

CITY OF BLUFFDALE, UTAH

Ordinance No. 2013-16

AN ORDINANCE AMENDING SECTIONS OF THE LAND USE AND SUBDIVISION ORDINANCES OF THE CITY OF BLUFFDALE PERTAINING TO REMOVING PLANNED RESIDENTIAL DEVELOPMENTS AND REFERENCES TO CLUSTERED RESIDENTIAL DEVELOPMENTS.

WHEREAS the City of Bluffdale (“Applicant”) has initiated amendments of Title 11 and Title 12 of the Bluffdale City Code, pertaining to removing Planned Residential Developments and references to Clustered Residential Developments; and

WHEREAS the Planning Commission held a public hearing, has reviewed the application, and has made a recommendation to the City Council concerning the proposed amendments to Title 11 and Title 12, of the Bluffdale City Code, and the City Council has found the proposed amendments to be consistent with the City’s General Plan; and

WHEREAS the proposed text amendments set forth herein have been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held and public notice given in accordance with Utah law and local ordinance to obtain public comment regarding the proposed amendments to the Land Use Ordinance and Subdivision Ordinance;

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

Section 1. **Amendments of the City of Bluffdale Land Use and Subdivision Ordinances.** The City of Bluffdale Land Use Ordinance and the City of Bluffdale Subdivision Ordinance are hereby amended as indicated on Exhibit A.

Section 2. **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 27th DAY OF AUGUST, 2013.

BLUFFDALE CITY



Mayor

ATTEST:

Seddie K. Bee
Recorder
[SEAL]



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Jackson	<u> x </u>	_____
Councilmember Kartchner	<u> x </u>	_____
Councilmember Nelson	<u> x </u>	_____
Councilmember Nielsen	<u> x </u>	_____
Councilmember Pehrson	<u> x </u>	_____

EXHIBIT A.

All parts of these sections and subsections not specifically listed shall remain unaffected.

Amendments to Article 11-8C, Planned Residential Developments

~~ARTICLE C. PRD PLANNED RESIDENTIAL DEVELOPMENTS~~

~~11-8C-1: DEFINITION AND EXPLANATION:~~

~~A. 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 the city.~~

~~B. 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. 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 land use requirements by satisfying all of the requirements of this title. 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 the city as a whole.~~

~~C. The intention of this section is to allow and encourage a flexible, efficient and imaginative development pattern. Planned residential developments can:~~

- ~~1. 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. (Ord. 2007-10, 3-13-2007)~~

~~11-8C-2: APPLICATION AND REQUIREMENTS:~~

~~A. An applicant may apply for approval of a planned residential development in any A-5, R-1-87 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. (Ord. 2007-10, 3-13-2007; amd. 2013 Code)~~

~~B. 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 land use ordinance. (Ord. 2007-10, 3-13-2007)~~

~~11-8C-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 the city must be satisfied with the following exceptions:~~

~~A. Setbacks: The setback requirements may be waived for all structures within the planned residential development except those that border the development.~~

~~B. Frontage: 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.~~

~~C. Minimum Lot Size: 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 ($\frac{1}{2}$) acre. (Ord. 2007-10, 3-13-2007)~~

Amendments to articles 11-8A, 11-8D, & Chapter 11-7, References to the PRD

ARTICLE A. R-1-43 RESIDENTIAL ZONE

...

11-8A-3: LOT AREA:

A. Specified: Each dwelling in the R-1-43 residential zone shall be on a separate lot containing not less than one acre, ~~except in accordance with article 11-8C (Planned Residential Developments) of this title.~~

11-8A-4: LOT WIDTH:

A. Specified: Each lot in the R-1-43 residential zone shall have a minimum lot width of one hundred twenty five feet (125') for all of the area within the required front setback of the zone, ~~unless a more narrow lot is approved in accordance with article 11-8C of this title.~~

B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced to thirty feet (30'); provided, that the requirement is satisfied at the front setback line. (Ord. 2001-08, 6-26-2001)

11-8A-5: LOT FRONTAGE:

A. Specified: Each lot in the R-1-43 residential zone shall abut a public street, or private street if approved by the city council for a minimum distance of one hundred twenty five feet (125'), ~~unless a lesser frontage is approved in accordance with article 11-8C of this title.~~

B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to thirty feet (30'); provided, that the width requirement is satisfied at the front setback line. (Ord. 2001-08, 6-26-2001)

...

