

**Chapter 19.78
PLANNED UNIT DEVELOPMENT**

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19.78.010 Purpose.

It is the intent of this chapter to provide for innovative residential developments having harmony of design and variety of function by providing for greater flexibility in the design of buildings, yards, courts, and circulation than would otherwise be possible through the strict application of zoning district regulations.

19.78.020 Scope of approval.

This chapter does not guaranty a property owner the right to create a planned unit development (“PUD”). Instead, approval of a PUD is a privilege

to be earned and is not an absolute right available simply through compliance with the minimum standards established in this chapter. Because each PUD is unique, every PUD shall be evaluated relevant to the individual circumstances present at each individual location. The planning commission may impose any reasonable condition that will mitigate or eliminate detrimental impacts caused by a proposed PUD. It is not intended that the planning commission will grant the maximum exception to underlying zoning regulations in the case of every PUD application; instead, such maximum will be available only in the most meritorious situations, in order to induce or reward efforts to achieve the highest levels of positive contribution under the design, open space and other community-enhancement aspects of this chapter. All applications under this chapter shall be considered a conditional use and subject to chapter 19.84, “Conditional Uses.”

19.78.030 Planned unit development defined.

A “planned unit development” means an area of land developed as a single entity or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly. A PUD shall be wholly planned as a single entity or in approved stages to provide for residential uses and common open space. A PUD shall meet the following goals:

A. Architectural control:

1. Through establishment of acceptable design guidelines for each individual PUD.

B. Patterns of development:

1. A creative approach to the use of the land and related physical development.

2. An efficient use of land resulting in smaller networks of utilities and streets and thereby greater amounts of open land.

3. A built environment of stable character in harmony with surrounding development.

4. A more desirable environment, including increased open spaces, architectural consistency throughout the development, and character which fits in with the goals of the community, than would be possible through the strict application of other sections of this title.

C. Preservation of:

1. Trees.

2. The goals and objectives of the city's general plan.

3. Outstanding natural topography.

4. Geologic features.

D. Protection from:

1. Soil erosion.

2. Inconsistent residential development patterns.

19.78.040 Conflicts.

If a conflict exists between this chapter and other provisions of this code, the provisions of this chapter shall control; provided, however, that the provisions of this chapter shall not permit a greater density of residential units or uses different from those specified in the regulations or the zoning district under which the development is proposed.

19.78.050 Pre-application.

A. *Pre-application conference.* Prior to submittal of an application for a PUD, the intended applicant shall request a meeting with the city's development review commission ("DRC") through the city planning director. The purpose of the meeting will be to allow the applicant to present a general concept

plan for the proposed development and to receive feedback from the DRC prior to filing of the PUD application.

B. The general concept plan shall include the following information and plans:

1. Written letters of intent from the landowner(s) showing their intent to develop the land as proposed.

2. Sketch concept plans showing the land use, design, intended densities, street and lot arrangement, proposed relationship to neighboring land uses and tentative lot sizes.

3. Traffic access and circulation proposals.

4. An architectural concept of the structures in the proposed development.

5. A landscape concept showing tentative open space areas and relativity to the development and pedestrian movement.

6. Tentative proposals regarding storm drainage, street improvements, sewage disposal and water supply.

19.78.060 Permit – Application process.

A. PUDs may be allowed by planning commission approval only in any zoning district where a planned unit development is listed as a conditional use. Approval of a PUD shall consist of two parts:

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

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

B. An approved PUD shall consist of a final approval letter and a final approved site plan from the planning department, all of which shall occur subsequent to planning commission

approval of the PUD under chapter 19.84, “Conditional Uses.” Notwithstanding anything to the contrary in this chapter, conditional approval of a PUD shall not be granted unless the PUD meets the use, density and other limitations of the zoning district in which it is to be located. Compliance with the regulations of this chapter does not excuse the developer from the applicable requirements of the city’s subdivision ordinance under Title 12 of this code, except such modifications thereof as are specifically authorized by the planning commission as part of its conditional use approval of the PUD.

19.78.070 Minimum acreage required.

A. Standard PUD. The minimum area of contiguous property required for a standard PUD shall be five (5) acres.

B. Minor PUD.

1. The minimum area of contiguous property required for a minor PUD shall be three (3) acres.

2. Net density calculations for a minor PUD shall exclude private rights-of-way and private streets.

19.78.080 Development ownership.

A PUD shall be in single, partnership, LLC or corporate ownership, or under option to purchase by an individual or a legal entity at the time of application, or the application shall be filed jointly by all owners of the property.

