

ORDINANCE NO. 2024-20

**AN ORDINANCE OF THE PLEASANT VIEW CITY COUNCIL AMENDING
PLEASANT VIEW CITY CODE TITLE 18 ZONING TO ESTABLISH A COMMERCIAL
PLANNED UNIT DEVELOPMENT (CPUD) OVERLAY ZONE**

WHEREAS, Pleasant View City Code Title 18 establishes zoning standards applicable to areas outlined in the City's zoning designations through applicable approval processes; and

WHEREAS, the City Council has determined it is desirable to create a new zoning overlay to better accommodate commercial area developments; and

WHEREAS, Pleasant View City finds that the proposed modification meets the desires and intents of the City, particularly those included in the General Plan to create a functioning commercial corridor. Specifically, the Community Character portion of the General Plan references: "The Future Land Use Plan reflects the community vision of maintaining Pleasant View's warm rural character, while providing the high-quality environment and infrastructure necessary for recruiting, creating, expanding and retaining businesses and thriving commercial and employment centers in appropriate areas of the City;" and

WHEREAS, commercial development often requires that varied approaches be available and applied to ensure the installation of all needed and appropriate infrastructure, with a Planned Unit Development (PUD) ordinance creating some flexibility in application.

NOW THEREFORE, be it hereby ordained that:

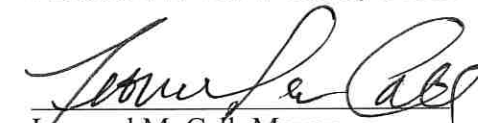
SECTION ONE: the addition of Title 18 Chapter 71 - Commercial Planned Unit Development (CPUD) Overlay Zone, be adopted, as outlined in Exhibit A.

SECTION TWO: This ordinance also approves the addition of the CPUD zone in Title 18 Section 08 within the list of zones established.

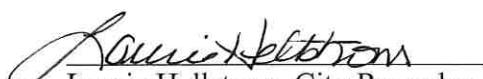
SECTION THREE: This ordinance shall take effect immediately upon approval and final posting.

DATED this 29th day of October 2024.

PLEASANT VIEW CITY, UTAH


Leonard M. Call, Mayor

Attest:


Laurie Hellstrom, City Recorder



Posted this 5th day of Nov, 2024

This ordinance has been approved by the following vote of the Pleasant View City Council:

Yes Councilmember Arrington
Yes Councilmember Marriott
~~Absent~~ Councilmember Gibson
Yes Councilmember Nelsen
Yes Councilmember Urry



Pleasant View City Code
Chapter 18.71

Commercial Planned Unit Development Overlay Zone

18.71.010 Purpose and Intent. The purpose of the Commercial Planned Unit Development (CPUD) Overlay Zone is to allow diversification in the relationship of various uses and structures on an approved site and to permit flexibility in the use of the site of commercial properties, encourage innovative and efficient land use, ensure high-quality design, promote economic development while complying with Utah Code Annotated, as amended. This overlay zone allows for the establishment of commercial, industrial (manufacturing) and mixed-use planned unit developments.

18.71.020 Applicability.

- A. This Commercial Planned Unit Development Overlay Zone (hereinafter "CPUD") applies to areas designated on the official zoning map of the city. The uses allowed on any lot in the CPUD Overlay Zone shall be the same uses allowed in the underlying zone in which the lot is located.
- B. Properties within this overlay zone are eligible to apply for CPUD Overlay Zone status subject to the provisions of this ordinance. The application of the planned development concept is intended to encourage appropriate commercial and area design, thus ensuring substantial compliance with the intent of zone regulations and other provisions of this title related to public health, safety, and general welfare, and at the same time securing the advantages of large-scale site planning for commercial or industrial development, or combinations thereof.
- C. The use and development of land located in the CPUD Overlay Zone shall be approved according to administration and development review procedures applicable to the underlying zone set forth in this title except as modified by this chapter.
 - 1. The CPUD Overlay Zone may be used in combination with any commercial or manufacturing zoning designation subject to City Code requirements. The provisions of the CPUD Overlay Zone shall be supplementary to the provisions of the zone with which it is combined and shall not be applied to any land area as an independent zone.
 - 2. Variations from applicable design standards and development standards of an underlying zone may only be approved for a planned development pursuant to the provisions of approval established in this chapter.
- D. Proposed developments under this chapter require a zone change together with a concept plan approval. Such proposed developments shall be carried out only in conformance with this chapter, shall require subdivision approval following the requirements of the city subdivision regulations, and shall be developed only in conformance with approval by the approval authority or through a development agreement

