



SPECIAL APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, July 20, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, July 20, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chair | Allen Angell

Commissioners | Lee Fralish | Forrest Kuehne | Jeri-Burhorn Politte | Margaret Ososki

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/85008745182>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 850 0874 5182

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

APPROVAL OF MINUTES

JOINT WORK MEETING WITH TOWN COUNCIL

- [1.](#) General Plan

HEARING ON THE FOLLOWING

2. Update Title 10.10.120 Planned Development Zone
3. Update Title 11.02.060 Preliminary Plat Process
4. Update Title 11.02.070 Preliminary Plat Requirements
5. Update Title 14.10 Ground Water Protection

DISCUSSION AND POSSIBLE ACTION ITEMS

- [6.](#) Update Title 10.10.120 Planned Development Zone--Ordinance-O-2022-26
- [7.](#) Update Title 11.02.060 Preliminary Plat Process--Ordinance-O-2022-27
- [8.](#) Update Title 11.02.070 Preliminary Plat Requirements--Ordinance-O-2022-28
- [9.](#) Update Title 14.10 Ground Water Protection--Ordinance-O-2022-29

ADJOURNMENT

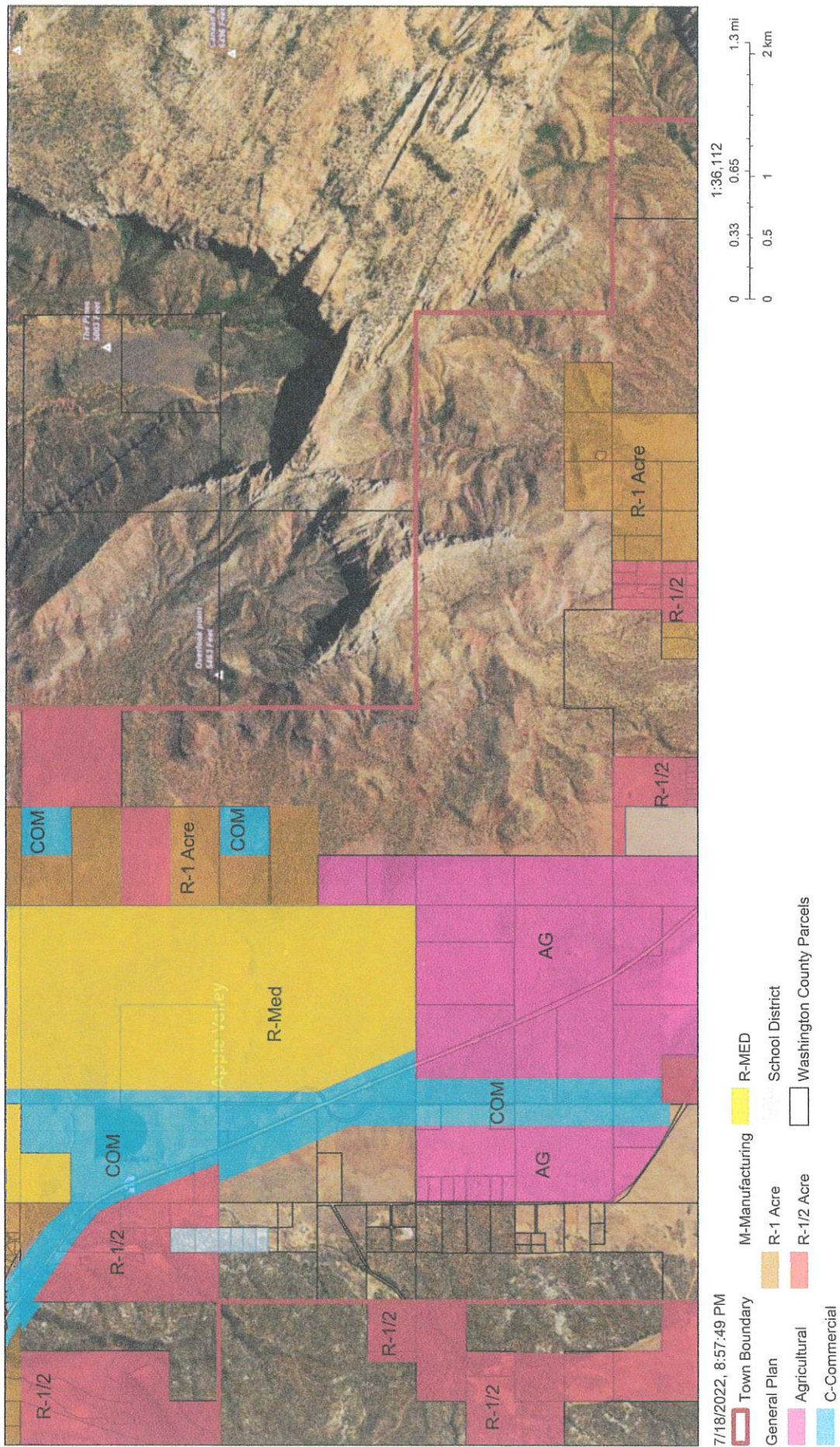
CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, Spectrum classified and the Town Website www.applevalleyut.gov.

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

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

Existing

Apple Valley main

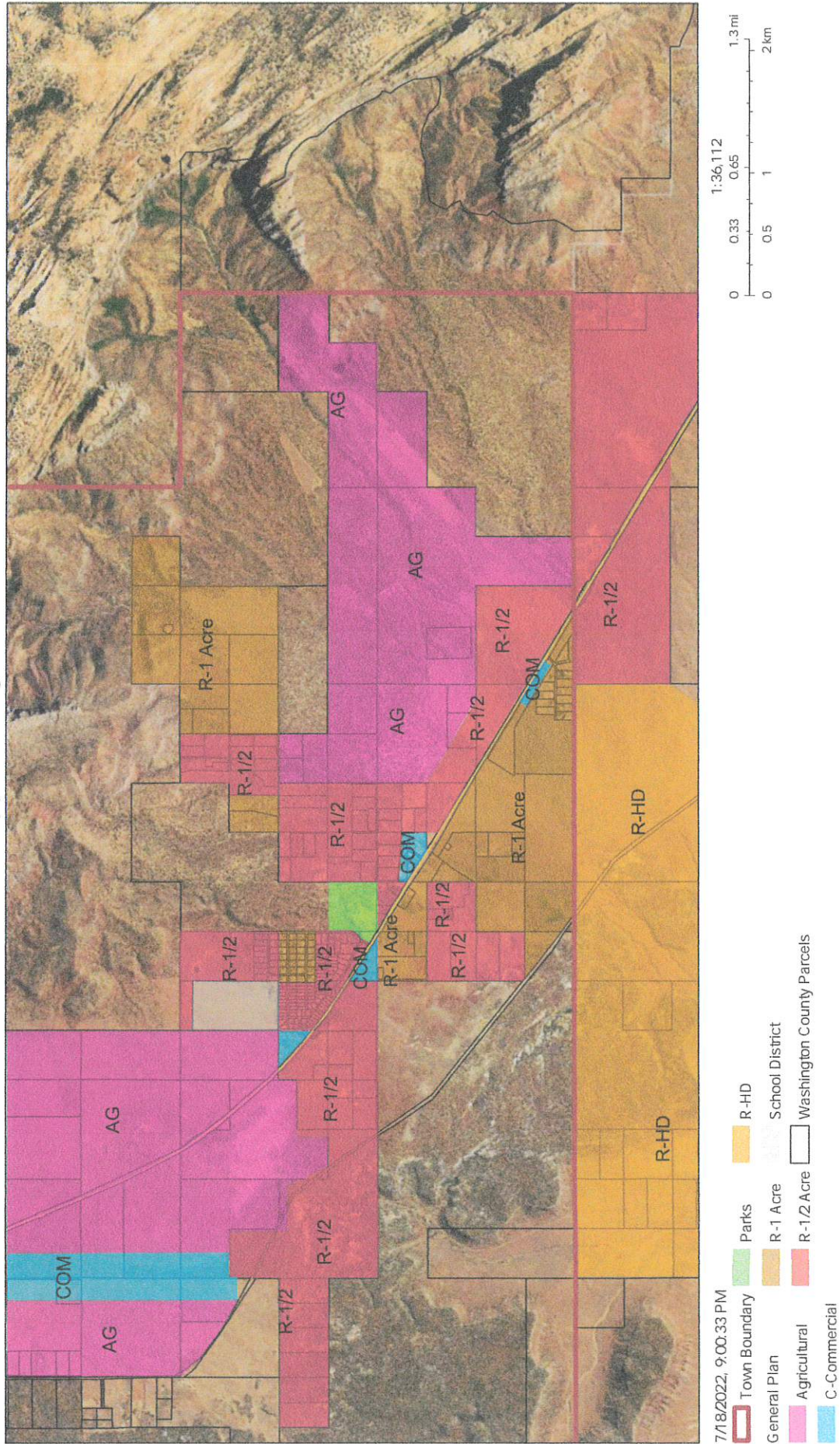


Town of Apple Valley
Sunrise Cloud SMART GIS®

Item 1.

Existing

Apple Valley East

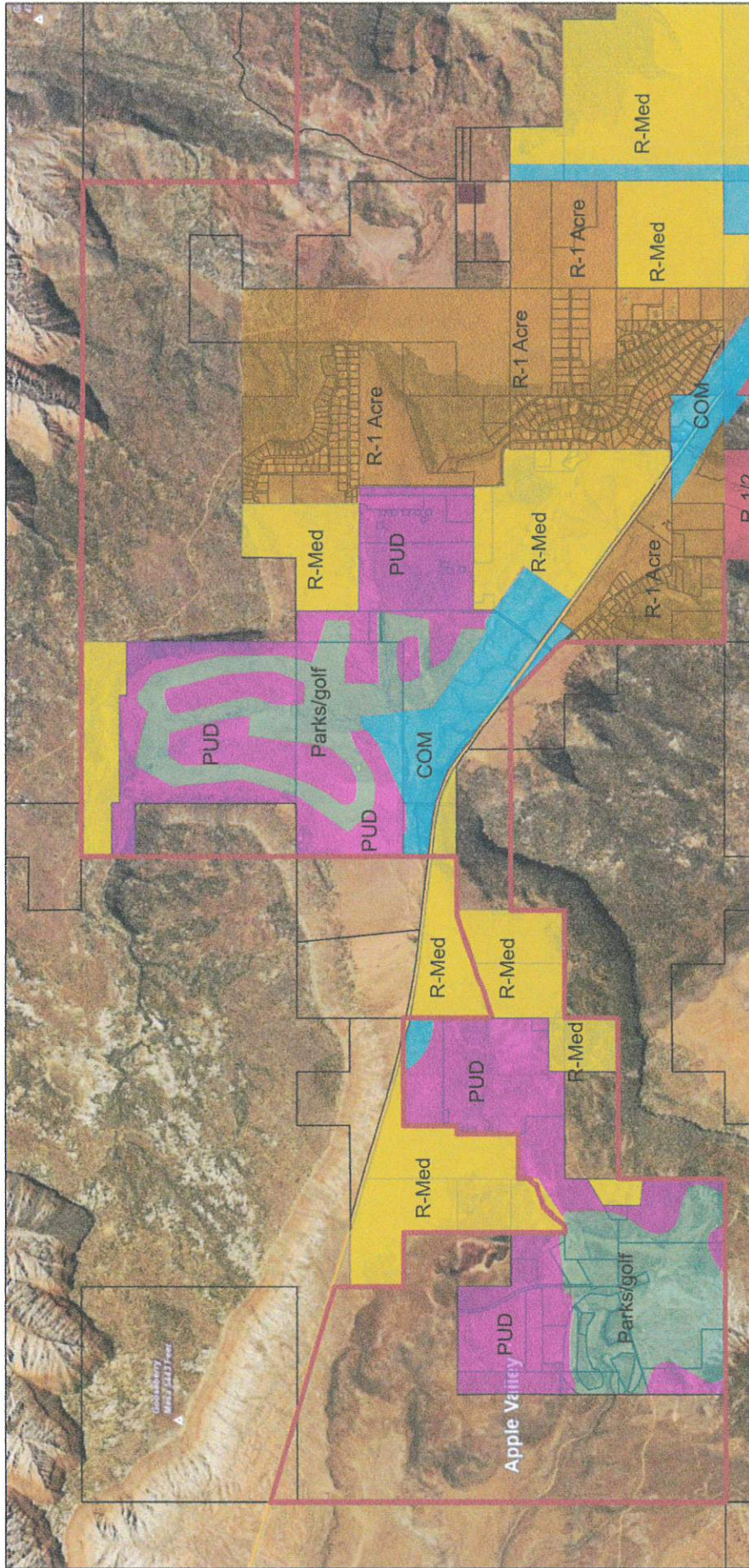


Town of Apple Valley
Sunrise Cloud SMART GIS ®

Item 1.

