

ORDINANCE 19-02

AN ORDINANCE REPEALING AND REENACTING TITLE 19, CHAPTER 19.08 “PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE”, SECTION 19.08.080 “PERMITTED USES”, SECTION 19.08.090 “APPLICATION OF PRUD TO UNDERLYING ZONING DISTRICT” AND SECTION 19.08.130 “CONCEPTUAL PRUD PLAN APPROVAL AND PRUD OVERLAY” OF THE LAYTON MUNICIPAL CODE BY AMENDING DEVELOPMENT STANDARDS AND REGULATIONS FOR THE PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, Layton City recognizes the need to encourage development patterns that provide for the efficient utilization of land with open space that is in reasonable proportion to residential densities with possible place-appropriate amenities and services; and

WHEREAS, Layton City desires to encourage a range of housing options as well as the potential for place-appropriate amenities and services for the comfort and convenience of residents and to encourage a life-long stay in Layton; and

WHEREAS, it is the desire of the City to encourage development that integrates with, and provides convenient and safe access to city-wide trails and bike routes as identified in the Layton City General Plan and Parks, Recreation, Trails, Open Space and Cultural Facilities Master Plan; and

WHEREAS, one of the goals of Chapter 19.08 of the Layton Municipal Code, entitled Planned Residential Unit Development (PRUD) Overlay Zone, is to encourage imaginative and efficient uses of land by providing greater flexibility in the location of the buildings on the land, the dedication of open spaces, and the clustering of dwelling units; and

WHEREAS, it is the desire of the City to encourage open space in a PRUD that is more accessible and usable by residents and their guests for recreation, gathering and socializing, and to encourage active living through a more walkable development pattern; and

WHEREAS, the Planning Commission has reviewed the proposed ordinance and has recommended that the modified PRUD design standards and regulations for additional community design alternatives be approved; and

WHEREAS, the City Council has reviewed the Planning Commission’s recommendation and has received pertinent information in a public hearing regarding the proposal; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council has determined that these amendments are rationally based, reasonable, and consistent with the intent of the City’s General Plan, which is in furtherance of the general health, safety, and welfare of the citizenry.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. Title 19, Chapter 19.08 “Planned Residential Unit Development (PRUD) Overlay Zone”, Section 19.08.080 “Permitted Uses”, and Section 19.08.090 “Application of PRUD to Underlying Zoning District” shall be amended and enacted to read as follows:

19.08.080 Permitted Uses

1. Single and multiple family residential developments containing any type or mixture of housing units are permitted, including, but not limited to clustered development, townhouses, condominiums, atrium or patio houses, detached houses, duplexes, garden apartments, and high-rise apartments. In single and two-family zoning districts, dwelling units may be clustered in common-wall construction with a maximum of six (6) consecutively attached units. Such units may have no more than two (2) walls in common, with no residential units above other residential units. Mobile/manufactured homes, hotels, motels, boarding houses, or other similar transient residential facilities are not permitted.
2. Open space uses in a PRUD shall also include private recreational facilities, including, but not limited to playgrounds, exercise fitness stations, swimming pools, sports courts or fields, pavilions/picnicking areas, plazas, or mini amphitheaters for art-performing/business seminar gatherings for the exclusive use of the occupants of the PRUD and their guests, when approved as part of the final PRUD plan.
3. In addition to permitted residential and recreational uses, a PRUD may provide offices, professional services, and neighborhood-scale retail service uses in a planned environment. Where a PRUD proposes a mix of residential, offices, professional services and neighborhood-scale retail service uses, the Land Use Authority shall make the following findings as part of the approved preliminary PRUD plan:
 - a. The proposed PRUD will be compatible in form and scale with adjacent properties or to the general area in which it is located; and that it will be in harmony with the characteristics of the community and the existing development in the area; and
 - b. The proposed PRUD will provide for the efficient utilization of land and that the open space is in reasonable proportion to residential densities and the intensity of office, professional services and neighborhood-scale retail uses.
4. In considering non-residential land uses as part of a PRUD plan, the Land Use Authority shall address the following:
 - a. **Size of Project.** The proposed PRUD must include a minimum of fifty (50) residential units in order for the Land Use Authority to consider office, professional service, and neighborhood-scale retail uses that are accessed primarily by a local street as part of the PRUD plan. Office, professional services and neighborhood-scale retail uses that are primarily accessed by a collector or arterial street do not require a minimum number of residential units in the proposed PRUD, however such non-residential uses shall not occupy more than ten percent (10%) of the PRUD project site.
 - b. **Architecture.** The proposed non-residential structures shall be complementary to the surrounding neighborhood and historic architecture in terms of scale, massing, roof shape, and exterior materials by adhering to the requirements of this Chapter and other applicable design standards and guidelines as adopted by the Land Use Authority.
 - c. **Signage.** Signage for non-residential buildings shall be part of a coordinated signage theme for the entire PRUD project. Signage should help unify the project and provide a positive image. Signs shall incorporate natural materials such as wood, stone, rock, and metal with external illumination. The size and location of signage shall conform to the requirements and guidelines for monument signage from Sections 20.04.100 and 20.04.110 of the Layton Municipal Code.
 - d. **Land Use Transitions.** A minimum twenty foot (20') building setback shall apply between existing off-site single family residential uses in R-1 zones and proposed non-residential or mixed-use buildings.