- E. During the initial zone change/concept phase, a decision as to the appropriateness of the proposed development at the location, and the acceptability of the design plan, shall be determined. Such appropriateness and acceptability shall be on compatibility with the general plan, design features, compatibility with surrounding land uses, and the prominence and suitability of natural or open space features.
- F. All conditions identified as part of this process shall become a written part of the record and shall be recorded on the plat or by separate development agreement.
- G. An application for a development under the zone change/concept plan process does not entitle the property owner the right to exercise the provisions of this chapter. Such zoning shall be approved by the planning commission and the city council only if, in their judgment, the proposed development fully meets the intent, purposes and requirements of the General Plan and Zoning Ordinance.

18.71.030 Standards of Establishment.

To establish a Commercial Planned Unit Development, the following standards must be satisfied:

1. Minimum Area. The minimum area for a CPUD shall be three (3) acres, or one (1) acre per phase when development is phased within a total developable area of at least three (3) acres.
2. Mixed-Use. The CPUD may include a mix of commercial, office, industrial, manufacturing and other permitted uses.
3. Density and Intensity. The density and intensity of development shall be in accordance with the underlying zoning application, unless otherwise approved by the approval authority or through a development agreement.
4. Open Space. A minimum of 5% of the CPUD area shall be dedicated to open space, which may include parks, plazas, and landscaped areas.
5. Design Standards. Development within the CPUD shall adhere to Chapter 18.43 Design Standards, unless otherwise approved by the approval authority or through a development agreement.
6. Traffic Impact. A traffic impact analysis is required to ensure that the CPUD will not adversely affect the surrounding transportation network.
7. Utilities and Infrastructure. Adequate provisions must be made for water, secondary water where required, sanitary sewer, stormwater management, and other essential utilities and infrastructure.
8. Phasing Plan. If the CPUD is to be developed in phases, a phasing plan must be submitted and accepted, outlining the sequence and anticipated timing of development.
9. A CUPD shall be in single ownership and control or under option to purchase by an individual or a corporate entity at the time of application, or the application shall be filed jointly by all owners of the property or properties.

18.71.040 General Approval Process, including Zone Change, Preliminary Site Plan, and Subdivision Requirements.

A. Zone Change:

1. A CUPD applicant shall submit an application for zone change in accordance with Chapter 20.08 and this chapter. Submittal of an application for a CUPD Overlay Zone does not guarantee the application will be approved.
2. The Planning Commission shall consider the zone change application and preliminary site plan and make a recommendation to the City Council regarding the proposed zone change to the Commercial Planned Unit Development Overlay Zone.
3. After recommendation and action by the Planning Commission, the City Council shall consider the application for a zone change to the Commercial Planned Unit Development Overlay Zone as provided in chapter 18.02 of this title regarding amendment of the official zoning map, as outlined and required in chapter 20.08. The City Council shall approve, approve with conditions, or deny the zone change application in accordance with the following:
 - a. A zone change may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds the proposed Commercial Planned Unit Development Overlay Zone and the associated preliminary site plan:
 - i. Will allow integrated planning and design of the site and, on the whole, will provide a better development than would be possible under conventional zoning regulations;
 - ii. Meets the density, use, and other requirements of this chapter and the underlying zone of where the Commercial Planned Unit Development Overlay Zone will be applied, except as otherwise allowed by this chapter.
 - b. In order to make findings necessary to approve a Commercial Planned Unit Development Overlay Zone, conditions of approval may be imposed to assure the CPUD will:
 - i. Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and
 - ii. Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this article and as shown on an approved preliminary site plan for the CPUD.
 - c. Zoning conditions, as provided in subsection 18.71.30 of this chapter,

also may be placed on property at the time of zoning to restrict or prohibit uses or development that would not be compatible with adjoining uses, notwithstanding whether such uses are existing or future uses as shown in the General Plan.