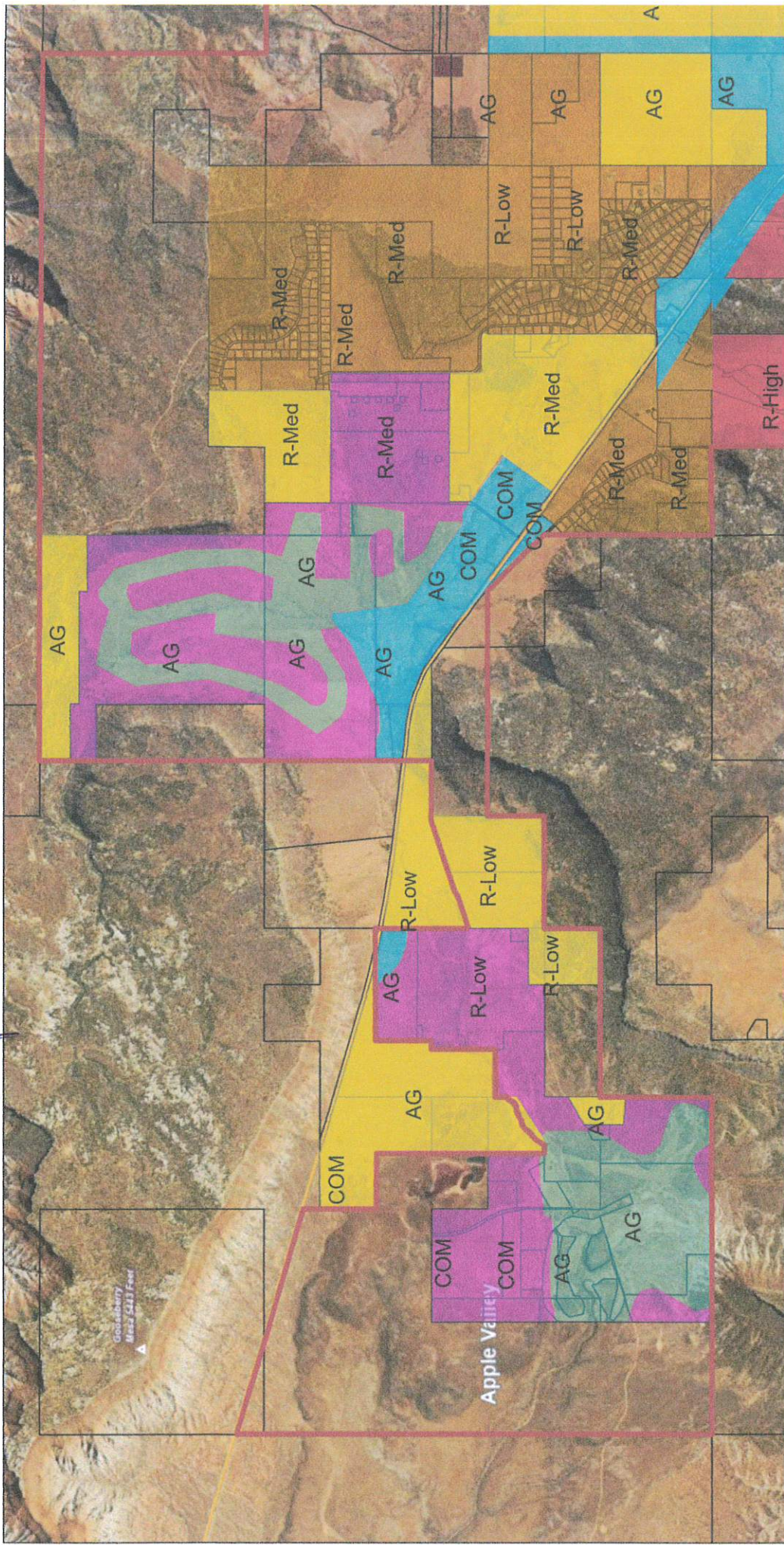
EXISTING

Apple Valley West



Town of Apple Valley
Sunrise Cloud SMART GIS

Proposed Apple Valley West



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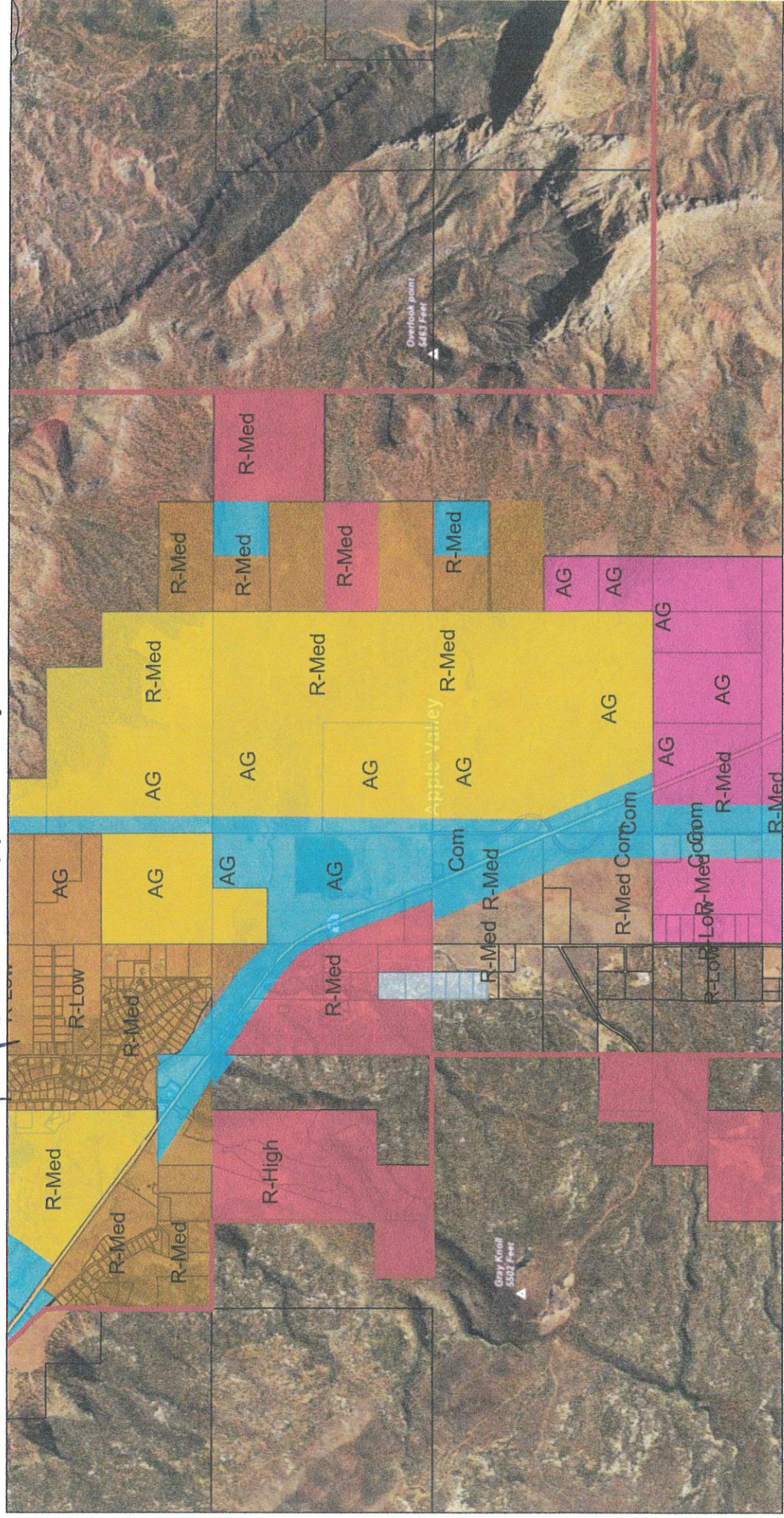
- Town Boundary
- Parks-Golf Course
- R-MED
- General Plan
- ~~R-Low~~ R-PUD
- C-Commercial
- Parks
- Washington County Parcels

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To
Sunrise Cl

Item 1.

Proposed Apple Valley North Main



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Town Boundary

General Plan

Agricultural

C-Commercial

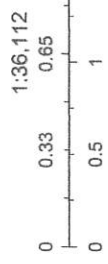
M-Manufacturing

R-1 Acre *low*

R-1/2 Acre *High*

R-MED

Washington County Parcels

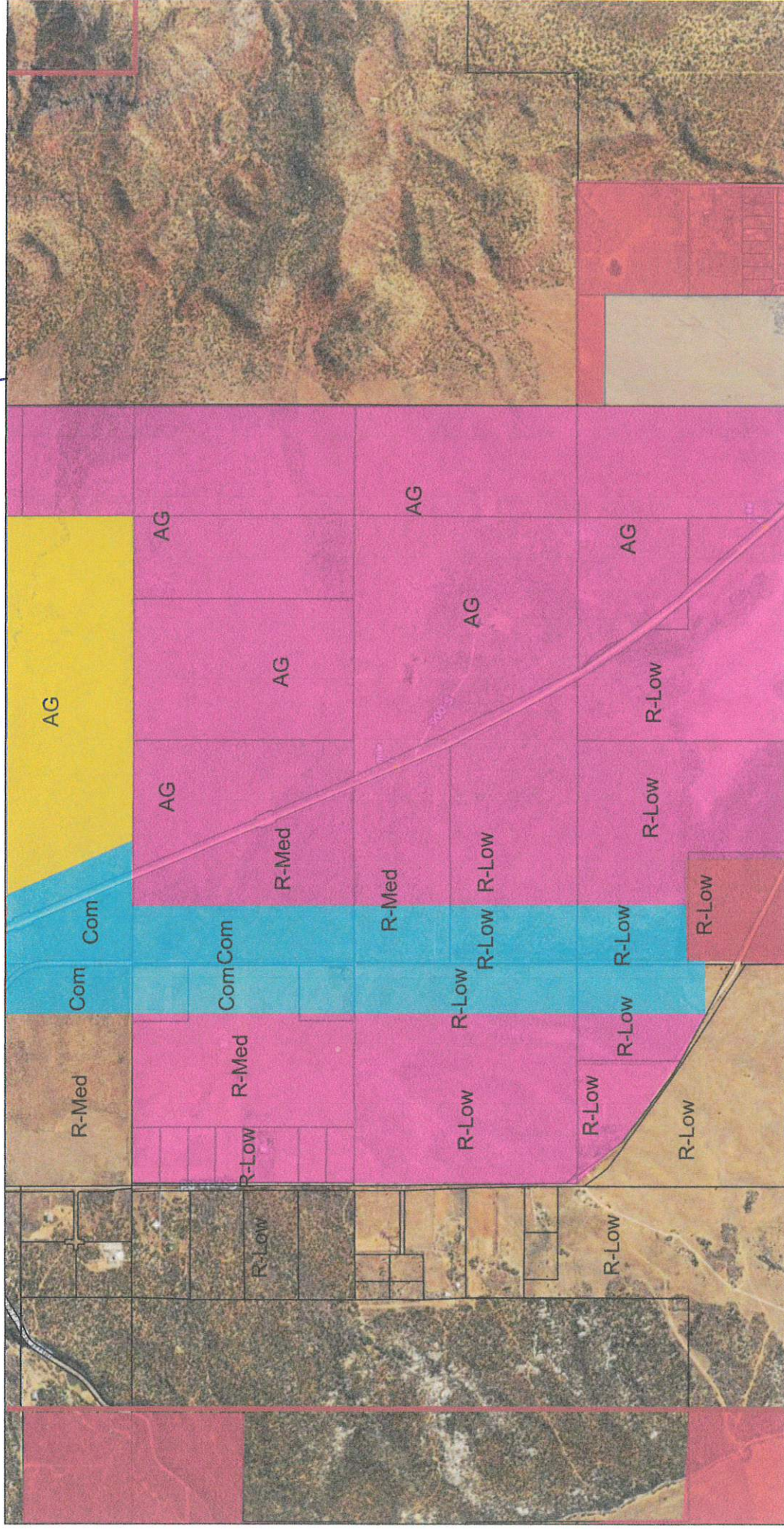


To
Sunrise Ct

Item 1.

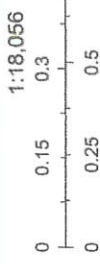
Proposed

Apple Valley South Main



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- Town Boundary
- General Plan
- Agricultural
- C-Commercial
- R-4 Acre ^{low}
- R-1/2 Acre ^{high}
- R-MED
- School District
- Washington County Parcels

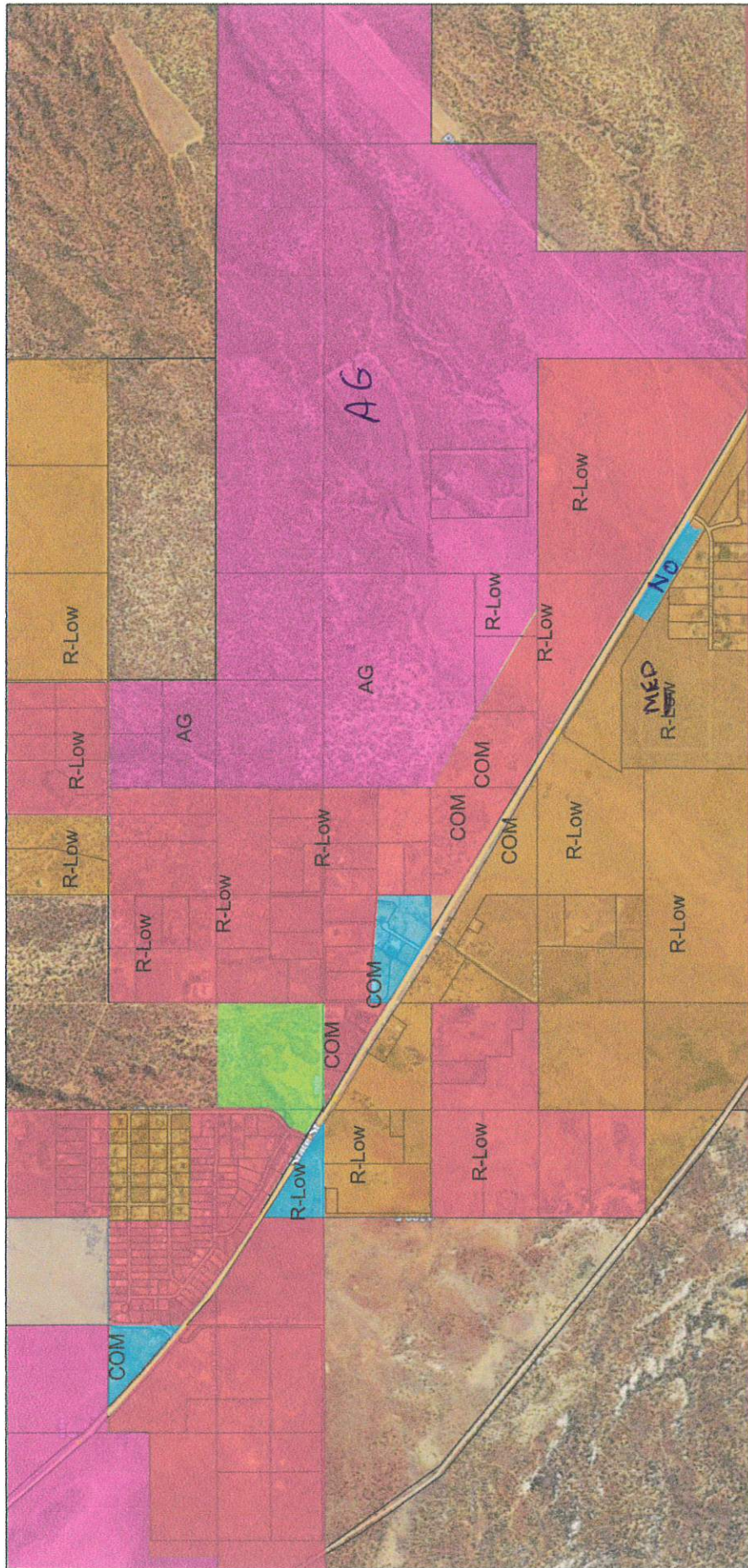


Town
Sunrise Ct

Item 1.

PROPOSED

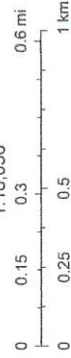
Apple Valley East



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- Town Boundary
- General Plan
- Agricultural
- C-Commercial
- Parks
- R-~~Low~~ ^{med}
- R-~~High~~ ^{low}
- School District
- Washington County Parcels

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Town of Apple Valley
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Item 1.

Town of Apple Valley
General Plan
July 2022



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1. Introduction – Location and Setting

One of Washington County's newest towns is Apple Valley, incorporated Oct 14, 2004, and is located 12 miles east of the city of Hurricane along State Route 59. The population was 855 at the 2020 census. The 2010 population estimate by the US Census Bureau placed its population at 701. The town has experienced a 22% increase in population growth since the 2010 census. The major population center of Apple Valley is located in a small valley known as Little Plains. The drive on State Route 59 from Hurricane City to the Town of Apple Valley consists of an 1,800 foot climb and reaches an elevation of 4,700 feet. The background of Zion National Park, Mount Smithsonian, Canaan Mountain and Little Creek Mesa framing the area provides spectacular scenery. The Town of Apple Valley gets approximately 13 inches of rainfall per year with the average summer high temperature being 99 degrees in July and the average high temperature in December being 53 degrees. The temperature averages 5-10 degrees cooler than recorded in Hurricane City and the City of St. George year round. For more information regarding the history, culture, and vision of the Town of Apple Valley, please visit <https://www.applevalleyut.gov>.



Figure 1-1: Location

1.1 Scope and Purpose of General Plan

The general plan provides for the overall guidance of a town's growth and sets the course and direction for future development. Policy decisions related to the Town of Apple Valley's land use decisions should be consistent with the goals and policies outlined within the general plan. The

Apple Valley General Plan is designed to provide policy direction to decision makers when considering development proposals and options for overall town development. The general plan should be updated and reviewed as necessary and generally updated every five years to ensure the document remains consistent with the Town of Apple Valley's vision and direction.

1.2 Authority

Title 10-9a-401 of the Utah State Code requires that "each municipality shall prepare and adopt a comprehensive, long-range general plan for:

- (a) present and future needs of the municipality; and
- (b) growth and development of all or any part of the land within the municipality."

Subject to Subsection 10-9a-403(2) of the Utah State Code, "the municipality may determine the comprehensiveness, extent, and format of the general plan." At the time of this writing, Apple Valley is considered a "Town – under 1,000 population" as defined by the Utah State Code; therefore, the mandatory elements of this general plan update shall, at a minimum, consist of land use and transportation. The Town of Apple Valley, however, has decided to include elements in the general plan consisting of housing, historic resources, public services/recreation, environment and conservation, and economic development.



1.3 General Plan Update – Public Process Summary

In late 2021, the Town of Apple Valley contacted Sunrise Engineering, Inc., to discuss the need for a general plan update. Sunrise Engineering was hired to engage the public, gather community input, and provide an updated general plan document.

The following is the process undertaken by Sunrise Engineering to update the general plan:

1. Data Collection:

- a. Land Use Inventory – An assessment of zoning and land use patterns within the town’s corporate boundary and potential annexation areas.
- b. Transportation data.
- c. Collection of historic data/utility data.

2. Stakeholder interviews and community preferences survey:

- a. A survey of the citizenry was conducted to determine opportunities, constraints, and preferences.

3. Public Participation:

- a. Sunrise Engineering participated in public hearings before the Apple Valley Planning Commission and Town Council to obtain input.
- b. Sunrise Engineering also worked closely with the Apple Valley Steering Committee to gather input from Apple Valley residents.
- c. Throughout 2022 Sunrise worked to update the general plan to reflect the vision, priorities, and goals outlined by Apple Valley citizens and the steering committee.
- d. The updated general plan was presented by Sunrise Engineering to the Apple Valley Planning Commission and Town Council at a public hearing for final comment and adoption.

The document that follows represents a collaborative effort between Apple Valley residents, town staff and volunteers, Sunrise Engineering, and numerous local and regional organizations. This collaboration is key to the success of the general plan as a tool to guide future development in the Town of Apple Valley.

1.4 Major Town General Plan Themes

Listed below are the key general areas of interest as identified from the public participation process.



1. Preserving the Rural Character of Apple Valley: Most residents who responded to the survey live in Apple Valley for its small-town vibe and scenic vacant surroundings. Residents believe that it is imperative to maintain the rural, small-town feel and preserve open space.

2. Low-Medium Density Residential/Agricultural Land/Commercial/Industrial: Large lot developments (one acre or larger) and preservation of the town’s agricultural land is preferred. Marginal support exists for new

commercial development. Little support exists for industrial/manufacturing uses. Little support exists for large scale golf course-type communities.

3. **Infrastructure:** Keeping up with infrastructure needs and requirements such as a storm water drainage system and road improvements (work with UDOT to improve exits, pavement, and access to town; maintenance of dirt/gravel roads) is desired.



4. **Recreational Activities and Parks:** Residents support and value parks and trails for riding, walking, and hiking.

5. **Environment:** Maintaining the ridgelines, hilltops, stream bottoms, plateaus, clean air, safety, and dark night skies are important to residents in the town.

6. **Develop and Support for Local Businesses:** Commercial development is supported only adjacent to State Route 59 and opposition exists with regard to

promoting the town as a tourist destination. Historic preservation is a priority. Limiting warehouses and heavy manufacturing is important.

7. **Fees:** There is little support for raising fees or taxes for any improvements in town. There is little support for waiving fees for development.

1.5 Demographic Data

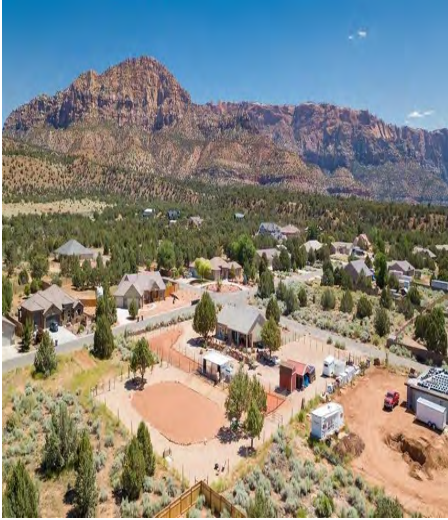
Based on the 2020 Census Data, the population of Apple Valley, Utah, is 855. (2020 Census Redistricting Data - Kem C. Gardner Policy Institute (utah.edu). Although some population change has occurred since 2020, the demographic information from the census still offers a good representation of the Apple Valley community. As evidenced in the rest of the State of Utah, growth continues to trend upward in the community and the rate of growth can be variable and somewhat unpredictable.