11-8A-7: SETBACK REQUIREMENTS:

The following minimum setback requirements shall apply in the R-1-43 residential zone, ~~unless lesser setbacks are approved in accordance with article 11-8C of this title.~~ Each setback is measured from the property line of the lot or parcel.

...

ARTICLE D. R-1-87 RESIDENTIAL ZONE

...

11-8D-3: LOT AREA:

Each dwelling in the R-1-87 residential zone shall be on a separate lot containing not less than two (2) acres, ~~except in accordance with article 11-8C (Planned Residential Developments) of this title.~~

11-8D-4: LOT WIDTH:

A. Specified: Each lot in the R-1-87 residential zone shall have a minimum width of one hundred twenty five feet (125') for all of the area within the required front setback of the zone, ~~unless a more narrow lot is approved in accordance with article 11-8C of this title.~~

B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced to thirty feet (30'); provided, that the requirement is satisfied at the front setback line. (Ord. 2010-12, 9-28-2010)

11-8D-5: LOT FRONTAGE:

A. Specified: Each lot in the R-1-87 residential zone shall abut a public street, or private street if approved by the city council, for a minimum distance of one hundred twenty five feet (125'), ~~unless a lesser frontage is approved in accordance with article 11-8C of this title.~~

B. Reduction: If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to thirty feet (30'); provided, that the width requirement is satisfied at the front setback line. (Ord. 2010-12, 9-28-2010)

...

11-8D-7: SETBACK REQUIREMENTS:

The following minimum setback requirements shall apply in the R-1-87 residential zone, ~~unless lesser setbacks are approved in accordance with article 11-8C of this title.~~ Each setback is measured from the property line of the lot or parcel:

...

A-5 AGRICULTURAL ZONE

...

11-7-3: LOT AREA:

Each dwelling in the agricultural zone shall be on a separate lot containing not less than five (5) acres, ~~unless approved in accordance with article 11-8C of this title,~~ except that ranch or farm employee housing may be on a smaller parcel in conjunction with a bona fide agricultural use at a ratio of one unit per twenty (20) acres that must be reviewed and approved every three (3) years.

11-7-4: LOT WIDTH:

Each lot in the agricultural zone shall have a minimum width of two hundred feet (200') for all of the area within the required front setback of the zone, ~~unless approved for a more narrow lot in accordance with article 11-8C of this title.~~ (Ord. 10-24-00-1, 10-24-2000)

11-7-5: LOT FRONTAGE:

Each lot in the agricultural zone shall abut a public street, or private street if approved by the city council, for a minimum distance of two hundred feet (200'), ~~unless approved for less frontage in accordance with article 11-8C of this title.~~ (Ord. 10-24-00-1, 10-24-2000)

...

11-7-7: SETBACK REQUIREMENTS:

The following minimum setback requirements shall apply in the A-5 agricultural zone, ~~unless lesser setbacks are approved in accordance with article 11-8C of this title.~~ Each setback is measured from the property line of the lot or parcel:

...

