation space is not the open space behind or between units or streets. It is a separate facility common to all units in the development, such as a clubhouse.
6. Density: The maximum density for a Cabin or Tiny Home Park shall not exceed ten (10) units per gross acre.
- 7.
8. Distance of Units: No unit shall be closer than twenty feet (20'). No unit in a Cabin or Tiny Home Park shall be located closer than the distance required herein.
9. Minimum Yard Clearances for each unit:
  - a. Front or side yard on a public street, fifty feet (50').
  - b. Side yard bordering adjacent property, fifty feet (50').

c. Rear yard bordering adjacent property, fifty feet (50').

E. Other Requirements:

1. Perimeter Fence: A Cabin or Tiny Home park shall provide a minimum fifty-foot (50') setback/landscaped buffer along any property boundary including a public right-of-way. Decorative fencing is preferred, such as split rail or ranch style wood fencing, though six foot high privacy fencing or block wall may be more appropriate and required in some applications. The project's topography may always be considered in perimeter fencing requirements. For example, a property with a cliff at it's rear or sides may not require any fencing for that area. A property with a wash along it's rear or side property line may require a solid fence installed to provide greater safety to guests. A lower profile fence may also be used to provide better views as long as this does not pose a safety hazard to guests. All structures of fencing proposed within washes or the 100-year flood plain are discouraged and must be designed to meet current and applicable town and state standards.
  2. Building Code; Permit: Installation of infrastructure and any Cabin or Tiny Home Park structures shall be done in conformance with the requirements of the current edition of the building code and with approval of the building department, and the issuance of a building permit.
  3. Utilities Required: Each unit shall be connected to water, sewer and electricity. All utility connections shall be located underground. Water and sewer plans shall be approved by the Big Plains Water and Sewer Special Service District and the Town's Public Works Department.
  4. Street Construction: All streets in a Cabin and Tiny Home Park shall be paved according to the construction standards of the Town chipthe constructionandstandardsseal. oftheTown.
  5. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
  6. Landscape Plan: A detailed landscape plan shall be submitted for each Cabin or Tiny Home Park, and shall be approved by the Planning Commission.
  7. Outdoor Living Space: Each Cabin or Tiny Home Park unit shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to each unit. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from garbage or debris of any kind.
  8. No tents of any kind may be used in this zone.
  9. All Cabin or Tiny Home Parks shall require a full time (24/7) on-site manager, who shall be responsible for ensuring compliance with the rules and regulations of the Town and safety of the property.
- F. Subdivision Requirements: If the Cabin or Tiny Home Park is not intended to be in a single ownership, rather is intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.

## AFTER AMENDMENT

### 10.10.110 Cabins Or Tiny Home Parks Zone

- A. Purpose: The purpose of this zone is to provide for the development of Cabin or Tiny Home Parks (CTP). Cabin or Tiny Home Parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc.

Cabins or Tiny Homes Parks, are designed and intended from the beginning to serve the transient or traveling public with small cabins or Tiny Homes, placed or built on a permanent foundation with the structure containing sleeping, bathing and kitchen facilities. The Minimum zone size shall be ~~five~~ fifteen (+5) Acres.

The primary location for a Cabin or Tiny Home Park is close to Highway 59 or other major roadway or may be located more remotely if utilities and proper road access is available or will be available. It shall not be located immediately next to a residential zone.

- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Accessory buildings and uses
  2. Household pets
  3. Cabins or Tiny Homes as defined in AVL 10.04 or subsection E below
  4. Park, playground, swimming pool and tennis courts or alike
  5. Other uses similar to the above and approved by the Planning Commission to be in harmony with the intent and character of this zone.
  6. Clubhouse, sales or registration office, or on-site managers dwelling.

C. Conditional Uses:

1. Restaurant
2. Coffee Shop
3. Rental Shop
4. Tour Guide Business
5. Higher Density of Cabins
6. Size of Cabins
7. Other businesses in support of this zone

- D. Height Regulations: No cabins/tiny home shall be erected to a height greater than eighteen (18') feet.

No accessory building shall be erected to a height greater than ~~twenty-five~~ fifteen (+25') feet.

No club house/office or other approved buildings, may be erected to a height greater than twenty five (25') feet.

- E. Cabins or Tiny Home Park Development Standards: Definitions:

A Cabin is a small stick built or small manufactured home, built or placed on a permanent foundation and is less than 600 Sq Feet of living space.

A Tiny Home is a stick built or small manufactured home, built or placed on a permanent foundation, and is less than ~~4~~600 Sq. Feet of living space.

Any Cabin or Tiny Home that has wheels or skids and not placed on a permanent foundation shall be considered a Recreational Vehicle and may not be placed or used in this zone. But it shall be placed in a Recreational Vehicle Park zone.

1. Minimum Size: Each Cabin or Tiny Home Park shall have a minimum size of ~~five~~ fifteen (+5) acres:
2. Roads:
  - a. Width: Each Cabin or Tiny Home Park shall have roads of at least twenty-four feet (24') in width and single one way driveway may be fourteen feet (14') in width.
  - b. Construction Specifications: All Units shall be served by ~~paved~~ roads constructed to meet the fire code ~~Town standards~~ and approved by the Town.
3. Park Access: Access to all Cabin or Tiny Home Parks shall be from a dedicated and approved public street at an approved point or points. No units shall have direct access from a public street nor may traffic enter or exit through a residential neighborhood.
4. Off Street Parking: ~~Hard surface (Concrete or paved)~~ Parking spaces that meet fire code standards for roads shall be provided for the minimum parking of two (2) vehicles for each unit.
5. Recreation Space: Recreation space shall be provided for each Cabin or Tiny Home Park having ten (10) or more units and shall be maintained for such use. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each such park and an additional one hundred (100) square feet shall be provided for each unit above ten (10) units. This is in addition to the outdoor living space mentioned in AVLU 10C-6-G. This recreation space is not the open space behind or between units or streets. It is a separate facility common to all units in the development, such as a clubhouse.
6. Density: The maximum density for a Cabin or Tiny Home Park shall not exceed six ~~ten~~ (+6) units per gross acre.
- 7.
8. Distance of Units: No unit shall be closer than twenty feet (20'). No unit in a Cabin or Tiny Home Park shall be located closer than the distance required herein.
9. Minimum Yard Clearances for each unit:
  - a. Front or side yard on a public street, fifty feet (50').
  - b. Side yard bordering adjacent property, fifty feet (50').
  - c. Rear yard bordering adjacent property, fifty feet (50').

F. Other Requirements:

1. Perimeter Fence: A Cabin or Tiny Home park shall provide a minimum fifty-foot (50') setback/landscaped buffer along any property boundary including a public right-of-way. Decorative fencing is preferred, such as split rail or ranch

style wood fencing, though six foot high privacy fencing or block wall may be more appropriate and required in some applications. The project's topography may always be considered in perimeter fencing requirements. For example, a property with a cliff at it's rear or sides may not require any fencing for that area. A property with a wash along it's rear or side property line may require a solid fence installed to provide greater safety to guests. A lower profile fence may also be used to provide better views as long as this does not pose a safety hazard to guests. All structures of fencing proposed within washes or the 100-year flood plain are discouraged and must be designed to meet current and applicable town and state standards.

2. Building Code; Permit: Installation of infrastructure and any Cabin or Tiny Home Park structures shall be done in conformance with the requirements of the current edition of the building code and with approval of the building department, and the issuance of a building permit.
  3. Utilities Required: Each unit shall be connected to water, sewer and electricity. All utility connections shall be located underground. Water ~~and sewer~~ plans shall be approved by the Big Plains Water ~~and Sewer~~ Special Service District and the Town's Public Works Department. and sewer plans shall be approved by Ash Creek Special Service District.
  4. Street Construction: All streets in a Cabin and Tiny Home Park shall meet road standards in the fire code ~~be paved according to the construction standards of the Town chip the construction and standards seal of the Town.~~
  5. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
  6. Landscape Plan: A detailed landscape plan shall be submitted for each Cabin or Tiny Home Park, and shall be approved by the Planning Commission.
  7. Outdoor Living Space: Each Cabin or Tiny Home Park unit shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to each unit. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from garbage or debris of any kind.
  8. No tents of any kind may be used in this zone.
  9. All Cabin or Tiny Home Parks shall require a full time (24/7) on-site manager, who shall be responsible for ensuring compliance with the rules and regulations of the Town and safety of the property.
- G. Subdivision Requirements: If the Cabin or Tiny Home Park is not intended to be in a single ownership, rather is intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.

H. Site Plan: A site plan shall be required

1. The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted.
2. Site plans must meet all of the requirements for site plan review submittal, including all the Town Standards. Site plans shall be submitted for individual

lots within a phase. More than one building may be contained on an individual lot. Site plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals must also contain the following items:

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

**SECTION 2:        AMENDMENT** “10.12.120 Legal Nonconforming Lots” of the Apple Valley Land Use is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 10.12.120 Legal Nonconforming Lots

Lots that were in existence and shown on the records of the county recorder as separate parcels prior to July 1, 2005, are classified as legal nonconforming lots and permits may be issued for residential construction subject to the following conditions:

- A. Residential development must be an approved or a conditional use in the zone.
- B. The lot shall have the lot area required by the zone in which it is located.
- C. The lot shall have access to a public street, a private street or shall have access across a recorded access easement.
- D. A septic tank permit shall have been issued by the southwest public health department.
- E. A water supply shall be available and approved for culinary use by the department of environmental quality, or the southwest public health department, depending upon the number of parcels being served by the proposed source.
- F. All requirements of AVL 10.32 and all applicable provisions shall be met.

#### AFTER AMENDMENT

##### 10.12.120 Legal Nonconforming Lots

Lots that were in existence and shown on the records of the county recorder as separate parcels prior to July 1, 2005, are classified as legal nonconforming lots and permits may be issued for residential construction subject to the following conditions:

- A. Residential development must be an approved or a conditional use in the zone.
- B. The lot shall have the lot area required by the zone in which it is located.

- C. The lot shall have access to a public street, a private street or shall have access across a recorded access easement.
- D. ~~A septic tank permit shall have been issued by the southwest public health department.~~  
Approval from Ash Creek Special Service District shall be obtained for sewer services.
- E. A water supply shall be available and approved for culinary use by the Big Plains Water Special Service District ~~department of environmental quality, or the southwest public health department, depending upon the number of parcels being served by the proposed source.~~
- F. All requirements of AVLU 10.32 and all applicable provisions shall be met.