- e. **Offices, Professional Services and Neighborhood-Scale Retail.** Neighborhood commercial uses shall be limited to building footprint(s) of not more than six thousand (6,000) square feet and may be used in combination with retail limited to the ground floor, and a mix of other uses above the first story. The building(s) shall front the street with a minimum setback of seven feet (7'), and a maximum setback of twelve feet (12'). At least fifty percent (50%) of the lineal frontage of the ground floor of a building with street frontage shall incorporate windows, doors, or display windows. The ground floor shall have a minimum ceiling height of ten feet (10'). All off-street parking shall be located to the rear or side of the building(s), with no parking allowed between the building(s) and any street frontage. The Land Use Authority may reduce on-site parking up to fifty percent (50%) based on review of proposed building uses, and total building square footage devoted to office, professional services, or neighborhood-scale retail and based upon accepted professional standards. The Land Use Authority may also require a shared parking analysis performed by a licensed traffic engineer.

19.08.090 Application Of PRUD To Underlying Zoning District

- 1. Upon combining the PRUD overlay zone with an appropriate existing zoning district, variations from the development standards of the underlying zone may be permitted and approved by the Land Use Authority. Variations, however, shall not include changes in the uses allowed by the zoning district with which the PRUD zone has been combined, except as permitted by 19.08.080.
- 2. In order to be considered for approval, a PRUD shall include the following minimum acreage:

Underlying Zone	Minimum PRUD Area (Acres)
R-1-6	3 acres
R-1-8	3.5 acres
R-1-10	4 acres
R-S	5 acres

The Land Use Authority may consider a PRUD proposal with less acreage than these minimums, only if it can be demonstrated that a minimum contiguous area of 0.30 acres of open space can be provided to meet the recreational use and integrated storm water standards of this ordinance.

- 3. The Land Use Authority may, in the process of approving preliminary PRUD plats, approve variations from the minimum standards of the underlying zone where there is sufficient evidence that the variations will not adversely affect neighboring property and that the designation standards of Section 19.08.100 are met.
- 4. The following development spacing requirements shall apply to residential structures within the PRUD:
 - a. The minimum front yard setback along a street shall be twelve feet (12');
 - b. The minimum corner lot side yard setback shall be eight feet (8') along a local street, and twelve feet (12') along a collector or arterial street;
 - c. The minimum rear yard setback for single family residential lots or pads with front-accessed garages from the street shall be twenty-five feet (25');
 - d. The minimum side to side separation between residential structures shall be ten feet (10');
 - e. The minimum side to front, side to rear, and rear to rear separation between residential structures shall be twenty feet (20'), with a five foot (5') maximum porch encroachment allowed into the side to front separation;

