

ORDINANCE NO. 2007-10

AN ORDINANCE AMENDING CHAPTER 12.6.6 OF THE LAND USE ORDINANCE REMOVING DENSITY INCENTIVES AND MAKING OTHER CHANGES TO PLANNED RESIDENTIAL DEVELOPMENTS (PRD).

WHEREAS two members of the City Council have initiated an amendment of Chapter 12.6.6 of the Land Use Ordinance to remove density incentives and making other changes to Planned Residential Developments; and

WHEREAS the Planning Commission held a public hearing, has reviewed the application, and made a recommendation to the City Council concerning the proposed change to Chapter 12.6.6 of the Land Use Ordinance, and the City Council has found the proposed zoning amendments to be consistent with the City General Plan; and

WHEREAS the proposed text amendment set forth herein has been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Land Use Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH AS FOLLOWS:

Section 1. **Amendment of Chapter 12.6.6 of the Land Use Ordinance.** Chapter 12.6.6 of the Bluffdale City Land Use Ordinance is hereby amended as set forth in **Exhibit A**, attached hereto.

Section 2. **Severability.** If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable.

Section 3. **Effective Date.** This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 13th DAY OF MARCH, 2007.



BLUFFDALE CITY

ATTEST:

Jeddie K. Bree
Recorder

Matthew B...
Mayor 5-14-07

[SEAL]

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Briggs		
Councilmember Kelley		
Councilmember Lord		
Councilmember Maxwell		
Councilmember Speed		
	<u> x </u>	<u> x </u>

EXHIBIT A
CHAPTER 12.6.6

12.6.6 Planned Residential Developments (PRD)

- 12.6.6.1 Definition and Explanation
- 12.6.6.2 Application and Requirements
- 12.6.6.3 Relationship to other Ordinances

12.6.6.1 Definition and Explanation

A Planned Residential Development (PRD) is a development planned to achieve a coordinated, functional and unified development pattern. A PRD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the Design Guidelines and Standard Specifications are satisfied. Planned Residential Developments are allowed in all agricultural and residential zones of Bluffdale City.

A Planned Residential Development may be allowed at the discretion of the City Council following a recommendation of the Planning Commission in any agricultural or residential zone. An application for approval of a PRD is a request by the applicant for additional flexibility than that allowed by the underlying zoning. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of this Title and all other Sections of this Ordinance. It is the sole responsibility and burden of the applicant to convince the Planning Commission and City Council that the proposed alternative development layout is preferable to a traditional subdivision. Denial of a PRD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property in accordance with the underlying zoning requirements by satisfying all of the requirements of this Title and all other Sections of this Ordinance. The City Council need not provide detailed findings or reasons for denial of a PRD in light of their decision being clearly legislative and an assumption that denial of a PRD is in the best interest of the citizens of Bluffdale City as a whole.

The intention of this Section is to allow and encourage a flexible, efficient and imaginative development pattern. Planned Residential Developments can:

- Provide flexible development options where a standard lot pattern is not practical or desirable due to physical constraints.
- 2. Promote attractive architectural design, creative lot configuration, provide open

spaces, and ensure efficient delivery of services.

- 3. Promote usable public and private recreation areas, parks, trails and open space with assurance of maintenance.
- 4. Reduce development costs and ongoing maintenance costs.

12.6.6.2 Application and Requirements

An applicant may apply for approval of a Planned Residential Development in any A-5 or R-1-43 zone. The density of the project shall be determined by dividing the gross acreage of the PRD by the minimum lot size of the underlying zone in which the PRD will be located.

The requirements for a Planned Residential Development are supplementary to the other requirements of this Title and the Subdivision Ordinance. Therefore, an application for a Planned Residential Development will be reviewed and approved or denied in accordance with relevant Sections of the Subdivision ordinance, and relevant Sections of this Zoning ordinance (Title 12).

12.6.6.3 Relationship to other Ordinances

This Section is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Section, all requirements of this Title and any and all other development ordinances of Bluffdale City must be satisfied with the following exceptions:

The setback requirements may be waived for all structures within the Planned Residential Development except those that border the development.

- 2. The frontage requirements may be waived for all lots or parcels within the Planned Residential Development except those located directly across a public street from a development which meets the frontage requirements.
- 3. The minimum lot size may be permitted to be less than the minimum lot size of the underlying zone because the total density is based on the gross acreage of the property, but no lot is to be less than one-half (1/2) acre.