**SECTION 3: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 4: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 5: EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

|                                  | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|----------------------------------|------------|------------|---------------|----------------|
| Mayor   Frank Lindhardt          | _____      | _____      | _____         | _____          |
| Council Member   Andy McGinnis   | _____      | _____      | _____         | _____          |
| Council Member   Barratt Nielson | _____      | _____      | _____         | _____          |
| Council Member   Kevin Sair      | _____      | _____      | _____         | _____          |
| Council Member   Robin Whitmore  | _____      | _____      | _____         | _____          |

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY  
ORDINANCE O-2023-03**

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

**SECTION 1:**        **AMENDMENT** “11.08.010 Required Improvements” of the Apple Valley Subdivisions is hereby *amended* as follows:

**BEFORE AMENDMENT**

11.08.010 Required Improvements

Conditions of this Code and the Town of Apple Valley Standards and Specifications, no final plat of a subdivision of land shall be recorded without having been signed by the Mayor certifying that all conditions of this Code have been met and that the bonds as required by this Code have been posted with the town.

All improvements required to be installed in the Town of Apple Valley along with the specifications for such improvements shall all be installed in accordance to the current Apple Valley Town and Big Plains Water and Sewer Special District Design Standards. The following are some of the required improvements, but refer to the Design Standards for a complete list of requirements;

**AFTER AMENDMENT**

11.08.010 Required Improvements

Conditions of this Code and the Town of Apple Valley Standards and Specifications, no final plat of a subdivision of land shall be recorded without having been signed by the Mayor certifying that all conditions of this Code have been met and that the bonds as required by this Code have been posted with the town.

All improvements required to be installed in the Town of Apple Valley along with the specifications for such improvements shall all be installed in accordance to the current Apple Valley Town and Big Plains Water ~~and Sewer~~ Special District Design Standards. The following are some of the required improvements, but refer to the Design Standards for a complete list of requirements;

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

**SECTION 3:**            **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

|                                  | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|----------------------------------|------------|------------|---------------|----------------|
| Mayor   Frank Lindhardt          | _____      | _____      | _____         | _____          |
| Council Member   Andy McGinnis   | _____      | _____      | _____         | _____          |
| Council Member   Barratt Nielson | _____      | _____      | _____         | _____          |
| Council Member   Kevin Sair      | _____      | _____      | _____         | _____          |
| Council Member   Robin Whitmore  | _____      | _____      | _____         | _____          |

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY  
ORDINANCE O-2023-04**

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

**SECTION 1:**        **AMENDMENT** “11.08.020 Waste Disposal Systems” of the Apple Valley Subdivisions is hereby *amended* as follows:

**BEFORE AMENDMENT**

11.08.020 Waste Disposal Systems

- A. Sanitary sewers, septic tanks, or any other means of waste disposal proposed shall be approved in writing by the Big Plains Water and Sewer Special Service District (BPWSSSD), and possibly the State Department of Environmental Quality, or (DEQ) as designated by the Utah Department of Environmental quality or Southwest Utah public Health Department. If a central collection system is used, it shall be constructed with sufficient capacity to serve all lots in the subdivision and shall be fully constructed at the same time and by the same methods as is required for all other improvements in the subdivision.
- B. The final plans for the sewer system shall be prepared by a licensed engineer and approved by the town engineer. Construction shall not be commenced until all plans have been approved, inspection fees paid, and an inspector has been assigned to the project.
- C. The developer shall identify all potential alternatives to providing for the development of a centralized sewer system, or other similar method of wastewater disposal in the proposed subdivision. In specific drainages areas, the Town Council may require that developers join together to consider alternate methods. Any such proposal shall be reviewed and subject to approval by the state department of environmental quality and Big Plains Water and Sewer Special Service District (BPWSSSD), after being reviewed by the town engineer. Upon concept approval, a licensed engineer shall prepare plans for the system as required in this Code.
  - 1. A method of financing inspection and maintenance shall be established and implemented by the BPWSSSD for maintenance for the system after construction by the developer is complete.
  - 2. A Developer may be required to install a dry sewer for future connection to an out fall line.
  - 3. The town may establish impact fees to assist in raising sufficient money to install a sewer system to take care of the needs of the town as it grows and develops.
- D. If conventional on site wastewater (Septic) systems are determined by the BPWSSSD to be the most feasible in certain circumstances, such systems may be approved subject

to the approval of the Southwest Utah public health department and the engineer, subject to the following conditions.

1. On systems service more than one home, the type of onsite system approved shall provide for a method of monitoring the septic tank on a regular basis. Such monitoring shall be the purpose of determining the necessary pumping intervals for the septic tank.
  2. A method of financing the inspections and maintenance of the septic tanks shall be established by the developer and approved by BPWSSSD, which will be implemented by the BPWSSSD upon the construction of the individual onsite waste water system in the subdivision.
  3. A dry sewer system may be required as outlined in section B above.
- E. The type of alternative system shall have prior approval of the state division of water quality for use in the state of Utah. Systems plans must be submitted to and receive written approval by the state division of water quality. Alternative systems are subject to BPWSSSD's wastewater management plan and must comply with such requirements as deemed appropriate by the BPWSSSD.
- F. A monitoring fee will be charged for monitoring all waste disposal systems that serves more than one home in the town.
- G. A letter from the Sewer District confirming availability of sewer services, or that a preliminary plan has been discussed and found feasible to implement, for the property being proposed for a zone change or preliminary plat, shall be provided to the Town of Apple Valley with the application for a zone change or preliminary plat.

## AFTER AMENDMENT

### 11.08.020 Waste Disposal Systems

- A. Sanitary sewers, septic tanks, or any other means of waste disposal proposed shall be approved in writing by the ~~Big Plains Water and Sewer~~ Ash Creek Special Service District (~~BPWSSSD~~), and possibly the State Department of Environmental Quality, or (DEQ) as designated by the Utah Department of Environmental quality or Southwest Utah public Health Department. If a central collection system is used, it shall be constructed with sufficient capacity to serve all lots in the subdivision and shall be fully constructed at the same time and by the same methods as is required for all other improvements in the subdivision.
- B. The final plans for the sewer system shall be prepared by a licensed engineer and approved by the town engineer. Construction shall not be commenced until all plans have been approved, inspection fees paid, and an inspector has been assigned to the project.
- C. The developer shall identify all potential alternatives to providing for the development of a centralized sewer system, or other similar method of wastewater disposal in the proposed subdivision. In specific drainages areas, the Town Council may require that developers join together to consider alternate methods. Any such proposal shall be reviewed and subject to approval by the state department of environmental quality and ~~Big Plains Water and Sewer~~ Ash Creek Special Service District (~~BPWSSSD~~), after

being reviewed by the town engineer. Upon concept approval, a licensed engineer shall prepare plans for the system as required in this Code.

1. A method of financing inspection and maintenance shall be established and implemented by the ~~BPWSSSD~~ Ash Creek Special Service District for maintenance for the system after construction by the developer is complete.
  2. A Developer may be required to install a dry sewer for future connection to an out fall line.
  3. The town may establish impact fees to assist in raising sufficient money to install a sewer system to take care of the needs of the town as it grows and develops.
- D. If conventional on site wastewater (Septic) systems are determined by the ~~BPWSSSD~~ Ash Creek Special Service District to be the most feasible in certain circumstances, such systems may be approved subject to the approval of the Southwest Utah public health department and the engineer, subject to the following conditions.
1. On systems service more than one home, the type of onsite system approved shall provide for a method of monitoring the septic tank on a regular basis. Such monitoring shall be the purpose of determining the necessary pumping intervals for the septic tank.
  2. A method of financing the inspections and maintenance of the septic tanks shall be established by the developer and approved by Ash Creek Special Service District ~~BPWSSSD~~, which will be implemented by the Ash Creek Special Service District ~~BPWSSSD~~ upon the construction of the individual onsite waste water system in the subdivision.
  3. A dry sewer system may be required as outlined in section B above.
- E. The type of alternative system shall have prior approval of the state division of water quality for use in the state of Utah. Systems plans must be submitted to and receive written approval by the state division of water quality. Alternative systems are subject to ~~BPWSSSD's~~ Ash Creek Special Service District wastewater management plan and must comply with such requirements as deemed appropriate by the Ash Creek Special Service District ~~BPWSSSD~~.
- F. A monitoring fee will be charged for monitoring all waste disposal systems that serves more than one home in the town.
- G. A letter from the Ash Creek ~~Sewer~~ Special Service District confirming availability of sewer services, or that a preliminary plan has been discussed and found feasible to implement, for the property being proposed for a zone change or preliminary plat, shall be provided to the Town of Apple Valley with the application for a zone change or preliminary plat.

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

**SECTION 3:**            **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

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

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY  
ORDINANCE O-2023-05**

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

**SECTION 1:**        **AMENDMENT** “11.08.080 Water” of the Apple Valley Subdivisions is hereby *amended* as follows:

**BEFORE AMENDMENT**

**11.08.080 Water**

- A. All subdivisions shall have a supply of culinary water available to each lot in the subdivision.
- B. All water to all lots, shall be supplied by the Big Plains Water and Sewer Special Service District, unless otherwise approved by them.
- C. Minimum Water Pressure. At all lots in Town the water pressure shall meet the following minimum water pressures at points of connection:
  - 1. 20 psi during conditions of fire flows and fire demand experienced during peak day demand.
  - 2. 30 psi during peak instantaneous demand.
  - 3. 40 psi during peak day demand.

If Big Plains Water and Sewer Special Service District is unable to meet these minimum required water pressures, with the existing resources available to them, the subdivision cannot be approved, unless the developer is able to provide the needed resources (storage tanks, etc.) to solve the problem to Big Plains Water and Sewer Special Service District’s satisfaction.

An application for a zone change or preliminary plat must include a letter from the governing water authority (Big Plains Water and Sewer Special Service District, etc.) confirming the following:

- A. That it is feasible to provide water to the property and
- B. That water sufficient to support the property is available.

**AFTER AMENDMENT**

**11.08.080 Water**

- A. All subdivisions shall have a supply of culinary water available to each lot in the subdivision.
- B. All water to all lots, shall be supplied by the Big Plains Water ~~and Sewer~~ Special Service District, unless otherwise approved by them.

C. Minimum Water Pressure. At all lots in Town the water pressure shall meet the following minimum water pressures at points of connection:

1. 20 psi during conditions of fire flows and fire demand experienced during peak day demand.
2. 30 psi during peak instantaneous demand.
3. 40 psi during peak day demand.

If Big Plains Water ~~and Sewer~~ Special Service District is unable to meet these minimum required water pressures, with the existing resources available to them, the subdivision cannot be approved, unless the developer is able to provide the needed resources (storage tanks, etc.) to solve the problem to Big Plains Water ~~and Sewer~~ Special Service District's satisfaction.

An application for a zone change or preliminary plat must include a letter from the governing water authority (Big Plains Water ~~and Sewer~~ Special Service District, ~~etc.~~) confirming the following:

- A. That it is feasible to provide water to the property and
- B. That water sufficient to support the property is available.