- f. The minimum front to front separation between residential structures shall be forty feet (40') with a five foot (5') maximum porch encroachment allowed into the separation;
 - g. The minimum lot width, or spacing to the center of building pad sites for single family detached homes with a front-accessed garage from a street shall be fifty feet (50'), with a minimum garage setback of twenty feet (20') from the front property line or back of curb on a private street. Narrower lots, or spacing of building pad sites requires alleys (rear lane drives) or shared side drives to provide primary vehicle access to garages and parking spaces located at the rear of buildings and lots to minimize driveway curb cuts and sidewalk/pathway crossings along street frontages. The front of the garage shall not extend beyond the front of the home structure, porch, stoop or similar feature; and
 - h. All development shall comply with other applicable design guidelines and standards as adopted by the Land Use Authority.
5. **Building Height.** Single family residential and attached-unit buildings shall be limited to two (2) stories or thirty feet (30'), except when adjacent to non-residential uses, or areas where the General Plan may designate a "Town Center", "Transitional Residential", "Mixed-Use", or "Mixed-Use Corridor" or along "Arterial Street", or "Collector Street" frontages where the height may be three (3) stories or thirty-five feet (35').
6. **Alley.** To provide vehicular access to any rear-loaded garage, a standard alley shall be provided at the rear of lots or structures when buildings along all block faces front a public or private street. A fire lane alley shall be provided at the rear of lots or structures when buildings along one or more block faces do not front a public or private street.
7. **Parking, Alley and Private Drive Landscape Buffer.** A minimum six foot (6') landscape strip shall be planted between parking lot areas, alleys or private drives that are adjacent to R-1 zones with single family residential uses to buffer vehicle circulation and parking from neighboring properties. Planting of landscape strips shall comply with applicable standards. Driveway approaches serving adjacent residential uses from a parking area, alley, or private drive may cross the landscape strip.
- Where parking lots are proposed, a landscape planting island shall be provided between every ten (10) parking stalls. Landscape planting islands shall be at least six feet (6') wide, and shall be the same length as the adjacent parking space(s). Landscape planting islands shall be planted with horticultural plantings to achieve at least 50 percent coverage at maturity and one (1) tree for each single bay of parking stalls.
8. **Access.** Adequate vehicular and pedestrian access shall be provided. The minimum lot width for a garage to access the street from the front of a residential building is fifty feet (50').
9. **Traffic Study.** If required by the City Engineer, a traffic impact study shall be submitted as part of the preliminary PRUD plan, in order to determine auto and truck traffic generated by the proposed uses. The traffic impact study shall be prepared by a licensed Utah traffic engineer. The traffic study shall include an analysis of on-site circulation, capacities of existing streets, number of additional trips which will be generated, origin/destination studies, peak traffic generation movements and any additional infrastructure identified in the study.
10. **Materials.** New buildings shall be compatible with the construction materials of surrounding and historic buildings by meeting the design requirements in this chapter and by complying with other applicable design standards and guidelines as adopted by the Land Use Authority.
11. **Lighting.** Outdoor lighting shall be screened by shields or hoods to prevent glare onto adjacent properties. Lighting intensity will be reduced by utilizing a higher number of small light poles between twelve and eighteen feet (12' - 18'). Lighting should be used in smaller pedestrian spaces for safety and visibility. In addition to these guidelines, plans and specifications for all exterior lighting installed adjacent to residential areas shall be submitted for approval as outlined in Section 19.06.010 of the Layton Municipal Code.

12. **Front Entrance Feature.** All residential units shall have an open-air front porch, stoop or other front entrance feature. Front entrance feature dimensions shall be, or shall include a portion with a minimum depth and width of seven feet (7'). These front entrance features may encroach no more than five (5') feet into the front yard setback. Residential units shall comply with other applicable design standards and guidelines as adopted by the Land Use Authority.
13. **Minimum Detached Single Family Dwellings and Maximum Attached Units.** In the R-1-6, R-1-8, R-1-10 and RS zone districts, at least seventy percent (70%) of the dwelling units shall be detached, single family structures. Up to thirty percent (30%) of the total dwelling units may be attached wall townhouses, duplexes or similar common-wall housing construction that is integrated throughout the development.
- Attached wall townhouses, duplexes or similar common-wall housing shall comply with Section 19.24.080 Condominium/Townhouse Design Standards.
 - Only detached single family homes may be built next to off-site, existing detached single family structures, except where townhouses, duplexes or similar common-wall housing construction is proposed to front arterial streets, or adjacent to or within areas designated by the General Plan as "Town Center," "Mixed-Use Corridor" or "Transitional Residential."
14. **Base Density.** The base density of a PRUD shall be based on the density of the underlying zoning district. If the PRUD is located in more than one (1) residential zoning district, the total number of units for the PRUD is calculated by adding up the number of units allowed by each zoning district, with the applicable density bonus. However, the dwelling units may be placed without regard to zoning district boundaries.
15. **Density Bonus Table.** The base residential density and the maximum forty percent (40%) density bonus shall be based on the following:

Zoning District	Base Density	Potential Density With 40% Bonus
A	1 unit per acre	1.4 units per acre
R-S	2.5 units per acre	3.5 units per acre
R-1-10	3.5 units per acre	4.9 units per acre
R-1-8	4 units per acre	5.6 units per acre
R-1-6	5.5 units per acre	7.7 units per acre

16. **Minimum Base Open Space.** PRUDs shall provide a minimum open space area for use-in-common of residents and/or occupants of such development. The open space provided shall be integrated into the PRUD project and accessible to all residents of the PRUD community via pedestrian pathway system that is connected to and inclusive of the street sidewalks. The base open space requirement for each residential zoning district shall apply to the proposed PRUD site as follows:

Zoning District	Base Open Space
A	Sixty percent (60%)*
R-S	Twelve percent (12%) *
R-1-10, R-1-8 & R-1-6	Twelve percent (12%) *
Neighborhood Ag Heritage Overlay	An additional minimum of eight percent (8%)* Unless waived by TDR (see 17.a. and 18)

* Calculated based on gross site area (includes any area(s) proposed for future public right-of-way).

17. **Density Bonus and Incentives.** The inclusion of certain amenities or design options may result in an allowed increase in density, referred to as a density bonus. The total density bonus shall not exceed forty percent (40%). The Land Use Authority may grant a density bonus upon inclusion and acceptance of additional design options from the following categories, as set forth below:

Open Space (Minimum Base Requirement)	Fifteen percent (15%) bonus
Recreation and Site Amenities	Maximum ten percent (10%) bonus
Enclosed Parking	Maximum ten percent (10%) bonus
Exterior Building Materials	Maximum ten percent (10%) bonus
Fencing	Maximum five percent (5%) bonus
Streetscape enhancements	Maximum ten percent (10%) bonus

a. **Minimum Base Open Space Requirement:** The minimum base open space requirement in the R-S, R-1-10, R-1-8 and R-1-6 single family residential zoning districts is twelve percent (12%) provided that the minimum open space area does not include sensitive lands and slopes over ten percent (10%). The purpose of this open space is to provide for recreational activity and integrated storm water quality and/or detention throughout the development.

Where the General Plan Map may designate “Neighborhood Ag Heritage Overlay” areas, R-1-10 zoning districts shall be proposed with an additional minimum of eight percent (8%) of open space for neighborhood farm plots to grow fruits, vegetables, herbs or other useful crops (as allowed in the Agriculture (A) zoning district) within the development, or to be used as an additional recreational amenity space. Additional housing units may be built on this additional open space area only if additional development rights are purchased to be built in accordance with section (18).

- i. In the R-S, R-1-10, R-1-8 and R-1-6 zones, the following sensitive land features shall be required as open space in addition to the minimum base open space requirement:
 - 1. Area with natural features worthy of preservation, which are not buildable, such as canyons or slopes, ridge lines, wetlands, stream or creek corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas; and
 - 2. Utility corridors shall only be counted towards the base open space requirement if improved as an accessible amenity to the project or the community as a whole.
- ii. Open space may include land proposed for agricultural lands preservation and continued agricultural use in the A, R-S and R-1-10 zoning districts. These preserved agricultural lands shall not be stripped of topsoil, and adequate irrigation and water rights shall be preserved for the maintenance of these lands.
- iii. Open space areas shall not include areas that are occupied by buildings, lots, structures, parking areas or streets. Additionally, required open space shall not include:
 - 1. Area between buildings and outside of platted lots and building pads unless part of the approved pedestrian circulation plan and at least eighteen feet (18') in width;
 - 2. Front, rear, and side yard setbacks; and
 - 3. Paved areas such as driveways, streets, and private sidewalks.

