

Elwood Town, Utah
Title 10 – Zoning Ordinance

CHAPTER 10.21
PLANNED UNIT DEVELOPMENT

Sections:

10.21.010	Purpose and Intent
10.21.020	Use Regulations
10.21.030	Area Regulations
10.21.040	General Regulations
10.21.050	Submission of Application
10.21.060	Planning Commission Consideration
10.21.070	Planning Commission Action
10.21.080	Town Council Action
10.21.090	Final Site Plan Approval
10.21.100	Building Permit Issuance
10.21.110	Time Limit
10.21.120	Easement over Common Areas

10.21.010 Purpose and Intent

A Planned Unit Development (PUD) is intended to allow for diversification in the relationship of various uses and structures, to permit more flexibility, to encourage new and imaginative concepts in the design of neighborhood and housing projects in urban areas. To this end the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located in separate unrelated lots. Substantial compliance with the zone regulations and other provisions of this Zoning Ordinance in requiring adequate standards related to the public health, safety and general welfare shall be observed, without unduly inhibiting the advantages of large scale site planning for residential and related purposes.

10.21.020 Use Regulations

A Planned Residential Unit Development shall be permitted in all residential zones and notwithstanding any other provisions as hereinafter set forth shall be applicable if any conflict exists. An over-all development plan for a Planned Residential Unit Development showing building types, locations, sizes, height, number of residential units, access roads, open spaces, parking and landscaping may be approved by the Planning Commission and Town Council and building permits issued in accordance with such plan, even though the residential uses, housing types, and the location of the buildings proposed differ from the residential uses, housing types, and regulations governing such uses in effect in the zone in which the development is proposed, provided the provisions of this Article are complied with. Accessory non-residential uses may be included in the development to provide a necessary service to the residents of the development as determined by the Planning Commission.

10.21.030 Area Regulations

- A. The minimum area for a Planned Unit Development shall be ten (10) acres
- B. The number of dwelling units in a Planned Unit Development may be 10% higher than the number of dwelling units permitted by the area regulations of the zone in which the Planned Residential Unit Development is located in accordance with the following:
 - 1. Land for schools, churches, and other non-residential service type uses and land used exclusively for access to the useable area of a Planned Unit Development shall not be included in the area used for determining the number of allowable dwelling units.
 - 2. The amount of bonus, if any, shall be determined by the Planning Commission after considering the proposed site in relation to public services and facilities surrounding residential density and land use, adequacy of traffic access, topographic considerations, amenities proposed, and other related conditions.

10.21.040 General Requirements

- A. The development shall be in single or corporate ownership or the application filed jointly by the owners of the property.

Elwood Town, Utah
Title 10 – Zoning Ordinance

- B. The property adjacent to the Planned Unit Development shall not be adversely affected and to this end the Planning Commission may require in the absence of appropriate physical boundaries that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. Yard and height requirements of the adjacent zone shall apply on the periphery of the project.
- C. Site development standards and sign regulations shall be determined by approval of the site development plan.
- D. The Town Council, upon recommendation of the Planning Commission, may require dedication to the Town land for public park or parkway purposes
- E. The developer shall provide a financial guarantee approved by and in an amount determined by the Town Engineer guaranteeing the completion of all off-site improvements related to the proposed PUD. The financial guarantee may also be required by the Town Engineer for any on-site landscaping and storm water control systems which are to be part of the overall Town-wide storm water control system. The financial guarantee shall be approved by the Town Council and shall be filed with the Town Recorder.
- F. Where access roads create corner lots of adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum corner lot side yard requirements of the Zone in which the corner lot is located, plus an additional ten foot planting and walking area.
- G. If the Planned Unit Development is to be subsequently divided either as a "subdivision", into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of "subdivision".
- H. Any part of a PUD which is proposed as a subdivision is subject to the provisions of the Subdivision Ordinance, except for reference therein to lot dimensions and size, which is to be determined as part of the PUD review process.
- I. In the event an approved preliminary or final site plan requires revision by the developer, the site plan and its revision shall be resubmitted to the Planning Commission for consideration of approval. The Planning Commission may require re-approval by the Town Council. In the event revision is for final site plan, all new property owners in the development shall be notified in writing by the Planning Commission that a revision has been submitted and will be considered by the Planning Commission.
- J. In PUDs that are proposed as condominiums or other forms of multiple, separate ownership, agreement` shall be reached between the Planning Commission and developer as to a schedule of installation of all development amenities and such agreement shall be a condition of approval of the preliminary plan. Amenities shall include all recreational facilities.
- K. Checking fees for PUDs shall be based on the same standards contained in the Subdivision Ordinance and fees established for lots shall be applicable to housing units.

10.21.050 Submission of Application

An application for a Planned Unit Development shall be submitted to the Planning Commission and shall be accompanied by an over-all preliminary development plan showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools, playground, landscaping, recreational facilities and open spaces, areas reserved and proposals for accommodating the design and character of the proposed development; access and parking. Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Zoning Ordinance.

10.21.060 Planning Commission Consideration

In considering the proposed Planned Unit Development, the Planning Commission shall consider:

- A. The design of buildings and their relationship to the site and their relationship to development beyond the boundaries of the development.
- B. Which streets shall be public and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- C. The landscaping and screening as related to the several uses within the development as a means of its integration into its surroundings.
- D. The size, location, design and nature of signs if any, and the intensity and direction of area or flood lighting.
- E. The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the Zoning Map or General Plan of the Town as being a desirable future residential density.
- F. The demonstrated ability of the proponents of the Planned Unit Development to financially carry out the proposed project under total or phase development proposals within the time limit established.

Elwood Town, Utah
Title 10 – Zoning Ordinance

10.21.070 Planning Commission Action

The Planning Commission, subject to the requirements of this Chapter, may recommend approval or denial or approval with conditions, of the preliminary plan for the proposed Planned Unit Development to the Town Council.

10.21.080 Town Council Action

The Town Council, after holding a public hearing thereon, may approve or disapprove the application, the Council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this Article. Approval of the Town Council, together with any conditions imposed, constitutes approval of the proposed development as a "permitted use" in the zone in which it is proposed.

10.21.090 Final Site Plan Approval

After Town Council approval of the preliminary site plans, final site plans reflecting all conditions of preliminary approval must be submitted to the Planning Commission for approval. Approved final site plans will be forwarded to the Building Inspector for issuance of building permits.

10.21.100 Building Permit Issuance

The Building Inspector shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed. Approved development plans shall be filed with the Planning Commission, Engineer, Building Inspector and Town Recorder.

10.21.110 Time Limit

Unless there is substantial action leading toward completion of a Planned Unit Development or an approved phase thereof within a period of eighteen (18) months from the date of approval, as determined by the Town Council, such approval shall expire unless after reconsideration of the progress of the project an extension is approved.

10.21.120 Easements over Common Areas

In every planned residential unit, cluster subdivision or condominium type development, there shall be reserved proper easements over the common areas to accommodate public services, including but not limited to the right of police and fire personnel to enter upon any part of the common areas, and to allow the Town to repair or replace facilities or improvements thereon if any association fails so to do. The declaration for any such development shall include a provision covenanting with the Town and all unit owners to maintain the common areas and facilities for the use of declarant and all unit owners prior to being turned over to an association.

**Elwood Town, Utah
Title 10 – Zoning Ordinance**