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

**SECTION 3: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4: EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

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

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY  
ORDINANCE O-2023-06**

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

**SECTION 1:**        **AMENDMENT** “11.02.030 Definitions” of the Apple Valley Subdivisions is hereby *amended* as follows:

**BEFORE AMENDMENT**

**11.02.030 Definitions**

The following words and phrases used in this title, in addition to those listed in AVL 10.04, shall have the respective meanings hereafter set forth, unless a different meaning clearly appears from the context.

**ADJACENT LANDOWNERS:** Any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

**AFFECTED ENTITY:** As stated in statute, a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, or the Utah department of transportation, if:

- A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. The entity has filed with the municipality a copy of the entity's general or long range plan; or
- C. The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use code change.

**BLOCK:** The land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

**BONA FIDE DIVISION OR PARTITION OF LAND FOR AGRICULTURAL PURPOSES:** The division of a parcel of land into two (2) or more lots none of which is less than five (5) acres in an area, and where no dedication of any street is required to serve any such lots or parcels of land so created.

**TOWN:** Apple Valley Town, Utah.

**TOWN COUNCIL:** The Town Council of Apple Valley Town, Utah.

**TOWN ENGINEER:** The Town engineer of Apple Valley Town, Utah, or a consulting engineering firm designated as the Town engineer by the Town Council.

**TOWN PLANNER:** The professional planner of Apple Valley Town, Utah, or person designated as such by the Apple Valley Town Council.

**COMMUNICATIONS EASEMENT:** An exterior easement for placement of facilities intended to be used in connection with the delivery of multichannel video programming services, cable services, information services, or telecommunications or telecommunications services.

**COMMUNICATIONS INFRASTRUCTURE:** Facilities planned to be used in connection with the delivery of multichannel video programming services, cable services, information services, telecommunications or telecommunications services, which term shall include, but not be limited to, conduit.

**COUNTY:** Washington County, Utah.

**CULINARY WATER AUTHORITY:** The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

**DEDICATION:** Land set aside by an owner for any general and public uses.

**EASEMENT:** That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

**FINAL PLAT:** The final drawing of the subdivision and dedication prepared for filing of record with the county recorder and in compliance with all the requirements set forth in this title and adopted pursuant thereto.

**GENERAL PLAN:** A plan, labeled "General Plan of Apple Valley Town", including maps or reports or both, which has been approved by the Town Council as required by law, or such plan as it may be amended from time to time.

**JOINT UTILITY COMMITTEE:** The representatives of the Town, Big Plains Water and Sewer Special Service district, and other utility companies as may be required by the Town that are authorized to review and sign construction drawings.

**LOT:** A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded subdivision plat.

**LOT RIGHT OF WAY:** A strip of land of not less than twenty six feet (26') wide connecting a lot to a street for use as private access to that lot.

**OFFICIAL ZONING MAP:** A zoning map adopted by the Town Council pursuant to the provisions of Utah Code § 10-9a-501, 1953, as amended.

**OPEN SPACE:** Designated land within the subdivision which shall always remain undeveloped, which shall be included in improved parks and recreational areas, or which shall remain all natural.

**PERSON:** Any individual, corporation, partnership, limited liability company, or partnership, firm, or association of individuals, however styled or designated.

**PLANNING COMMISSION:** The Apple Valley Town Planning Commission.

**PLAT:** A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.

**SANITARY SEWER AUTHORITY:** Big Plains Water and Sewer Special Service district, a public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems within the Town.

**SECURITY:** An escrow agreement, irrevocable letter of credit, or other security instrument given by the subdivider to ensure the proper installation of public improvements.

**STREET:** A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty six feet (26') wide which has been made public by right of use and which affords the principal access to the abutting property.

**STREET, ARTERIAL:** A street, existing or proposed, which serves or is intended to serve as a major traffic-way, and is designated on the general plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

**STREET, COLLECTOR:** A street, existing or proposed, which is the main means of access to an arterial street system.

**STREET, CUL-DE-SAC:** A street which originates from a designated Town street with no other outlet and forcing a radius turn area, not to exceed six hundred sixty feet (660') in length without the written approval of the Town Council, the Planning Commission and the fire chief.

**STREET, PRIVATE:** A right of way or easement in private ownership not dedicated or maintained as a public street.

**STREET, PRESCRIPTIVE EASEMENT:** A road in private ownership, open to public use, not dedicated or maintained as a public road.

**STREET, RESIDENTIAL:** A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve local needs of a neighborhood.

**SUBDIVIDER:** Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for himself or for another.

**SUBDIVISION:**

A. Includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and
2. Except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

B. Does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use code;
2. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use code; or
3. A recorded document executed by the owner of record, revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use code.

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the un-subdivided parcel of property or subject the un-subdivided parcel to the provisions of this chapter.

## AFTER AMENDMENT

### 11.02.030 Definitions

The following words and phrases used in this title, in addition to those listed in AVL 10.04, shall have the respective meanings hereafter set forth, unless a different meaning clearly appears from the context.

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- C. The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use code change.

**BLOCK:** The land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

**BONA FIDE DIVISION OR PARTITION OF LAND FOR AGRICULTURAL**

**PURPOSES:** The division of a parcel of land into two (2) or more lots none of which is less than five (5) acres in an area, and where no dedication of any street is required to serve any such lots or parcels of land so created.

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**PLAT:** A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.

**SANITARY SEWER AUTHORITY:** ~~Big Plains Water and Sewer~~ Ash Creek Special Service district, a public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems within the Town.

**SECURITY:** An escrow agreement, irrevocable letter of credit, or other security instrument given by the subdivider to ensure the proper installation of public improvements.

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**SUBDIVISION:**

A. Includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and
2. Except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

B. Does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use code;
2. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use code; or
3. A recorded document executed by the owner of record, revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use code.

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the un-subdivided parcel of property or subject the un-subdivided parcel to the provisions of this chapter.

TOWN: Apple Valley Town, Utah. TOWN COUNCIL: The Town Council of Apple Valley Town, Utah. TOWN ENGINEER: The Town engineer of Apple Valley Town, Utah, or a consulting engineering firm designated as the Town engineer by the Town Council. TOWN PLANNER: The professional planner of Apple Valley Town, Utah, or person designated as such by the Apple Valley Town Council.

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

**SECTION 3:            SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4:            EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

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

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY  
ORDINANCE O-2023-07**

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

**SECTION 1:**        **AMENDMENT** “11.02.080 Construction Drawings” of the Apple Valley Subdivisions is hereby *amended* as follows:

**BEFORE AMENDMENT**

11.02.080 Construction Drawings

After preliminary plat approval by Town council, the applicant shall have construction drawings prepared by a licensed engineer for all on site and required off site improvements in accordance with the following:

- A. Final plan and profile must be prepared in accordance with, but not limited to the following standards;
  - 1. Current Apple Valley Town standards and specifications;
  - 2. Apple Valley Town drainage manual;
  - 3. Big Plains Water Special Service District construction standards;
  - 4. Ash Creek Sewer Special Service District construction standards;
  - 5. Apple Valley Town power standards and specifications as required;
  - 6. Applicable fire code; and
  - 7. Rocky Mountain power standards and specifications if applicable.
  - 8. South Central Communications standards and specifications, if applicable.
- B. Specific geotechnical recommendations for the design and construction of the proposed subdivision shall include the following if applicable:
  - 1. A general assessment of the requirements needed to develop on the site.
  - 2. Site preparation and grading and the suitability of onsite soils for use as structural fill.
  - 3. Stable cut and fill slopes including recommendations concerning the effects of material removal and the introduction of water.
  - 4. Recommendations for foundation type and design criteria, including, but not limited to, bearing capacity of natural or compacted soils, provisions to mitigate the effects of expansive, compressible, or collapsible soils, differential settlement and varying soil strength, and the effects of adjacent loads.
  - 5. Anticipated total and differential settlement.
  - 6. Special design and construction considerations, as necessary, such as the excavation and replacement of unsuitable materials, excavation difficulties, stabilization, or special foundation provisions for problem soil conditions.
  - 7. Design criteria for restrained and unrestrained retaining or rockery wall.

8. Moisture protection and surface drainage.
- C. Upon Completion of the complete proposed construction plans, the Applicant shall fill out an application for construction plan review, pay associated fees, and upon approval of the application by the Public Works Director or Consultant, shall then deliver Eight (8) sets of complete construction plans to the public works director or consultant along with a digital copy. Construction drawings must contain a signature block for all required utilities , including the Public Works Director or Consultant, Big Plains Water Special Service district representatives, Ash Creek Special Sewer District and Town Engineer. Drawings shall be a minimum of twenty two inches by thirty four inches (22" x 34") (full size).
- D. Applicant shall request placement on a joint utility committee agenda for initial review of the plans.
- E. Applicant or applicant's authorized representative shall attend the joint utility committee meeting when the item is on the agenda. Utility, franchisee, Town, and Big Plains Water and Sewer Special Service District will take copies of plans to redline.
- F. All street grades over five percent (5%) shall be noted on the preliminary plat.
- G. When redlines are completed, public works director shall prepare a summary of the needed changes and return redlined plans to applicant.
- H. Applicant shall then submit three (3) copies of the corrected construction drawings, addressing all redlined items, to the Public Works Director or Consultant who then will review and submit them to the Town engineer for review and possible signature. After Town engineer signs, applicant must obtain all required signatures and return signed plans to public works director for final signature.
- I. Construction drawings are valid for twenty four (24) months after final signature. Construction drawings signed more than twenty four (24) months prior to construction of improvements shall be considered expired. For a project where construction has started and all improvements shown on the plan will be constructed, the public works director may permit construction to continue. Construction drawings showing multiple phases of a project are valid only for those improvements constructed within the first twenty four (24) months of approval. New approvals must be obtained and any new standards shall apply for future phases or delayed projects.