- iv. At least one recreational open space area shall be accessible to all residents and provided within nine hundred feet (900') measured along a walking route from each residential unit.
 - 1. The open space network shall include an area large enough to encourage gathering for social and recreational activity for residents of the development and their guests, with at least one (1) edge fronting a public or private street.
 - 2. A pathway system shall be established to encourage pedestrian or cycling access to community open space areas, including on-site amenities and nearby off-site parks and trails. The pathway system shall connect along or through open space areas, and shall connect to sidewalks. The minimum width of a pathway shall be five feet (5').
 - 3. Stormwater detention may be provided in combination with open space areas if pedestrian access is provided from two (2) edges of an open space area that does not exceed a 5:1 (20%) slope ratio. The sloped access into the detention area shall be at least twenty feet (20') wide along such edges.
 - a. At least half of the open space areas used for detention shall provide a usable recreation area of thirty feet (30') between the bottom of slopes.
 - b. Based on findings of the geo-technical study of water table depth and soil type, a perforated perimeter drain may be required to promote dewatering and to prevent saturation of the detention basin area for recreational use.
- v. Programmed open space amenities such as playground equipment, exercise equipment, sport court(s), picnic/seating areas and/or covered pavilion(s) shall be provided with a variety of options to serve all ages and abilities, and to be accessible to the residents and their guests. The applicant shall provide an estimate of the number of residents and guests to use open space amenities, and how the proposed facilities are appropriately sized.

b. **Provision of Recreation and Site Amenities:** All areas of a developed site not occupied by buildings, required parking, driveways, walkways, or service areas shall be landscaped according to an approved landscaping plan. These areas may also incorporate hardscape for patios, plazas, and courtyards.

- i. The base open space area shall be planted with a minimum of two inch (2") caliper trees and six foot (6') evergreen trees based on the following formula where T = the total number of required trees (rounded to the nearest tenth decimal) and A = the total combined recreational open space and landscape area in square feet:

$$T = \frac{A}{(0.008 * A) + 880}$$

Example: (T) 15 Trees = (A) 15,000 s.f. ÷ ((0.008 x (A) 15,000 s.f.) + 880)

- ii. In addition to the trees planted within the base open space area, one deciduous canopy tree with a minimum caliper of two inches (2") is required for every thirty-feet (30') along the following linear landscape features in accordance with Layton Municipal Code 19.16.075, Table 16-4 – Permitted Trees Within Park Strips:

- 1. Landscape buffers between parking/drive areas and adjacent development;
- 2. Park Strips between the street sidewalk and back of curb. Street trees shall be planted no closer than twenty feet (20') to light standards;

Tree species should vary along linear landscape features to create a unique street identity, to provide visual variety, and to promote the health of the City's urban forestry; and

Spacing of the trees may vary; the maximum spacing is forty feet (40'). In the event that any of the trees or shrubs die or do not adequately grow, they shall be promptly replaced; and

Trees shall be designed, specified and planted with sufficient spacing from buildings to prevent negative impact from tree branches at mature growth; and

Landscape planting bed areas shall contain plant materials that cover at least eighty percent (80%) of the landscape surface at mature growth.

All residential buildings shall provide planting beds with shrubs and plant materials along the front of the building. In yards with a front setback of less than twenty feet (20'), planting beds shall be included in all street-fronting setback areas with at least 20 percent (20%) ground coverage of plant materials between the building and the right-of-way (or common open space areas) to create visual interest, add variety and to provide a buffer or separation between common / public areas and private yard areas. Landscape planting bed areas shall contain plant materials that cover at least eighty percent (80%) of the landscape surface at mature growth. Where fences abut a street or sidewalk a minimum landscape area of at least eighteen inches (18") shall be provided between the fence and street or sidewalk. Landscaping in this area shall consist of shrubs and other plantings.

