

MOUNT PLEASANT, UTAH
ORDINANCE 2025.XX
PLANNED UNIT DEVELOPMENT OVERLAY ZONE

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY SECTION 030, CHAPTER 16 OF TITLE 10 OF THE MOUNT PLEASANT MUNICIPAL CODE TO AMEND THE PLANNED UNIT DEVELOPMENT OVERLAY ZONE.

RECITALS

WHEREAS, pursuant to Utah Code Ann. § 10-1-201, Mount Pleasant City ("the City") is a Utah municipal corporation and political subdivision of the State of Utah;

WHEREAS, pursuant to Utah Code Ann. § 10-1b-401, the Mount Pleasant City Council ("the City Council") is the legislative and governing body of the City;

WHEREAS, pursuant to Utah Code Ann. § 10-1a-103(3), the City Council, in addition to being the legislative and governing body of the City, is also the Land Use Authority vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the City unless the latter administrative power is delegated to another body or person;

ORDINANCE

NOW THEREFORE, be it ordained by the Mount Pleasant City Council in the State of Utah, as follows:

SECTION 1. AMENDMENT OF SECTION 030, CHAPTER 16, TITLE 10 OF THE MOUNT PLEASANT MUNICIPAL CODE. Title 10, chapter 16, section 030 of the Mount Pleasant Municipal Code is hereby amended as follows:

10.16.030 PUD PLANNED UNIT DEVELOPMENT OVERLAY

10.16.030.1 PURPOSE.

10.16.030.2 SCOPE.

- 10.16.030.3 USE IN COMBINATION WITH UNDERLYING ZONE.
- 10.16.030.4 MINIMUM AREA OF OVERLAY.
- 10.16.030.5 USES ALLOWED.
- 10.16.030.6 DENSITY.
- 10.16.030.7 APPLICATION.
- 10.16.030.8 DEVELOPMENT PLAN.
- 10.16.030.9 STAFF REVIEW.
- 10.16.030.10 PLANNING COMMISSION REVIEW.
- 10.16.030.11 CITY COUNCIL REVIEW.
- 10.16.030.12 DEVELOPMENT AGREEMENT.
- 10.16.030.13 SUBDIVISION REQUIREMENTS.
- 10.16.030.14 COMMERCIAL REQUIREMENTS.

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10.16.030.1 PURPOSE.

The purpose of the Planned Unit Development (PUD) Overlay is to provide a flexible regulatory framework that encourages innovative, high-quality, and cohesive development while maintaining the underlying zoning district's intent. The PUD Overlay allows for a mix of land uses, diverse housing options, creative site design, and efficient infrastructure planning that may not be achievable under conventional zoning standards. This overlay promotes the integration of residential, commercial, and other compatible uses to support sustainable growth and community-oriented development. The PUD Overlay facilitates collaborative planning between developers and the community to achieve projects that reflect local goals, enhance neighborhood character, and provide public benefits beyond what standard zoning allows.

10.16.030.2 SCOPE.

The requirements of this Section shall apply to any PUD Overlay within the city. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, this Code, or other laws except to the extent such provisions are altered by the requirements of this section.

10.16.030.3 USE IN COMBINATION WITH UNDERLYING ZONE.

The PUD Overlay may be used in combination with the R-A and R-S zones, subject to the requirements of this section.

- A. Provisions Supplementary: The provisions of the PUD Overlay 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.
- B. Zone Designation: The PUD Overlay designation shall be shown on the official zoning map in parentheses as a suffix to the zone designation with which it is combined. For example, if the PUD Overlay is combined with the R-S Single-Family Residential Zone, it would be designated on the official zoning map as "R-S (PUD)." Only one zone shall be designated for the entire development.

10.16.030.4 MINIMUM AREA OF OVERLAY.

The PUD Overlay shall be applied only to projects consisting of at least one (1) contiguous acre.