#### AFTER AMENDMENT

##### 11.02.080 Construction Drawings

After preliminary plat approval by Town council, the applicant shall have construction drawings prepared by a licensed engineer for all on site and required off site improvements in accordance with the following:

- A. Final plan and profile must be prepared in accordance with, but not limited to the following standards;
  1. Current Apple Valley Town standards and specifications;
  2. Apple Valley Town drainage manual;
  3. Big Plains Water Special Service District construction standards;
  4. Ash Creek Sewer Special Service District construction standards;

5. Apple Valley Town power standards and specifications as required;
  6. Applicable fire code; and
  7. Rocky Mountain power standards and specifications if applicable.
  8. South Central Communications standards and specifications, if applicable.
- B. Specific geotechnical recommendations for the design and construction of the proposed subdivision shall include the following if applicable:
1. A general assessment of the requirements needed to develop on the site.
  2. Site preparation and grading and the suitability of onsite soils for use as structural fill.
  3. Stable cut and fill slopes including recommendations concerning the effects of material removal and the introduction of water.
  4. Recommendations for foundation type and design criteria, including, but not limited to, bearing capacity of natural or compacted soils, provisions to mitigate the effects of expansive, compressible, or collapsible soils, differential settlement and varying soil strength, and the effects of adjacent loads.
  5. Anticipated total and differential settlement.
  6. Special design and construction considerations, as necessary, such as the excavation and replacement of unsuitable materials, excavation difficulties, stabilization, or special foundation provisions for problem soil conditions.
  7. Design criteria for restrained and unrestrained retaining or rockery wall.
  8. Moisture protection and surface drainage.
- C. Upon Completion of the complete proposed construction plans, the Applicant shall fill out an application for construction plan review, pay associated fees, and upon approval of the application by the Public Works Director or Consultant, shall then deliver Eight (8) sets of complete construction plans to the public works director or consultant along with a digital copy. Construction drawings must contain a signature block for all required utilities, including the Public Works Director or Consultant, Big Plains Water Special Service district representatives, Ash Creek Special Sewer District and Town Engineer. Drawings shall be a minimum of twenty two inches by thirty four inches (22" x 34") (full size).
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- E. Applicant or applicant's authorized representative shall attend the joint utility committee meeting when the item is on the agenda. Utility, franchisee, Town, and Big Plains Water ~~and Sewer~~ Special Service District will take copies of plans to redline.
- F. All street grades over five percent (5%) shall be noted on the preliminary plat.
- G. When redlines are completed, public works director shall prepare a summary of the needed changes and return redlined plans to applicant.
- H. Applicant shall then submit three (3) copies of the corrected construction drawings, addressing all redlined items, to the Public Works Director or Consultant who then will review and submit them to the Town engineer for review and possible signature. After Town engineer signs, applicant must obtain all required signatures and return signed plans to public works director for final signature.
- I. Construction drawings are valid for twenty four (24) months after final signature. Construction drawings signed more than twenty four (24) months prior to construction

of improvements shall be considered expired. For a project where construction has started and all improvements shown on the plan will be constructed, the public works director may permit construction to continue. Construction drawings showing multiple phases of a project are valid only for those improvements constructed within the first twenty four (24) months of approval. New approvals must be obtained and any new standards shall apply for future phases or delayed projects.

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

**SECTION 3:**            **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

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

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY  
ORDINANCE O-2023-08**

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

**SECTION 1:**        **AMENDMENT** “11.02.100 Final Plat Requirements” of the Apple Valley Subdivisions is hereby *amended* as follows:

**BEFORE AMENDMENT**

11.02.100 Final Plat Requirements

A. Required Information: The final plat shall show:

1. The name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office, as approved by the planning commission.
2. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
3. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
4. Every existing right of way and easement grant of record for communications infrastructure, for underground facilities as defined in Utah Code § 54-8a-2 and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
5. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
6. All street centerline data must be shown, together with its relationship to the property lines, corners, etc.
7. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, state, county or other official monuments.
8. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).
9. Street monuments to be installed by the subdivider in accordance with the requirements of the Town standards. Locations of said monuments shall be approved by the Town engineer and indicated on the subdivider's plat by the appropriate symbols.

10. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
  11. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town attorney.
  12. The parent parcel number, as shown on the records of the Washington County recorder in St. George, Utah.
- B. Required Forms And Certificates: In addition the final plat shall contain the standard forms for the following:
1. A registered professional land surveyor's signed certificate of survey, together with a statement that: a) the surveyor holds a license in accordance with Utah Code 58-22, professional engineers and professional land surveyors licensing act; b) the surveyor has completed a survey of the property described on the plat in accordance with Apple Valley Town Design Standards and the Utah Code and has verified all measurements; and c) has placed monuments as represented on the plat.
  2. The owner's certificate of dedication of all streets, roads, rights of way or other parcels intended for the use and benefit of the general public.
  3. Mortgagee or other lienholder's consent to record, if applicable.
  4. A notary public's acknowledgment of the signature of the mortgagee or each owner signing the plat.
  5. Certificate of approval of Big Plains Water and Sewer Special Service district.
  6. Certificate of approval of the Planning Commission, as evidenced by the signature of the Planning Commission chairperson.
  7. Certificate of approval of the Town engineer.
  8. Certificate of approval as to form executed by the Town attorney.
  9. A one and one-half inch by five inch (1 1/2" x 5") space in the lower right hand corner of the drawing for the use of the county recorder.
  10. Certificate of approval of the county treasurer.
- C. Other Information Required: The following information or documentation shall be submitted with the final plat or prior to recordation:
1. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
  2. An original copy for staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the county recorder along with the final plat.
  3. An up to date title or subdivision report for the property being subdivided.
  4. A disk of the final plat prepared in "AutoCAD 2004" (or newer format).

5. Mylar of approved final plat submitted and reviewed for substantial conformance with paper final plat.

D. Requirements For Recordation:

1. Final plat approval.
2. Bond or other financial security in place.
3. Payment of HCP impact fee if applicable.
4. Three (3) disks of the final plat prepared in "AutoCAD 2004" format or later format as designated from time to time by Town engineer; one disk for the Town, one for the county recorder, and one for the Big Plains Water and Sewer Special Services District.
5. Final title or subdivision report prepared and submitted to the Town attorney.
6. Proof of satisfaction of payment of water impact fee to Big Plains Water and Sewer Special Services District.
7. All signatures must be on the mylar, including property owners of record according to the title report, Town officials and Big Plains Water and Sewer Special Service district superintendent. The Town attorney shall be the last signer of the mylar just prior to recordation.
8. Preliminary acceptance by Town of all public and private improvements as shown on approved construction drawings.
9. If submitted mylar shows substantial change from the approved paper final plat, applicant shall submit an application for an amended plat and get approval of the amended plat before recordation will be permitted to occur.

- E. Recordation Of Plat: Any subdivision plat receiving final approval from the final plat approval staff (see section 11.02.090) shall be recorded at the office of the Washington County recorder within one year of the date of said final approval, unless said period is extended in writing by the Town council. Any approval for any final plat not recorded within said period or extended period shall be deemed to have been revoked and any such final plat shall require new approval before recordation.

## AFTER AMENDMENT

### 11.02.100 Final Plat Requirements

A. Required Information: The final plat shall show:

1. The name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office, as approved by the planning commission.
2. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
3. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.

4. Every existing right of way and easement grant of record for communications infrastructure, for underground facilities as defined in Utah Code § 54-8a-2 and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
  5. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
  6. All street centerline data must be shown, together with its relationship to the property lines, corners, etc.
  7. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, state, county or other official monuments.
  8. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).
  9. Street monuments to be installed by the subdivider in accordance with the requirements of the Town standards. Locations of said monuments shall be approved by the Town engineer and indicated on the subdivider's plat by the appropriate symbols.
  10. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
  11. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town attorney.
  12. The parent parcel number, as shown on the records of the Washington County recorder in St. George, Utah.
- B. Required Forms And Certificates: In addition the final plat shall contain the standard forms for the following:
1. A registered professional land surveyor's signed certificate of survey, together with a statement that: a) the surveyor holds a license in accordance with Utah Code 58-22, professional engineers and professional land surveyors licensing act; b) the surveyor has completed a survey of the property described on the plat in accordance with Apple Valley Town Design Standards and the Utah Code and has verified all measurements; and c) has placed monuments as represented on the plat.
  2. The owner's certificate of dedication of all streets, roads, rights of way or other parcels intended for the use and benefit of the general public.
  3. Mortgagee or other lienholder's consent to record, if applicable.
  4. A notary public's acknowledgment of the signature of the mortgagee or each owner signing the plat.
  5. Certificate of approval of Big Plains Water ~~and Sewer~~ Special Service district.
  6. Certificate of approval of Ash Creek Special Service District.
  7. Certificate of approval of the Planning Commission, as evidenced by the

signature of the Planning Commission chairperson.

8. Certificate of approval of the Town engineer.
  9. Certificate of approval as to form executed by the Town attorney.
  10. A one and one-half inch by five inch (11/2" x 5") space in the lower right hand corner of the drawing for the use of the county recorder.
  11. Certificate of approval of the county treasurer.
- C. Other Information Required: The following information or documentation shall be submitted with the final plat or prior to recordation:
1. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
  2. An original copy for staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the county recorder along with the final plat.
  3. An up to date title or subdivision report for the property being subdivided.
  4. A disk of the final plat prepared in "AutoCAD 2004" (or newer format).
  5. Mylar of approved final plat submitted and reviewed for substantial conformance with paper final plat.
- D. Requirements For Recordation:
1. Final plat approval.
  2. Bond or other financial security in place.
  3. Payment of HCP impact fee if applicable.
  4. Three (3) disks of the final plat prepared in "AutoCAD 2004" format or later format as designated from time to time by Town engineer; one disk for the Town, one for the county recorder, and one for the Big Plains Water ~~and Sewer~~ Special Services District.
  5. Final title or subdivision report prepared and submitted to the Town attorney.
  6. Proof of satisfaction of payment of water impact fee to Big Plains Water ~~and Sewer~~ Special Services District.
  7. All signatures must be on the mylar, including property owners of record according to the title report, Town officials, Ash Creek Special Service District and Big Plains Water ~~and Sewer~~ Special Service district superintendent. The Town attorney shall be the last signer of the mylar just prior to recordation.
  8. Preliminary acceptance by Town of all public and private improvements as shown on approved construction drawings.
  9. If submitted mylar shows substantial change from the approved paper final plat, applicant shall submit an application for an amended plat and get approval of the amended plat before recordation will be permitted to occur.
- E. Recordation Of Plat: Any subdivision plat receiving final approval from the final plat approval staff (see section 11.02.090) shall be recorded at the office of the Washington County recorder within one year of the date of said final approval, unless said period is

extended in writing by the Town council. Any approval for any final plat not recorded within said period or extended period shall be deemed to have been revoked and any such final plat shall require new approval before recordation.