- c. **Recreation and Site Amenities – Density Bonus:** A five percent (5%) density bonus may be awarded for the provision of major recreation facilities and site amenities such as swimming pools, tennis courts, playgrounds, or similar facilities. Up to a ten (10%) percent density bonus may be awarded for dedication of property for a park or recreational facility identified on the Parks Master Plan.
- d. **Enclosed Parking:** A five percent (5%) density bonus may be awarded for providing an enclosed 2-car garage for at least seventy-five percent (75%) of the residential building units. Up to a 10 percent (10%) density bonus may be awarded for providing all residential building units with an enclosed 2-car garage.
- e. **Exterior Building Materials:** The applicant shall provide a material and color board for review and recommendation by the Design Review Committee (DRC). Twenty percent (20%) of all street-facing sides of primary and accessory buildings shall be finished with masonry. For the purposes of this section, masonry shall include brick stone or cementitious siding but shall not include stucco or similar products. Calculation of minimum percentage shall not include entry feature columns.
 - i. **Exterior Building Materials – Density Bonus:** An increase of masonry materials (applied to street-facing building sides) from twenty percent (20%) to fifty percent (50%) may receive a five percent (5%) density bonus, and an increase to seventy-five percent (75%) may receive a ten percent (10%) density bonus.
 - ii. **Application of Exterior Brick or Rock Materials:** To achieve the appearance of masonry as a structural component of the architecture, exterior masonry materials shall extend beyond any exterior wall corner by a depth of at least eighteen inches (18") onto the adjoining (perpendicular) wall elevation. This requirement shall also apply to non-masonry exterior materials, such that transitions of materials do not occur at building corners. The uniform application of buildings materials at corners shall extend vertically up to the roof eaves.
- f. **Fencing Materials:** Perimeter fencing around the proposed PRUD development shall be required, except along boundaries where buildings are proposed to front onto streets. All perimeter fencing shall be uniform in design. Solid white vinyl fencing shall be prohibited.

- i. **Fencing Materials – Density Bonus:** A density bonus of up to five percent (5%) may be granted for the use of upgraded fencing materials such as architecturally designed brick or masonry, vinyl with wood texture in color and appearance, vinyl with brick or stone columns, composite, and open fencing such as vinyl rail or wrought iron used in conjunction with landscaping, or comparable materials (as approved by the Land Use Authority).
- g. **Streetscape Enhancements:** Street trees shall be provided in all PRUD's. In addition, street lights and/or pedestrian lighting shall be provided per City standards to illuminate streets and pathways.
 - i. **Streetscape Enhancements – Density Bonus:** Aesthetic improvements to common landscape areas fronting a street, including pavings, street furniture, landscaping, trees, and supplement safety or artistic lighting that is above the City street lighting standard.
 - a. In supplement to the City's standard street cross-section, this landscaping enhancement may be provided at a minimum width of five feet (5') between the sidewalk and the front or side lot property line.
 - b. Continuous linear landscaping along a street shall be divided from platted residential lots and building pads and side yards by fencing, with at least one (1) entrance gate per front building entrance.

18. Off-site Farmland Preservation through Transferable Development Rights.

Where the General Plan may designate "Neighborhood with Agriculture" areas, the total development density may be increased through the acquisition of transferable development rights from other property owners within the same "Neighborhood Ag Heritage Overlay" General Plan designated area. Development transfers may occur through a simultaneous approval of two (2) or more non-adjacent parcels, or in accordance with a Transferrable Development Right (TDR) certificate exchange process approved by the City Council. Approved transfer of development rights may waive the portion of base open space not required for the minimum base open space area listed in 16., and may allow for an increase above the maximum density bonus of 4.9 units per acre to a maximum of 5.6 units per acre within the R-1-10 zoning district as outlined in (17.a.).

19. The following criteria are required to be met when granting a density bonus for additional open space:
- a. The open space, including agricultural areas, shall be held in common via public ownership or by a homeowner's association with a permanent open space easement;
 - b. The open space shall be large enough for the use of all residents of the project and their guests, or the general public. Such spaces shall include improvements such as playgrounds, pathways, pavilions, play courts, ball fields, as well as informal spaces which encourage the use and enjoyment of the open space. Such areas may include lands, which are buildable, such as prominent ridgelines, views and vistas, and areas of significant native vegetation; or
 - c. Improved and accessible agricultural lands such as equestrian facilities, stables, etc. for the use of area residents.

The specific amenities shall be identified with the Concept Plan at the time of rezone application as the standard for preliminary and final plat landscape plan submittals. Amenities and other improvements shall be described in a development agreement for the site, or based on the approval of public meeting minutes showing the proposed amenities.