In 2020 the population of Washington County, Utah, was 182,111. The projected population of Washington County is expected to more than double to 401,757 by 2050. If the Town of Apple Valley follows the same demographic trend, the population could also double to over 1,600 residents by 2050.



1.6 Annexations

The Town of Apple Valley presently has several square miles of property identified that could be annexed into the town. The town wants to ensure that only well-planned, cohesive growth occurs. As such, the town reserves the right as provided under Utah State Code 10-2-4 to annex areas nearby the town.



2. Land Use Element

2.1 Purpose

The land use element of the general plan is a guide for the future development of the town. The land use element is intended to provide a reference guide for town leadership when deciding future land use patterns, development, and vision of the town. Balancing the vision for town development with the overall goals, strategies, and actions contained within this general plan is the intent of the land use element.

2.2 Existing Conditions

In 2022 land uses within the Town of Apple Valley and areas available to be annexed consist of undeveloped property, low density residential, agricultural, and vacant land. Presently, there are 308 housing units located in the Town of Apple Valley. Open space areas located around the Town of Apple Valley are generally privately owned or governed by the Bureau of Land Management.

2.2.1 Current Land Use Classifications

Current and proposed general plan land use designations consist of the following: Commercial, mixed use, open space, estate residential (one-acre minimum lot size), low density residential (10,000 sq. ft. minimum lot size), industrial, institutional, RV park, cabin/tiny home (maximum 10 units per acre) and agriculture (see Figure 2.1).

Zoning

The intent of zoning within the Town of Apple Valley is to provide for the logical and cohesive development of the town. Permitted uses, conditional uses and setback requirements provide for logical and consistent development of the town while also providing property owners the latitude to enjoy their property. The following describes zoning classifications presently located within the

Town of Apple Valley Zoning Ordinance:

Agricultural Zone (A-5, A-10, A-20, A-40) – The purpose of this zone is to preserve appropriate areas for permanent agricultural use. Uses normally and necessarily related to agriculture are permitted and uses contrary to the continuance of agricultural activity are not allowed.

Commercial Zones (C-1, C-2, C-3) – The C-1 convenience commercial zone has been established for the purpose of



providing shopping facilities within the various neighborhoods of the town, primarily for the convenience of people living in the neighborhood.

The principal objective in establishing the C-2 highway commercial zone is to provide areas within the town where facilities that serve the traveling public can be most appropriately located.

The objective of the C-3 general commercial zone is to provide space within the town where nearly all types of commercial goods and services may be provided.

Industrial Zone - The purpose of this zone is to provide space for various types of land uses whose effects, both secondary and direct, are not compatible with uses found in other zones in the town.

Rural Estate Zone (RE-1, RE-2.5, RE-5, RE-10, RE-20 RE-X) – The purpose of this zone is to provide permanent areas for small farms, hobby farms, and limited agricultural development for personal use.

Single Family Residential Zone (SF-.25, SF-.5, SF-1, SF-2.5, SF-5, SF-10) - The purpose of this zone is to provide appropriate locations where low-density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment, with proper controls, of public and semi-public uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families.

Open Space Zone – The purpose of this zone is to provide for protection of undeveloped private land.

Open Space Transition Zone - The purpose of this zone is to provide for protection of primarily undeveloped private land.

Manufactured Housing Park Zone – 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 an isolated lot but shall be for use in areas where larger tracts of land are available for development, 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.

Recreational Vehicle Park Zone - The purpose of this zone is to provide for the development of a recreational vehicle park (RVP) in a quality environment. Recreational vehicle 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 Home Parks Zone - 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 an 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.



Planned Development Zone - 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. For further information regarding zoning and land use classifications, please visit:

<https://www.applevalleyut.gov/building/page/land-use-ordinances>.

2.3 Major Land Use Themes

Four major land use themes were obtained from the survey of Apple Valley residents:



1. **Small Town – Rural Feel:** Most residents enjoy the town because it is rural, generally still agricultural, and has a small town charm. Residents want to continue to keep that feel to the town. A common goal is to preserve the town's rural character and history in all future planning and development activities.

2. **Large Lot/No high density:** Large lot development (one acre or larger) is preferred. High density development is not preferred.

3. **Commercial:** Commercial development is acceptable if located near State Route 59.

4. **Industrial:** Industrial/manufacturing uses are not preferred.

2.4 Land Use Goals

The following goals and policies provide specific actions to promote Apple Valley residents' vision as discussed in the previous sections.

Goals	Strategy	Action
Provide for a land use pattern that complements the town's existing layout and physical assets.	Plan for managed growth and development within the town.	Review and update the town's zoning ordinances and development standards to ensure compatibility with surrounding land uses.

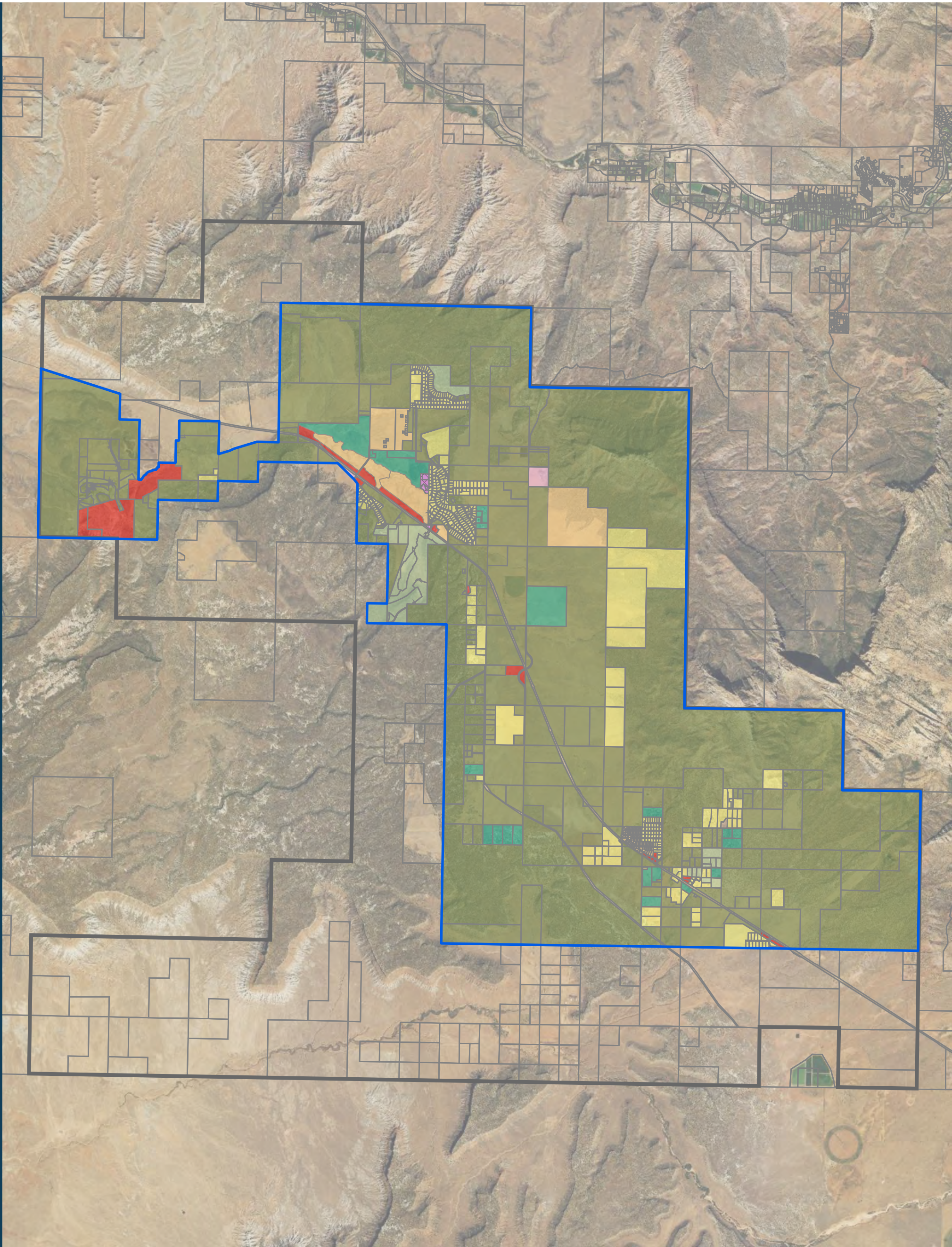
		Development should be permitted only to the degree that the town has capacity to provide the necessary public services.
		Require new residential development to be compatible and consistent with the town's historic land use patterns and/or adjacent developed lot sizes.
		Proactively enforce land use and development standards existing in the Apple Valley Municipal Ordinance.
		Keep the town's zoning map updated to be compatible with the general plan map land use designations.
		Address density issues proactively by assessing allowable densities and designating areas for future development with appropriate density ranges.
		Pursue the development of a well-balanced, financially sound, and functional mix of residential, commercial open space, recreational and institutional land uses.
		If annexation is desired, prepare an annexation policy plan in accordance with state code to define the annexation process and to identify areas of potential annexation.
	Require new commercial development to be compatible with surrounding residential homes and development.	Avoid siting commercial land uses which can adversely impact residential areas, increase traffic, noise, adjacent to residential areas.
		Provide adequate screening and buffering if commercial development is located next to residential development.

		Require developers of new residential or commercial development projects to enter into development agreements with the town to ensure compliance with stated objectives of development.
		Require developers to post warranty bonds in accordance with state code to ensure completion of infrastructure related to project development.
		Require compliance with the intent of the general plan when reviewing applications for changes in the land use and zoning.
	As agricultural property owners request, preserve agricultural land.	Amend the zoning ordinance to allow for the establishment of agricultural protection areas in accordance with state code requirements.
Maintain the small-town, rural feel of Apple Valley.	Given the opportunity, preserve the agricultural and historic heritage of Apple Valley.	Review the zoning ordinance to ensure agricultural practices are protected and encouraged in the appropriate zones.
		Update the zoning ordinance if necessary to maintain consistency in agricultural regulations/zones throughout town.
		Promote community participation events such as farmer's markets, local fruit stands, quilting guilds, patriotic celebrations, and other community related events.
Maintain and promote an attractive and inviting living environment.	Consider any practical approach to beautifying and maintaining the town's municipal assets, residential areas, open space areas, vistas, and other assets.	Review and update the dark sky ordinance to require compliance with evening lighting restrictions.
		Review the zoning ordinance to ensure that the proper mechanisms exist to enforce nuisance hazards.
		Proactively enforce nuisance issues to maintain the town's values in a fair and even approach.
		Pursue grant opportunities from the state and federal government for the upkeep and enhancement of

		beautifying roadways, the park and preserving open space areas.
		Pursue the development of a well-balanced, financially sound and functional mix of residential, commercial, industrial, open space, recreational, institutional and educational land uses.
		Preserve significant landforms, resources, streams (dry or wet) that make Apple Valley a unique and inviting place to live.
		Consider establishment of a citizen committee to sponsor community beautification programs, cleanup days, and other types of events.

Table 2-1: Land Use Goals and Policies

FIGURE 2-1: GENERAL PLAN MAP



MAP LEGEND

- | | |
|-------------------------|--------------------------|
| Commercial | Parcels |
| Open Space | TownBoundary |
| Estate Residential | FutureAnnexationBoundary |
| Low Density Residential | |
| Agricultural | |
| Industrial | |
| Mixed Use | |
| RV Park | |
| Cabin/Tiny Home | |
| Institutional | |



0 3000 6000

1 In = 6,000 Feet



Map Date: 07.18.2022



3 Historic Preservation Element

3.1 Purpose

The purpose of the historic preservation element of the general plan is to enhance, preserve, and protect historic structures and areas within the town.



3.1.1 List of Historic Sites and Structures

Apple Valley, being a newer town, does not have the traditional historic resources that other more established towns do in the State of Utah. The federal government recognizes a historic resource as needing to be a minimum of 50 years old to qualify for historic preservation status. Historic structures can consist of walls, foundations, buildings, bridges, mines, etc. To date, the Town of Apple Valley has not done any surveys indicating the presence of historic structures. However, in anticipation of possible historic structures being identified, the following goals, strategies and actions are provided.

3.2 Historic Preservation Goals

Goal	Strategy	Action
Identify, support the restoration, maintain and physically preserve historic	Develop an historic preservation ordinance.	Define historic properties in Apple Valley and develop standards and regulations governing the identification, protection, restoration, maintenance, alteration,

structures and properties in Apple Valley.		relocation, or removal of historic resources.
		Clarify procedures for eligibility of listing of historic structures and areas. Create a landmark structure listing of all significant properties/structures/walls, etc.
		If resources are identified, attempt to secure public and private funding sources to assist in preservation efforts. Consider all available grant opportunities.
	Implement all existing governmental resources, programs, and guidelines available.	If resources are identified, adopt and/or implement the Secretary of the Interior's standards for the "Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings."
		If resources are identified, consider adopting a new zoning designation called "Historic Preservation Overlay" to preserve existing historic resources and encourage those who qualify to place the overlay zone on the historic resource property.
		Consider adopting flexible land use standards and development options as historic structures and areas normally do not comply with present-day development standards.

Table 3-1: Historic Preservation Goals, Strategies, and Actions

4 Transportation Element

4.1 Purpose

The transportation element of the general plan is to guide the town in preserving corridors and providing infrastructure and connectivity as the town grows and develops.

4.2 Existing Conditions



The town has approximately 9.5± miles of frontage on State Route 59 and is currently serviced by about 11 access points /intersections. Each access point is different in its geometry (approach angle to the highway), size and surface (asphalt/concrete versus dirt). None of these accesses are currently signalized and only two (2) of them have delineated turn lanes and/or acceleration/deceleration lanes.

Through June of 2022, there have been 13 reported accidents with seven of them reporting injury. The internal (non-state) road systems are concentrated in a few

separate locations and are not very well connected due to terrain and/or distance. It is difficult to get from one part of town to another without connecting onto the highway. This can foster a feeling of disconnect and lack of a community feel.

Very few roads are paved in the Town of Apple Valley. With the exception of the Cedar Point residential development, most of the paved roads are located in the older, established areas of town. Moreover, some of the paved roads are not fully paved and turn into unpaved roads as they extend into the outlying areas of town. The roads that are currently paved are N. Cortland Drive, N. Rome Way, N. Apple Valley Way, N. Apple Blossom Lane, N. Mount Zion Drive and N. Apple Valley Drive. N. Apple Valley Way, and an undefined road in the southwest portion of town with two points of access to Highway 59 are designated as minor collector roads. South Canyon Drive and S 1600 E are designated as minor arterial roads. These roads connect to Highway 59. All other roads in town are designated as local roads.

4.3 Future Transportation Issues

The desired conditions for Apple Valley would be to enhance access to the highway by providing future corridors that can be used to concentrate traffic along some minor collectors. These types

of roadways would provide a safe and efficient way for the local roadways to funnel traffic to the highway. By keeping these connections to a minimum and following UDOT's programmed spacing for this roadway the town can provide safe, planned and efficient accesses to the vital highway. Potential new development will also create a need for possible new locations for access roads/collector roads. Determining locations of new roads and proper road classifications is best determined by conducting a transportation master plan.

Alternative modes of transportation may be desired within the town. Providing ATV, equestrian and other multi-use pathways can enhance the sense of community and provide amenities to residents and visitors.

4.4 Transportation Goals

Goals	Strategy	Action
Continue to provide a safe and robust roadway network.	Evaluate the town's circulation system to ensure that access is being provided, that the roadway system is being maintained and that appropriate signage is provided.	Develop a five-year CIP plan for the continual repair, replacement, and maintenance of the town's road system. Look for any available grant opportunities to pave, maintain and upgrade the town's transportation system. Continue to work with UDOT on access issues. Participate in UDOT's long range transportation plan and coordinate with UDOT on planned corridor study improvements.
Provide safe, efficient connections to SR-59.	Evaluate future growth plans and zoning changes to identify the most probable locations for connection. Identify improvements to current intersections to enhance safety.	Develop a transportation master plan and implement the recommendations of the plan. Identify future corridors for transportation needs to ensure development is managed appropriately. Require new, large-scale development to provide for proper paved access to the town's existing transportation system and to State Route 59.
Develop trails plan to provide safe alternative travel routes and methods.	Provide multi-use trails for use by ATV, equestrian and other non-motorized uses.	Incorporate this element into the transportation master plan.

Table 4-1: Transportation Goals and Policies

	DESCRIPTION	ACCESS POINTS	TYPICAL SPEEDS	TYPICAL LANE / SHOULDER WIDTH	AADT* (VMT**)
Principal Arterial (Other)	Serve higher-volume vehicle movement with higher-speed, longer-distance travel, supporting statewide or interstate travel. Usually part of a state network. Example: Highway 89.	Few	45+ mph	11–12 ft 8–12 ft	2000–8500 (12–29%)
Minor Arterial	Generally designed for relatively high traffic speeds and minimal impediments to movement (stop signs or stop lights). Generally spaced 0.5–3 miles apart. Access is typically limited to promote traffic movement; parking is usually not allowed. Example: Route 24	Few	35–45 mph	10–12 ft 4–8 ft	1500–6000 (12–19%)
Major Collector	Intended to channel traffic to the arterial system. Generally spaced about 0.5 mile apart. Direct access to adjoining property is common. Parking is acceptable but may be limited.	Some	30–35 mph	10–12 ft 1–6	300–2600 (12–24%)
Minor Collector	Intended to collect traffic from local roads and connect to major collectors. Parking is acceptable but may be limited.	Some	25–30 mph	10–11 ft 1–4 ft	150–1100 (3–10%)
Local	Provide direct access to property. Most streets are local streets and are characterized by slower speeds, smaller roads, and lower traffic volumes.	Many	20–30 mph	8–10 ft 0–2 ft	15–400 (18–61%)

*Average Annual Daily Traffic

** Vehicle Miles Traveled

Adapted from: https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/fcaueb.pdf

5 Public Services, Facilities and Recreation Element

5.1 Location, Services and Existing Conditions

The Town of Apple Valley is governed by a non-paid mayor with support of a non-paid town council. Police service is provided by the Washington County Sheriff's Office. The Apple Valley Fire Department is primarily a volunteer fire department. In the past, the town has partnered with the City of Hildale to assist in emergency response. Apple Valley Town Hall is located in a shared facility with the Apple Valley Volunteer Fire Department. The mayor, town council, and limited employees provide the most efficient and effective service to the town residents as possible. The Town of Apple Valley does not have a library or medical facility. There is no public school in town. School age children receive public education through the Washington County School District.

