

## CHAPTER 29.25 - PLANNED UNIT DEVELOPMENT <sup>1</sup>

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### 29.25.010 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 excellence in neighborhood, housing, or area design, while insuring substantial compliance with the intent of the General Plan, district regulations and other provisions of this ordinance relating to the public health, safety, and general welfare, and at the same time securing the advantages of large-scale site planning for residential, commercial or industrial developments, or combinations thereof. <sup>2</sup>

### 29.05.020 Definition

Planned unit development, for the purposes of this Ordinance, shall mean an integrated design for development of residential, commercial, or industrial uses, or combinations 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 Chapter.

### 29.05.030 Planned Unit Development Permit

Planned unit developments may be allowed by Planning Commission approval in any zoning district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is to be located, including planned unit developments in planned districts, 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 Ordinance in no sense excuses the developer from the applicable requirements of the subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

### 29.25.040 Required Conditions

A. No planned unit development shall have an area less than that approved by the Planning Commission as adequate for the proposed development. No minimum area is specified. However, Planned Unit Developments of any size may be allowed only upon a finding of fact by the Planning Commission that the plan complies with the intent of the General Plan, and incorporates excellence of neighborhood, housing, or area design, that will compensate for the effects upon the neighborhood of deviations from district regulations. <sup>3</sup>

B. 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 a planned unit development which allows residential uses and shall be governed by density, design, and other requirements of the planned unit development permit.

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<sup>1</sup> Numbering changed with Ordinance No. 07-13, dated 7/19/07

<sup>2</sup> Ordinance No. 98-11, 3/19/98

<sup>3</sup> Ordinance No. 98-11, 3/19/98

C. The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

D. 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. Density of land use intensity shall in no case be more than twenty-five (25) per cent higher than allowed in the zoning district, except not more than ten (10) percent higher in residential districts.

2. Where feasible, least height and intensity of buildings and uses shall be arranged around the boundaries of the development.

3. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

E. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:

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

2. Granting to the Local Jurisdiction a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational 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 Governing Body, or,

3. 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 up keep of the common areas and facilities.

F. Landscaping, fencing and screening related to the several 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. The size, location, design and nature of signs, if any, and the intensity and direction of area or flood-lighting shall be detailed in the application.

H. A grading and drainage plan shall be submitted to the Planning Commission with the application.

I. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed.

J. The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.

K. It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the planned unit development.

#### **29.25.050 Uses Allowed**

Subject to the review and approval of the Planning Commission, uses allowed in a planned unit development shall be those uses allowed in the planned district or other zoning district in which the planned unit development is to be located; provided, that for the purposes of this Chapter and Ordinance, multiple-family dwellings may be allowed in a planned unit development approved in a single-family zoning district, provided the overall density of the development does not exceed ten (10) per cent above the density normally allowed for single-family dwellings in said District.

#### **29.25.060 General Site Plan**

Application shall be accompanied by a general site plan showing, 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 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 Ordinance.

#### **29.25.070 Review by Planning Commission**

In order that it may approve a planned unit development, the Planning Commission shall have authority to require that the following conditions (among others it deems appropriate) be met by the applicant:

A. That the proponents of the planned unit development have demonstrated to the satisfaction of the Planning Commission that they are financially able to carry out the proposed project.

B. That the proponents intend to start construction within one (1) year of the approval of the project and any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four (4) years from the date construction begins.

C. That application for planned unit development in planned districts meets the requirements of such districts, including the requirements of the general development plan.

D. That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

E. That the development as planned will accomplish the purpose outlined in 29-07-010.

#### **29.25.080 Scope of Planning Commission Action**

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

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

B. 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 Chapter.

C. The Planning Commission may approve or disapprove an application for a planned unit development. In an approval, the Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in 29-07-010. The approval or denial of an application for a planned unit development by the Planning Commission may be appealed to the Board of Adjustment. All appeals must be filed with the secretary of the Board of Adjustment within thirty (30) days of the date of the final decision of the Planning Commission.

#### **29.25.090 Construction Limitations**

A. 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 to approved plans and specifications for a planned unit development shall be obtained only by following the procedures here outlined for first approval.

C. The zoning administrator shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.