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

**SECTION 3:            SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4:            EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

|                                  | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|----------------------------------|------------|------------|---------------|----------------|
| Mayor   Frank Lindhardt          | _____      | _____      | _____         | _____          |
| Council Member   Andy McGinnis   | _____      | _____      | _____         | _____          |
| Council Member   Barratt Nielson | _____      | _____      | _____         | _____          |
| Council Member   Kevin Sair      | _____      | _____      | _____         | _____          |
| Council Member   Robin Whitmore  | _____      | _____      | _____         | _____          |

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY  
ORDINANCE O-2023-09**

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

**SECTION 1:        AMENDMENT** “10.10.090 MH Manufactured Housing Park Zone” of the Apple Valley Land Use is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.10.090 MH Manufactured Housing Park Zone

- A. Purpose: The purpose of this zone is to provide for the development of manufactured home parks in a quality environment. Manufactured home parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc., and are designed and intended from the beginning of development as manufactured homes only. The minimum zone size shall be approximately five (5) acres.
- B. Permitted Uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
  - 1. Accessory buildings and uses.
  - 2. Horticulture and gardening for personal use.
  - 3. Household pets.
  - 4. Park or playground.
  - 5. Manufactured homes at a minimum of 1,000 square feet on main level.
  - 6. Other uses similar to the above and judged by the planning commission to be in harmony with the intent and character of this zone, which will require a conditional use permit.
  - 7. Any use not specifically allowed under permitted or conditional uses, shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted use.
- C. Height Regulations: No building shall be erected to a height greater than thirty five (35) feet. No accessory building shall be erected to a height greater than twenty five (25) feet.
- D. Manufactured Home Park Development Standards:
  - 1. Density: The maximum density for a manufactured home park shall not exceed six (6) units per acre.
  - 2. Access Roads: Each manufactured home park shall be provided with hard surface (concrete or asphalt) roadways of at least twenty five (25) feet in width to serve each manufactured home space and parking area.
  - 3. Park Access: Access to all manufactured home parks shall be from a dedicated

- and approved public street at an approved access point or points. No manufactured home space shall have direct access from a public street. Any access road connecting two (2) or more public streets shall be arranged to prohibit or discourage through traffic.
4. Off Street Parking: Parking spaces shall be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each manufactured home space.
  5. Recreation Space: Recreation space shall be provided for each manufactured home park. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each manufactured home park having at least ten (10) units and one hundred (100) square feet additional space for each unit above ten (10) units.
  6. Manufactured Home Space: Each manufactured home space shall have a minimum of five thousand (5,000) square feet and a minimum width of fifty (50) feet.
  7. Permanent Foundation: A manufactured home must be put on a permanent foundation and converted to real property.
  8. Minimum Yard Clearances for Manufactured Home Park: Each manufactured home shall have the following minimum yard clearances:
    - a. Front or side yard on a public street, twenty five (25) feet.
    - b. Side yard bordering adjacent property, ten (10) feet.
    - c. Rear yard bordering adjacent property, ten (10) feet.
    - d. A six (6) foot sight obscuring fence shall be erected along all side and rear property lines, unless otherwise approved by the planning commission.
  9. Minimum Yard Clearances for Manufactured Home Space: Each manufactured home shall have the following minimum yard clearance which may also be included in and a part of the setbacks required in subsection H of this section:
    - a. Front yard on a private street or access road, fifteen (15) feet in back of curb.
    - b. Side yard on main door side of manufactured home, fifteen feet (15).
    - c. Side yard on "no access" side of manufactured home, ten (10) feet.
    - d. Rear yard, ten (10) feet.
    - e. No two (2) manufactured homes shall be closer than twenty (20) feet.
  10. Utilities Required: All sewage and water proposals shall be required to have approval from the Utah state department of environmental quality and Big Plains Water and Sewer Special Service District. All buildings, electrical, plumbing and fire protection construction shall comply with state and Town requirements and codes, including applicable standards found in the Town subdivision ordinance (including, but not limited to, fire protection), the building code, and this title.
  11. A dwelling proposed to be moved onto a site in the town shall be less than ten (10) years of age at the time of moving unless otherwise approved by the Planning Commission. Rehabilitation of such dwelling limited to a 6 month

duration.

E. Modifying Regulations:

1. Perimeter Fence: Unless otherwise approved by the planning commission, each manufactured home park shall be fenced at the perimeter with a six (6) foot high sight obscuring fence.
2. Building Code; Permit: Installation of any manufactured unit shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building permit.
3. Street Construction: All streets in a manufactured home park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter approved by the planning commission.
4. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.

F. Subdivision Requirements: Any use approved in the MH zone in which the sale of any lot or parking space is proposed, shall be subject to all applicable requirements of the AVS 11 subdivision ordinance.

## AFTER AMENDMENT

### 10.10.090 MH Manufactured Housing Park Zone

- A. Purpose: The purpose of this zone is to provide for the development of manufactured home parks in a quality environment. Manufactured home parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc., and are designed and intended from the beginning of development as manufactured homes only. The minimum zone size shall be approximately five (5) acres.
- B. Permitted Uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
  1. Accessory buildings and uses.
  2. Horticulture and gardening for personal use.
  3. Household pets.
  4. Park or playground.
  5. Manufactured homes at a minimum of 1,000 square feet on main level.
  6. Other uses similar to the above and judged by the planning commission to be in harmony with the intent and character of this zone, which will require a conditional use permit.
  7. Any use not specifically allowed under permitted or conditional uses, shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted use.
- C. Height Regulations: No building shall be erected to a height greater than thirty five (35) feet. No accessory building shall be erected to a height greater than twenty five (25) feet.
- D. Manufactured Home Park Development Standards:

1. Density: The maximum density for a manufactured home park shall not exceed six (6) units per acre.
2. Access Roads: Each manufactured home park shall be provided with hard surface (concrete or asphalt) roadways of at least twenty five (25) feet in width to serve each manufactured home space and parking area.
3. Park Access: Access to all manufactured home parks shall be from a dedicated and approved public street at an approved access point or points. No manufactured home space shall have direct access from a public street. Any access road connecting two (2) or more public streets shall be arranged to prohibit or discourage through traffic.
4. Off Street Parking: Parking spaces shall be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each manufactured home space.
5. Recreation Space: Recreation space shall be provided for each manufactured home park. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each manufactured home park having at least ten (10) units and one hundred (100) square feet additional space for each unit above ten (10) units.
6. Manufactured Home Space: Each manufactured home space shall have a minimum of five thousand (5,000) square feet and a minimum width of fifty (50) feet.
7. Permanent Foundation: A manufactured home must be put on a permanent foundation and converted to real property.
8. Minimum Yard Clearances for Manufactured Home Park: Each manufactured home shall have the following minimum yard clearances:
  - a. Front or side yard on a public street, twenty five (25) feet.
  - b. Side yard bordering adjacent property, ten (10) feet.
  - c. Rear yard bordering adjacent property, ten (10) feet.
  - d. A six (6) foot sight obscuring fence shall be erected along all side and rear property lines, unless otherwise approved by the planning commission.
9. Minimum Yard Clearances for Manufactured Home Space: Each manufactured home shall have the following minimum yard clearance which may also be included in and a part of the setbacks required in subsection H of this section:
  - a. Front yard on a private street or access road, fifteen (15) feet in back of curb.
  - b. Side yard on main door side of manufactured home, fifteen feet (15).
  - c. Side yard on "no access" side of manufactured home, ten (10) feet.
  - d. Rear yard, ten (10) feet.
  - e. No two (2) manufactured homes shall be closer than twenty (20) feet.
10. Utilities Required: All sewage and water proposals shall be required to have approval from the Utah state department of environmental quality and Ash Creek~~Big Plains Water and Sewer~~ Special Service District. All buildings, electrical, plumbing and fire protection construction shall comply with state

and Town requirements and codes, including applicable standards found in the Town subdivision ordinance (including, but not limited to, fire protection), the building code, and this title.

11. A dwelling proposed to be moved onto a site in the town shall be less than ten (10) years of age at the time of moving unless otherwise approved by the Planning Commission. Rehabilitation of such dwelling limited to a 6 month duration.

E. Modifying Regulations:

1. Perimeter Fence: Unless otherwise approved by the planning commission, each manufactured home park shall be fenced at the perimeter with a six (6) foot high sight obscuring fence.
2. Building Code; Permit: Installation of any manufactured unit shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building permit.
3. Street Construction: All streets in a manufactured home park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter approved by the planning commission.
4. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.

- F. Subdivision Requirements: Any use approved in the MH zone in which the sale of any lot or parking space is proposed, shall be subject to all applicable requirements of the AVS 11 subdivision ordinance.

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

**SECTION 3: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4: EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

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

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY  
ORDINANCE O-2023-10**

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

**SECTION 1:**        **AMENDMENT** “10.28.150 Utility Requirements” of the Apple Valley Land Use is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.28.150 Utility Requirements

- A. In all areas of the town where a building permit is required, connection shall be made to public sewer, water, electrical and telephone services where these services are available. Electric companies shall not provide any electrical connection of any kind until first approved by the building official. All lots shall be served by a water supply approved by the Utah state department of environmental quality, or the southwest public health department in cases of less than fourteen (14) lots, and the town public works department. A waste disposal system approved by the southwest public health department and the town engineer shall also be approved prior to issuing any building permit.
- B. For all building lots not located in platted and recorded subdivisions, all applicable provisions of AVLU Title 11 section 5, shall apply to those lots and shall be required as a condition of obtaining a building permit and shall include, but not be limited to, the following:
  - 1. Water supply and development.
  - 2. Street improvements.
  - 3. Electrical and telephone connections.
  - 4. Fire hydrants and fire flow.
  - 5. Traffic control and directional signs.
  - 6. A site drainage plan.
  - 7. A "dry" sewer line may be required to be installed from the location of any septic tank proposed to be used, and shall be extended to the front property line for future connection to a sewer system.

**AFTER AMENDMENT**

10.28.150 Utility Requirements

- A. In all areas of the town where a building permit is required, connection shall be made to public sewer, water, electrical and telephone services where these services are available. Electric companies shall not provide any electrical connection of any kind

until first approved by the building official. All lots shall be served by Big Plains Water Special Service District ~~a water supply approved by the Utah state department of environmental quality, or the southwest public health department in cases of less than fourteen (14) lots;~~ and the town public works department. A waste disposal system approved by the Ash Creek Special Service District ~~southwest public health department~~ and the town engineer shall also be approved prior to issuing any building permit.

- B. For all building lots not located in platted and recorded subdivisions, all applicable provisions of AVLU Title 11 section 5, shall apply to those lots and shall be required as a condition of obtaining a building permit and shall include, but not be limited to, the following:
1. Water supply and development.
  2. Street improvements.
  3. Electrical and telephone connections.
  4. Fire hydrants and fire flow.
  5. Traffic control and directional signs.
  6. A site drainage plan.
  7. A "dry" sewer line may be required to be installed from the location of any septic tank proposed to be used, and shall be extended to the front property line for future connection to a sewer system.

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

**SECTION 3: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4: EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

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

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

## APPLE VALLEY ORDINANCE O-2023-11

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

**SECTION 1:            AMENDMENT** “10.28.190 Curbs, Gutters, Sidewalks, And Road Improvements” of the Apple Valley Land Use is hereby *amended* as follows:

### BEFORE AMENDMENT

#### 10.28.190 Curbs, Gutters, Sidewalks, And Road Improvements

The installation of curb, gutter, sidewalk, and road improvements of a type approved by the town, may be required on any existing street where such improvements are not already existing, and where upon the recommendation of the public works department, the planning commission, and approval of town council determines that such installation is in the best interest of the town. Said installation may be required as a condition of obtaining a building permit, and shall be completed as a part of the building permit prior to occupancy. If it is determined by the town public works department that installation of curb, gutter, sidewalk, and road improvements are not possible at this time, a letter of non-opposition to the creation of a future special assessment area to install such missing improvements shall be required. A special assessment area is typically created to install improvements that benefits only the residents within such assessment area, and the residents located in this area will be required to pay for their proportional share of the cost to install such improvements, typically over a 10-year period of time.