5.2 Recreation

The Town of Apple Valley is located near Gooseberry Mesa, Little Creek Mesa, Zion National Park, and Water Canyon. There is a community park in Apple Valley (Apple Valley Volunteer Park) located adjacent to the fire station and town hall. There are many trails (both vehicular and walking) in the vicinity of the Town of Apple Valley, but none within town limits. Because of the location of the town, many hiking, ATV and camping enthusiasts visit the Apple Valley area and utilize the recreational resources near and around the town.



5.3 Utilities

5.3.1 Water/Wastewater

The Big Plains Water and Sewer Special Service District is the domestic water purveyor for the town. According to the Big Plains Water District, the primary water source is AV Well #1 and AV Well #2. The wells draw from the Triassic Aquifer. A Big Plains Aquifer Evaluation study performed by Ensign Engineering and Land Surveying in 2015 indicated the following:

"The estimated annual withdrawal from the aquifer is estimated to be 10,334 acre-feet, while the estimated recharge is estimated to be 10,651 acre-feet annually which would result in an overdraft of 317 acre-feet. Several assumptions were made in calculating these figures, (including water rights being fully used, hydraulic conductivities in parts of the basin, etc.) and in actuality the recharge and discharge figures might vary slightly. However, it is reasonable to assume that the aquifer is at best case in balance, but likely could be slightly over-drafted."

Presently, there is not a formal wastewater system in the Town of Apple Valley. In 2018, Ensign Engineering performed a study with regard to wastewater. The study concluded the following:

"Current residents that have septic systems, as well as continued residential systems, can remain on septic. New commercial development would be required to install alternative wastewater collection and treatment processes. These alternatives (Orenco and others manufacture such systems) would be required to reduce pollutants (nitrates, etc.) by a certain percentage. It is common for these systems to reduce total nitrogen concentrations by 70%, and with refinement, nitrogen can often be reduced by Big Plains Water and Sewer Special Service District Wastewater Study 4 90%-95%. This option would allow existing home and business owners to not incur additional costs."

The following recommendations were also provided in the study:

"According to the analysis performed, the wastewater effluent from septic tanks in the BPWSSSD is currently not imposing any immediate health risks to the public. Given the low nitrate concentrations currently and the high cost to implement a sewer system, it is not necessary to immediately sewer BPWSSSD. However, given the high risk if groundwater were to be influenced with wastewater it is recommended that BPWSSSD implement a wastewater strategy that would be flexible enough to adapt into a sewer system in the future. The preferred alternative would be to require all new major subdivisions to install a traditional sewer collection system. This system should be designed per state regulations and should be able to connect to a trunk line in a public ROW in the future. This would allow for a future trunk line to collect wastewater and transport to lagoons, or Ash Creek Special Service District. Additionally, BPWSSD may want to require treatment in the form of media filters on all developments, or a less aggressive approach would allow septic systems to continue."

5.3.2 Electricity, Gas, Solid Waste

Electricity in the Town of Apple Valley is provided by Rocky Mountain Power. Other than propane tanks for gas, there is no natural gas purveyor in town. Solid waste service is provided by Washington County Solid Waste.

5.3.3 Drainage

There is no formalized drainage system in the Town of Apple Valley. Little Creek traverses the town generally in a north/south direction, which carries water out of town. All other drainage consists of sheet flow into troughs, ravines, and gullies.

5.4 Public Services, Facilities and Recreation Goals

Goals	Strategy	Action
Provide for efficient and effective town administration and essential public services.	Assess, maintain, adjust and enhance service levels to the community.	Continually recognize changes in community needs and reprioritize resources (fiscal and otherwise) to address such needs.
		Continue to assess and anticipate budget issues, adjust the budget as necessary and maintain an appropriate reserve in case of emergency or other unforeseen issues.
		Continue to work with and support the Washington County Sheriff's Office regarding issues related to crime, speeding on the highway and crime prevention in town.
		Continue to assess emergency response times and staffing to provide the best emergency service possible.
		Make employee safety and competency a top priority by providing the appropriate training based on job function.
		As the population grows, continue to evaluate and assess the educational needs of the community. Additional resources provided by Washington County or the Washington County School District may be necessary to properly service the community's educational needs.

		Assess and review development impact fees. Adjust such fees as necessary.
Provide the highest quality utility service to the community.	Plan for expansion, extension or establishment of water, storm water and wastewater service to the community and develop redundancy in all systems.	Develop a five-year capital improvement program so that a comprehensive approach can be taken to provide for storm water, street and possibly wastewater service to the community.
		Continue to apply for grants to address any drainage issues that still exist in the town.
		Encourage Big Plains Water District to upgrade old water lines, storage, and delivery systems to better provide for redundancy, security, and safety in the town's water system.
		Follow the recommendations provided by Ensign Engineering regarding wastewater solutions, especially related to new commercial and residential development.
		Follow the recommendations provided by Ensign Engineering regarding water supply, quality and possible expansion opportunities.
Expand recreational opportunities and meeting space to the best extent possible for residents of the town.	Support, maintain and encourage activities and events at Apple Valley Volunteer Park and Town Hall.	Provide sufficient funding for park maintenance and recreational activities.
		Continue to allow and support community events at Apple Valley Volunteer Park and Town Hall.
		Look to establish cultural opportunities and events that will unite the community and provide for community cohesiveness.
		Pursue sponsorships and other private funding mechanisms to establish new events, celebrations, summer outdoor events, presentations and activities at Apple Valley Volunteer Park and Town Hall.
		Pursue funding opportunities to establish organized walking and biking trails in town which can connect to

		existing established trails on the outskirts of town.
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Table 5-1: Public Services, Facilities and Recreation Goals, Strategies and Actions

6 Environment and Conservation Element

6.1 Existing Conditions and Key Findings



The Town of Apple Valley's location is in a unique area of Southern Utah and boasts beautiful views of plateaus, hills, mountains, the Arizona Strip, and desert landscapes. The environment and conservation element of this general plan provides goals and strategies by which to preserve the unique environmental resources of the town for the enjoyment of future generations.

6.2 Environment and Public Lands

To maintain the character and quality of Apple Valley's natural environment, it is important to take measures to protect valued natural resources. These natural resources not only contribute to the aesthetic character of the town and area, but also to the local economy and the welfare of Apple Valley residents. To balance the protection of Apple Valley's environmental resources with private property rights, the town should make expectations clear regarding protection of unique environmental resources valued by the town when development is proposed. Apple Valley is surrounded by public lands. Taking an active role with regard to the administration and management of surrounding public lands is essential pertaining to the manner in which such lands are preserved for the benefit of town residents and visitors.

6.3 Environment and Conservation Goals

Goals	Strategy	Action
When possible, preserve environmentally sensitive areas such as washes, scenic vistas, open space, view corridors, threatened and endangered species.	Preserve irreplaceable natural community assets for the enjoyment of future generations. Preserve resources such as clean air, water and dark sky when at all possible.	Dark skies and clean air are valued by Apple Valley residents. Review the zoning ordinance to consider restricting polluting source types of uses. Control development in valued natural areas. Analyze or update development standards to match the goal if necessary.

		Apple Valley residents value open space. Define "Preserved Open Space" in the zoning ordinance. Clearly differentiate "Transitional Open Space" from "Preserved Open Space" in order to set aside valued natural areas.
		Engage the community to help identify areas of intrinsic natural value to the residents to preserve (i.e., Gould Wash). Consider establishing an open space overlay zone to protect areas of common value.
		Work with FEMA to update flood zone maps.
		Establish grading limits which govern the extent of road cuts and minimize scarring to reduce the chance of erosion of hills, slopes and plateaus.
		Make expectations clear to governmental agencies charged with managing the surrounding valued and irreplaceable areas that preservation of environmental valued areas is necessary and expected.
		Make expectations known to the development community that areas of intrinsic value are expected to be preserved upon development submittal.
		Continue to collaborate with local and federal agencies to ensure that the Town of Apple Valley plays an active role in regulation and use decisions governing public lands surrounding the town.
		Comply with federal NDPES and SWPP requirements.

Table 6-1: Environment and Conservation Goals and Policies

7 Economic Development Element

Implementing a successful economic development strategy is essential to the strength and fiscal security of any municipality. Apple Valley's local economy has competitive strengths and economic opportunities based on its superior location and beautiful natural environment. The most competitive strength is the town's location adjacent to State Route 59.

A strong local economy provides residents with a high quality of life. To prepare for a balanced economy, broad goals, strategies, and actions are provided in this general plan to guide future economic development efforts. The economic development element goals are meant to be long-term in nature and implementation, flexible, and provide an organizational framework to help guide decision makers in responding to differing market conditions.

7.1 Existing Conditions



Presently the Town of Apple Valley has only a few operating businesses with the major business being the Chevron gas station located at the corner of State Route 59 and Apple Valley Way. Gooseberry Lodges is located in the northern portion of town. It provides lodging for vacationers traveling along State Route 59. Recently, the town council approved a large swath of

commercially zoned land in town located on both the east and west sides of State Route 59. Presently no industrial development exists in town.

7.2 Economic Development Goals

Goals	Strategy	Action
Commercial development is marginally supported in town and, as such, existing commercial development must be supported and encouraged.	Promote the town's existing business environment to prospective travelers along State Route 59.	Encourage the expansion of existing businesses in Apple Valley and promote efforts at business retention.

Regarding the newly established commercially zoned areas, ensure fiscal viability for the town by pursuing a diversified local business base that provides growing sales and property tax revenues to pay for municipal operations.	Promote, recruit, and encourage new businesses that can fill gaps in the range of goods and services currently available. Business should be located adjacent to State Route 59.	Expand retail and visitor-serving opportunities by encouraging an appropriate mix of revenue-generating land uses in an effort to maintain a competitive edge and a strong sales tax base.
		Encourage appropriate commercial growth in the recently zoned commercial properties in town. Also, as appropriate, consider providing future areas within town for commercial establishment and expansion.
	Consider establishing a business assistance program and promotion of the town's assets.	Work with State of Utah agencies to see if there is any assistance with establishing economic development programs in rural communities.
		Explore working with the Washington County Economic Development Council to help promote the existing businesses in the Town of Apple Valley.
Promote and support community related events and activities.	Expand upon, seek out and foster community based revenue-producing events.	Work with community members in establishing new fall, winter, spring and summer activities and events. These may include 5K runs, bike races, harvest festivals, lectures, pageants, etc., that help the local economy.
		Explore providing in-kind support to help with events and sponsorships.

Table 7-1: Economic Development Goals and Policies

8 Housing Element

8.1 Existing Conditions and Key Housing Issues



Housing in Apple Valley currently consists of single-family homes on lots ranging in size. The 2020 census states that there are 308 housing units in the Town of Apple Valley. Single family homes comprise the majority of available housing. The average household size is approximately 3.0 persons. Approximately 95 percent of the homes are owner occupied. While most of the housing stock in Apple Valley is single family, the architecture is varied. Apple Valley, being

a newer town, does not have the traditional wide range in house ages that other more established towns have in the State of Utah.

During the public participation process in 2022 for the general plan update, Apple Valley residents clearly expressed a desire encouraging housing for moderate income residents, supported low density residential as five-acre lots or more in size, supported medium density residential as one-to five-acre lot sizes, and want allowances for accessory dwelling units on the same property as a primary home. As the town grows, there will need to be significant consideration given to provision of moderate income housing that meets the rural character of the town to the maximum extent possible.

Currently, the median household income for Washington County, Utah, is \$59,839 (US Census 2022). The average home price in the Washington County area in April, 2022, is \$600,000 (Realtor.com.) As with Washington County and the rest of the State of Utah, Apple Valley has experienced housing price increases. Housing price escalation may level off, but is not expected to slow down any time soon as an influx of people leaving other states continue to head to Southern Utah.



8.2 Housing Goals

The following goals and policies provide specific actions to promote moderate income housing over the next five years while maintaining Apple Valley residents' vision as discussed in the previous sections. Apple Valley residents support options for moderate income housing for residents.

Goal	Strategy	Action
Address the critical need for moderate income housing in the town.	Employ any applicable Utah State guideline and strategy to provide for moderate income housing.	Consider reviewing and modifying the town's zoning ordinance to allow for long-term only rentable accessory dwelling units, internal accessory dwelling units and duplexes in residential zones.
		Consider alternative development standards for accessory dwelling units and duplexes (i.e., more liberal setback and parking requirements).
		Consider eliminating any building permit fees for accessory dwelling units as an incentive to provide for moderate income housing.
		Consider waiving any impact fees associated with the construction of moderate-income housing or accessory structures.
		Consider and evaluate all housing stock that may be suitable for rehabilitation for moderate income housing.
		Consider all grant opportunities for moderate income housing.
		Change zoning of property to allow for higher density moderate income housing.

Table 8-1: Housing Goals and Policies

Appendix A – Apple Valley Census and Demographic Data

Population		Housing – Total Housing Units		Occupied Housing Units	
2010	701	2010	295	2010	238
2020	855	2020	308	2020	282
Absolute Change	154	Absolute Change	13	Absolute Change	44
% Change	22%	% Change	4%	% Change	18%
Vacant Housing Units		Income			
2010	57	Median House Income (2019)			\$71,794
2020	26	Changes in Median Household Income Between 2000 and 2019			+48.2%
Absolute Change	-31				
% Change	-54%	Per Capita Income in 2019			\$26,590

Sources:

[2020 Census Redistricting Data - Kem C. Gardner Policy Institute \(utah.edu\)](https://www.city-data.com/income/income-Apple-Valley-Utah.html)
<https://www.city-data.com/income/income-Apple-Valley-Utah.html>

Appendix B – Washington County

Growth Projections

10 Year Snapshots

Year	Population			Employment		Households		
	Population	Annual Growth Rate	Median Age	Employment	Annual Growth Rate	Households	Annual Growth Rate	Persons Per Household
2020	182,111	n/a	37.5	104,797	n/a	62,416	n/a	2.9
2030	265,864	2.90%	42.3	143,157	2.30%	98,497	3.60%	2.7
2040	337,326	2.10%	45.5	172,488	1.60%	131,765	2.50%	2.5
2050	401,757	1.60%	47.7	196,373	1.10%	165,949	2.20%	2.4

Sources:

<https://gardner.utah.edu/wp-content/uploads/Washington-Proj-Feb2022.pdf?x71849>

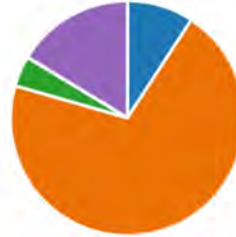
Appendix C – Community Survey

Apple Valley General Plan Update Survey

126 Responses 25:14 Average time to complete Active Status

1. I am a:

● Business owner	13
● Full-time resident	99
● Part-time resident	6
● Renter	0
● Vacant property owner	23



2. I own property zoned (mark all that apply):

● Agricultural	25
● Commercial	2
● Residential	107
● Don't know	7



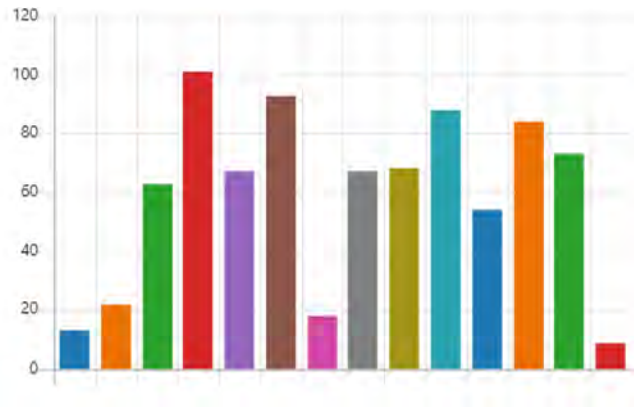
3. How long have you resided in the Township

● less than one (1) year	21
● 1 to 5 years	53
● 6 to 10 years	16
● 11 to 20 years	22
● More than 20 years	14



4. Why do you choose to live in Apple Valley (check all that apply)

Born or raised in the area	13
Close to family or friends	22
Close to the mountains and th...	63
Like the open space	101
The opportunity to have anim...	67
Quiet community	93
Property Taxes	18
Recreational opportunities	67
Safe environment	68
Small town atmosphere	88
Less regulations	54
Dark night sky	84
Clean air	73
Other	9



5. The Town of Apple Valley should:

■ In favor ■ Neutral ■ Opposed ■ No opinion

Provide for new commercial growth only adjacent to existing commercial locations and Highway 59.

Generally provide for new commercial development and growth in other areas ...

Support and allow for industrial development.

Preserve agricultural land.

Support Low Density Residential as 5 acre lots or more in size.

Support Medium Density Residential as 1 – 5 acre lots sizes.

Support High Density Residential as less than 1 acre lot size.

Support one-half acre lots as the minimum lot size.

Support Ultra-High Density over 5 units per acre of Multi-Family residential such as condos, townhomes,...

Limit heavy manufacturing and mining (i.e. batch plants, smelting plants, water, transfer stations, etc.)...

Limit warehouses.

Restrict short-term rentals.