19.78.090 Net density.

A. Net density--Standard PUD.

1. The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be

located and including common open space and private roads/lanes and associated recreational facilities within the area; the result being the number of total residential units per net residential acre of land. Net density calculations in a standard PUD shall exclude public rights-of-way and public streets.

B. Minor PUD:

1. The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space, as approved by the planning commission, and associated recreational facilities within the area; the result being the number of total residential units per net residential acre of land. Net density calculations for minor PUDs shall exclude both public and private rights-of-way and streets.

19.78.100 Design criteria.

In return for greater flexibility in site design requirements, PUDs shall deliver exceptional quality community designs that: (i) preserve critical environmental resources, (ii) provide high quality community amenities, (iii) incorporate creative design in the layout of buildings and circulation, and (iv) provide greater efficiency in the layout and provisions of roads, utilities and other infrastructure.

Design criteria shall be used as the principle tool in evaluating the merits of a proposed PUD. The planning commission and the city’s architectural review committee (“ARC”) shall use the following criteria, in addition to any other applicable sections or chapters of this title, to hold PUDs to higher architectural standards than standard residential developments. The burden shall be on the applicant to demonstrate

that the proposed development plans comply with each of the following criteria:

A. Conformance to the general plan and overlay zones. The proposed development plan shall conform to applicable elements of the city's general plan, any applicable overlay zones, specific area master plans and city goals and policies.

B. Compatibility with surrounding development. Proposed uses, activities, overall PUD layout and design as well as densities shall have a compatible, efficient and functional interrelationship with surrounding uses and activities, and shall not adversely affect the sustainability of the surrounding area.

C. Environmental design. Site plan, building design and open space provisions shall be designed to produce a development that is responsive and sensitive to natural features and the aesthetic quality of the community. Site planning and design shall minimize any required cut or fill to afford maximum protection of natural landforms and features. Natural features and/or geologic hazards that may affect the property on which the PUD is proposed shall be identified and mitigation measures established. Building design shall maximize preservation of vegetation and landforms, enhance drainage and minimize soil erosion. Developments must consider, where appropriate, contain designs for foot traffic and pedestrian movement in and among PUDs through sidewalks, trails, foot bridges and hiking paths.

D. Architectural standards. An architectural design plan that ensures architectural consistency in the proposed development, architectural character and preservation or improvement of the visual character of the city shall be

provided and, upon approval, shall form part of the plan. Architectural character is based upon the suitability of a building for its purposes, the appropriate use of materials and upon principles of harmony and proportion of the building with other proposed buildings and surrounding land uses. Buildings or other improvements shall be compatible with the orientation, directional emphases, shape, volume, massing, proportion, rhythm, scale and materials of the contextual setting and streetscape of the site.

E. Architectural elements, designs, concepts, building styles and materials shall be subject to review by the ARC to ensure consistency with the purposes and provisions of the PUD ordinance, overlay zones, specific area master plans and the general plan.

19.78.110 Bulk and massing requirements.

The normal massing requirements for minimum setbacks, minimum offset, minimum lot size, minimum lot area per structure, maximum height of structures and lot coverage may vary from the underlying zoning regulations as authorized by the planning commission to foster a creative approach to the use of the land and related physical development. Planning commission approval is required for any variation from the normal bulk and massing standards of this title. Before the planning commission may reduce any bulk or massing requirements, the applicant must show by clear and convincing evidence that the variation will not jeopardize any significant public interest.

19.78.120 Open space.

A. Common open spaces shall be defined for the purposes of this section as the total area of land and water within the external boundary of a PUD designated and intended for use and enjoyment as open areas, and not improved with a building, structure, street/road or parking area, except for recreational structures. Common open spaces of a PUD shall not include individual lots and yards located between buildings and parking areas. Common open spaces within a PUD are subject to the following requirements:

B. Percentage required for open space.

1. Minimum open space requirement for any PUD is 20%

C. The following lands may not be allowed as open space:

1. Land occupied by private structures.
2. Private or semi-private land.
3. Public streets or rights-of-way.

D. Linear parks.

1. With planning commission approval, linear parks may be allowed for up to 60% of the open space requirement if a public park is not located within 1/3 mile (as one walks) from the PUD.

2. With planning commission approval, linear parks may be allowed for up to 90% of the open space requirement if a public park is located within 1/3 mile (as one walks) from the PUD.