### AFTER AMENDMENT

#### 10.28.190 Curbs, Gutters, Sidewalks, And Road Improvements

The installation of curb, gutter, sidewalk, and road improvements of a type approved by the town, shall ~~may~~ be required on any existing street where such improvements are not already existing, ~~and where upon the recommendation of the public works department, the planning commission, and approval of town council determines that such installation is in the best interest of the town.~~ Said installation may be required as a condition of obtaining a building permit, and shall be completed as a part of the building permit prior to occupancy. If it is determined by the town public works department that installation of curb, gutter, sidewalk, and road improvements are not possible at this time, an Improvement Delay Agreement, or a letter of non-opposition, to the creation of a future special assessment area to install such missing improvements shall be required. A special assessment area is typically created to install improvements that benefits only the residents within such assessment area, and the residents located in this area will be required to pay for their proportional share of the cost to install such improvements, typically over a 10-year period of time.

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

**SECTION 3: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4: EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

|                                  | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|----------------------------------|------------|------------|---------------|----------------|
| Mayor   Frank Lindhardt          | _____      | _____      | _____         | _____          |
| Council Member   Andy McGinnis   | _____      | _____      | _____         | _____          |
| Council Member   Barratt Nielson | _____      | _____      | _____         | _____          |
| Council Member   Kevin Sair      | _____      | _____      | _____         | _____          |
| Council Member   Robin Whitmore  | _____      | _____      | _____         | _____          |

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley

## APPLE VALLEY ORDINANCE O-2023-12

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

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

### BEFORE REPEAL

#### 10.10.120 Planned Development Zone

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

utilities, and flexibility in design.

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

**PDR** Planned development residential zone

**PDC** Planned development commercial zone

**PDO** Planned development office zone

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

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

approval by the utility providers, Town engineer and others .

#### E. Planned Development Residential Zone (PDR)

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

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

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

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

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

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

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

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

#### F. Planned Development Commercial Zone (PDC)

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

Bank or other similar financial institution;

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

Convention center, meeting facility or other similar use;

Hotel, motel or bed and breakfast;

Recreation building or land including theaters;

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

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

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

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

Accessory structure;

Ambulance service;

Auto repair, completely enclosed;

Daycare facility;

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

Off street parking facilities;

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

Parking lot or garage as a principal use;

Public utility structure and lands;

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

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

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

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

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

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

Daycare facility;

Fine arts or performing arts studio or school;

Hospital or public health center;

Institution of higher education (college);

Library;

Medical or dental office or clinic;

Museum or art gallery;

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

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

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

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

Ambulance service as an accessory use;

Church or other religious, fraternal, or social organizations;

Funeral home or crematorium;

Nursing or personal care home;

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

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

1. General Standards and Requirements:

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

proposed development is a significant community need that transcends the need to preserve the topography and/or features.

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

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

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

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

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

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

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

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

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

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

- a. Roads/Streets: All interior streets and roads may be owned and maintained by the owners association of the development upon recommendation of the planning commission and approval of the Town Council. Private ownership of roads must be outlined in the Master Plan. All interior streets and roads must meet the Design standards and specifications for roads for the Town of Apple Valley as well as the following:
  - (1) The Town requires interior streets and sidewalks through the development and require that the interior streets and sidewalks connect to existing street and sidewalk infrastructure of the Town, unless otherwise approved in the Master Plan. (Town of Apple Valley standards and specification's)
  - (2) The provision and/or design of streets is subject to review and a recommendation by the planning commission and approval of the Town Council, which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower right of way, pavement widths, medians, traffic calming features, etc., and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant (based upon appropriate traffic engineering studies) and/or verified by the Planning Commission. Such modifications and exceptions must be outlined as part of the Master Plan.
- b. Sidewalks: Sidewalks shall be provided according to the requirements of the Town of Apple Valley's specifications and standards. Sidewalks will be owned and maintained by the owners association or the Town, as outlined in the Master Plan..
- c. Parking:
  - (1) Conflict between Provisions: Wherever there is a conflict between the provisions of AVL 10.16 "Off Street Parking Requirements", and this subsection, the more restrictive shall govern unless otherwise recommended by the planning commission and approved by the Town council.
  - (2) Spaces Physically Separated: Spaces calculated for residential units, commercial uses, and other permanent spaces shall be physically separated and dedicated exclusively for that use, excluding mixed use components.
  - (3) Shared Parking: A shared parking plan may be submitted which indicates a shared parking formula and supporting information. Up to thirty percent (30%) of the total combined

required parking may be waived with an approved plan.

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

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

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

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

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

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

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

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

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

(2) Common Open Space Areas:

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

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

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

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

7. Non-residential Standards and Requirements:

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

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

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

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

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

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

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

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

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

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

### 3. Preliminary Plat :

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

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

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

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

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

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

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

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

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

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

TABLE 1:

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

TABLE 2: PLANNED DEVELOPMENT ZONE DIMENSIONAL  
STANDARDS

|  |                 |
|--|-----------------|
|  | Zoning District |
|--|-----------------|

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

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

#### AFTER REPEAL

##### 10.10.120 Planned Development Zone

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

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

located:

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

**PDR** Planned development residential zone

**PDC** Planned development commercial zone

**PDO** Planned development office zone

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

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

~~feedback from staff and Planning Commission.~~

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

#### ~~E. Planned Development Residential Zone (PDR)~~

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

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

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

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

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

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

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

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

#### F. ~~Planned Development Commercial Zone (PDC)~~

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

~~Bank or other similar financial institution;~~

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

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

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

~~Recreation building or land including theaters;~~

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

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

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

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

~~Accessory structure;~~

~~Ambulance service;~~

~~Auto repair, completely enclosed;~~

~~Daycare facility;~~

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

~~Off street parking facilities;~~

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

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

~~Public utility structure and lands;~~

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

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

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

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

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

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

~~Daycare facility;~~

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

~~Hospital or public health center;~~

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

~~Library;~~

~~Medical or dental office or clinic;~~

~~Museum or art gallery;~~

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

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

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

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

~~Ambulance service as an accessory use;~~

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

~~Funeral home or crematorium;~~

~~Nursing or personal care home;~~

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

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

stage approving the request for such modifications is approved.

1. General Standards and Requirements:

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

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

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

a. ~~Ownership and Management Control:~~

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

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

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

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

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

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

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

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

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

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

- ~~a. Roads/Streets: All interior streets and roads may be owned and maintained by the owners association of the development upon recommendation of the planning commission and approval of the Town Council. Private ownership of roads must be outlined in the Master Plan. All interior streets and roads must meet the Design standards and specifications for roads for the Town of Apple Valley as well as the following:~~
  - ~~(1) The Town requires interior streets and sidewalks through the development and require that the interior streets and sidewalks connect to existing street and sidewalk infrastructure of the Town, unless otherwise approved in the Master Plan. (Town of Apple Valley standards and specification's)~~
  - ~~(2) The provision and/or design of streets is subject to review and a recommendation by the planning commission and approval of the Town Council, which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower right of way, pavement widths, medians, traffic calming features, etc., and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant (based upon appropriate traffic engineering studies) and/or verified by the Planning Commission. Such modifications and exceptions must be outlined as part of the Master Plan.~~
- ~~b. Sidewalks: Sidewalks shall be provided according to the requirements of the Town of Apple Valley's specifications and standards. Sidewalks will be owned and maintained by the owners association or the Town, as outlined in the Master Plan.~~
- ~~c. Parking:~~
  - ~~(1) Conflict between Provisions: Wherever there is a conflict between the provisions of AVL 10.16 "Off Street Parking Requirements", and this subsection, the more restrictive shall govern unless otherwise recommended by the planning~~

commission and approved by the Town council.

- (2) ~~Spaces Physically Separated:~~ Spaces calculated for residential units, commercial uses, and other permanent spaces shall be physically separated and dedicated exclusively for that use, excluding mixed use components.
- (3) ~~Shared Parking:~~ A shared parking plan may be submitted which indicates a shared parking formula and supporting information. Up to thirty percent (30%) of the total combined required parking may be waived with an approved plan.
- (4) ~~Location of Parking:~~ Parking for PD developments shall be located to the rear, a mixture of side and rear, or underground.
- (5) ~~Illumination of Parking:~~ All parking areas shall be illuminated with light to be focused down so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the PD development nor to uses adjacent or nearby the PD development. Wherever there is a conflict between the provisions of AVL 10.26 "Outdoor Lighting Ordinance," and this subsection, the more restrictive shall govern unless otherwise recommended by the Planning Commission and approved by the Town Council.

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

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

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

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

- 5. ~~Landscape Concept/Theme:~~

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

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

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

- a. General Open Space Requirements:

(1) ~~Naturally Occurring Open Areas:~~

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

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

(2) ~~Common Open Space Areas:~~

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

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

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

(B) ~~Open pedestrian bridge.~~

(C) ~~Raised pedestrian deck.~~

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

7. ~~Non-residential Standards and Requirements:~~

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

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

~~the transmission of noise.~~

- ~~e. Nuisances: No commercial use shall be designed or operated so as to expose residential uses to offensive odors, dust, electrical interference, and/or vibration.~~
- ~~d. Outdoor Lighting: All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed toward residential units and shall not include lighting that blinks, flashes, oscillates, or is of unusual brightness or intensity. Outdoor lighting will be directed downward unless otherwise approved in order to ensure the integrity of the night sky and preclude negative effects on surrounding property owners.~~
- ~~e. Finishing Materials: Nonresidential planned development shall utilize masonry or decorative wood exterior finishing materials for, at a minimum, the front and sides of the building. If the rear of a building faces a public street or road, this side shall utilize a masonry or decorative wood exterior finish as well. Acceptable masonry finishing materials include brick, stucco, natural or cultured stone, decorative concrete, or terrazzo tile. Unfinished concrete, cinder block, metal panels, plywood, Masonite, and vinyl siding are not acceptable finishes.~~

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

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

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

a. Master Plan Elements:

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

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

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

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

### 3. Preliminary Plat:

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

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

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

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

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

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

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

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

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

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

TABLE 1:-

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

TABLE 2: PLANNED DEVELOPMENT ZONE DIMENSIONAL  
STANDARDS

|  | Zoning District |  |
|--|-----------------|--|
|  |                 |  |

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

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

B.

