

**BLUFFDALE CITY, UTAH
ORDINANCE NO. 2005-17**

**AN ORDINANCE AMENDING THE BLUFFDALE CITY ZONING
ORDINANCE TO INCLUDE A NEW CHAPTER AND ZONE TO BE
KNOWN AS THE SPECIFIC DEVELOPMENT PLAN ZONE**

WHEREAS, the City recognizes that the planning of large amounts of property as planned communities is desirable; and

WHEREAS, the City desires to create a regulatory tool for such planning and development of large amounts of property to allow for diversification in the relationship of land uses and structures to their sites and to permit a more flexible development pattern; and

WHEREAS, the Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed zoning ordinance amendment; and

WHEREAS, the proposed zoning ordinance 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 amendment to the Zoning ordinance.

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

Section 1. Zoning Ordinance Amendment. A new Chapter 12.6.21 titled Specific Development Plan (SDP) Zone is hereby adopted as part of the Bluffdale City Zoning Ordinance as follows:

Chapter 12.6.21 Specific Development Plan (SDP) Zone

- 12.6.21.1 Purpose and Intent**
- 12.6.21.2 SDPs Considered Separate Zones**
- 12.6.21.3 Eligibility**
- 12.6.21.4 Specific Development Plan Zone Maps**
- 12.6.21.5 Specific Development Plan Zone Text**
- 12.6.21.6 Specific Development Plan Zone Application Submittal**
- 12.6.21.7 Phasing**
- 12.6.21.8 Amendments or Exceptions to Development and Design Standards after Adoption of Plan and Zone**
- 12.6.21.9 Criteria for Establishing Specific Development Plan Zones**
- 12.6.21.10 Amendments to an SDP Zone**
- 12.6.21.11 Reversion of Zoning**
- 12.6.21.12 Ratification of Certain Existing Development**
- 12.6.21.13 Modifications by Adoption of Development Agreements**
- 12.6.21.14 Specific Development Plan Zones Adopted**

12.6.21.1 Purpose and Intent

(1) The Specific Development Plan (SDP) Zone is created as a regulatory tool to implement Specific Development Plans adopted as part of the City's General Plan. This chapter creates a broad policy framework for enacting unique zone regulations for each geographic area where a Specific Development Plan is adopted.

(2) The purpose of the Specific Development Plan (SDP) Zone is to allow diversification in the relationship of land uses and structures to their sites and to permit a more flexible development of such sites through large-scale site planning. The application of specific development plans is intended to encourage good architectural and site design, to use public facilities efficiently, to avoid development of environmentally sensitive areas, and to insure substantial compliance with the intent of the traditional zoning regulations and other provisions of this Title related to public health, safety and general welfare.

(3) Any SDP Zone proposed and approved under this Chapter must show an overall benefit to the community through the consolidation of public open spaces and preservation of environmentally sensitive lands as defined in Section 12.6.17.7(c) of this Title, the efficient use of public facilities, and may include consideration of any other measures which may make the most efficient use of the site in ways which will enhance the quality of the development which may include the clustering of dwelling units.

(4) The Specific Development Plan (SDP) Zone relies on the submission of a specific plan and a development agreement approved by the City Council, and may include the creation of unique zone descriptions, and a development agreement to promote inventive and efficient land use patterns that would otherwise be very difficult or impossible to accomplish under one or more existing zones, and, where the interrelationship and specific locations of the proposed zones is essential to the enhanced community development outcome anticipated by the use of a specific plan and development agreement under the SDP Zone.

(5) Specific plans are conceptual in nature but more precise than the City's General Plan. Specific plans will generally include text and maps sufficient to clarify all proposed land use issues concerning the site. Specific plans shall provide clear goals for the area which can be translated into a more formal zoning designation.

(5) As specific plan districts are adopted, they will be listed in Section 12.6.21.10 of this Chapter. Each adopted plan shall have a unique designation pertaining to the area to be rezoned. It shall be designated by the prefix "SDP" and given a descriptive title for the area it is intended to cover. Specific regulations for each specific development plan zone shall be numbered sequentially as 12.6.21.10A, 12.6.21.10B, etc., when particular specific development plan overlay zones are created.