20. The Land Use Authority shall require the preservation, maintenance, and ownership of all open space through one, or a combination of the following:
- a. Dedication of the land as a public park or parkway system;

- b. Dedication of the land as permanent open space on the recorded plat;
- c. Granting the City a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowner's association.

Following the approval of the Final Subdivision Plat, and prior to the bond release, a homeowners association or community association shall be formed by the recordation and declarations providing for the collection of fees to maintain the common area(s). The association shall establish Codes, Covenants and Restrictions (CC&R's) with the City as a majority voting member. The CC&R's shall include a no-sunset clause for the permanent obligation to irrigate and maintain the common area(s); or

- d. Through compliance with the provisions of the Condominium Ownership Act and the Community Association Act as outlined in Title 57 of the Utah Code (as amended), which provides for the payment of common expenses for the upkeep of common areas and facilities;

In the event the common open space and other facilities are not maintained in a manner consistent with the approved final PRUD plan, the City may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.

- 21. Any property reserved as open space and included in support of a density bonus, shall not be considered as an offset, credit, or contribution towards any applicable impact fee, regardless of whether the property is used as a park, detention basin, etc.
- 22. Following final plat PRUD approval, any substantial changes in use, or arrangement of lots, blocks, and building tracts, or any changes in the provision or type of common open spaces must be resubmitted for final plat review and approval by the Land Use Authority.

19.08.130 Conceptual PRUD Plan Approval And PRUD Overlay

- 1. Conceptual PRUD plan review examines the PRUD concept plan with respect to such items as density, including the number, type, and location of dwelling units; parking and circulation; adequacy of services; and the impact of the proposed PRUD on surrounding areas.
- 2. Concurrent with any request to rezone property to the PRUD overlay zone, a conceptual PRUD plan shall be submitted to, and reviewed by, the Land Use Authority as defined in Section 18.01.070. The Land Use Authority shall review the rezone and conceptual PRUD plan in accordance with Section 19.17.030 of this Code. The Land use Authority shall hold a public hearing to review the proposed rezone and conceptual PRUD plan request in accordance with Section 19.17.040 of this Title.
- 3. Conceptual approval and PRUD overlay zoning will only be granted when there is a reasonable certainty that the PRUD will fulfill the requirements of the General Plan, City Code, and the City Development Guidelines and Design Standards.
- 4. The conceptual plan shall be reviewed by the Land Use Authority and considered for approval as outlined above, and shall contain the following information:
 - a. A legal description;
 - b. Lot configurations, lot area, lot slope, and buildable area if applicable;
 - c. Concept landscape plan with proposed open space amenities;
 - d. Concept building type elevations or perspectives;
 - e. Contour lines;
 - f. Street configuration, centerline slope, and cross section;
 - g. Location of all cuts and fills;
 - h. Existing utilities; and

- i. Proposed storm drain, water, and sewer systems.
5. Approval of a conceptual PRUD plan shall require the following findings:
- a. That the proposed development is consistent with the density standards of the General Plan;
 - b. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the provisions of the underlying residential zoning district;
 - c. That the proposed development creates no detriment to adjacent properties nor to the general area in which it is located; and that it will be in substantial harmony with the character of existing development in the area;
 - d. That the PRUD project will provide more efficient use of the land and more usable open space than a conventional development permitted by the underlying zoning district;
 - e. That any variations allowed from the development standards of the underlying zoning district will not create increased hazards to the health, safety, or general welfare of the residents of the proposed PRUD or adjacent areas; and
 - f. That the application of a density bonus of up to fifty percent (50%) will be compensated by better site design and by increased amenities.

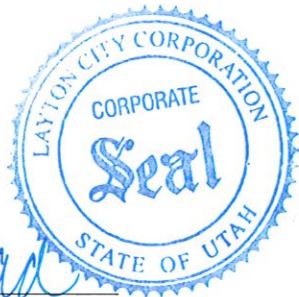
SECTION III: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.


SECTION IV: **Effective Date.** This ordinance shall become effective immediately upon publication or posting.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 7th day of November, 2019.

ATTEST:


KIMBERLY S READ, City Recorder




SCOTT FREITAG, Mayor

SCANNED
DEC 13 2019