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

#### BEFORE ADOPTION

10.10.121 Purpose And Objectives (Non-existent)

#### AFTER ADOPTION

10.10.121 Purpose And Objectives(*Added*)

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

B. Objectives. Objectives to be accomplished under the provisions of this chapter include:

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

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

BEFORE ADOPTION

10.10.122 Scope (Non-existent)

AFTER ADOPTION

10.10.122 Scope(*Added*)

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

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

BEFORE ADOPTION

10.10.123 Minimum Acreage (Non-existent)

AFTER ADOPTION

10.10.123 Minimum Acreage(*Added*)

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

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

BEFORE ADOPTION

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

AFTER ADOPTION

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

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

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

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

BEFORE ADOPTION

10.10.125 Uses Allowed (Non-existent)

AFTER ADOPTION

10.10.125 Uses Allowed(*Added*)

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

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

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

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

#### BEFORE AMENDMENT

10.10.127 Approval Of Planned Development Overlay Zone

#### AFTER AMENDMENT

10.10.127 Approval Of Planned Development Overlay Zone

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

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

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

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

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

#### BEFORE ADOPTION

10.10.128 Density (Non-existent)

#### AFTER ADOPTION

10.10.128 Density(*Added*)

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

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

1. The basis for granting a density bonus shall be included in the findings required to approve a planned development set forth in subsection 10-10-127B of this chapter.
2. A density bonus may be authorized based upon provision of one or more of the following amenities. The maximum density bonus granted for any one class of amenities shall not exceed the percentage indicated.
  - a. Enhanced overall design theme (up to five percent):
    - (1) Landscaping is designed and installed along all streets of the development according to a theme which provides overall design unity;
    - (2) Theme lighting is used throughout the development for street lighting, walkway lighting, parking areas, entrances, and building exteriors;
    - (3) Perimeter fencing is used throughout the project that matches building design, such as, masonry columns or piers using the same brick or stone as the buildings; and
    - (4) Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong design theme for the development and are utilized in highly visible locations.
  - b. Improved building design (up to five percent):
    - (1) Seventy-five percent of the front exterior of each dwelling, exclusive of windows or doors, consists of brick or stone;
    - (2) Required parking for each unit is provided within a garage.
  - c. Improved energy efficiency (up to five percent):
    - (1) Dwellings and main buildings have insulation greater than R-19 in walls and R-38 in ceilings; and
    - (2) Dwellings are designed with an active or passive solar feature, including, but not limited to, solar water heaters, Trombe walls, earth insulation of building walls.
  - d. Parking upgrades (up to five percent):
    - (1) Parking lots are screened from public view by means of increased berming or landscaping around the parking lot perimeter;
    - (2) Parking lots have landscaped islands beyond the minimum required by this title;
    - (3) Additional and/or larger trees that will shade 50 percent of the parking area upon tree maturation; and
    - (4) Provision of screened recreational vehicle parking areas.
  - e. Provision of usable open space (up to five percent):
    - (1) Open space is integrated into the entire development and is connected to developed areas by a system of trails and walkways; and
    - (2) Stormwater detention facilities are designed, landscaped, and

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

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

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

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

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

g. Increased landscaping (up to five percent):

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

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

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

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

**BEFORE ADOPTION**

10.10.129 Residential Development Standards (Non-existent)

**AFTER ADOPTION**

10.10.129 Residential Development Standards(*Added*)

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

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

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

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

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

J. Common areas.

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

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

L. Required improvements.

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

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

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

documents shall include the following provisions:

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

protective covenants shall include provisions that:

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

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

|                                  | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|----------------------------------|------------|------------|---------------|----------------|
| Mayor   Frank Lindhardt          | _____      | _____      | _____         | _____          |
| Council Member   Andy McGinnis   | _____      | _____      | _____         | _____          |
| Council Member   Barratt Nielson | _____      | _____      | _____         | _____          |
| Council Member   Kevin Sair      | _____      | _____      | _____         | _____          |
| Council Member   Robin Whitmore  | _____      | _____      | _____         | _____          |

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor., Apple Valley

**APPLE VALLEY  
ORDINANCE O-2023-13**

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

**SECTION 1:**        **AMENDMENT** “10.07.090 Conditional Use Permit” of the Apple Valley Land Use is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.07.090 Conditional Use Permit

**A.     *Purpose.*** This section sets forth procedures for considering and approving conditional use permits for Industrial, Open Space and RV Park Zones..

**B.     *Authority.***

1.       The Planning Commission is authorized to issue conditional use permits for the following uses **for Industrial, Open Space and RV Park Zones:**

Industrial- Concrete, Gravel, Asphalt, Mining, Agricultural, Sewage, Wood, Recycling

Open Space- Farm and Buildings, Livestock, ATV Trails, Building Height

RV Park- Sales, Clubhouse, Dwelling

**C.     *Initiation.*** A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.

**D.     *Procedure.*** An application for a conditional use permit shall be considered and processed as provided in this subsection.

1.       A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

- a.       The name, address and telephone number of the applicant and the applicant's agent, if any;
- b.       The address and parcel identification of the subject property;
- c.       The zone, zone boundaries and present use of the subject property;

- d. A description of the proposed conditional use;
  - e. A plot plan showing the following:
    - (1) Applicant's name;
    - (2) Site address;
    - (3) Property boundaries and dimensions;
    - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
    - (5) Adjoining property lines and uses within 100 feet of the subject property;
  - f. Traffic impact analysis, if required by the Town Engineer or the Planning Commission;
  - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
  - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in [section 10.07.040](#) of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.

**E. *Approval standards.*** The following standards shall apply to the issuance of a conditional use permit:

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.

2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2h of this section:

a. *Standards for a reception center.*

(1) Hours of operation must be compatible with adjoining uses and comply with Town noise regulations.

(2) Parking must be provided.

(3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.

(4) The center must have an approved site plan.

(5) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.

b. *Standards for an agricultural industry.*

(1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.

(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.

(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.

(4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.

**F. *Appeal of decision.*** Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.

**G. *Appeal of decision by Zoning Administrator.*** Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.

**H. *Effect of approval.*** A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.

1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.

**I. *Amendment.*** The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

**J. *Revocation.*** A conditional use permit may be revoked as provided in [section 10.20.100](#) of this title.

1. In addition to the grounds set forth in [section 10.20.100](#) of this title, any of the following shall be grounds for revocation:
  - a. The use for which a permit was granted has ceased for one year or more;
  - b. The holder or user of a permit has failed to comply with the conditions of approval or any Town, state, or federal law governing the conduct of the use;

c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or

d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the Town's ability to initiate or complete other legal proceedings against the holder or user of the permit.

**K. *Expiration.*** A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

#### AFTER AMENDMENT

##### 10.07.090 Conditional Use Permit

**A. *Purpose.*** ~~This section sets forth procedures for considering and approving conditional use permits for Industrial, Open Space and RV Park Zones.~~ The purpose of this chapter is to establish standards for certain land uses which, because of their unique characteristics or potential impacts on the town, surrounding residential neighborhoods, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts. The standards for the issuance of a conditional use permit are established to ensure compatibility with surrounding land uses, conformity with the Apple Valley general plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

**B. *Authority.***

1. The Planning Commission is authorized to issue conditional use permits for the following uses ~~for Industrial, Open Space and RV Park Zones:~~

~~Industrial- Concrete, Gravel, Asphalt, Mining, Agricultural, Sewage, Wood, Recycling Open Space- Farm and Buildings, Livestock, ATV Trails, Building Height RV Park- Sales, Clubhouse, Dwelling~~

Animal specialties.

Animals and fowl for recreation and family food production.

Clubhouse.

Sales or registration office.

On-site manager dwelling.

kennel.

Assisted living facility.

Greater heights than permitted by this Code.

Greater size than permitted by this Code.

Greater heights accessory buildings than permitted by this Code.

Greater size accessory buildings than permitted by this Code.

Metal building in commercial and residential zones.

Public stable.

Reception center.

Recreation and entertainment, outdoor.

**C. Permit Required.** An approved conditional use permit shall be required for each conditional use listed in this title. No building permit or other permit or license shall be issued for a use requiring conditional use approval until a conditional use permit shall first have been approved by the planning commission.

**D. Initiation.** A property owner, or the owner's agent, may request a conditional use permit as provided in subsection ~~E~~**D**1 of this section.

**~~D~~**E.** Procedure.** An application for a conditional use permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

- a. The name, address and telephone number of the applicant and the applicant's agent, if any;
- b. The address and parcel identification of the subject property;

- c. The zone, zone boundaries and present use of the subject property;
  - d. A description of the proposed conditional use;
  - e. A plot plan showing the following:
    - (1) Applicant's name;
    - (2) Site address;
    - (3) Property boundaries and dimensions;
    - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
    - (5) Adjoining property lines and uses within 100 feet of the subject property;
  - f. Traffic impact analysis, if required by the Town Engineer or the Planning Commission;
  - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
  - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in [section 10.07.040](#) of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.

4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection **EE** of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.

**EE.** **Approval standards.** The following standards shall apply to the issuance of a conditional use permit:

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.

2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2h of this section:

a. *Standards for a reception center.*

(1) Hours of operation must be compatible with adjoining uses and comply with Town noise regulations.

(2) Parking must be provided.

(3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.

(4) The center must have an approved site plan.

(5) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.

b. *Standards for an agricultural industry.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.

**~~F~~~~G~~.** ***Appeal of decision.*** Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.

**~~G~~~~H~~.** ***Appeal of decision by Zoning Administrator.*** Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.

**~~H~~~~I~~.** ***Effect of approval.*** A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.

1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.

**~~I~~~~J~~.** ***Amendment.*** The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

**~~J~~~~K~~.** ***Revocation.*** A conditional use permit may be revoked as provided in [section 10.20.100](#) of this title.

1. In addition to the grounds set forth in [section 10.20.100](#) of this title, any of the following shall be grounds for revocation:

- a. The use for which a permit was granted has ceased for one year or more;
- b. The holder or user of a permit has failed to comply with the conditions of approval or any Town, state, or federal law governing the conduct of the use;
- c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
- d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the Town's ability to initiate or complete other legal proceedings against the holder or user of the permit.

**KL.** ***Expiration.*** A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

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

**SECTION 3: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4: EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

|                                  | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|----------------------------------|------------|------------|---------------|----------------|
| Mayor   Frank Lindhardt          | _____      | _____      | _____         | _____          |
| Council Member   Andy McGinnis   | _____      | _____      | _____         | _____          |
| Council Member   Barratt Nielson | _____      | _____      | _____         | _____          |
| Council Member   Kevin Sair      | _____      | _____      | _____         | _____          |
| Council Member   Robin Whitmore  | _____      | _____      | _____         | _____          |

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple  
Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple  
Valley

**APPLE VALLEY  
ORDINANCE O-2023-14**

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

**SECTION 1: REENACTMENT** “10.28.270 Guesthouses Or Casitas” of the Apple Valley Land Use is hereby *reenacted* as follows:

**BEFORE REENACTMENT**

10.28.270 Guesthouses Or Casitas

The purpose and intent of requirements for allowing detached guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

- A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.
- B. Maximum Number: A maximum of one guesthouse or casita may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or casita.
- D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse or casita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita.
- E. Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be three hundred (300) square feet.
- F. Setbacks: All guesthouses or casitas shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.
- G. Parking: All guesthouses or casitas shall provide a minimum of one off street parking space.
- H. Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.
- I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or casitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.
- J. Height and Size Restrictions: All guesthouses or casitas shall be limited to one story,

with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and casitas.