(6) It is Bluffdale City's intent to use specific development plan zones to encourage imaginative and efficient utilization of land and to insure compatibility with the surrounding neighborhoods and environment. It is also the City's intent to provide quality land use and design standards that are tailored to a specific geographic area so that development outcomes are more predictable;

provide greater compatibility with surrounding lands uses than what may occur with conventional zoning; protect significant natural resources and avoid development on lands subject to natural hazards; and coordinate the development and design of properties, including large scale facilities.

(7) Prior to the approval of any SDP Zone, the City staff and the developer shall identify the undeveloped lands within the municipal boundary and identify what lands are already protected by state or federal statute.

12.6.21.2 SDPs Considered Separate Zones

(1) Any areas approved as an SDP Zone may generally follow the requirements of any existing conventional zones but shall be considered a new zoning district. If an existing zone is to be followed, variations from that zone are anticipated and encouraged to meet the goals of the approved specific plan.

(2) Property to which the SDP Zone has been applied shall be developed only in conformance with an approved specific plan and development agreement. Land uses and areas for those uses appropriate to the property shall be defined in the process and in the new zone.

(3) Use of the SDP zone does not in any way amend or eliminate the need and requirements for and concerning preliminary and final plat approvals as sections within the zone are developed.

12.6.21.3 Eligibility

To be considered for a SDP Zone, all applications shall meet the following criteria:

1. Encompass a minimum of five hundred (500) acres to assure reasonable internal and external land use compatibility.
2. Demonstrate in textual, visual, and oral form to the Planning Commission and City Council that the proposed development provides advantages over the use of traditional zoning, including identification of natural features, sensitive lands, natural hazards, current and adjacent land uses as identified in item (3) of 12.6.21.1, or that difficult hardship related conditions exist and what creative and enhanced community or development attributes will be provided; and that a specific plan will better provide for the overall development of the property.
3. Other unique advantages over traditional forms of development.
4. All areas of the proposed SDP Zone shall be included in the specific plan.

12.6.21.4 Specific Development Plan Zone Maps

A Specific Development Plan Zone shall include the following plan maps:

1. A boundary map shall be prepared for every SDP Zone. The boundary map, based on parcel boundaries or other surveyed boundaries, shall be used to delineate area of the zoning district that lies within the City's boundaries on the official zoning map. The zoning map shall identify such areas as "SDP" and shall include the name of the specific development area plan area.
2. A conceptual development plan based on an adopted or proposed specific development plan and development agreement approved by the City Council shall accompany each application for rezoning to an SDP Zone.
3. A topographical map and aerial or satellite photos or equivalent, identifying all lands protected under state and federal statutes from development and any additional features or elements protected under City Ordinance.

12.6.21.5 Specific Development Plan Zone Text

Each Specific Development Plan Zone ordinance shall include the following provisions and standards:

1. The name and purpose of the zone. This section shall describe the zone in sufficient detail as to clarify the purpose and intent of the SDP Zone regulations.
2. A review and approval process consistent with the provisions of this Title and Title 11 Bluffdale City Subdivision Ordinance consisting of three elements as follows:
 - A. Approval of a Specific Development Plan, including maps, text, and conceptual development plan for the site in question;
 - B. Approval of an SDP Zone text and map amendments to implement the plan and rezone the property.
 - C. Approval of a detailed development plan, subdivision, performance development, or condominium plat, if applicable.
3. An approval process which refers to each section of the General Plan, Title 12 (Zoning) and Title 11 (Subdivisions) which contains the approval process for each element in the specific development plan.
 - A. An application for a specific development plan (SDP) shall be processed as an amendment to the General Plan and as a zone change for the proposed property.
 - B. Applications for SDP Zone text and map amendments shall be processed following the procedures set forth in this Title (Bluffdale Land Use Ordinance) for amending the text and map.

