

ORDINANCE NO. 2013-05

AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE NORTH SALT LAKE CITY LAND USE ORDINANCE ESTABLISHING A NEW ZONING DISTRICT ENTITLED THE PLANNED AREA ZONING DISTRICT OR PAZ DISTRICT.

WHEREAS, North Salt Lake City is an incorporated city in Davis County Utah; and

WHEREAS, the City Council of North Salt Lake City has determined that certain amendments to the Land Use Ordinance should be made; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendments on March 12, 2013; and,

WHEREAS, City Council of North Salt Lake City finds that it is in the public interest that the North Salt Lake City Land Use Ordinance be amended at this time in order to meet the City's objectives of allowing large planned development projects within a ½ mile radius of the intersection of Center Street and Redwood Road.

NOW THEREFORE BE IT ORDAINED by the Governing Body of North Salt Lake City as follows:

1. The provisions contained in Exhibit "A" attached hereto are adopted and approved as amendments to the City's Land Use Ordinance.
2. This ordinance shall take effect immediately upon passage.

Passed and dated this 19th day of March 2013.



Mayor

Attest:



Recorder

Exhibit A

Chapter 9 ZONING DISTRICTS ESTABLISHED

Chapter 22 of this title:

Planned Area Zoning District (PAZD)

Chapter 22 PLANNED AREA ZONING DISTRICT

10-22-1: PURPOSE

10-22-2: PERMITTED LAND USES AND ZONING PROVISIONS

10-22-3: SUPPLEMENTAL REGULATIONS FOR PLANNED AREA DEVELOPMENTS

10-22-4: APPLICATION REQUIRED

10-22-5: APPROVAL PROCESS

10-22-1: PURPOSE

A. The purpose of the Planned Area Zoning District is to provide land use and zoning provisions for locations which have regional significance due to their close proximity to major transportation facilities near Interstate 215, Redwood Road, and Center Street. These provisions allow for variety of mixed land uses of varying intensities and densities that benefit from easy access to the interstate transportation system in the western areas of the City. This zone is intended to only be applied to properties within approximately ½ mile of the intersection of Redwood Road and Center Street. Areas zoned Planned Area may include high density residential land uses, retail and office uses as permitted in this chapter. These land uses should be of such intensity as to become living, employment and entertainment destinations for the population centers that are located along the Redwood Road corridor in both Salt Lake and Davis Counties. Approval of a master development plan within this zone is intended to include approval of land use entitlements in exchange for exceptional quality in architecture, urban design and the features and amenities which result in high quality development standards.

10-22-2: PERMITTED LAND USES AND ZONING PROVISIONS

A. Permitted land uses within the Planned Area zoning district may only be established by the adoption of a master development plan and accompanying master development agreement, together with adoption of an ordinance by the City Council to rezone the subject parcels to the Planned Area zoning district. The adoption of the master development plan and master development agreement is a negotiated entitlement between property owner(s) or developers and the City that will govern the development of specific parcels that are the subject of the plan and agreement. The required master development plan and master development

agreement shall include, at a minimum, a general list of land uses permitted and prohibited within the Planned Area Zone. In addition to the supplementary land use regulations contained in this chapter, all master development plans and master development agreements shall also contain minimum land development regulations that address traditional zoning provisions including, but not limited to, the following:

1. Minimum lot sizes, depths, widths and frontages on public or private streets.
 - a. Depth and width of single-family detached residential lots shall be flexible, based on the nature and dimensions of the single family detached housing proposed. No minimum lot sizes, depths or widths shall apply to multifamily residential or non-residential uses.
 - b. Frontage on public or private streets shall be a minimum of 40 feet for single-family detached housing. No minimum street frontages shall apply to multifamily residential or non-residential uses.
2. Building setbacks, minimum or maximum floor area ratios, building heights, minimum building separation, lot coverage, if necessary.
 - a. Building setbacks shall be a minimum of 10 feet from any public streets.
 - b. Minimum non-residential floor area ratios are specified in Section 10-22-3A hereof. There are no maximum floor area ratios for non-residential uses, and no minimum or maximum floor area ratios for residential uses.
 - c. There are no minimum or maximum building heights in this zone.
 - d. Building separation for single family detached residential uses shall be a minimum of eight feet. No minimum or maximum building separation requirements shall apply to multifamily residential or non-residential uses. Notwithstanding these minimum requirements, no building separation shall be allowed that violates the adopted Uniform Building Code or other building code adopted and in force in North Salt Lake at the time of building permitting.
 - e. Lot coverage minimums and maximums shall not apply to this zone.
3. Fencing and wall height standards, berming or other improvements required to provide separation and protection against incompatible land uses or activities.
 - a. Fencing and wall heights shall be a maximum of 8 feet.
 - b. Berming shall be permitted in any areas of the zone and for any development uses, at the discretion of the developer.
 - c. No other minimum or maximum requirements shall apply.
4. Minimum landscaping standards that apply to various land use types.
 - a. Landscaping/open space for any single family detached residential uses in the zone shall be a minimum of 15%.
 - b. Landscaping/open space for any multifamily residential uses in the zone shall be a minimum of 15%.
 - c. Landscaping minimum requirements in the non-residential areas of the zone shall be as set forth in Section 10-22-3A hereof.
 - d. Any trees planted in connection with landscaping shall be at least 2-inch caliper trees.