3. Linear parks shall be designed and used for recreational purposes in order to qualify for open space.

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

1. Granting to a party approved by the city a permanent open space easement on or over the common open space to guarantee that such space remains perpetually in recreational use, with ownership and maintenance being the responsibility of the owner or an owner's association organized in a manner reasonably satisfactory to the city; or

2. Compliance with the provisions of the Condominium Ownership Act (UTAH CODE ANN. §57-8-101, et seq.), as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities; or

3. Dedication of the land as a public park or parkway system, provided that the city council, in its sole discretion and following recommendation by the planning commission, accepts the land as viable open space for public recreation.

19.78.130 Pedestrian movement.

A. Pedestrian movement within a PUD shall be accomplished through a consistent and well-designed pedestrian sidewalk system including enhanced intersection treatments, such as textured paving, to highlight pedestrian crossings.

B. Pedestrian systems approved by the planning commission shall be provided in all PUDs. Construction of such facilities shall be consistent with the city's standards and specifications.

19.78.140 Effect on adjacent properties.

A. The planning commission shall require arrangement of structures and open spaces within the PUD in a manner that assures that adjacent properties will not be materially, adversely affected.

B. Density of dwelling units per acre shall be no more than the number allowed in the zone in which the PUD is located.

19.78.150 Access standards.

A. All PUDs shall be served by a public street, which shall not be at or over its traffic capacity at the time the development is approved, including the traffic projections which can be attributed to the proposed development.

B. All PUDs shall be served by an internal, paved street system according to city standards, with an approved pedestrian element.

C. All PUDs shall dedicate and improve property which is reasonably anticipated to be used to expand public roads adjacent to the development.

19.78.160 Supplementary PUD regulations.

A. Upon final approval of a PUD, 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 planning commission to its approval.

B. Amendments to approved plans and specifications for a PUD shall be approved by the planning commission and a new set of approved plans will be issued by staff to address any approved amendments.

C. The city's building official or any other city department shall not issue any permit for any proposed building, structure, activity or use within the PUD which is contrary to the approved development plan.

D. The director shall issue a certificate of occupancy for any building or structure upon its completion in

accordance with the approved development plan.

E. The maximum length of a cul-de-sac is 600 feet. For PUDs, this section modifies and overrides the regulation of the length of cul-de-sacs contained in section 14.12.080 of this code.

F. Gates. With planning commission approval, gates shall be allowed in accordance with the regulations contained in titles 12 and 14 of this code. In addition, a PUD application requesting a gated entry shall provide ample room, on private property, for turnarounds for vehicles which do not gain access through the gated entry. Section 14.12.130 of this code shall also apply to this section.

G. Fencing.

1. Fencing in a PUD shall be limited to back yards or side yards for corner lots/private areas of property which are not expressly open for use by the entire PUD, and for the perimeter of the PUD. Fencing, especially entryway fencing, shall be kept to a minimum or completely eliminated in order to accomplish a feeling of engagement with the public street and to prevent alienation of one residential development from another, or to provide consistency throughout the community.

2. Fences in a PUD shall not exceed a maximum height of six (6) feet unless express approval from the planning commission is obtained. In no case shall the planning commission approve any fence or wall which is inconsistent with the provisions of section 19.76.340 of this title.

H. Monument entry sign.

1. One monument entry sign at main entry point of the PUD may be allowed per planning commission approval.

2. Signable area. An entry monument sign shall be no greater than 6 feet in height, and shall display no more than 36 square feet of signable area, shall be for the express purpose of identifying the PUD neighborhood, and shall not display any advertisements.

3. Setback. The minimum setback for any entry monument sign shall be 36 inches from the public right-of-way, and shall not encroach into any clear view areas, as described in chapter 19.76 of this code.

I. Refuse collection. A PUD shall provide for its own refuse collection through a private provider, and shall not use public rights-of-way for refuse container storage or for trash pick up by the private disposal service.

19.78.170 Scope of planning commission action; Appeals.

A. It is the intent of this chapter that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The

planning commission shall require the applicant to engage such a qualified designer or design team.

B. The planning commission may deny an application for a PUD.

C. In approving an application, the planning commission may attach such conditions as it deems necessary to secure compliance with the purposes set forth in this title and to mitigate any impacts that a PUD may impose on the surrounding people and properties.

D. The action of the planning commission may be appealed to the city's appeals hearing officer or other appeal authority under chapter 19.92 of this title.

19.78.180 Rules and regulations.

The planning commission may from time to time, by resolution, adopt and amend regulations and guidelines to assist the planning commission, its advisory bodies, and planning staff to accomplish the permitted purposes of this chapter.