B. Preliminary Site Plan:

1. A preliminary site plan shall be submitted and considered concurrently with an application for a zone change to the Commercial Planned Unit Development Overlay Zone. The preliminary site plan shall show:
 - a. Generally, the proposed commercial use density, total acreage, acreage per phase (if phased), minimum lot sizes, the range of lot sizes, building locations, building elevations, open space to comply with subsection 18.71.030 of this article, parking, landscaping, pedestrian and traffic circulation, drainage, and utility layout; and
 - b. The information required by section 18.54 of this title, except that plans for grading and drainage, utilities, landscaping, and building elevations may be conceptual in nature.
2. If the CPUD is proposed to be developed in phases, the preliminary site plan shall also show phase boundaries. Each phase shall be of such size, composition, and arrangement so that construction, marketing, and operation of each phase is feasible as a unit, independent of any subsequent phases.
3. Concurrently with the recommendation provided in subsection 18.71.040.A, the Planning Commission shall approve, approve with conditions, or deny a preliminary site plan for the CPUD. The Planning Commission approval of a preliminary site plan shall not be effective unless and until the corresponding zone change is approved by the City Council.

C. Site Plan Approval: Within twenty-four (24) months after approval of a Commercial Planned Unit Development Overlay Zone and a corresponding preliminary site plan, and before the issuance of any building permit, an applicant shall submit an application for approval of a site plan pursuant to section 18.54 of this title. If a planned development is to be constructed in phases as shown on an approved preliminary site plan, a site plan shall be submitted and approved for each phase.

D. Subdivision Requirements: An application for a subdivision preliminary plat (commercial) may proceed concurrently with an application for a site plan. The following requirements apply to all CPUD subdivision developments:

1. Property Owners' Association (POA) or City-Approved Governing Body. A POA or other City-approved governing entity must be established for the management and maintenance of shared infrastructure, common areas, detention ponds, and other communal facilities. The governing documents for the POA must be submitted to the City for review and approval before final plat approval. The governing documents shall be recorded concurrently with the subdivision plat. The POA or

other City-approved governing entity must ensure long-term financial viability for the maintenance of shared spaces, utilities, and amenities, and must be responsible for enforcing cross-access and cross-parking agreements.

2. **Lot Configuration and Cross Access Agreements.** All lots within the CPUD subdivision shall be subject to cross access agreements to ensure integrated vehicular and pedestrian movement between properties. Access drives, parking lots, and pedestrian pathways must be designed to provide seamless connectivity between adjacent lots, minimizing the need for multiple curb cuts onto public streets. Cross access easements must be recorded with each lot to guarantee shared access in perpetuity, enforceable by development agreement, property owners' association or other City-approved governing entity.
3. **Building Pads and Common Space.** Individual building pads are permitted within the CPUD, provided that they comply with the overall site plan for the subdivision and adhere to setback, lot coverage, and height requirements as per the zoning code. A minimum of 10% of the total CPUD area must be allocated for common spaces, which may include landscaped areas, plazas, walkways, and recreational amenities. These spaces shall be centrally located and accessible to all tenants and patrons of the subdivision. Common spaces shall be maintained by the POA or other City-approved governing entity.
4. **Governance of Culinary Water Services and Main Line Ownership.**
 - a. For City-provided culinary water, each platted building pad and/or lot shall be served by an individual water meter and service line. Ownership of the water service lateral shall begin at the corp stop located at the water main. Water usage for individual building pads and lots shall be measured and billed separately, unless the CPUD includes a shared water utility agreement approved by the City.
 - b. For City-provided culinary water, water main lines within the CPUD subdivision shall remain under the ownership and control of the City and must be designed and installed in accordance with the City's engineering and public works standards. Any extensions of main lines required to service the subdivision shall be constructed at the developer's expense. Utility easements for water services and other utilities must be clearly defined and recorded to ensure access for maintenance and repair.
 - c. When culinary water is provided by an entity other than the City, said entity shall regulate water service and main line ownership and metering.
5. **Detention Ponds and Stormwater Management.** Stormwater detention or retention ponds must be designed to accommodate the runoff from the entire subdivision in accordance with the City's stormwater management regulations. These ponds shall be located within common space areas and maintained by the POA or other City-approved governing entity. Any detention and/or retention ponds and all associated infrastructure (e.g., drainage pipes, inlets, outlets) shall be owned and maintained

by the POA or a special service district established for this purpose.