- C. An application for the project development plan, subdivision or condominium shall be processed following the procedures set forth in Title 11 Bluffdale City Subdivision Ordinance.
4. Specific zoning and land use requirements which shall include, but not limited to:
- A. Permitted Land Uses. This section shall identify permitted, conditional, and accessory land uses.
 - B. Land Use Standards. This section shall specify any required land use conditions (i.e., land use mix, density, buffering, etc.), and the review procedure required to review and approve each land use (design review, project plan review, conditional use, etc.).
 - C. Lot Standards. This section shall specify requirements for new lots such as minimum lot area, dimensions, and density, as applicable.
 - D. Building Setbacks. This section shall provide setback standards for front, side and rear yards, as applicable.
 - E. Design Standards. The design standards shall be detailed and shall apply to all specific development plan zones. In addition, each such zone shall include design standards to address building heights, building orientation, common and private open space, natural resource protection, architectural design, and any other provisions unique to the district.
 - F. Building Height. Distance Between Buildings and Lot Coverage. This section shall establish building height standards, the minimum allowed distance between buildings, and the maximum area allowed to be covered by buildings and other non-permeable materials.
 - G. Streetscapes, parking and circulation. This section shall provide for the design standard of the streetscapes of each level of street along with minimum requirements for parking, access and circulation. Any proposed deviation from existing minimum arterial, collector or subdivision road designs and minimum off-street parking requirements as required by Chapter 12.4 of this Title shall be stated in a manner that clearly delineates the differences between the proposed and the standard requirements and the impact on public safety, access for emergency vehicles in case of localized or large scale emergencies, snow removal, and similar concerns.
 - H. Fencing. This section shall provide for the design standard for all fencing in the development, including residential, commercial, institutional and parks, open space and recreational uses.
 - I. Signs. This section shall provide for the design and location standards for

all signage in the development.

5. Architectural standards for all land uses in the development plan.
6. A development agreement approved by the City Council that runs with the land unless it is reversed as provided in Section 12.6.21.11 of this Chapter or otherwise annulled.

12.6.21.6 Specific Development Plan Zone Application Submittal

Minimum requirements for submittal to the Planning Commission are as follows:

1. Payment of the appropriate application fee.
2. Application form completed in detail and notarized and submitted to the Planning Department.
3. An accurate legal description of the entire SDP Zone to be designated. A map shall be included showing the area and vicinity.
4. A specific plan including the location, arrangement and configuration of the various land uses proposed, the general alignment of arterial, collector, and other streets, the system of open spaces and pedestrian/bicycle/equestrian trails, streetscapes, existing vegetation, general lotting patterns, density, and development amenities.
5. Contour information at a minimum 5 foot contour shall be provided in areas with slopes over 10%. Anticipated final grading should also be identified.
6. A source of secondary water as per City requirements and the ability to provide such water to the development.
7. Architectural concepts for each land use proposed.
8. Proposed locations for storm water detention and the system for collection and distribution.
9. Proposed locations for culinary and sewer water systems.
10. A list of permitted and conditional uses.
11. Standards for height, place, separation, and size of buildings including setbacks and lot coverages.

12.6.21.7 Phasing

Projects may be phased over a defined number of years. Phases shall be for development purposes only. Site preparation shall be considered as part of a development phase and shall not be allowed or defined as a separate phase. Phasing shall be defined as part of the specific development plan.

12.6.21.8 Amendments or Exceptions to Development and Design Standards After Adoption of Plan and Zone

When a specific development plan is adopted and the subject property has been placed in a SDP Zone, the development plan and development standards associated with the zone shall be strictly construed. No variations shall be made from the development plan and standards adopted in the zone unless expressly approved by the City Council for the purpose of achieving better design. In taking such action, the City Council shall:

1. Receive a recommendation from the Planning Commission regarding said amendment;
2. Make a finding that the amendment will result in better design; and
3. Be bound by the standards set forth in the text of the applicable SDP Zone which governs the development plan.

In addition, if the amendment constitutes a major change in the applicable development agreement, then a public hearing shall be conducted, noticed to all property owners within one thousand feet of the area affected by the amendments or exclusion, prior to any vote by the Planning Commission or City Council on that amendment. If passed, the amendment or change will also cause that the development agreement shall also be amended.

12.6.21.9 Criteria for Establishing Specific Development Plan Zones

Adoption of an SDP Zone shall conform to the following standards and procedures:

1. A Specific Development Plan Zone shall be adopted by ordinance after approval of an amendment to the General Plan, except that only a zone change shall be required when the specific area plan is consistent with the General Plan. A General Plan amendment may be processed concurrently with a rezone application.
2. In order to approve an SDP Zone the following findings shall be made:
 - A. The zone is necessary to provide land use or design standards tailored to a specific geographic area and development program that cannot otherwise be provided or would be difficult to provide through conventional zoning.

