Chapter 8. PLANNED UNIT DEVELOPMENT

8-1 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 insuring substantial compliance with the intent of the district regulations and other provisions of this Ordinance 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 or industrial developments, or combinations thereof.

8-2 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, or 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.

8-3 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 the Planned Unit 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.

8-4 Required Conditions

1. No Planned Unit Development shall have an area of less than one (1) acre in a commercial or industrial district, or less than five (5) acres in a residential or agricultural district.

2. 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.

3. 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.

4. 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.

   a. Density or land use intensity shall in no case be more than twenty-five (25) percent higher than allowed in the zoning district, except not more than ten (10) percent higher in Residential R-1 districts.

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

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

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

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

   b. Granting to Minersville a permanent open space easement on and over said private open space 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 Minersville, or,

   c. Complying with the provisions of the Condominium Ownership Act of 1963, Title 56, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common area and facilities.

6. 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.

7. 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.

8. A grading with drainage plan shall be submitted to the planning commission with the application.

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

10. 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.

11. 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.

12. It shall be shown that it meets the requirements of Section 4.16 of this Ordinance concerning Water and Sewer Regulations.

8-5 Permitted Uses

Subject to the review and approval of the planning commission, uses permitted in a Planned Unit Development shall be those uses which are permitted in the planned district or other zoning district in which the planned unit development is located; provided, that for the purposes of this chapter and ordinance, multiple-family dwellings may be permitted in a Planned Unit Development approved in a single-family zoning district, provided the overall density of the development does not exceed ten (10) percent higher than the density normally allowed for single-family dwellings in such district.

8-6 General Site Plan

Application shall be accompanied by a general site plan showing, where pertinent:

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

2. 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.

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

4. 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.

8-7 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:

1. 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.

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

3. That application for Planned Unit Development in planned districts meets the requirements of such districts, including the requirements of the general development plan.

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

5. That the development as planned will accomplish the purpose outlined in Section 8-1.

8-8 Scope of Planning Commission Action

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

1. 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.

2. 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.

3. The planning commission may approve or disapprove an application for a Planned Unit Development. In approving and application, the commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section 8-1. The denial of an application for a Planned Unit Development by the planning commission may be appealed to the town board.

8-9 Construction Limitations

1. 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.

2. Amendments to approved plans and specifications for a Planned Unit development shall be obtained only by following the procedure here outlined for first approval.

3. The building inspector 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 any conditions imposed in conjunction with its approval.