Amendments to sections 11-16-19 of the Land Use Ordinance and 12-5-3 of the Subdivision Ordinance, References to CRDs

11-16-19: SHARED DRIVEWAYS:

...
C. Restrictions, Limitations: The creation of or the issuance of a building permit for a lot or parcel accessed by a shared driveway approved by the city shall comply with the following restrictions and limitations: (Ord. 2004-03, 1-13-2004)

1. Be located within a residential R-1-87, R-1-43, R-1-10 or agricultural A-5 zoning district;
2. The shared driveway shall provide access to a maximum of two (2) lots or parcels, ~~unless the shared driveway is located within a clustered residential development within the R-1-10 residential zone, approved pursuant to subsection 11-8B-3B of this title, in which case the shared driveway shall provide access to a maximum of six (6) lots or parcels;~~ (Ord. 2012-11, 10-23-2012)
3. The lot or parcel to be accessed off of the shared driveway meets all the standards and requirements under the city subdivision ordinance and land use ordinance;
4. Required minimum yard setback requirements shall apply to all buildings fronting, siding or rearing on the shared driveway or private land and shall be measured from the boundary of any such right of way nearest the building;
5. The shared driveway has a minimum recorded right of way width of at least twenty five feet (25') and all weather surface of at least twenty feet (20');
6. The shared driveway shall be improved in compliance with city standards and specifications for the number and intensity of lots or parcels served;
7. The shared driveway shall have a turnaround as determined necessary by the fire department;
8. No parking is permitted within the shared driveway;
9. The shared driveway shall only be used to access single-family residences;
10. Each adjoining lot or parcel using the shared driveway shall have recorded ownership or right of way access to such driveway or private lane by easement or fee title;
11. All dwellings on the lots or parcels shall be within four hundred feet (400') of a fire hydrant approved by the fire department and access to the fire hydrant shall comply with the applicable fire codes adopted by the city;
12. The shared driveway abuts and is accessed off of a fully improved and dedicated public street;
13. The shared driveway is not necessary to be dedicated as a public street to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purpose determined to be necessary and appropriate. (Ord. 2004-03, 1-13-2004)

12-5-3: ROADS AND STREETS:

...
R. Shared Driveways:

- ...
3. Restrictions, Limitations: The creation of or the issuance of a building permit for a lot or parcel accessed by a shared driveway approved by the city shall comply with the following restrictions and limitations: (Ord. 2004-03, 1-13-2004)
- a. Be located within a residential R-1-10, R-1-43, R-1-87 or agricultural A-5 zoning district;
 - b. The shared driveway shall provide access to a maximum of two (2) lots or parcels, ~~unless the shared driveway is located within a clustered residential development within the R-1-10 residential zone, approved pursuant to subsection 11-8B-3B of this code, in which case the shared driveway shall provide access to a maximum of six (6) lots or parcels;~~ (Ord. 2012-11, 10-23-2012)
 - c. The lot or parcel to be accessed off of the shared driveway meets all the standards and requirements under the city subdivision ordinance and land use ordinance;
 - d. Required minimum yard setback requirements shall apply to all buildings fronting, siding or rearing on the shared driveway or private land and shall be measured from the boundary of any such right of way nearest the building;
 - e. The shared driveway has a minimum recorded right of way width of at least twenty five feet (25') and all weather surface of at least twenty feet (20');
 - f. The shared driveway shall be improved in compliance with city standards and specifications for the number and intensity of lots or parcels served; (Ord. 2004-03, 1-13-2004)
 - g. The shared driveway shall have a turnaround as required by the international fire code; (Ord. 2004-03, 1-13-2004; amd. 2013 Code)
 - h. No parking is permitted within the shared driveway;
 - i. The shared driveway shall only be used to access single-family residences;
 - j. Each adjoining lot or parcel using the shared driveway shall have recorded ownership or right of way access to such driveway or private lane by easement or fee title; (Ord. 2004-03, 1-13-2004)
 - k. All dwellings on the lots or parcels shall be within the distance required by the international fire code for a fire hydrant and access to the fire hydrant shall comply with the applicable fire codes adopted by the city; (Ord. 2004-03, 1-13-2004; amd. 2013 Code)
 - l. The shared driveway abuts and is accessed off of a fully improved and dedicated public street;
 - m. The shared driveway is not necessary to be dedicated as a public street to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purpose determined to be necessary and appropriate. (Ord. 2004-03, 1-13-2004)