

Chapter 9
PLANNED UNIT DEVELOPMENT

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22-9-1 INTRODUCTION. Provision for a Planned Unit Development by this Chapter in no way guarantees a property owner the right to exercise the provisions of the Planned Unit Development. Planned Unit Developments shall be approved by the Planning Commission only if in its judgement the proposed Planned Unit Development fully meets the intent, purpose, and requirements of this Title.

22-9-2 PURPOSE. The purpose of the Planned Unit Development is to allow diversification in the relationship of the 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 zoning regulations and other provisions of this Title related to the public health, safety, and general welfare and at the same time securing the advantages of site planning for residential and commercial use.

22-9-3 DEFINITION. Planned Unit Development, for the purpose of this Title, shall mean an integrated design for development of residential and commercial uses, or a combination of such uses, in which one or more of the regulations, other than use regulations, of the zone 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. A Planned Unit Development may be: (1) the development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation, or and/or aesthetic uses; (2) the conservation or development of desirable amenities not otherwise possible by typical development standards; and (3) the creation of areas for multiple use that are of benefit to the community.

22-9-4 PLANNED UNIT DEVELOPMENT PERMIT. Planned Unit Development may be allowed by Planning Commission Approval in any zoning district where such is a permitted or conditional use. An approved Planned Unit Development shall consist of an official Planned Unit Development form, approved by the Planning Commission and signed by its Chairman and an approved site plan also signed by the Chairman of the Planning Commission. Issuance of a Planned Unit Development permit shall not be granted unless the Planned Unit Development meets the use limitations of the zoning district in which it is to be located and meets the density and other limitations of such zoning district.

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ance with the regulations of this Title in no sense excuses the developer from the applicable requirements of any Subdivision Ordinance, except as modifications thereof are specifically authorized in the approval of the application for the Planned Unit Development. The permit shall be considered in two parts: (1) preliminary approval subject to the public hearing provisions, and (2) final approval based on construction drawings and specifications in general accord with that granted preliminary approval.

22-9-5 REQUIRED CONDITIONS.

1. No Planned Unit Development shall be allowed on a parcel of land containing less than one, (1), net developable acre as defined in Section 22-1-6.

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 which shall be initiated by an application for a zoning change, except that any residential use shall be considered as a permitted use in a Planned Unit Development which allows residential uses and shall be governed by design and other requirements of the Planned Unit Development permit. Provided further that in single-family zones, not including the FR zones, only single family dwellings may be allowed in the Planned Unit Development. Hotels, motels, lodges, etc., shall not be considered residential uses for the purpose of this Chapter.

3. The development may be in a single, partnership, or corporate ownership or under option to purchase by an individual or a corporate entity at the time of application or the application may be filed jointly by all owners of the property. However, any action, (approval, disapproval, postponement, etc.), taken by the Planning Commission pursuant to this chapter shall be unaffected by a change in ownership or membership of the applicant, regardless of the type of entity. Any amendments to an approved plan for a Planned Unit Development must be considered by the Planning Commission and approved only if in accordance with the provisions of this chapter.

4. The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as is necessary to assure that adjacent properties will not be adversely affected, including, but not limited to, the following:

a. Height and density of buildings and uses shall be arranged around the boundaries of the Planned Unit Development to be compatible with existing adjacent developments or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height of two, (2), stories or thirty, (30), feet.

b. Lot area, lot width, yard, and coverage requirements shall be determined by approval of the site plan in conjunction with the specific zoning regulations.

c. Maximum Density. Under no circumstances will a developer or applicant be allowed to construct more dwelling units on a parcel designated as a Planned Unit Development than would be allowed by the pertinent zoning regulations on said parcel or tract were a Planned Unit Development not requested.

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

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

b. Granting to the Town of Alta a permanent, open space easement on or

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over the said private open spaces to guarantee that the open space remains perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an "Owners Association" established with articles of association and by-laws which are satisfactory to the Town of Alta, or,

c. Complying with the provisions of the Condominium Ownership Act of 1963, Title 53, 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 uses within the site and/or used 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 lighting shall be detailed in the application.

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

22-9-6 PLANNED UNIT DEVELOPMENT SITE PLAN REQUIREMENTS. The applicant shall submit a Planned Unit Development Site Plan for the total area within the proposed development. If the Planned Unit Development is to be developed on a phased basis, each phase shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a unit independent of any subsequent phases. Final approval shall be given only to one phase at a time. The general site plan shall show, where pertinent:

1. The use or uses, dimensions, sketch elevations, and locations of proposed structures, as well as utility improvements.
2. The 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, but not limited to, residential density, lot 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 Title.

22-9-7 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 Planning Commission may require the applicant to engage such a qualified designer or design team.
2. It is not the intent of this Chapter 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 Chapter that the control exercised by the Planning Commission 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 an application, the Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section 22-9-2 of this chapter. The action of the Planning Commission may be appealed to the Town Council.

22-9-8 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 Planning Commission to its approval.

2. Amendments to approved plans and specifications for a Planned Unit Development shall be made only if approved by the Planning Commission and shown on the approved plans.

3. The Building Official or any other municipal department shall not issue any permit for any proposed building, structure, activity, or use within the project unless such building, structure, activity, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

4. The Building Official shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.

22-9-9 PUBLIC HEARING. Preliminary development plans including site plans, buildings, open spaces, parking, landscaping, pedestrian and traffic circulation, building elevations, and general drainage and utility layout with topography shall be submitted for the purpose of public review. A public hearing shall be held after publication of a notice of hearing in a public newspaper of general circulation in the area concerned and by posting said notice in three, (3), places in the Town not less than fifteen, (15), days prior to the date of said hearing. Failure of property owners to receive notice of said hearing shall in no way affect the validity of the action taken.

22-9-10 PERFORMANCE BOND. At the request of the Planning Commission, it shall be required for a Planned Unit Development applicant to post a performance bond in an amount and of a type as established by the Planning Commission. The purpose of this bond is to insure that the developer completes the on-site and off-site and utility improvements in accordance with the plans and specifications which have been approved by the Planning Commission and/or the Alta Town Council.