Promote the tourism and hospitality industry in land use designations.

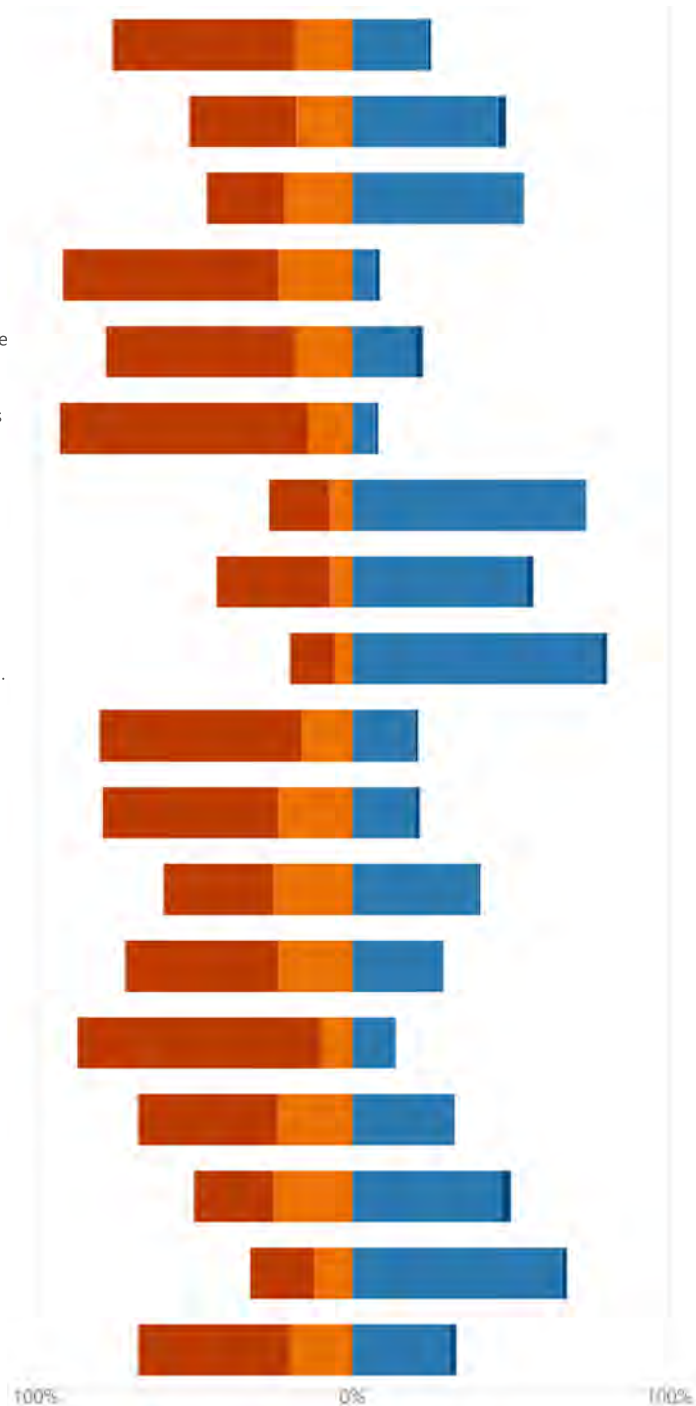
Preserve open space.

Support tourist commercial development such as motels/gas stations and ...

Support annexing more property into the Town of Apple Valley.

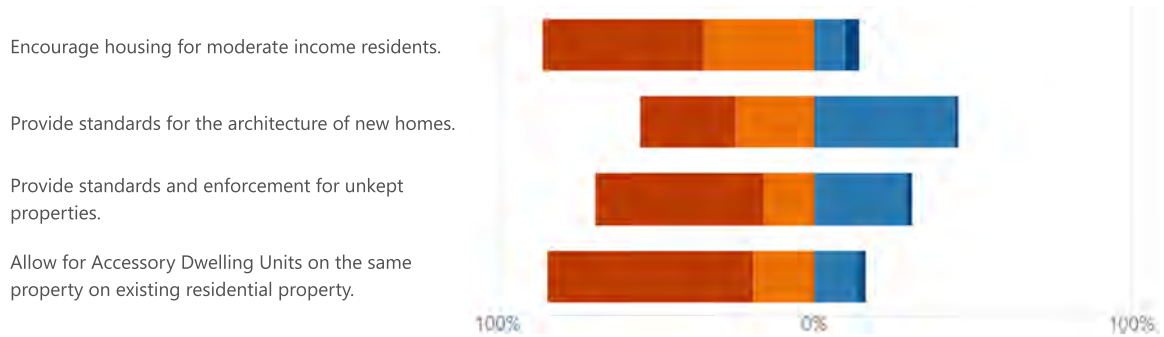
Support Golf Courses.

Support development in which eco-friendly and environmentally friendly buildings are encouraged.



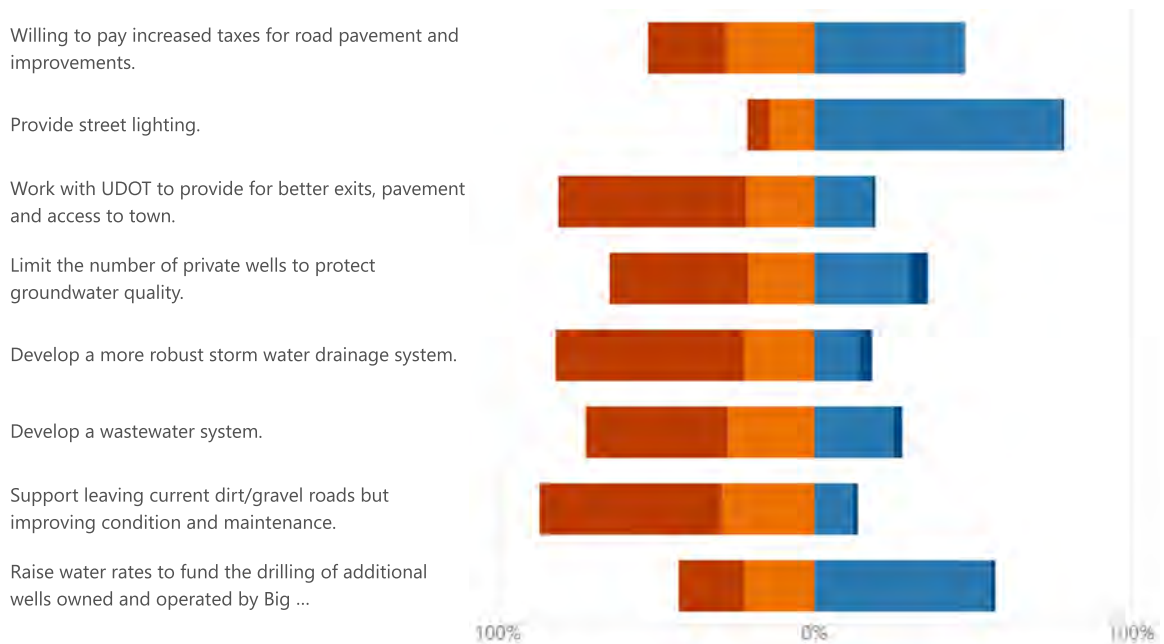
6. The Town of Apple Valley should:

■ In favor ■ Neutral ■ Opposed ■ No opinion



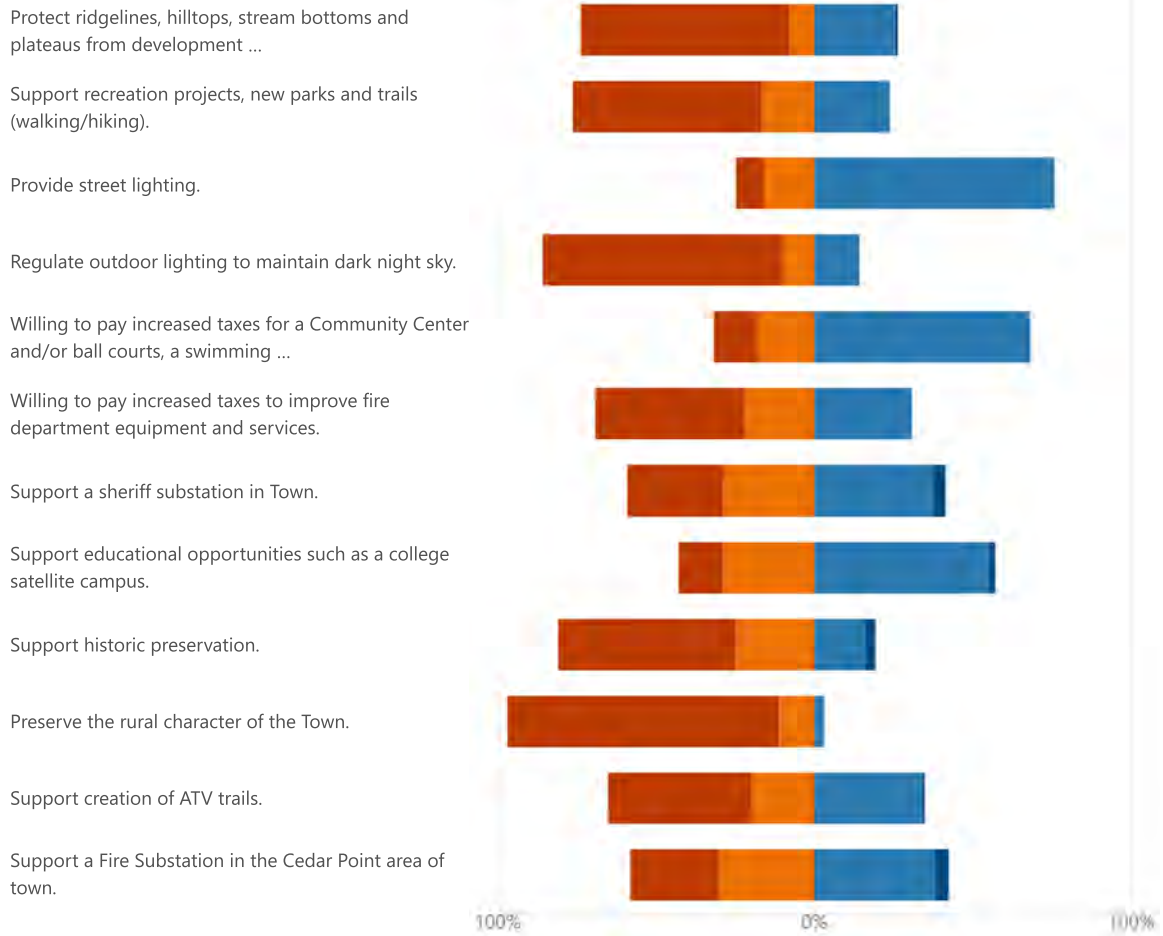
7. The Town of Apple Valley should:

■ In favor ■ Neutral ■ Opposed ■ No opinion



8. The Town of Apple Valley should:

■ In favor ■ Neutral ■ Opposed ■ No Opinion



9. The Town of Apple Valley should:

■ In favor ■ Neutral ■ Opposed ■ No Opinion



10. What is your biggest concern about the future of Apple Valley?

Latest Responses

125

Responses

"Water and land right's "

"Growing and destroying the small town vibe and destroying the sceni...

"Growing and destroying the small town community. "

11. Please use the following space or back to provide comments if you feel this survey missed anything you would like us to know:

Latest Responses

124

Responses

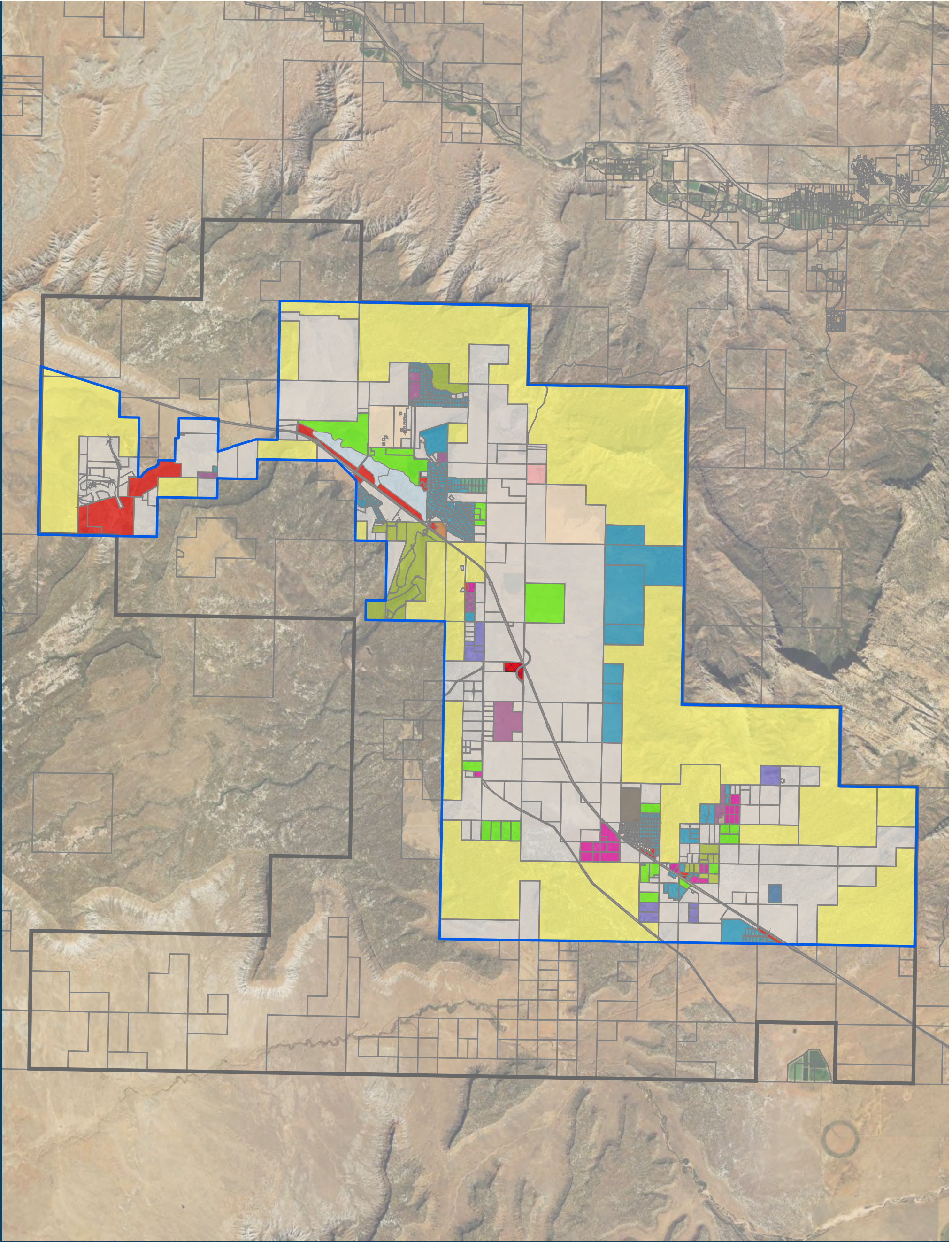
"The way Mayor was put in office "

"The reason why the citizens live in Apple Valley is because it's an esc...

"Hoping the town of apple valley does not grow or change. Would like...

