

Box Elder County Land Use Development & Management Code

Article 4: Special Purpose & Overlay Zones

Chapter 4-3 – Planned Unit Development (PUD) Overlay

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4-3-010. Purpose.

The purpose of a planned unit development is to preserve open space within residential developments; provide flexibility to allow for creativity in developments; to strengthen and preserve agricultural areas; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities.

4-3-020. Conditional Use Permit Required.

Planned unit developments require a Conditional Use Permit approved by the Planning Commission.

4-3-030. Planned Unit Developments to Meet Use Limitations of Districts Wherein Located.

No conditional use permit for a planned unit development shall be granted unless such development will meet the use limitations of the zoning district in which it is to be located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this Chapter or by district regulations. Compliance with the regulations of this Code in no sense excuses the development from the applicable requirements of the subdivision regulations, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

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4-3-040. Application Requirements.

- A. Concurrent with the submission of a Community Development Application for a Conditional Use Permit, the applicant shall prepare and submit a concept plan. The proposed concept plan shall include the following items:
1. The proposed name of the subdivision;
 2. A vicinity plan showing significant natural and manmade features on the site and within 500 feet of any portion of it; the property boundaries of the proposed subdivision and adjacent properties; the names of adjacent property owners, public facilities, location and size of public utilities, public and private easements, existing survey monuments;
 3. An aerial map at a scale of 1"=100' or other competent base map showing the area within ¼ mile of the project boundaries topographic contours at no greater interval than five feet;
 4. A proposed lot and street layout;
 5. A description of the type of culinary and irrigation water system(s) proposed; also, documentation of water rights and secondary water shares;
 6. A description of the size and location of sanitary sewer or septic tanks, and storm water drain lines and subsurface drainage;
 7. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;
 8. The total acreage of the entire tract proposed for subdivision;
 9. Verification from a qualified engineer or licensed surveyor that the contour elevations do not vary more than five (5) feet;
 10. The subdivider shall submit a current title report (with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application), for the verification of all easements effecting the subdivision from a qualified engineer or licensed surveyor;
 11. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

4-3-050. General Requirements.

- A. The maximum number of lots is determined by dividing the area of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included:
1. 100 year flood plain;
 2. Wetlands;
 3. Slopes in excess of 15%;
 4. Geological hazards including earthquake areas, unstable soil conditions, and areas subject to flooding.
 5. Known community flood areas.

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- B. Lot area, frontage, width, yard setbacks, height, and coverage requirements shall be determined by of the concept plan.
- C. All plans must be prepared by a qualified professional team.
- D. The development shall be in single or corporate ownership at the time of application, or the application must be filed jointly by all owners of the property.
- E. Signs; the type, size, location, design and nature of signs, if any shall be detailed in the concept plan.
- F. All roads developed within a Planned Unit Development shall be designed and constructed in accordance with Article 5, Exhibit A, New Road Standards 2014.
- G. Ownership for tax liability of private open space reservations shall be established in a manner acceptable to the County Commission and made a part of the conditions of the plan approval.
- H. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
 - 1. Granting to the County a permanent, open space or conservation easement on and over the said private open spaces to guarantee that the open space remains perpetually in agricultural, recreational, or park use, with ownership and maintenance being the responsibility of an Owners' Association established with Articles of Association and By-Laws which are satisfactory to the Planning Commission; and
 - 2. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

4-3-060. Open Space Requirements.

- A. Each Planned Unit Development shall provide a minimum of 30% open space in the R-1-20 Zone and a minimum 50% in all other Zones. At least 75% of that open space must be usable, contiguous, open space, available for recreational or agricultural uses. The open space shall be designated on the concept plan and recorded on the final plat.

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B. Open space may include:

1. Parks;
2. walkways or trails;
3. Natural areas, and landscaped areas;
4. Agricultural areas, not including structures.

C. Open space may not include:

1. Leftover space between buildings;
2. Narrow spaces under ten feet (10') in width that is immediately adjacent to buildings, where the space is between the building and parking areas or drive aisles;
3. Public Utility and similar easements may not be counted toward meeting the open space requirement, unless such land is usable as a trail or other similar purpose and approved by the Planning Commission.

D. All areas for agricultural use or open space as a result of the Planned Unit Development shall be preserved. Such areas shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited. Areas that are designated for agricultural land shall also have a conservation easement recorded in the County Recorder's office.

E. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of a Conditional Use Permit.

4-3-070. Expiration.

A. Expiration of Planned Unit Development.

1. Once the Planned Unit Development approval has been granted, the applicant may apply for the Preliminary Plat. If the Preliminary Plat has not been within applied for one (1) year of the date of the Planned Unit Development approval by the Planning Commission, the Planned Unit Development must again be submitted to the Planning Commission for review and approval.