- K. Occupancy Without Compensation: Guesthouses or casitas shall only be provided for the occupancy of family members of the owner of the primary dwelling, or guests of the owner, without compensation.
- L. Owner May Occupy: The owner, renter or lessee of the primary dwelling may live in the guesthouse or casita, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.
- M. Deed Restriction: As a condition of approval required to establish a guesthouse or casita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or casita.
- N. Permits Required:
  - 1. The use application approval for a guesthouse or casita shall be received before a building permit is issued.
  - 2. The commission is authorized to approve an application for a guesthouse or casita that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.
- O. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.

## AFTER REENACTMENT

### 10.28.270 ~~Guesthouses Or Casitas~~ Accessory Dwelling Unit (ADU)

~~The purpose and intent of requirements for allowing detached guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.~~

- ~~A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.~~
- ~~B. Maximum Number: A maximum of one guesthouse or casita may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.~~
- ~~C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot.~~

~~No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or easita.~~

- ~~D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse or easita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or easita.~~
- ~~E. Square Footage: The square footage of a guesthouse or easita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or easita shall be three hundred (300) square feet.~~
- ~~F. Setbacks: All guesthouses or easitas shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.~~
- ~~G. Parking: All guesthouses or easitas shall provide a minimum of one off street parking space.~~
- ~~H. Construction: The construction of all guesthouses or easitas shall meet all requirements of the adopted building code.~~
- ~~I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or easitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.~~
- ~~J. Height and Size Restrictions: All guesthouses or easitas shall be limited to one story, with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and easitas.~~
- ~~K. Occupancy Without Compensation: Guesthouses or easitas shall only be provided for the occupancy of family members of the owner of the primary dwelling, or guests of the owner, without compensation.~~
- ~~L. Owner May Occupy: The owner, renter or lessee of the primary dwelling may live in the guesthouse or easita, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.~~
- ~~M. Deed Restriction: As a condition of approval required to establish a guesthouse or easita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or easita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or easita.~~
- ~~N. Permits Required:
 
  - ~~1. The use application approval for a guesthouse or easita shall be received before a building permit is issued.~~
  - ~~2. The commission is authorized to approve an application for a guesthouse or easita that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other~~~~

~~regulations are met.~~

~~Θ. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.~~

A. Purpose and Intent: The purpose of this chapter is to provide regulations for accessory dwelling units (ADU) that are incidental and accessory to a single-family dwelling, where permitted in the zone. ADU's are intended to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate-income housing is necessary. ADU's created in accordance with this section will assist in providing for this need.

B. General Provisions:

1. Number of ADU's Per Parcel. An ADU shall only be permitted on a parcel with a single-family dwelling. Only one ADU is permitted on a lot that is zoned less than five (5) acres. On a lot or parcel that is zoned five (5) acres or more, one additional accessory dwelling unit may be approved for each additional five (5) acres above the base five (5) acres, in the sole discretion of the town. No more than four (4) accessory dwellings shall be allowed on a lot or parcel, except when zoned and approved in a planned development that complies with all applicable town ordinances. Only one ADU on the property may be rented.
2. Amenities. An ADU shall contain sufficient amenities to be defined as a dwelling. An ADU shall not have more than one kitchen.
3. Parking. Two parking spaces shall be provided on site for each ADU, and it shall be on a hard-surface area. Only one parking space is required for an internal ADU, and it shall be on a hard-surface area.
4. Occupancy. Either the ADU or the single-family dwelling shall be owner-occupied and be the primary residence of the owner-occupant with the primary residential exemption as determined by the Washington County Assessor's office, to utilize the other dwelling as a long-term rental dwelling. The non-owner-occupied unit is limited to no more than one family. For the purposes of this subsection "owner-occupied dwelling unit" means a unit that is occupied by the owner for a minimum of one hundred eighty-three (183) consecutive calendar days during the calendar year, except temporary leave for religious, military, or other legitimate purposes qualified as owner occupancy if not exceeding two years. While away, the owner shall not offer the owner-occupied dwelling unit for rent separately from the ADU.
5. Short Term Rentals Not Permitted. Neither the single-family dwelling unit, nor the accessory dwelling unit, shall be used or licensed as a short-term rental unless specifically permitted in accordance with Title 10, Chapter 14.
6. Relevant Authority Approvals. The ADU shall comply with regulations, ordinances and building codes for a single-family dwelling. Approval is

required from all utility and service providers and the Building Official.

C. Standards And Requirements:

1. Standards Same as Single Family Dwelling. If new construction for an ADU is proposed or will occur, the standards for single family dwellings shall apply. An ADU shall comply with the same permit standards, lot development standards, and setbacks as required in the respective zone. No travel trailer, boat, recreational vehicle, or similar item shall be used as an ADU.
2. Size and Height. The size and height regulations for an ADU are as follows:
  - a. Eight hundred (800) sq. ft. maximum: For all lots or parcels in zones designated as one-half (1/2) acre minimum lot size or less, the ADU shall not exceed eight hundred (800) sq. ft. or be less than four hundred (400) sq. ft. The height shall not exceed twenty-five (25) ft.
  - b. Twelve hundred (1200) sq. ft. maximum: For all lots or parcels in zones designated as forty thousand (40,000) sq. ft. minimum lot size up to two and one-half (2.5) acre minimum lot size, the ADU shall not exceed twelve hundred (1200) sq. ft. or be less than (400) sq. ft. The height shall not exceed thirty-five (35) ft.
  - c. Thirty-five hundred (3500) sq. ft. maximum: For all lots or parcels in zones designated as more than two and one-half (2.5) acre minimum lot size, the ADU shall not exceed thirty-five hundred (3500) sq. ft. or be less than four hundred (400) sq. ft. The height shall not exceed thirty-five (35) ft.
  - d. For an internal ADU, the ADU shall not exceed the size permitted in state law (10-9a-530), or the height in section 10.28.270.C.2.a, b and c. For an internal ADU located entirely within the basement of a single-family dwelling, it may include the entire basement area regardless of square footage.
3. Relationship to the Single-Family Dwelling; Appearance. The exterior design of an accessory dwelling unit, or the building that contains an ADU, shall compliment the single-family dwelling in a manner that preserves the appearance of the lot's single family use.
  - a. The exterior of the accessory dwelling unit shall either:
    - (1) Conform to the single-family dwelling in architectural style and materials on all sides of the building and roof; or
    - (2) Be designed by a licensed architect in a manner that gives the appearance of a barn or other similarly styled agricultural outbuilding; or
    - (3) Be designed by a licensed architect in a manner that provides the architectural features of historic buildings from the general area.
  - b. An ADU located in a building that is only connected to the single-family dwelling by means of a continuous roofline, such as a breezeway, shall not be determined to be an internal ADU if the distance between them is fifteen (15) feet or greater.
4. Access. The main access into an internal ADU shall be on the side or rear of

the primary dwelling, as viewed from the front lot line. Each ADU shall have direct access to the exterior of the building in a manner that does not require passage through any other part of a building.

5. Undivided Ownership. Ownership of an ADU shall not be transferred separately from the single-family dwelling to which it is an accessory, unless the transfer is part of a lawfully platted subdivision that complies with all applicable town ordinances. The primary residence and the ADU(s) shall have the same physical and mailing address.
  6. Site Layout Approval. The accessory dwelling unit shall be constructed at a location on the lot or parcel approved by the town and service providers to take into account drainage, topography, setbacks, parking, utilities, easements and all other applicable standards.
  7. Utilities. All utilities shall be sized and constructed to accommodate the primary dwelling and the ADU, as well as any other structures or uses on the lot or parcel.
  8. Building Department Compliance. No ADU shall be constructed, converted or remodeled without a building permit issued at the time of the act. No permit shall be issued if there is an outstanding code violation on the parcel. If no building permit was issued at the time of construction, conversion or remodeling, the applicant shall apply for a building permit and pay all applicable fees to the town and applicable utility service providers. It is the applicant's responsibility to provide a certification of compliance from a qualified and licensed engineer to the Building Official that the ADU complies with all regulations, ordinances and building codes, and the town shall make a determination of adequacy of the certification of compliance, in its sole discretion.
- D. Application Procedure: Approval of an accessory dwelling unit requires a building permit. The application and review procedure for a building permit is as follows:
1. Application Submittal Requirements.
    - a. A completed building permit application signed by the owner or assigned agent.
    - b. An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
    - c. A site plan drawn accurately to scale that shows property lines and dimensions, setbacks, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
    - d. Detailed floor plans, including elevations, draw to scale with labels on rooms indicating proposed uses.
    - e. Detailed utility plans, drawn to scale showing the location of private and public utility infrastructure on the lot or parcel, and the connections to any public utilities.
  2. Review Procedure.

- a. Upon submittal of a complete ADU application, Planning staff will review the application to verify compliance with this chapter and any other relevant component of town ordinances.
  - b. If the building permit application complies with relevant land use laws, and receives all required department and agency approvals, a building permit shall be issued. The ADU shall maintain compliance with the approved permit.
  - c. If the application does not comply, Planning staff shall notify the applicant in writing, using the notification method typical for similar correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the application shall be denied. A denial by the Planning staff is an administrative decision. Alternatively, the applicant may withdraw the application, forfeiting the fee.
  - d. If the ADU is rented, a business license is required. License renewal requires owner's proof of continued compliance with the requirements in this section.
3. Use as a long-term rental dwelling. The primary dwelling or the ADU may be long term rented on the parcel or lot if the owner provides proof that the property has the primary residential exemption as determined by the Washington County Assessor's office, and that the primary residence or the ADU is owner-occupied. A deed restriction, recorded against the property on a form acceptable to the town, acknowledging that the lot or parcel will remain owner-occupied, is required for one ADU on the property to be long term rented.
- E. Enforcement: Violations of this chapter are subject to enforcement and penalties as outlined in AVL 10.02.190. Noncompliance with the standards of this section shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allowed the ADU.

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

**SECTION 3:            SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4:            EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

|                                  | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|----------------------------------|------------|------------|---------------|----------------|
| Mayor   Frank Lindhardt          | _____      | _____      | _____         | _____          |
| Council Member   Andy McGinnis   | _____      | _____      | _____         | _____          |
| Council Member   Barratt Nielson | _____      | _____      | _____         | _____          |
| Council Member   Kevin Sair      | _____      | _____      | _____         | _____          |
| Council Member   Robin Whitmore  | _____      | _____      | _____         | _____          |

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Frank Lindhardt, Mayor,, Apple Valley