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APPENDIX D: ZONING MAP



MAP LEGEND

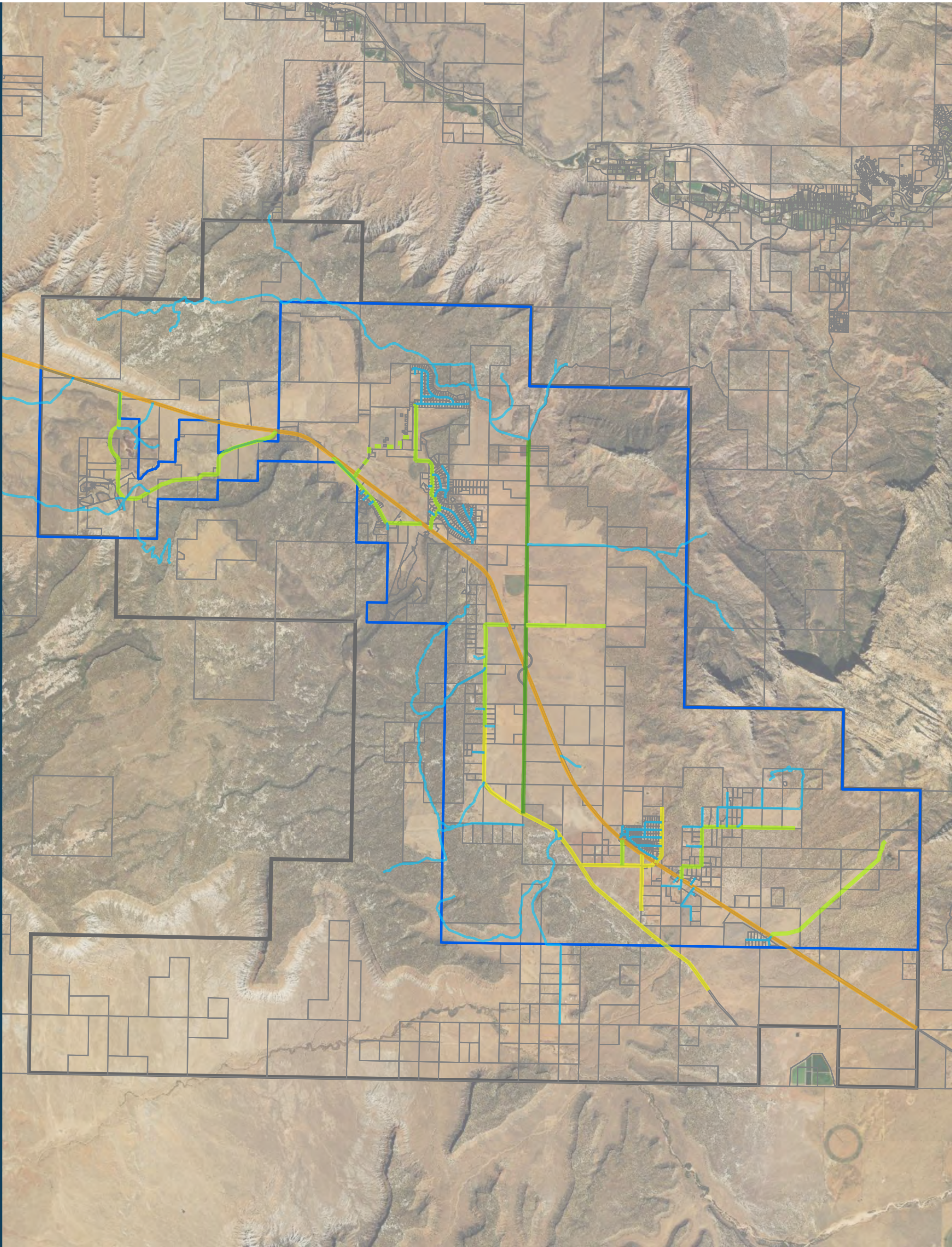
- | | | | |
|---|--------------------------------------|--|--------------------------|
| A – Agricultural | C-1 – Convenience Commercial | RE-5 – Residential Estate 5 | Parcels |
| Agricultural > 5 Acres | C-2 – Highway Commercial | RE-10 – Residential Estate 10 | TownBoundary |
| Agricultural > 10 Acres | C-3 – General Commercial | RE-20 – Residential Estate 20 | FutureAnnexationBoundary |
| Agricultural > 20 Acres | CTP - Cabins or Tiny Home Parks Zone | RE-40 – Residential Estate 40 | |
| Agricultural > 40 Acres | I-1 – Industrial | RV-Park – Recreational Vehicle Park | |
| Single-Family Residential > 10,000 SqFt | MH – Manufactured Housing Park | TC - Tourist Commercial (No development standards) | |
| Single-Family Residential > 20,000 SqFt | OSC – Open Space Conservation | | |
| Single-Family Residential > 40,000 SqFt | OST – Open Space Transition | | |
| Single-Family Residential > 2.5 Acres | PD – Planned Development | | |
| Single-Family Residential > 5.0 Acres | RE-1 – Residential Estate 1 | | |
| Single-Family Residential > 10.0 Acres | RE-2.5 – Residential Estate 2.5 | | |



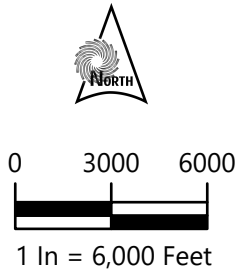
Map Date: 07.18.2022



APPENDIX E - TRANSPORTATION MAP



MAP LEGEND



- | | | | |
|--|---------------------------|--|--------------------------|
| | Major Arterial, Existing | | Parcels |
| | Major Arterial, Proposed | | TownBoundary |
| | Minor Arterial, Existing | | FutureAnnexationBoundary |
| | Minor Arterial, Proposed | | |
| | Major Collector, Existing | | |
| | Major Collector, Proposed | | |
| | Minor Collector, Existing | | |
| | Minor Collector, Proposed | | |
| | Local Road | | |



Map Date: 07.18.2022



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

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

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

BEFORE AMENDMENT

10.10.120 Planned Development Zone

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

utilities, and flexibility in design.

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

PDR Planned development residential zone

PDC Planned development commercial zone

PDO Planned development office zone

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

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

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

E. Planned Development Residential Zone (PDR)

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

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

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

Townhouses.

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

Assisted living or independent living care;

Churches, with attendant educational and recreational buildings;

Clubs, private and public, including, but not limited to, golf and country clubs;

Condominiums;

Home occupations as defined herein and approved by the planning commission.

Neighborhood commercial uses in PDR zone under the following conditions:

- a. Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. The minimum and maximum component of each use and types of uses within the development to be recommended by planning commission and approved by Town Council;
- b. Provide sidewalks, at such widths as may be approved by the planning commission, and which will connect the pedestrian system

within the project to sidewalks in existing development areas outside the project area;

- c. Residential units above retail space are not included in density count, but layout and numbers must be approved by planning commission, also parking and access issues must be addressed;

Public libraries;

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

Schools (private or public), offering general educational courses similar to public elementary schools, high schools, and colleges

Timeshares /fractional interests.

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

F. Planned Development Commercial Zone (PDC)

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

Bank or other similar financial institution;

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

Convention center, meeting facility or other similar use;

Hotel, motel or bed and breakfast;

Recreation building or land including theaters;

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

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

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

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

Accessory structure;

Ambulance service;

Auto repair, completely enclosed;

Daycare facility;

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

Off street parking facilities;

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

Parking lot or garage as a principal use;

Public utility structure and lands;

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

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

G. Planned Development Office Zone (PDO)

1. General Purpose and Description: The PDO zone provides for primarily office development in a manner encouraging innovation in design layout. The principal uses of land in this district are office with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive office area.
2. Location of PDO Zone: PDO zones are most suitably located on arterial or nonresidential collector streets between uses of higher and lower intensity or in areas where other office uses are located. PDO zones can serve as an effective transitional area between a more intensive use, such as commercial or light industrial and residential uses. PDO zones should not be located at major street intersections but are more suitably sited in mid-block areas or interior areas of sites.

3. Permitted Uses: No building, structure, or land shall be used except for one or more of the following:

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

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

Daycare facility;

Fine arts or performing arts studio or school;

Hospital or public health center;

Institution of higher education (college);

Library;

Medical or dental office or clinic;

Museum or art gallery;

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

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

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

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

Ambulance service as an accessory use;

Church or other religious, fraternal, or social organizations;

Funeral home or crematorium;

Nursing or personal care home;

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

requirements.

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

1. General Standards and Requirements:

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

Final Plan shall control and regulate the development and construction within the project. To the extent that the Final Plan does not specify the design or other standards applicable to the planned development, the generally adopted Town standards and specifications shall apply.

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

2. Ownership and Management Standards and Requirements:

a. Ownership and Management Control:

- (1) Initial Ownership: If the property located in a planned development shall be owned individually or jointly, where the property is not intended to be resold in separate parcels, the property shall be made subject to permanent covenants, conditions and restrictions requiring that the property be built and operated consistent with the approved planned development zone.
- (2) Subdivided Properties: Properties in a planned development zone that are intended to be subdivided and sold in separate ownership shall be made subject to covenants, conditions and restrictions which shall require that the property be built and maintained consistent with the requirements of the planned development zone for the property. If the property shall have commonly owned properties, they shall be owned by an appropriate owners' association who shall be responsible for the ownership and maintenance of the project, consistent with the requirements of the zone. In this event, the owners' association shall be separately incorporated as a Utah nonprofit corporation with appropriate articles of incorporation and bylaws, and a declaration of covenants, conditions and restrictions that are subject to the approval of the town attorney of the Town of Apple Valley as being legally sufficient. In the event that the property shall be a condominium project, the property shall be made subject to a declaration of condominium and other documentation prepared pursuant to the requirements of the Utah Condominium Ownership Act and shall include a provision that the owners' association thereof shall manage the property consistent with the requirements of the planned development zone. Any property in a planned development zone that is intended for subdivision shall also comply with the requirements of the Town of Apple Valley subdivision ordinance.
- (3) Owner/Developer Responsibilities: Initial owners/developers of PD projects are responsible for the following elements of the project:
 - (A) Development and Maintenance: Development and maintenance of general common areas (this may be accomplished through the establishment of an owners' association, which the developer shall agree to subsidize until 75 percent of the lots or units are sold, at which point the responsibility will be turned over to the owners).

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

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

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

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

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

- (3) Shared Parking: A shared parking plan may be submitted which indicates a shared parking formula and supporting information. Up to thirty percent (30%) of the total combined required parking may be waived with an approved plan.
 - (4) Location of Parking: Parking for PD developments shall be located to the rear, a mixture of side and rear, or underground.
 - (5) Illumination of Parking: All parking areas shall be illuminated with light to be focused down so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the PD development nor to uses adjacent or nearby the PD development. Wherever there is a conflict between the provisions of AVL 10.26 "Outdoor Lighting Ordinance," and this subsection, the more restrictive shall govern unless otherwise recommended by the planning commission and approved by the town council.
 - d. Utilities: All utility lines in a PD project shall be placed underground.
4. Landscaping Standards and Requirements: Minimum standards for landscaping in PD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed development together.

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

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

5. Landscape Concept/Theme:
- a. A landscaping plan must be submitted as part of the Phase Plan. The level of detail is general in nature illustrating themes, locations and other elements within the overall project. This can be a separate plan or may be integrated with the Phase Plan requirements as part of the Phase Plan submittal. The Phase Plan shall show landscaping in more detail, but calculations and construction drawings are not required until the final plat has been submitted and approved, or a unit site plan

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

Examples include slopes, riparian areas, floodplains, washes, and lava beds. The qualification of lands as naturally occurring areas in proposed developments is through the recommendation of the planning commission and approval of Town council based upon site visits, maps, drawings, pictures, etc. Naturally occurring open areas are excluded from total open space and landscaping requirements of the proposed development.

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

(2) Common Open Space Areas:

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

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

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

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

7. Non-residential Standards and Requirements:

- a. Location: Location of commercial phases shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the zones, workers within the zones, and visitors. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include the lobby of a building containing other allowable uses. Strip commercial with front parking is generally not acceptable.
- b. Common Walls: Common walls between residential and nonresidential uses are required to be constructed so as to minimize the transmission of noise.
- c. Nuisances: No commercial use shall be designed or operated so as to expose residential uses to offensive odors, dust, electrical interference,

and/or vibration.

- d. Outdoor Lighting: All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed toward residential units and shall not include lighting that blinks, flashes, oscillates, or is of unusual brightness or intensity. Outdoor lighting will be directed - downward unless otherwise approved in order to ensure the integrity of the night sky and preclude negative effects on surrounding property owners.
- e. Finishing Materials: Nonresidential planned development shall utilize masonry or decorative wood exterior finishing materials for, at a minimum, the front and sides of the building. If the rear of a building faces a public street or road, this side shall utilize a masonry or decorative wood exterior finish as well. Acceptable masonry finishing materials include brick, stucco, natural or cultured stone, decorative concrete, or terrazzo tile. Unfinished concrete, cinder block, metal panels, plywood, Masonite, and vinyl siding are not acceptable finishes.

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

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

The Final Plan shall consist of a professionally designed schematic plan indicating the layout of the development and appropriate written text. Fifteen (15) copies of each graphic and written text in eleven inch by seventeen inch (11" x 17") format; and two (2) color renderings of the plan on thirty-six inch

by forty-eight inch (36" x 48") clay coat or similar heavy-duty paper shall be submitted to the Town for review and approval. This plan shall contain the following elements:

a. Final Plan Elements:

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

- b. Rezoning Application: In addition, the applicant shall provide a complete rezoning application and a cover letter requesting review of the Final Plan. The Final Plan shall be reviewed by staff and discussed in an informal meeting with the applicant to examine potential areas of nonconformity. Staff, upon review of the plan, will determine whether the project meets the intent of the district and includes the required elements. If the project does not meet with the

intent or lacks required elements, staff may reject the Final Plan and notify developer of where deficiencies exist so corrections may be made. However, should the plan meet the intent and contain the required elements, staff will accept the Final Plan and provide the applicant with suggestions for changes and modifications, if any that will prepare the applicant for the submittal of Phase Plans. While the applicant may ask for more than one Final Plan review, at least one review is mandatory.

- c. Review of Final Plan by Planning Commission: After staff officially accepts the Final Plan (completed application submitted and full review by staff completed), the plan will be placed on the planning commission agenda provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) prior to the planning commission meeting. The planning commission shall review the Final Plan and make a recommendation on the plan and the rezoning of the property. The planning commission shall review the plan for the following elements: how the proposed project meets the purpose of a planned development as provided in subsection A of this section; how the proposed project meets the purpose of the specific planned development zones; the overall project density as well as the density of land use components; land use mix and percentages; general vehicular and pedestrian circulation including the location and capacity of the facilities and connections internally and externally; and open space type, amount and location. Other site and development design criteria shall be reviewed at the Phase Plan stage.
 - d. Review of Final Plan by Town Council: Upon receiving a recommendation from the planning commission and before enacting an amendment to the zoning ordinance, the Town Council shall hold a public hearing thereon. If approved, the rezoning becomes effective and the Final Plan becomes the official plan of the district, which will determine how Phase Plans are developed.
3. Phase Plan: The Phase Plan shall serve as the preliminary plat for a specific phase of the project or the project as a whole. Most planned developments will consist of a Final plan identifying a number of areas of the site with unique or individual land use types. Each of these areas, if developed separately, will require separate final plat approval. Phase Plans must be consistent with the Final Plan or the Final Plan must be revised and approved by the Town. Phase Plans must show lot subdivision, if proposed, internal site circulation within the phase or land use area, specific open space set aside, as well as the requirements for Phase Plans that are provided below.

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

with a Final Plan if desired. Fifteen (15) copies of each graphic and written text on eleven inch by seventeen inch (11" x 17") format, and two (2) color renderings of the plan on thirty-six inch by forty-eight inch (36" x 48") clay coat or heavy-duty paper shall be submitted to the Town for review and approval. The Phase Plan shall meet all requirements for a preliminary plat, as outlined in the Town's subdivision ordinance and this subsection, and shall be submitted in the following format:

a. Phase Plan Elements:

- (1) Site Location Plan: Showing where phase is located in relation to overall Final plan. This plan shall identify other proposed phases within the project area. This plan shall be submitted at a scale no greater than one inch equals four hundred feet (1" = 400') and show completed phases and future phases in relation to the phase currently proposed.
- (2) Site Development Plan: This plan shall include:
 - (A) Existing boundary streets and access streets to the project;
 - (B) The boundaries of the site and boundaries of proposed phases;
 - (C) The delineation of parcel lines, if subdivision will be a part of the development;
 - (D) Tabulation of site acreage;
 - (E) Delineation of the development of the entire site. If only a portion of the site is to be improved in the current phase (i.e., development in phases), that portion shall be shown in detail on the plan. Subsequent phases or portions on the project may be shown conceptually except that land use, density, and other dimensional requirements shall be provided for these areas. Failure to provide this information or a proposal to modify the proposed elements of a phase as submitted will require the applicant to file a revised PD Phase Plan;
 - (F) Common facilities, such as recreation amenities, service buildings, garages, and trash collection stations;
 - (G) Site amenities such as benches, fountains, outdoor art, waste containers, kiosks, etc;
 - (H) The location of each proposed new building or structure, together with a plan or statement showing the number of stories, height, number of dwelling or commercial units (including details regarding the square footage and/or number of bedrooms, as applicable), proposed uses, and ground coverage of

each building;

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

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

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

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

c. Final Plat Approval: If land subdivision was required for a phase or land use area, the applicant shall submit an application for final plat approval using the criteria and procedures required under the Town's

subdivision ordinance. Covenants, conditions and restrictions are required to be submitted at this time.

d. Submittal of Subsequent Phases:

- (1) If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the initial Phase Plan. Phases completed shall be shown with as built site renderings on the project locator map indicating what has been already developed.

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

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

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

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

Site plans must meet all of the requirements for site plan review submittal. Single-family residential lots are not required to submit a site plan for planning commission review. Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot. Site

plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals for planned developments must also contain the following items:

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

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

5. Construction Drawings: Construction drawings must be reviewed and approved prior to construction.

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

TABLE 1:

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

TABLE 2: PLANNED DEVELOPMENT ZONE DIMENSIONAL
STANDARDS

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

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

AFTER AMENDMENT

10.10.120 Planned Development Zone

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

delivery of required infrastructure, facilities, and services, and reductions in initial subdivision development costs and long-term maintenance costs.

1. Provide for the planned, orderly, and efficient improvement of large, unique or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and/or historic features which may exist, from damage which might occur from development permitted by conventional zoning and subdivision regulations. Such features may include, but are not limited to, steep slopes, soils, streams and other water bodies, and pasturelands, wetlands, floodplains, historic structures or sites, cultural features, and scenic views.
 2. Encourage protected open space to be accumulated into larger contiguous open space tracts that may be linked throughout the community.
 3. Allow for a more efficient and imaginative development of a specific property.
 4. Permit property to be used in a manner not sanctioned by the existing zoning regulations in harmony with and without detriment to neighboring properties.
 5. Provide a review process by the planning commission, which will allow them an opportunity to evaluate whether the proposed development will be in harmony with the character of the neighborhood in which the development is located.
 6. Encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefits.
 7. Encourage better land utilization, economy in the provisions of roads and utilities, and flexibility in design.
 8. Encourage ingenuity and resourcefulness in project and site planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.
 9. Encourage the mixing of uses as appropriate including housing, neighborhood commercial, office, institutional, and other compatible uses.
 10. Discourage clearly incompatible land uses and prevent conflicts where such uses cannot be physically separated by the use of buffer strips and open space, gradations in the intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.
 11. Facilitate more affordable and efficient housing by providing possibilities for cost savings in infrastructure, installation costs, and energy costs through clustering of dwellings and other structures, and other means.
 12. Encourage pedestrian circulation within the project and connections with adjacent land uses.
 13. Provide long-range stability in the planning of public facilities and services for the area through the use of a master plan specifying the arrangement and schedule of the various lands use components and project phases.
- B. Types of Planned Development Zones: This section authorizes the following types of planned developments:

PDR Planned development residential zone

PDC Planned development commercial zone

PDO Planned development office zone

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

- C. Location and Siting of Planned Development: Planned developments are most appropriately located in developing areas where innovative site planning will have a positive impact on other adjacent developments and accomplish objectives of the Town's general plan.
- D. Designing a Planned Development Zone: The design of a planned development is a creative exercise that requires the designer to select from an array of elements available to assemble the development. A planned development project may consist of five (5) separate components. The required components will vary depending upon the elements planned for the project.
 - 1. Preliminary Master Plan: General concept designed to elicit preliminary feedback from staff and ~~p~~Planning ~~e~~Commission.
 - 2. ~~Final~~ Master Plan: The overall concept plan/zoning plan for the development, locking in land uses, proposed circulation, and other elements.
 - 3. Phase Plan: Individual phase(s) of the development.
 - 4. ~~Site Plan~~ Preliminary Plat: ~~Site plan review~~ Layout of individual lot(s) or parcel(s) within a phase.
 - 5. Construction Drawings: Construction drawings for items requiring review and approval by the utility providers, Town engineer and others ~~/or the building department~~.
- E. Planned Development Residential Zone (PDR)
 - 1. General Purpose and Description: The PDR district allows residential development in a manner open to and advocating innovation in design and layout. The principal uses of land in this district are residential with related recreational, cultural, neighborhood commercial and educational facilities normally required in providing the basic elements of a balanced, orderly, convenient, and attractive residential area.
 - 2. Location of PDR Zones: PDR zones may be located where sufficient land and infrastructure exist or are planned which will allow for a development that meets the standards and requirements of this subsection. Planned developments should not be proposed on vacant lots lying between other single-family dwellings or single family developments.
 - 3. Permitted Uses: No structure or land shall be used except for one or more of the following:

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

Detached units, including standard large lot single-family detached residences,

zero lot line residences and cluster housing;

Townhouses.