- B. The zone provides for an enhanced community development through the coordination of various elements that normally would be required to exist in different zones, therefore benefitting the City by the use of a single, large scale plan and accompanying zone.
- C. The zone provides equal or greater protection to sensitive lands than what would likely occur with conventional zoning.
- D. The zone avoids incompatible development on lands subject to natural hazards.
- E. The zone promotes efficient land use by allowing housing and commercial development at densities that are appropriate for the area, and more or less equal to densities that would be allowed with conventional zoning.
- F. The zone provides more or less equal or greater opportunities for automobile and alternative modes of transportation, such as buses, walking, bicycling, transit, that what would be likely to occur with conventional zoning by:
 - (1) Encouraging or requiring significant mixed use development where appropriate;
 - (2) Providing a master plan with direct and convenient pedestrian, bicycle and equestrian connections between all land uses where appropriate; and
 - (3) Providing for future transportation and transit improvements where applicable.
 - (4) Providing for the safe and efficient movement of standard vehicular traffic(including snowplows, buses, and emergency vehicles) in, through and around the development.
- 3. The SDP Zone shall provide development design standards that are more or less equal to or greater than the standards that would be required with conventional zoning. The design guidelines, as approved, shall apply to all land uses in the development plan.

12.6.21.10 Amendments to an SDP Zone

Following the rezoning of any property to an SDP Zone, no subsequent petition to rezone the property shall be approved by the City unless the request is consistent with the adopted Specific Area Plan, or the General Plan is amended to remove the SDP Zone.

12.6.21.11 Reversion of Zoning

Unless otherwise approved as part of a development agreement adopted by the City Council, the Planning Commission may initiate a rezoning action to revert property from an SDP Zone to the zone existing thereon prior to the establishment of the SDP Zone, if one of the following occurs:

1. An approved project plan or preliminary project plan shall be in effect for all SDP Zones within two (2) years after the approval of an SDP Zone.
2. Substantial construction or the initial defined phase is not begun within three (3) years after the approval of an approved project plan.
3. Failure of the development to continue with the planned development phases as approved in the development plan.

Extensions of the SDP Zone designation may be granted by the City Council if legitimate reasons are offered by the applicant or property owner, or the City Council finds that it is in the best interest of Bluffdale City, to continue the zone designation.

12.6.21.12 Ratification of Certain Existing Development

(1) Certain development applications and submissions have been received by the City for the development known as “South Farm” or “Rosecrest”. Public hearings have been held by the City Planning Commission and City Council on the applications and submissions. If the City Council, after a public hearing, approves a development agreement for the South Farm development, the development shall be deemed to have complied with this Chapter.

(2) City representatives have also been negotiating submissions with the Developer for a development known as “South Hills”, a development that generally lies adjacent to and southeast of South Farm. If the City Council, after a public hearing, approves a development agreement for the South Hills development, the development shall be deemed to have complied with this Chapter.

12.6.21.13 Modifications by Adoption of Development Agreements

The provisions of this Chapter may be modified for any particular development by the adoption of a development agreement by the City Council.

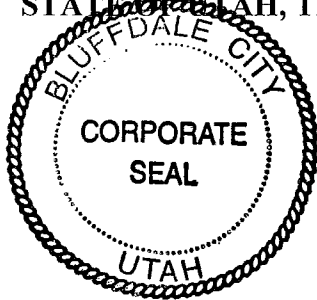
12.6.21.14 Specific Development Plans Adopted

The following Specific Development Plan Zones have been adopted: (to be included as each one is adopted)

Section 2. Severability. If any section, 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 section, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective 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 23rd DAY OF AUGUST, 2005.**



BLUFFDALE CITY

By:

Mayor

ATTEST:

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Briggs	<u> x </u>	<u> </u>
Councilmember Clark	<u> x </u>	<u> </u>
Councilmember Kelley	<u>Absent</u>	<u> </u>
Councilmember Maxfield	<u> x </u>	<u> </u>
Councilmember Speed	<u>Absent</u>	<u> </u>