- e. Any lawn planted as part of the landscaping shall be watered by an installed irrigations system.
5. Minimum architectural design standards and guidelines shall be as set forth in the Master Development Plan Agreement, and Section 10-22-3 of this zone text to the extent not inconsistent with the Master Development Plan Agreement.
6. Minimum parking requirements by various land use type.
The minimum parking requirements for each use within this zone shall be as set forth in the Master Development Plan Agreement, but the minimum shall be 2 parking stalls per unit for residential uses and 3 stalls per 1000 feet of developed commercial space for non-residential uses.

10-22-3: SUPPLEMENTAL REGULATIONS FOR DEVELOPMENTS IN THE PLANNED AREA ZONE

A. Development Standards for Non-Residential Uses within the Planned Area Zone. Non-residential development within this zone shall comply with the following development standards:

- 1) There shall be a maximum Floor Area Ratio (FAR – ratio of total building area to overall site area) of 1.5.
- 2) For all buildings with ground floors facing a street, whether public or private, the exterior wall facing the street shall be made up of not less than 35% transparent materials which may include windows, doors and display areas. This requirement does not apply to big box retail which is defined as any shopping center over 30,000 square feet in size.
- 3) All development shall include an architectural theme or plan which insures both compatibility between buildings and a high standard of quality in both design and materials. Such standards must include, at a minimum, the following:
 - a. Themed or uniform lighting, landscaping and fencing (walls).
 - b. Screening of undesirable views such as dumpster locations, delivery bays, large walls and loading areas.
 - c. Themed signage.
 - d. Awnings and other features within pedestrian walkways.
- 4) There shall generally be pedestrian walkways, sidewalks or paths not less than eight (8) feet in width, adjacent to buildings.
- 5) Except for big box format buildings, parking shall be located to the side or rear of buildings and not between the building's front façade and the closest public or private street.
- 6) Design and landscaping standards for parking areas:
 - a. Parking lots larger than 75,000 square feet shall provide raised or delineated pedestrian walkways. Walkways shall be a minimum of ten (10) feet wide and shall be placed through the center of the parking area and extend to the entrance of the building. Landscaped islands along the center walkway shall be placed at a minimum interval of every thirty (30) feet. Covered walkways

may be substituted for walkways with landscaped islands. Where the developer desires to have a driveway access at the center of the parking area, a pedestrian access shall be placed on either side of the driveway and shall meet the same standards as a center aisle walkway.

- b. Islands on Doubled Rows of Parking. On doubled rows of parking stalls, there shall be one (1) thirty-six (36) foot by nine (9) foot landscaped island on each end of the parking rows, plus one (1) thirty-six (36) foot by nine (9) foot landscaped island to be placed at minimum of every twenty (20) parking stalls. Each island on doubled parking rows shall include a minimum of two (2) trees per island.
 - c. Islands on Single Rows of Parking. On single rows of parking or where parking abuts a sidewalk, there shall be one (1) eighteen (18) foot by nine (9) foot landscaped island a minimum of every twenty (20) stalls. Islands on a single parking row shall have a minimum of one (1) tree.
 - d. Landscaped islands at the ends of parking rows shall be placed and shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a minimum of forty (40) parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site via drive aisles.
 - e. Perimeter Landscaping Strips. A landscaped screen, berm or fence may be required by the Planning Commission or City Council around the perimeter of the parking area to mitigate intrusion of lighting from headlights and other potential negative impacts to surrounding property. All perimeter landscaping strips shall be a minimum of eight (8) feet in width.
- 7) Where development is proposed adjacent to residential property or property planned for residential land uses, buffering methods shall be included. Such methods include, but are not limited to, solid walls, berms, landscaping, directed lighting, flexible hours of operation or other techniques that have the effect of maintaining a nuisance-free separation of land uses.
 - 8) All developments adjacent to Redwood Road shall be required to follow the City's landscaping cross-section for developments on Redwood Road, including berms, street trees, and a meandering walking path.