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

Assisted living or independent living care;

Churches, with attendant educational and recreational buildings;

Clubs, private and public, including, but not limited to, golf and country clubs;

~~Condominiums;~~

Home occupations as defined herein and approved by the planning commission.

Neighborhood commercial uses in PDR zone under the following conditions:

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

Public libraries;

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

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

~~Timeshares /fractional interests.~~

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

F. Planned Development Commercial Zone (PDC)

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

Bank or other similar financial institution;

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

Convention center, meeting facility or other similar use;

Hotel, motel or bed and breakfast;

Recreation building or land including theaters;

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

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

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

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

Accessory structure;

Ambulance service;

Auto repair, completely enclosed;

Daycare facility;

Mixed uses (i.e., commercial, office or residential) within the building or on the same site. (The minimum and maximum component of each use and

type of uses within the development to be approved by the planning commission. Office and residential uses must clearly be subordinate to the principal commercial use.);

Off street parking facilities;

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

Parking lot or garage as a principal use;

Public utility structure and lands;

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

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

G. Planned Development Office Zone (PDO)

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

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

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

Daycare facility;

Fine arts or performing arts studio or school;

Hospital or public health center;

Institution of higher education (college);

Library;

Medical or dental office or clinic;

Museum or art gallery;

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

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

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

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

Ambulance service as an accessory use;

Church or other religious, fraternal, or social organizations;

Funeral home or crematorium;

Nursing or personal care home;

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

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

1. General Standards and Requirements:

- a. Preservation of Features: The development shall be compatible with existing topography of the land and shall preserve any unusual topography or natural features. Requests to waive this standard must be accompanied by a certified engineering report indicating that the proposed development is a significant community need that transcends the need to preserve the topography and/or features.
- b. Design Focus: The development shall utilize design and development features that would not be possible by the application of lot by lot

zoning regulations.

- c. Land Disturbance: No alteration or disturbance of land in a planned development district or the natural or cultural resources thereon shall be permitted until the ~~Final~~ Master Plan has received approval from Town Council. preliminary plat or site plan and construction plans has been approved. Any subsequent land disturbance must be consistent with the approval granted by the Town Council.

- d. Subdivision Regulations: Land within a planned development shall be treated in its entirety as a subdivision and thus subject to the provisions of the Town of Apple Valley subdivision regulations, except as follows:
 - (1) Preliminary and Final plats shall follow the procedures and meet all of the requirements of the Town's subdivision ordinance which shall be supplemented by the requirements of this subsection. Wherever there is a conflict between the provisions of the subdivision ordinance and this ordinance, the more restrictive shall apply.
 - (2) Each planned development project in the approval process will identify how the property is intended to be subdivided, whether it will be a PDR, PDC, PDO, traditional subdivision, condominium or a combination of the above. This information is important, as it will affect the procedures required for formal approval of the project and subdivision of the land.

- e. The ~~Final~~ Master Plan approved and adopted by the Town ~~e~~ Council pursuant to this section is intended to be utilized as a final plan in relation to the zoning, regulation, and development of properties designated therein. The design guidelines and standards approved and adopted by the Town ~~e~~ Council pursuant to its adoption of the planned development ~~Final~~ Master Plan shall control and regulate the development and construction within the project. To the extent that the ~~Final~~ Master Plan does not specify the design or other standards applicable to the planned development, the generally adopted Town standards and specifications shall apply.

- f. Interconnectivity of Phases/Development Components: Each phase of the project shall not be isolated from adjacent phases or development components. Each phase shall be served by at least one public roadway that shall connect to all adjacent phases or development components. In addition, each phase or development components adjacent to land outside of the project boundary shall connect to such adjacent land if such a connection is available. If one phase cannot reasonably be connected to another via a public roadway, then a private road or drive shall be required. Such a private road must be open to the public at all times for travel to the adjacent phase area.

The project must contain a minimum of two (2) primary access points from the outside. Any deviation from the requirement of two (2) primary access points must be recommended by the planning commission and approved by the Town Council.

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

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

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

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

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

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

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

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

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

- d. Utilities: All utility lines in a PD project shall be placed underground.
4. Landscaping Standards and Requirements: Minimum standards for landscaping in PD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed development together.

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

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

5. Landscape Concept/Theme:
- a. A landscaping plan must be submitted as part of the ~~Phase~~Phase-~~Master~~Master Plan. The level of detail is general in nature illustrating themes, locations and other elements within the overall project. This can be a separate plan or may be integrated with the ~~Phase~~Phase-~~Master~~Master Plan requirements as part of the ~~Phase~~Phase-~~Master~~Master Plan submittal. The ~~Preliminary Plat~~Preliminary Plat ~~Phase~~Phase-~~Plan~~Plan shall show landscaping in more detail, but calculations and landscape details shall be part of the construction drawings for each phase. ~~are not required until the final plat has been submitted and approved, or a unit site plan approval has been received, as in the case of areas not platted or subdivided.~~
 - b. Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the

development.

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

a. General Open Space Requirements:

(1) Naturally Occurring Open Areas:

- (A) Naturally occurring open areas are untouched or undeveloped areas existing in their natural state. Examples include slopes, riparian areas, floodplains, washes, and lava beds. The qualification of lands as naturally occurring area-s in proposed developments is through the recommendation of the ~~p~~ Planning ~~e~~

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

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

(2) Common Open Space Areas:

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

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

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

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

7. Non-residential Standards and Requirements:

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

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

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

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

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

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

a. ~~Final~~ Master Plan Elements:

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

- b. Rezoning Application: In addition, the applicant shall provide a complete rezoning application and a cover letter requesting review of the ~~Final~~ Master Plan. The ~~Final~~ Master Plan shall be reviewed by staff and discussed in an informal meeting with the applicant to examine potential areas of nonconformity. Staff, upon review of the plan, will determine whether the project meets the intent of the district and includes the required elements. If the project does not meet with the intent or lacks required elements, staff may reject the ~~Final~~ Master Plan and notify developer of where deficiencies exist so corrections may be made. However, should the plan meet the intent and contain the required elements, staff will accept the ~~Final~~ Master Plan and

provide the applicant with suggestions for changes and modifications, if any, that will prepare the applicant for the submittal of Phase Plans. While the applicant may ask for more than one ~~Final~~ Master Plan review, at least one review is mandatory.

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

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

After the ~~Final Plan~~ Preliminary Plat for each phase (if applicable) has been formally reviewed and accepted by staff, recommended for approval by ~~p~~ Planning ~~e~~ Commission and approved by the Town council, the applicant shall submit ~~a Phase~~ Construction Plans for the improvement of specific phase(s) of the project. ~~Phase Construction~~ Plans may be submitted concurrently with a ~~Master Final~~ Plan if desired. They shall follow the process and requirements outlined in 11.02.080 Construction Drawings. ~~Fifteen (15) copies of each graphic and written text on eleven inch by seventeen inch (11" x 17") format, and two (2) color renderings of the plan on thirty-six inch by forty-eight inch (36" x 48") clay coat or heavy-duty paper shall be submitted to the Town for review and approval. The Phase Plan shall meet all requirements for a preliminary plat, as outlined in the Town's subdivision ordinance and this subsection, and shall be submitted in the following format:~~

~~A. Phase Plan Elements:~~

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

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

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

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

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

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

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

- ~~b.~~ c. Final Plat Approval: If land subdivision was required for a phase or land use area, the applicant shall submit an application for final plat approval using the criteria and procedures required under the Town's subdivision ordinance 11.02.090 and 11.02.100. Covenants, conditions and restrictions are required to be submitted at this time.
- ~~e.~~ d. Submittal of Subsequent Phases:
- ~~d.~~ 1. If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the initial first phase, as outlined above. Phase Plan. Phases completed shall be shown with as built site renderings on the project locator map indicating what has been already developed.
- ~~e.~~ e. Amendments to ~~Phase Plan Preliminary Plat~~: The ~~p Planning e Commission shall make a recommendation to Town Council and the Town Council shall approve all is authorized to approve~~ amendments to the Master Phase Plan provided that:

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

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

- ~~C.~~ 4. Site Plan: A site plan shall be required for any of the following uses:
 - a. Any multi-family residential use;

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

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

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

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

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

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

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

TABLE 1:

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

TABLE 2: PLANNED DEVELOPMENT ZONE DIMENSIONAL
STANDARDS

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

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

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-27**

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

SECTION 1: **AMENDMENT** “11.02.060 Preliminary Plat Process” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.060 Preliminary Plat Process

All applications for preliminary plat approval shall be subject to the following:

- A. Town and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.
- B. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.
- C. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.
- D. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to AVS 11.02.120, and required fee to planning department on or before deadline for submissions established by the Town.
- E. Staff shall review application and plat for completeness and obtain comments from joint utility committee.
- F. Zoning administrator shall place the item on an agenda for consideration at a public meeting before the planning commission.
- G. Applicant or applicant's authorized representative shall appear at the scheduled meeting before the planning commission to discuss the preliminary plat, answer questions, and receive recommendation from planning commission.
- H. Planning commission may recommend to the Town council approval, disapproval, or approval with conditions.
- I. Upon receiving a recommendation from the planning commission, the preliminary plat application will be placed on a Town council agenda. Applicant or applicant's authorized representative must appear at the Town council meeting when application is on the agenda. In the event the applicant fails to appear at the Town council meeting, or if applicant fails to obtain approval from the Town council within six (6) months said preliminary plat shall be considered void.
- J. Town Council may approve the plat, approve with conditions, recommend changes, send back to the Planning Commission, or deny the plat, subject to the following:
 1. The Town Council shall withhold approval of a preliminary or final plat if the

plat contains a communications easement that may have the effect of prohibiting the ability of any person to provide multichannel video programming services, cable services, information services, telecommunications or telecommunications services within the subdivision. An easement including a communications easement that limits the ability of any landowner to access a local utility or franchised cable or telecommunications service provider without payment of a fee to cross the easement violates this section.

2. The Town Council shall withhold approval of a preliminary or final plat if the property to be dedicated for streets, roads, rights of way or other parcels intended for the use and benefit of the general public is not provided free and clear of any easements, unless the Town Council finds that:
 - a. The subdivider did not create the easement, and could not reasonably be expected to obtain a release of the easement; and
 - b. Acceptance of the easement will not adversely affect the public.
- K. Approval of the preliminary plat by the Town Council shall authorize the subdivider to proceed with the preparation and review of construction drawings and the final plat.
- L. After preliminary plat approval from the Town Council, a complete application for final plat approval must be submitted within one year of the preliminary plat approval date. The Planning Commission may authorize a one-time extension not to exceed one year, provided that a written request for extension is received by the Town before the one year time period has expired.

AFTER AMENDMENT

11.02.060 Preliminary Plat Process

All applications for preliminary plat approval shall be subject to the following:

1. Town and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.
2. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.
3. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.
4. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to AVS 11.02.120, and required fee to planning department on or before deadline for submissions established by the Town.
5. Staff shall review application and plat for completeness and obtain comments from joint utility committee.
6. Zoning administrator shall place the item on an agenda for consideration at a public meeting before the planning commission.
7. Applicant or applicant's authorized representative shall appear at the scheduled meeting before the planning commission to discuss the preliminary plat, answer questions, and receive recommendation from planning commission.

8. Planning commission may recommend to the Town council approval, disapproval, or approval with conditions.
9. Upon receiving a recommendation from the planning commission, the preliminary plat application will be placed on a Town council agenda. Applicant or applicant's authorized representative must appear at the Town council meeting when application is on the agenda. In the event the applicant fails to appear at the Town council meeting, or if applicant fails to obtain approval from the Town council within six (6) months said preliminary plat shall be considered void.
10. Town Council may approve the plat, approve with conditions, recommend changes, send back to the Planning Commission, or deny the plat, subject to the following:
 - A. The Town Council shall withhold approval of a preliminary or final plat if the plat contains a communications easement that may have the effect of prohibiting the ability of any person to provide multichannel video programming services, cable services, information services, telecommunications or telecommunications services within the subdivision. An easement including a communications easement that limits the ability of any landowner to access a local utility or franchised cable or telecommunications service provider without payment of a fee to cross the easement violates this section.
 - B. The Town Council shall withhold approval of a preliminary or final plat if the property to be dedicated for streets, roads, rights of way or other parcels intended for the use and benefit of the general public is not provided free and clear of any easements, unless the Town Council finds that:
 1. The subdivider did not create the easement, and could not reasonably be expected to obtain a release of the easement; and
 2. Acceptance of the easement will not adversely affect the public.
11. Approval of the preliminary plat by the Town Council shall authorize the subdivider to proceed with the preparation and review of construction drawings and the final plat.
12. After preliminary plat approval from the Town Council, a complete application for final plat approval must be submitted within one year of the preliminary plat approval date. The Planning Commission may authorize a one-time extension not to exceed one year, provided that a written request for extension is received by the Town before the one year time period has expired. Any such extension shall be subject to all requirements for improvements as found in this title at the time construction actually takes place. Any final plat approved by Town Council shall be considered to be void if not recorded within one year after receiving final approval, unless a one-year extension has been granted. All plats not otherwise extended shall be resubmitted as a preliminary plat to the Planning Commission and a new filing fee shall be paid.

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL
_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-28**

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

SECTION 1: **AMENDMENT** “11.02.070 Preliminary Plat Requirements” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.070 Preliminary Plat Requirements

The preliminary plat shall include or be accompanied by the following:

- A. Description: In a title block located in the lower right hand corner of the sheet the following is required:
 - 1. The proposed name of the subdivision.
 - 2. The location of the subdivision, including the address and the section, township and range.
 - 3. The names and addresses of the owner or subdivider if other than the owner.
 - 4. Date of preparation and north point.
 - 5. Scale shall be of sufficient size to adequately describe in legible form all required elements.
- B. Existing Conditions: The preliminary plat shall show:
 - 1. The location of the nearest monument.
 - 2. The boundary of the proposed subdivision and the acreage included.
 - 3. All property contiguous to the property to be subdivided and under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing master street plan or other commission studies.) And all property contiguous to the proposed subdivision.
 - 4. The location, width and names/numbers of all existing streets within two hundred feet (200') of the subdivision and of all prior streets or other public ways, easements, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - 5. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - 6. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.

7. Contours at vertical intervals not greater than five feet (5').
8. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow ground water, and windblown sand) and recommendations for their mitigation.

C. Proposed Plan: The subdivision plans shall show:

1. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
2. The layout, numbers and typical dimensions of lots. Designation of buildable area is required for each lot.
3. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
4. Easements for water, sewers, drainage, utilities, lines and other purposes.
5. Typical street cross sections and street grades where required by the Planning Commission.
6. A tentative plan or method by which the subdivider proposes to handle the stormwater drainage for the subdivision.
7. Approximate radius of all centerline curves on highways or streets.
8. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street, or on a prescriptive easement (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable.)
9. All remnants of lots below minimum size left over after subdividing of a larger tract shall be added to adjacent lots or common areas, rather than allowed to remain as unusable parcels.
10. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.
11. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
12. If the subdivision is to be built in phases, the plat shall show possible phasing lines.
13. A tentative plan or method for providing nondiscriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

D. Required Copies Of Plans:

1. Two (2) copies of all full scale drawings.
2. One copy of each drawing on eleven inch by seventeen inch (11" x 17") sheets or eight and one-half by eleven (8 1/2 x 11) if the project is small and the plans are legible at that size.

AFTER AMENDMENT

11.02.070 Preliminary Plat Requirements

The preliminary plat shall include or be accompanied by the following:

1. Description: In a title block located in the lower right hand corner of the sheet the following is required:
 - A. The proposed name of the subdivision.
 - B. The location of the subdivision, including the address and the section, township and range.
 - C. The names and addresses of the owner or subdivider if other than the owner.
 - D. Date of preparation and north point.
 - E. Scale shall be of sufficient size to adequately describe in legible form all required elements.
2. Existing Conditions: The preliminary plat shall show:
 - A. The location of the nearest monument.
 - B. The boundary of the proposed subdivision and the acreage included.
 - C. All property contiguous to the property to be subdivided and under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing master street plan or other commission studies.) And all property contiguous to the proposed subdivision.
 - D. The location, width and names/numbers of all existing streets within two hundred feet (200') of the subdivision and of all prior streets or other public ways, easements, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - E. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - F. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.
 - G. Contours at vertical intervals not greater than five feet (5').
 - H. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow ground water, and windblown sand) and recommendations for their mitigation.
3. Proposed Plan: The subdivision plans shall show:
 - A. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
 - B. The layout, numbers and typical dimensions of lots. Designation of buildable area is required for each lot.
 - C. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
 - D. Easements for water, sewers, drainage, utilities, lines and other purposes.
 - E. Typical street cross sections and street grades where required by the Planning

Commission.

