

CHAPTER 7

PLANNED UNIT DEVELOPMENT

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8-7-1: INTRODUCTION:

Provision of a planned unit development by this chapter in no way guarantees a property owner the right to exercise the provisions of the planned unit development. Planned unit developments shall be approved by the planning commission only if in its judgment the proposed planned unit development fully meets the intent and purpose and requirements of this title.

8-7-2: PURPOSE:

The purpose of the planned unit development is to allow diversification in the relationship of various uses and structures to their sites and to permit more flexibility in the use of such sites. The application of planned unit concepts is intended to encourage good neighborhood, housing or area design, thus ensuring substantial compliance with the intent of the district regulations and other provisions of this title related to the public health, safety and general welfare and, at the same time, securing the advantages of large scale site planning for residential, commercial, industrial, mountain and recreational developments, or combinations thereof.

8-7-3: DEFINED:

"Planned unit development", for the purpose of this title, shall mean an integrated design for development of residential, commercial, industrial or recreational uses, or combination of such uses, in which one or more of the regulations, other than use regulations of

the district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements as specified in this article. A planned unit development may be:

A. The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses;

B. The conservation or development of desirable amenities not otherwise possible by typical development standards;

C. Creation of areas for multiple use that are of benefit to the neighborhood or environment of the area.

8-7-4: PLANNED UNIT DEVELOPMENT PERMIT:

A. Required: Planned unit developments may be allowed by planning commission approval of any zoning district. An approved planned unit development shall consist of an official planned unit form approved by the planning commission and signed by its chairperson, and an approved site plan also signed by the chairperson of the planning commission. Denial of a planned unit development shall also be indicated on the official form. A planned unit development permit shall not be granted unless the planned unit development meets the use limitations of the zoning district in which it is to be located and meets the density and other limitations of such districts.

B. Subdivision Provisions Applicable: Compliance with the regulations of this title in no sense excuses the developer from the application requirements of the subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

C. Scope Of Permit: The permit shall be considered in two (2) parts:

1. Preliminary approval subject to the public hearing provisions of this article; and

2. Final approval based on construction drawings and specifications in general accord with the granted preliminary approval.

8-7-5: REQUIRED CONDITIONS:

A. Area: No planned unit development shall have an area of less than one acre.

B. Uses; Amendment Of Zoning District: A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in planned unit development which allows residential use and shall be governed by design and other requirements of the planned unit development permit. Hotels, motels, lodges, mobile home parks, etc., shall not be considered residential uses for the purpose of this article.

C. Ownership: The development shall be in single, partnership or corporate ownership, or under option to purchase by an individual or a corporate entity at the time of application or the application shall be filed jointly by all owners of the property.

D. Arrangement: The planning commission shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent properties will not be adversely affected.

1. Height and intensity of buildings and uses shall be arranged around the boundaries of the planned unit development to be compatible with existing adjacent developments or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height of two (2) stories.

2. Lot area, lot width, yard and coverage regulations shall be determined by approval of the site plan.

3. Density of dwelling units per acre shall be the same as allowed in the zone in which the planned unit development is located.

E. Required Open Space: Preservation, maintenance and ownership of required open space within the development shall be accomplished by:

1. Dedication of the land as a public park or parkway system; or

2. Granting to the county a permanent, open space easement on or over the said private open spaces to guarantee that the open space remains perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an owners' association established with articles of association and bylaws which are satisfactory to the county; and

3. Complying with the provisions of the condominium ownership act,

Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

F. Landscaping, Fencing, Screening: Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development.

G. Signs; Lighting: The size, location, design and nature of signs, if any, and the intensity and direction of area of floodlighting shall be detailed in the application.

H. Grading, Drainage Plan: A grading and drainage plan shall be submitted to the planning commission with the application.

8-7-6: SITE PLAN REQUIREMENTS:

The applicant shall submit a planned unit development plan for the total area within the proposed development. If the planned unit development is to be developed on a phase basis, each phase shall be of such size, composition and arrangement that its construction, marketing and operation is feasible as a unit independent of any subsequent phases. Final approval shall be given to only one phase at a time. The general site plan shall show where pertinent:

A. The use or uses, dimensions, sketch elevations and locations of proposed structures.

B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses, such as schools and playgrounds, landscaping and other open spaces.

C. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.

D. Such other pertinent information, including, but not limited to, residential density, coverage and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title.

8-7-7: PLANNING COMMISSION ACTION:

In carrying out the intent of this article, the planning commission shall consider the following principles:

A. Design: It is the intent of this article that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in planning as proposed in the application. The commission may require the applicant to engage such a qualified designer or design team.

B. Control Minimum Necessary: It is not the intent of this section that control of the design of a planned unit development by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this article.

C. Decision; Appeal: The planning commission may approve or disapprove an application for a planned unit development. In approving an application, the commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in section 8-7-5 of this article. The action of the planning commission may be appealed to the board of adjustment.

8-7-8: CONSTRUCTION LIMITATIONS:

A. According To Plans, Specifications: Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in conformity with any conditions attached by the commission to its approval.

B. Amendments: Amendments to approved plans and specifications for a planned unit development shall be approved by the planning commission and shown on the approved plans.

C. Permit Issuance: The building inspector or any other department shall not issue any permit for any proposed building, structure, activity or uses within the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

D. Certificate Of Occupancy: The building inspector shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.

8-7-9: PUBLIC HEARING:

Preliminary development plans, including site plan (buildings, open space, parking, landscaping, pedestrian and traffic circulation), building elevations and general drainage and utility layout with topography shall be submitted for the purpose of public review. A public hearing shall be held after notice as required by state statute. Failure of property owners to receive notice of said hearing shall in no way affect the validity of action taken.

8-7-10: FEES:

See fee schedule established by the board of county commissioners for the planned unit development fee, plus subdivision fee as per lot schedule in this title.