B. Development Standards for Residential Uses within the Planned Area Zone. Residential development within this zone shall comply with the following development standards:

- 1) Residential densities shall be developed at a maximum density of twenty-eight (28) units to the acre.
- 2) A minimum of 15% landscaping shall apply to all residential developments.
- 3) Developments may contain a combination of unit types (condos, townhomes, apartments, single family).
- 4) Developments shall include amenities that are commonly found in high quality rental communities including, at a minimum, a clubhouse/recreation facility, swimming pool facility, a formal pathway/trail system that provides convenient and logical connections both within the project and to regional trail systems adjacent to or near

the development, outdoor recreation such as play areas and equipment and substantial landscaping of trees, shrubs, flower beds, entry features, etc.

- 5) Multifamily developments shall include high quality architectural features and use durable exterior materials such as brick, stone, stucco, cement-based siding, natural wood timbers and contain other accents and features that are customarily associated with high quality architecture. Other residential developments may also be required to provide these amenities.
 - 6) Residential development shall comply with the provisions of Chapter 10-6, Off-Street Parking Requirements.
 - 7) No residential development shall be located within 800' of Redwood Road.
 - 8) No residential developments have driveway access directly on Redwood Road.
 - 9) Residential development shall only be allowed in areas located west of Redwood Road.
 - 10) All residential developments that are adjacent to Redwood Road shall be required to have a solid fence or wall at least six (6) feet in height fronting on Redwood Road that is a minimum of twenty four (24) feet from the public right-of-way to provide privacy for residents of the residential units.
 - 11) All residential developments that are adjacent to Redwood Road shall be required to follow the City's landscaping cross-section for developments on Redwood Road, including berms, street trees, and a meandering walking path.
 - 12) Where residential development is proposed adjacent to non-residential property or property that is planned for non-residential land uses, buffering methods shall be included. Such methods include, but are not limited to, solid walls, berms, landscaping, directed lighting, flexible hours of operation or other techniques that have the effect of maintaining a nuisance-free separation of land uses.
- C. Owner is entitled to have his undeveloped property within the Planned Area Zone included in greenbelt classification for property tax purposes until it is developed. Pre-existing uses in the Planned Area Zone area are grandfathered and permitted until replaced by new development consistent with the Planned Area Zone.

10-22-4: APPLICATION REQUIRED

- A. It is anticipated that all residential and non-residential development within this district will be approved through the use of a comprehensive master planning process. This process includes the submittal and approval of an application to rezone property to the Planned Area Zone. Such applications in this chapter must be accompanied by an application for approval of a master development plan and an accompanying master development agreement. The purpose of this requirement is to prevent a piecemeal development approach that avoids evaluating impacts on adjacent properties and the establishment of optimal public services such as public utilities and adequate traffic circulation. In addition, development proposals shall include a review of impacts on applicable city general plans and policies, access management (driveways and access points), affected arterial roadways and pedestrian connections such as trails, walkways, plazas and open spaces.

B. Master Development Plan Submittal. Proposals for master development plans required by this chapter should be submitted on forms provided by the City. In addition, no development applications for subdivisions, site plans, conditional uses or any other development activity within the Planned Area district shall be accepted by the City unless a previously-approved master development plan and its accompanying master development agreement are in place for the property that is the subject of such application. The master development plan submittal should contain the following information:

- 1) A complete master development plan application that is duly signed by the property owner or the owner's representative and that includes a legal description of the property and a non-refundable application fee.
- 2) A vicinity map showing the approximate location of the subject parcel with relation to the other major areas of the City.
- 3) General description of the proposed development together with a map indicating the general development pattern, land uses, densities, intensities, open spaces, parks and recreation, and how the project is coordinating with existing and planned trails, sidewalks and pedestrian walkways and any other important elements within or adjacent to the project.
- 4) Sufficient detail to indicate how the proposed development complies with the development standards for residential and non-residential uses within the Planned Area district.
- 5) A description of architectural design standards that will apply to all buildings within the master development plan.
- 6) Data table including total number of lots/units, floor area ratio (FAR) calculations (for commercial space only), square footage of proposed buildings by floor, number of proposed garage parking spaces, if any, number of proposed surface parking spaces, percentage of buildable land, percentage of open space or landscaping and net density of dwelling units by acre.
- 7) Existing and proposed infrastructure including proposed roadways, utility locations and capacities and the estimated impacts of the proposed master development plan on all public utilities including culinary water, secondary water, wastewater, transportation, storm drainage, fire protection, solid waste, parks and recreation demands of the proposed project.
- 8) Existing physical characteristics of the site including waterways, geological information, fault lines, general soils data, contour data (2 foot intervals).
- 9) Identify how environmental issues, if any, will be protected or mitigated, i.e. wetlands, historical sites, endangered plants and animals.
- 10) Conceptual information relating to storm drainage including: 100 year 24 hour drainage flows, 10 year 24 hour storm water flows and proposed storm drainage facilities.
- 11) Major street layout with detailed traffic study prepared by a traffic engineer, if necessary.
- 12) Statements of how the proposed development is compatible with surrounding land uses and other areas of the City.

- 13) A general description of controlling entities and methods such as the use of CC&Rs, HOAs, architectural or design review committees or associations proposed to insure that internal compatibility related to issues such as site design and architecture will be maintained over the life of the project.
- 14) A list of property owner's names and addresses within 300 feet of the subject property and stamped and pre-addressed envelopes (return address to be left blank) for all property owners within 300 feet.
- 15) Adjacent land in the same ownership as the applicant must be included in the proposed master development plan area.
- 16) File of all submitted plans in PDF format or other electronic format determined by City staff.

10-22-5: APPROVAL PROCESS

- A. Action on Application. All applications for master development plan approval are also applications to rezone real property to the Planned Area zoning district and shall follow the Utah Code and City Code applicable to rezoning applications. Upon receipt of a complete master development plan application, the application shall be scheduled for a public hearing before the Planning Commission. Public hearing notice requirements shall include a mailed notice to all property owners within three-hundred (300) feet of the subject property at least ten (10) calendar days before the hearing. The Planning Commission shall conduct a public hearing and shall thereafter recommend to the City Council approval, approval with conditions or denial of the application. The Planning Commission may also recommend modifications to the master development plan application or may table its action if the application is incomplete.
- C. City Council Action. The City Council, after receiving a recommendation from the Planning Commission, shall review the application and shall approve, approve with conditions or deny the application. The Council may also modify the application or table their action if the application is incomplete or if the City Council determines that more information should be provided prior to taking final action. As with any other request to rezone property or establish land use ordinance (zoning) provisions, approval of the application for a master development plan and rezoning to the Planned Area Zone under this chapter is discretionary on the part of the City Council. Since the land uses and accompanying land use provisions that are contained in each application are a negotiated set of regulations, the City has the authority to deny requests for master development plan and rezoning approval under this chapter if it believes that those approvals, if granted, are not in the best interest of the City.
- D. Effect of the Master Development Plan. The master development plan, as approved, will constitute the applicant's right to develop the property in essentially the same manner as outlined in the approved master development plan. The master development plan shall be approved with a master development agreement that will run with the land and will establish the general land uses in the project, the total number of residential dwelling units, the estimated square footage of structures used for non-residential purposes, the general utility and public infrastructure required and any general phasing for the

development of the master development plan area. The master development plan and master development agreement shall govern the development of property within the Planned Area Zone, along with the Planned Area Zone text and other existing city laws to the extent not inconsistent with the master development plan and master development agreement.

- E. Site Plan applications for any phase of the development in the Planned Area Zone shall be submitted to the City and shall follow the provisions of Chapter 10-20, Site Plan Review. After Site Plan Approval is obtained, development may commence for that phase of the development project without further approvals except a building permit, which shall not be unreasonably withheld or delayed. No further public hearings or meetings or planning commission or city council approvals are required for commencement of development after obtaining site plan approval. If subdivision approval is separately required, the subdivision requirements under State Code and City Code will govern the application, review and approval process.
- F. Even though the effect of a master development agreement shall be to create vested rights as described in the agreement, the execution of such agreements do not insulate developments from changes in state or federal regulations concerning fee schedules and Uniform Fire Code or International Building Code. However, vested rights granted by the Master Development Agreement shall not be subject to any subsequent changes in City land use codes, development codes or other ordinances. A master development agreement shall include an expiration date that is negotiated between the City and the applicant(s) and that realistically reflects the expected reasonable completion of the development.
- G. Amending a Master Development Plan. An approved master development plan may be amended by mutual consent of the parties as described in the adopted master development agreement.