6. **Utility and Infrastructure Easements.** All utility lines, including but not limited to water, sewer, stormwater, and electrical, must be located within dedicated easements, which shall be recorded on the final plat. Shared utility infrastructure must be accessible to all property owners within the CPUD and must be maintained by the POA or other City-approved governing entity. Easements for private utilities shall be granted for maintenance and repair access.
 7. **Parking and Loading Areas.** Parking may be shared among lots within the CPUD through a cross-parking agreement, provided that the total number of parking spaces in the CPUD meets the requirements of the City's zoning code. The shared parking arrangement must be formalized through easements and recorded with the subdivision. Designated loading and unloading areas shall be provided within the subdivision, located to minimize interference with internal traffic circulation and pedestrian movement. These areas must be screened from public view when adjacent to public streets or pedestrian pathways.
 8. **Landscaping and Aesthetic Standards.** A unified landscaping plan must be submitted for the CPUD, showing plantings, trees, and aesthetic features. Landscaping must comply with City ordinances regarding tree coverage, species selection, and water conservation (xeriscaping is encouraged). All buildings and structures within the CPUD must adhere to an approved architectural theme or style to ensure visual consistency and quality across the development.
 9. **Signage.** A master sign plan must be submitted and approved for the entire CPUD, detailing the location, size, and design of all signage within the development. Signs must comply with City sign ordinances and be designed to complement the architectural character of the development. Shared monument signs for the subdivision may be permitted at major entrances, with sign space allocated among tenants or property owners as outlined in the POA agreement.
 10. **Phasing of Development.** If the CPUD is to be developed in phases, each phase must be self-sufficient in terms of infrastructure and access, and must provide the necessary utility services, parking, and stormwater management to support the completed portion of the development. A phasing plan must be submitted with the CPUD subdivision application, detailing the timeline, scope, and sequence of each phase.
- E. **Construction Limitations:** Upon approval of a subdivision or site plan for a CPUD, construction shall proceed in accordance with approved plans and specifications, and in conformance with any conditions associated with the preliminary site plan, zone change, or site plan approval.
- F. **Amendments:** Amendments to approved CUPD plans shall be obtained by following the same procedure required for the original approval.

18.71.050 Application Process.

1. Pre-Application Meeting. Applicants are encouraged to meet with municipal staff prior to submitting a formal application to discuss the proposed Commercial Planned Unit Development and identify any potential issues.
2. Zoning Amendment Application Submission. The applicant shall submit a complete zoning amendment application, including a preliminary site plan, project narrative, traffic impact analysis, and other required documents.
3. Public Hearing. The Planning Commission shall hold a public hearing to review the proposed CPUD and receive input from the public.
4. Planning Commission Review. The Planning Commission shall review the application, including review and consideration of the preliminary site plan, and make a recommendation to the City Council.
5. City Council Approval. The City Council shall review the Planning Commission's recommendation and approve, approve with conditions, or deny the CPUD zoning amendment application.

18.71.060 Development Agreement.

At the discretion of the City, a development agreement may be entered into between the City and the developer. The development agreement shall outline the terms and conditions of the CPUD, including but not limited to:

1. Project Phasing: Details of the development phasing and timelines for completion.
2. Public Improvements: Requirements for public improvements, including roads, utilities, and open space.
3. Financial Guarantees: Performance bonds or other financial guarantees to ensure the completion of public improvements.
4. Compliance: Provisions for ensuring compliance with municipal standards and regulations.
5. Modifications: Procedures for modifying the development agreement, if necessary.

18.71.070 Other Applicable Regulations.

To the extent that use and development of land located in a Commercial Planned Unit Development Overlay Zone includes any matter governed by other applicable regulations set forth in this title, such regulations shall apply in addition to the requirements of this chapter.

18.71.080 Amendments and Modifications.

Any amendments or modifications to an approved CPUD must be reviewed and approved by the planning commission and city council in accordance with the procedures outlined in Section 18.71.040.