10.16.030.5 USES ALLOWED.

The uses allowed within a PUD Overlay shall include all permitted and conditional uses set forth in the zone with which the PUD Overlay is combined, subject to compliance with the approved PUD development plan. Additional uses may be considered if they align with the intent of the PUD Overlay and are approved with the PUD development plan. Such uses are

listed below. Any uses not approved as part of the PUD development plan shall be prohibited within the PUD Overlay. Any conditional use shall be subject to the issuance of a conditional use permit as set forth in this title.

- A. Density: Multiple-family dwellings shall be a permitted use in a PUD Overlay provided the total density in a particular PUD project does not exceed the greater of:
 - 1. The density permitted by the underlying zone with which the project is combined or
 - 2. The density authorized by a bonus density pursuant to 10.16.030.6 of this section.
- B. Accessory Uses: Accessory uses located in a common area building may be permitted. Accessory uses may include recreational facilities and structures, daycare centers, personal services, and RV parking.
- C. Commercial Uses: Any commercial use outlined in 10.10 of this title may be permitted within a PUD Overlay provided such use is:
 - 1. Specifically authorized as part of a PUD development plan approved pursuant to the provisions of this section and
 - 2. Designed as an integral element of the PUD including building and landscaping design, which is consistent with design elements of the development.

10.16.030.6 DENSITY:

- A. Base Density: Base density for a PUD Overlay shall be the density allowed by the underlying zone with which the PUD Overlay is proposed to be combined.
- B. Density Bonus: The City Council, after receiving a recommendation from the Planning Commission, may authorize a density bonus of up to twenty (20) percent above the base density for a PUD Overlay. The purpose of the density bonus is to provide an incentive to an applicant to provide amenities that are not required by this chapter or the applicable underlying zone and which otherwise would not be provided.

A density bonus may be authorized based upon the provision of the following:

 - a. For every additional five percent (5%) of total gross site area preserved as qualifying open space above the minimum required, a five percent (5%) increase in allowable dwelling units may be granted. The total density bonus shall not exceed twenty percent (20%) of the base density.
- C. Qualifying Open Space Criteria: To be eligible for the above-mentioned bonus density, open space must:
 - 1. Be contiguous and accessible to all residents of the development.
 - 2. Be free of buildings, roads, parking lots, or private yards.
 - 3. Include natural features, trails, or usable recreation areas.

4. Not include required setbacks, stormwater facilities, or areas with slopes exceeding 30%, unless integrated with usable space (e.g., terraced or trail-enhanced).
5. Be permanently preserved through easements, deed restrictions, or dedication to the city or a qualified land trust.

10.16.030.7 APPLICATION.

An application for approval of any PUD Overlay shall be filed with the City staff. The application shall be made on a form provided by the City and must include written consent by the owner/owners of all property to be included in the PUD Overlay. The PUD Overlay application shall consist of the following:

- A. A development plan as set forth in this section.
- B. A written statement of intent and objectives.
- C. A completed application form.
- D. Payment of required fees.

10.16.030.8 DEVELOPMENT PLAN.

A development plan shall be required for all PUD Overlay applications and shall include the following:

- A. A map of the existing site showing the following information:
 1. Vicinity map.
 2. Scale and North arrow.
 3. Site boundaries, dimensions, and acreage.
 4. Topography with two-foot (2') contours.
 5. Existing vegetation, location, and types.
 6. Existing structures and designation of their current uses.
 7. Existing roads and other improvements.
 8. Location of existing public utilities and utility easements.
 9. Such other data as may be required as a result of unique conditions or circumstances associated with the proposed PUD.
 10. A description and location of existing public utilities and services, including fire and police stations, schools, hospitals, and their proximity to the PUD.
- B. Specific Site Plan. The specific site plan shall consist of a plan showing the major details of the proposed PUD project, together with supporting information as required hereunder. The Plan will be prepared at a scale no smaller than one-inch equals one hundred feet (1" = 100'). The specific plan guides the creation of the PUD and ensures that the completed development will meet the standards envisioned at the time of approval. The specific site plan shall contain the following information:
 1. Proposed name of the PUD.
 2. Scale and North arrow.

3. Name and address of applicant, owner, and the preparer of the plan.
 4. All proposed land uses, densities, and proposed units within the PUD, including a land use summary and population projections for the proposed units.
 5. Designation of major roads and highways both within the proposed PUD and those that interface and adjoin to the proposed PUD.
 6. Topography with two-foot (2') contours.
 7. Public and civic facilities, both currently existing and proposed, including, without limitation, schools, churches, fire stations, police stations, hospitals, and existing utility service locations.
- C. Design Guidelines and Standards: Design guidelines and standards, which will show in detail any variation of land use standards and regulations to be applied to the PUD, including all proposed land use regulations, procedures, and specifications, as well as specific building and architectural standards and criteria as applicable.
- D. Grading Concept Plan.
- E. Utilities Plan: This plan designates the location of main lines for water, sewer, gas, electric, and phone services.
- F. General Landscape Plan: A general landscape plan designates:
1. Proposed open spaces.
 2. General landscaping criteria including a list of plants and materials to be used.
- G. Preliminary Geology and Soils Reports.
- H. Site Drainage Plan: The site drainage plan includes the designation of existing natural drainage patterns, together with any proposed modifications or construction of additional drainage and/or retention facilities.
- I. Traffic Study: Traffic study and analysis.
- J. Project Phasing Plan: The project phasing plan outlines approximate time frames for the beginning and completion of each phase of the proposed development and construction.
- K. Adjoining Owner Identification: The names and addresses of all adjoining property owners.
- L. Miscellaneous Studies: The applicant shall provide such additional studies as may be pertinent to the specific site, context, and characteristics of the proposed PUD, as may be required under state or federal law, including, without limitation, biology studies, environmental studies, wetland analysis, and EPA assessments.
- M. Written Statement: The written statement to be submitted with the PUD application shall contain the following information:
1. A statement of purpose and intent as well as long-range planning goals and objectives, including design intent, general architecture theses, and guidelines.
 2. A statement of ownership, proposed tenancy, and legal description of the land are included in the PUD project plan, together with a preliminary title report.

3. A statement of any variation of land use standards that will be applied to properties and uses within the proposed PUD.

10.16.030.9 STAFF REVIEW.

The city staff shall receive and check the PUD application for general compliance with this section and required submissions. If the PUD application is not complete or not in general compliance, the city staff shall notify the applicant in writing and specify the deficiencies in the application. If the submission is complete and in general compliance, the application shall be forwarded to the Development Review Committee as defined in 10.18.190 for review. The Development Review Committee will forward a written report of their findings and recommendations to city staff.

10.16.030.10 PLANNING COMMISSION REVIEW.

Once the staff review of the application has been completed, city staff shall forward the PUD Overlay application to the Planning Commission for review and possible recommendation. The Planning Commission shall hold a public hearing on the PUD Overlay application. After holding a public hearing, the Planning Commission shall review the application and base its findings upon the review standards set forth below. If the Planning Commission finds that the proposed PUD Overlay application complies with the requirements of this section and that it is satisfied with the PUD development plan, it shall recommend approval, or approval with conditions, of the PUD application. If the Planning Commission finds that the proposed PUD Overlay application does not meet the requirements of this section or other applicable ordinances, it shall recommend denial of the PUD Overlay application and shall include written findings of the deficiencies and basis for its recommendation.

- A. Review Standards. The Planning Commission shall review the PUD Overlay application for substantial compliance with this section. Additionally, the Planning Commission shall consider the following matters when reviewing a PUD Overlay application.

1. Considerations relating to traffic safety and traffic flow patterns, including but not limited to, the effect of the proposed PUD Overlay on traffic conditions on adjoining streets and circulation patterns within the boundary of the proposed PUD Overlay.
2. General signage proposals, including design standards, tentative locations and lighting of signage.
3. General landscaping plans, including proposed materials, landscaping guidelines, and proposed dedicated open spaces, parks, etc.
4. Considerations related to the presence of hazards on the site, including but not limited to:
 - a. The location of any floodplains or channels.
 - b. The location of any unstable soil formations or geologic formations.

- c. The location of critical public facilities, such as schools, churches, utilities, or transportation corridors.
5. Considerations relating to the overall consistency of planning design and objectives.

10.16.030.11 CITY COUNCIL REVIEW.

After reviewing the PUD Overlay application, the Planning Commission shall forward its recommendation to the City Council for review and possible approval.

- A. Final Action: The City Council shall take final action on the PUD Overlay application. If the City Council determines that the PUD Overlay application complies with the requirements of this section, other applicable ordinances, and any conditions recommended by the Planning Commission or on its own initiative, and that it is satisfied with the PUD development Plan, it shall approve the PUD Overlay application. If the City Council finds the PUD Overlay application does not comply with the requirements of this section, other applicable ordinance, or other conditions recommended by the Planning Commission or on its own initiative, the City Council shall deny the PUD Overlay Application.

10.16.030.12 DEVELOPMENT AGREEMENT.

- A. General Provision: When a PUD Overlay is approved by the City Council, the applicant shall enter into a development agreement with the City. Such agreement shall constitute a binding contract between the applicant and the City (the parties) and shall be construed together with the provisions of the PUD development plan and any ordinance attached hereto, to accomplish and give effect to the purposes set forth in this section.
- B. Purpose: The purpose of the development agreement shall be to specify the detailed terms and conditions upon which the parties will cooperate in completing development of the subject property under the PUD development plan. The development agreement shall create a vested right for the applicant or its successors or assigns to develop and construct the project as set forth in the PUD development plan.
- C. Amendments: Any development agreement may be amended by mutual written consent of the parties.
- D. Mandatory Contents: A development agreement entered into pursuant to this article shall contain provisions that:
 1. Specify the duration of the agreement.
 2. Specify the permitted uses of the property.
 3. Specify the permitted density of use or development.
 4. Specify the maximum height and dimensions of the proposed structures.

5. Set forth the provisions for the reservation or dedication of lands for public purposes, including but not limited to, parks, roadways, and utility easements, as applicable.
 6. Provide that construction shall be commenced within a specified time and that the project or any phase thereof shall be completed within a specified time which shall be consistent with the expected buildout of the phase. The development agreement may also include a provision which allows the parties to amend the expected build out calculations approved in the original development agreement.
 7. Provide for periodic review of the status of performance under the development agreement.
- E. Execution and Recording:
1. The parties shall not execute any development agreements prior to the final approval by the City Council of any PUD Overlay application as provided under this article.
 2. No construction or development shall take place prior to the execution of a development agreement.
 3. A development agreement shall be executed within one (1) year of approval of the PUD Overlay application. Should the parties fail to execute a development agreement within that time, approval of the PUD Overlay application shall be void and a new application for a PUD Overlay required.
 4. An executed development agreement under this section shall be recorded in the office of the county recorder within ten (10) days after it is executed by the parties.

10.16.030.13 SUBDIVISION REQUIREMENTS.

Compliance with this section does not exempt any applicant from meeting the requirements of Title 17 of this Code except as may be amended by the provisions of this section. An applicant may not submit a subdivision application prior to approval of the PUD Overlay application by the City Council.

10.16.030.14 COMMERCIAL REQUIREMENTS.

Compliance with this section does not exempt any applicant from meeting the requirements of 10.18.190. An applicant may not submit a commercial site plan application prior to approval of the PUD Overlay application by the City Council.

Severability Clause: Should any part or provision of this ORDINANCE be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the

ORDINANCE as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Effective Date: This Ordinance shall be in full force and take effect on _____, 2025

Repealer Clause: All Mount Pleasant City ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND APPROVED this ____ day of _____, 2025

Michael Olsen, Mayor

Attorney

Christie Cronin, Recorder

City Council Member Russell Keisel
City Council Member Paul Madsen
City Council Member Randy Black
City Council Member Lynn Beesie
City Council Member Wade Beck

Yea____ Nay____ Absent____
Yea____ Nay____ Absent____
Yea____ Nay____ Absent____
Yea____ Nay____ Absent____
Yea____ Nay____ Absent____

RECORDED this ____ day of _____, 2025.

PUBLISHED & POSTED this ____ day of _____, 2025.