- F. A tentative plan or method by which the subdivider proposes to handle the stormwater drainage for the subdivision.
 - G. Approximate radius of all centerline curves on highways or streets.
 - H. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street, or on a prescriptive easement (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable.)
 - I. All remnants of lots below minimum size left over after subdividing of a larger tract shall be added to adjacent lots or common areas, rather than allowed to remain as unusable parcels.
 - J. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.
 - K. A letter from ~~both~~ the local sanitary sewer provider, ~~and the~~ culinary water provider, and power provider indicating if the proposed plan meets their standards and if so, a preliminary plan for needed services and timeframe for availability of services.
 - L. If the subdivision is to be built in phases, the plat shall show possible phasing lines.
 - M. A tentative plan or method for providing nondiscriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.
4. Required Copies Of Plans:
- A. Two (2) copies of all full scale drawings.
 - B. One copy of each drawing on eleven inch by seventeen inch (11" x 17") sheets or eight and one-half by eleven (8 1/2 x 11) if the project is small and the plans are legible at that size.

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-29**

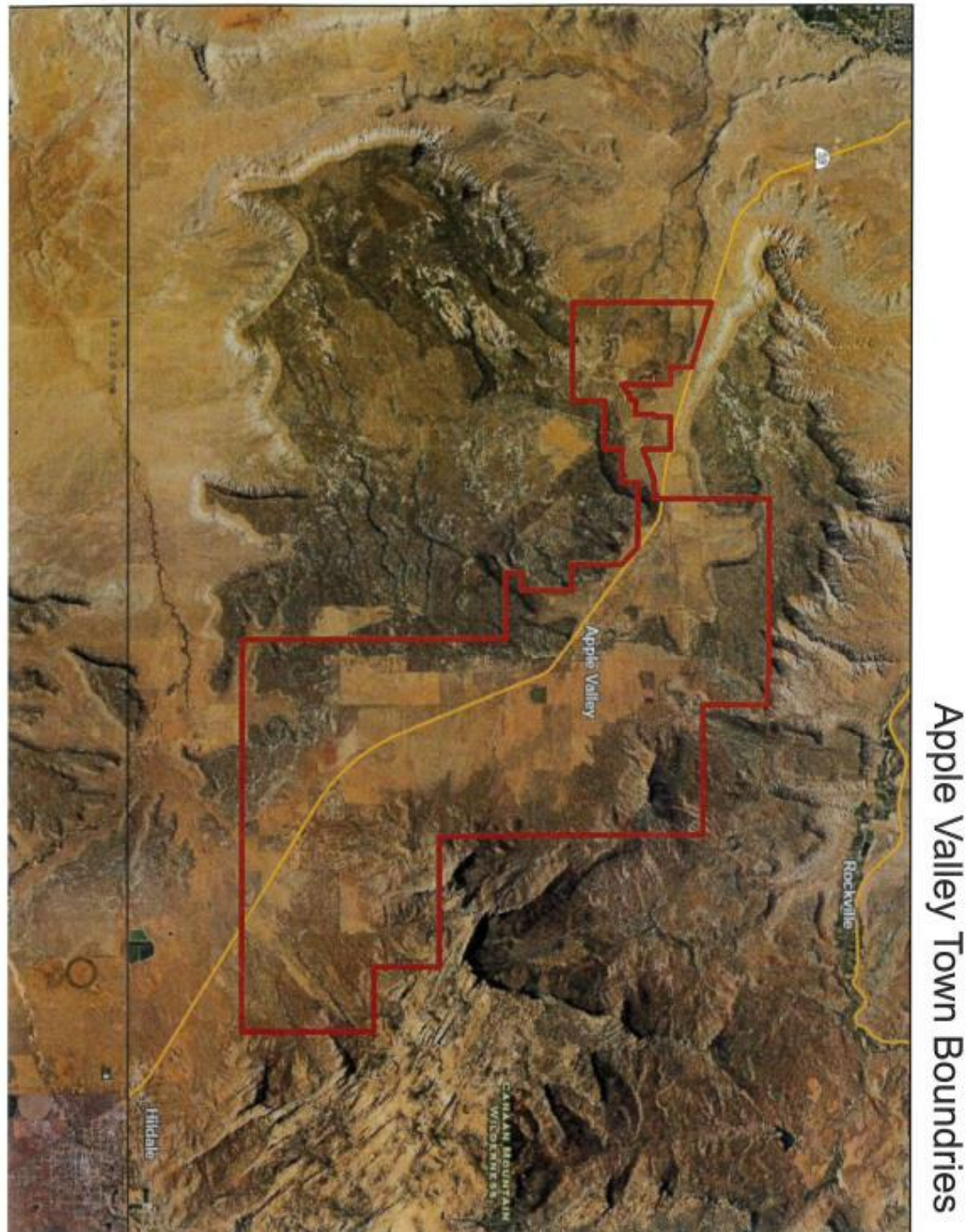
NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “14.10.020 Sensitive Ground Water Resource Areas Within Apple Valley” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.020 Sensitive Ground Water Resource Areas Within Apple Valley

1. The area located within Apple Valley, and shown on the map below, is hereby designated as a sensitive ground water resource area.
2. Authority to temporarily designate as sensitive ground water resource areas other developing areas not specifically listed herein is delegated to the Planning Commission. The Planning Commission may make such a designation when it appears in the Planning Commission's best judgment that designating an area as sensitive ground water resource area will protect ground water resources in Apple Valley. The Planning Commission may make a temporary designation at any time. The temporary designation expires after one hundred eighty (180) days unless submitted to and approved by the Apple Valley Town Council for permanent designation as a sensitive ground water resource area after recommendation by the Planning Commission.

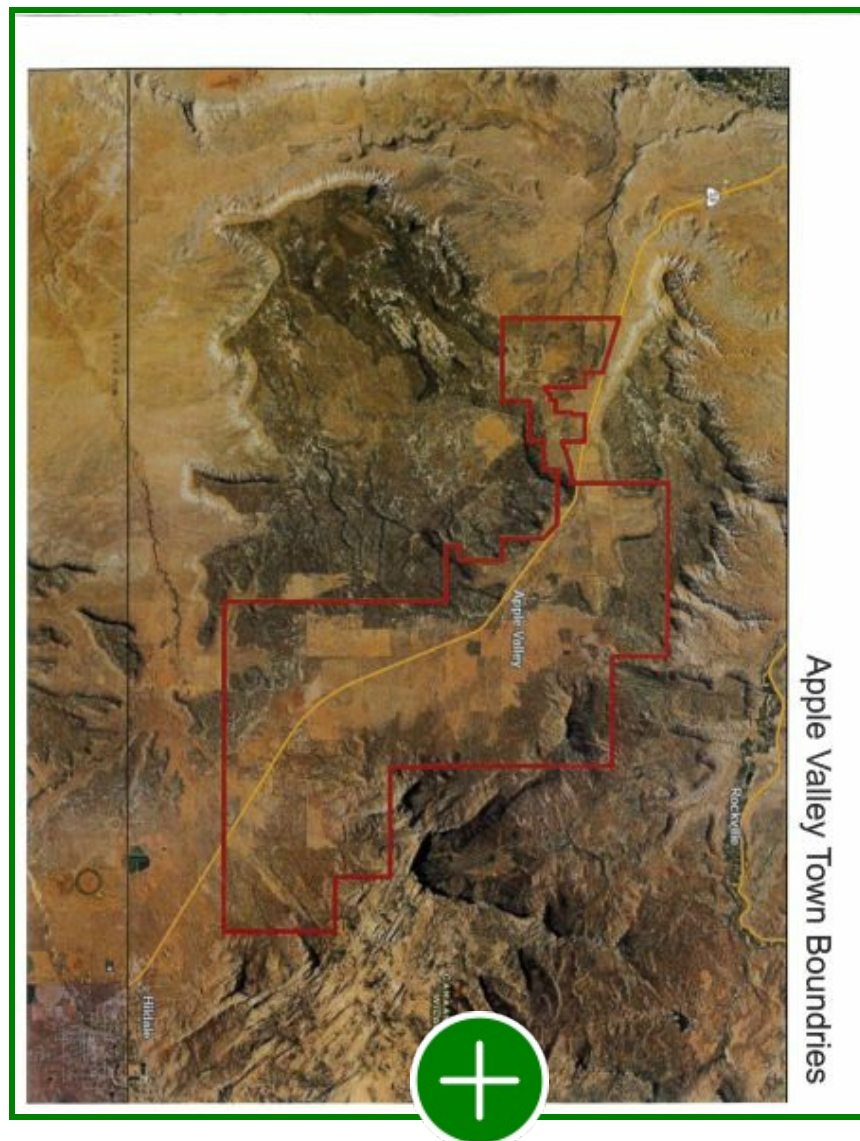


AFTER AMENDMENT

14.10.020 Sensitive Ground Water Resource Areas Within Apple Valley

1. The area located within Apple Valley, and shown on the map below, is hereby designated as a sensitive ground water resource area.

2. Authority to temporarily designate as sensitive ground water resource areas other developing areas not specifically listed herein is delegated to the Planning Commission. The Planning Commission may make such a designation when it appears in the Planning Commission's best judgment that designating an area as sensitive ground water resource area will protect ground water resources in Apple Valley. The Planning Commission may make a temporary designation at any time. The temporary designation expires after one hundred eighty (180) days unless submitted to and approved by the Apple Valley Town Council for permanent designation as a sensitive ground water resource area after recommendation by the Planning Commission.



SECTION 2: **AMENDMENT** “14.10.030 Septic System Densities In Sensitive Ground Water Resource Areas” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.030 Septic System Densities In Sensitive Ground Water Resource Areas

- A. No septic system may be installed in a sensitive ground water resource area unless:
 - 1. The "total number of existing septic systems" in a SGRA where the septic system will be located is less than the "maximum number of septic systems" permitted in the SGRA; and
 - 2. The lot where the septic system will be installed meets the minimum acreage requirement for the SGRA as set forth herein. Lot sizes smaller than the minimum requirement may be approved by the Apple Valley Town Council after recommendation by the Planning Commission if the lot owner or developer permanently dedicates sufficient additional acreage in the SGRA to maintain the overall density requirement.
- B. The "maximum number of septic systems" permitted in a SGRA is determined by dividing the "total number of acres in the SGRA" by the applicable density set forth herein.
- C. The "total number of existing septic systems" located in a SGRA shall be determined by the Planning Commission and shall include: 1) lots with existing septic systems; 2) lots approved for development prior to the enactment of this Chapter whether or not a septic system has yet been installed; and 3) lots with septic systems approved for development after the enactment of this Chapter.
- D. The "total number of acres in the SGRA" is the number determined by the Planning Commission based upon the Commission's maps and calculations of the SGRAs.

AFTER AMENDMENT

14.10.030 Septic System Densities In Sensitive Ground Water Resource Areas

- 1. No septic system may be installed in a sensitive ground water resource area unless:
 - A. The "total number of existing septic systems" in a SGRA where the septic system will be located is less than the "maximum number of septic systems" permitted in the SGRA; and
 - B. The lot where the septic system will be installed meets the minimum acreage requirement for the SGRA as set forth herein. Lot sizes smaller than the minimum requirement may be approved by the Apple Valley Town Council after recommendation by the Planning Commission if the lot owner or developer permanently dedicates sufficient additional acreage in the SGRA to maintain the overall density requirement, or installs an alternate wastewater system approved by the Southwest Utah Public Health Department and Ash Creek Special Service District.
- 2. The "maximum number of septic systems" permitted in a SGRA is determined by

dividing the "total number of acres in the SGRA" by the applicable density set forth herein.

3. The "total number of existing septic systems" located in a SGRA shall be determined by the Planning Commission and shall include: 1) lots with existing septic systems; 2) lots approved for development prior to the enactment of this Chapter whether or not a septic system has yet been installed; and 3) lots with septic systems approved for development after the enactment of this Chapter.
4. The "total number of acres in the SGRA" is the number determined by the Planning Commission based upon the Commission's maps and calculations of the SGRAs.

SECTION 3: **AMENDMENT** "14.10.050 Exceptions To Density Requirements" of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.050 Exceptions To Density Requirements

The following lots are exempt from this chapter:

- A. Any lot in an existing platted and recorded residential subdivision that has received final on site feasibility approval from the southwest Utah public health department before the effective date hereof.
- B. Any lot located in a proposed subdivision development whose application is on file with the Planning Commission before the effective date hereof.
- C. Any lot that is or will be developed with an alternate wastewater system approved by the southwest Utah public health department.
- D. Any lot that is subject to more stringent size requirements than this chapter requires.
- E. Any lot that is or will be served by a central sewer system.

AFTER AMENDMENT

14.10.050 Exceptions To Density Requirements

The following lots are exempt from this chapter:

- A. Any lot in an existing platted and recorded residential subdivision that has received final on site feasibility approval from the ~~s~~Southwest Utah ~~p~~Public ~~h~~Health ~~d~~Department before the effective date hereof.
- B. Any lot located in a proposed subdivision development whose application is on file with the Planning Commission before the effective date hereof.
- C. Any lot that is or will be developed with an alternate wastewater system approved by the ~~s~~Southwest Utah ~~p~~Public ~~h~~Health ~~d~~Department and Ash Creek Special Service District.
- D. Any lot that is subject to more stringent size requirements than this chapter requires.
- E. Any lot that is or will be served by a central sewer system.

SECTION 4: **AMENDMENT** “14.10.060 Fees” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.060 Fees

To defray costs to the general public with regard to the enforcement of this Chapter, the Apple Valley Town Council may from time to time establish reasonable application and inspection fees.

AFTER AMENDMENT

14.10.060 Fees

To defray costs to the general public with regard to the enforcement of this Chapter, the Apple Valley Town Council and/or Ash Creek Special Service District may from time to time establish reasonable application and inspection fees.

SECTION 5: **AMENDMENT** “14.10.070 Enforcement” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.070 Enforcement

- A. No building permit will be issued nor subdivision approved unless the requirements of this Chapter are met. The Apple Valley Town Council shall designate officials responsible for enforcement of this Chapter. It shall be the duty of all architects, engineers, contractors, subcontractors, builders, developers, property owners, and any other persons having to do with the development of property within the boundaries of Apple Valley, before beginning any work or project, to determine that all provisions of this Chapter are met.
- B. All departments, officials and employees of Apple Valley, and other departments or officials doing work in behalf of the Apple Valley, and having authority to issue permits or licenses, shall conform to the provisions of this Chapter, and shall issue no permit or license for purposes where the same would be in conflict with the provisions of this Chapter. Any such permit, approval or license issued shall be null and void.

AFTER AMENDMENT

14.10.070 Enforcement

- A. No building permit will be issued nor subdivision approved unless the requirements of this Chapter are met. The Apple Valley Town Council shall designate officials

responsible for enforcement of this Chapter. It shall be the duty of all architects, engineers, contractors, subcontractors, builders, developers, property owners, and any other persons having to do with the development of property within the boundaries of Apple Valley, before beginning any work or project, to determine that all provisions of this Chapter are met.

- B. All departments, officials and employees of The Town of Apple Valley, Ash Creek Special Sewer District, and other departments or officials doing work in behalf of ~~t~~ The Town of Apple Valley, and having authority to issue permits or licenses, shall conform to the provisions of this Chapter, and shall issue no permit or license for purposes where the same would be in conflict with the provisions of this Chapter. Any such permit, approval or license issued shall be null and void.

SECTION 6: AMENDMENT “14.10.090 Violation; Penalty” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.090 Violation; Penalty

- A. Civil Penalty: Any person who installs a septic system in violation of this Chapter is subject to a civil penalty of up to five hundred dollars (\$500.00) per day until the septic system is removed.
- B. Notice Of Violation: Apple Valley will serve notice of violation on the owner of any property with a septic system installed in violation of this Chapter, personally or by certified mail. If the owner of property on which a septic system is installed in violation of this Chapter does not voluntarily remove the septic system within thirty (30) calendar days of the service of notice, the town, with reasonable notification, may enter the property, without the consent of the owner or the person in possession, and perform any work necessary to remove the septic system.
- C. Recover Expenses: Any expenses incurred by the town in removing the septic system shall be paid by the property owner or the person in possession, as the case may be.
- D. Misdemeanor: Any violation of this Chapter shall be punishable as a class B misdemeanor and, upon conviction, subject to penalty as provided by statute in Utah Code Annotated.

AFTER AMENDMENT

14.10.090 Violation; Penalty

- A. Civil Penalty: Any person who installs a septic system in violation of this Chapter is subject to a civil penalty of up to five hundred dollars (\$500.00) per day until the septic system is removed.
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(30) calendar days of the service of notice, the ~~t~~Town, with reasonable notification, may enter the property, without the consent of the owner or the person in possession, and perform any work necessary to remove the septic system.

- C. Recover Expenses: Any expenses incurred by the ~~t~~Town in removing the septic system shall be paid by the property owner or the person in possession, as the case may be.
- D. Misdemeanor: Any violation of this Chapter shall be punishable as a class B misdemeanor and, upon conviction, subject to penalty as provided by statute in Utah Code Annotated.

SECTION 7: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8: 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 9: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley