

# **Chapter 9 - Planned Unit Developments (PUD)**

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## **9-1: PURPOSE:**

A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned unit development technique, the County seeks to achieve the following specific objectives:

- (1) creation of a more desirable environment than would be possible through strict application of other county land use ordinances and regulations;
- (2) promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
- (3) combination and coordination of architectural styles, building forms and building relationships;
- (4) the creation, landscaping and preservation of open space and recreational facilities;
- (5) preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
- (6) use of design, landscape or architectural features to create a pleasing environment;
- (7) preservation of buildings which are architecturally or historically significant contribute
- (8) establishment of interconnecting paths and trails for alternative transportation routes which lead to common and popular destinations and interface with automobile traffic at few and specific points;
- (9) provide a variety of housing, in accordance with the county's general or specific plans;
- (10) inclusion of special development features; and
- (11) elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

### **9-1.1: DISTRICTS PERMITTING PLANNED UNIT DEVELOPMENTS:**

Planned unit developments (PUDs) are permitted in all districts.

### **9-2: PLANNED UNIT DEVELOPMENT CLASSIFICATION, MINIMUMS AND MAXIMUMS:**

- A. A "small scale residential" PUD consisting of only residential and accessory uses and having six (6) dwelling units or fewer and having a minimum gross land area of five (5) acres.
- B. A "large scale residential" PUD consisting of only residential and accessory uses and having more than six (6) dwelling units and having a minimum gross land area of five (5) acres.
- C. A "small scale mixed use" PUD consisting of a combination of residential and subordinate commercial uses and having a minimum gross land area of ten (10) acres.
- D. A "large scale mixed use" PUD consisting of commercial, industrial, residential or recreational uses and having a minimum gross land area of twenty (20) acres.
- E. A commercial/industrial PUD consisting of primarily commercial and/or industrial uses, wherein the permitted uses within the PUD shall be the same as those within the base zone district.
- F. Any development having a minimum gross land area of one hundred and fifty (150) acres or more are required to go through the approval process for the Planned Community Zone (Chapter 31).

### **9-3: USES PERMITTED WITHIN PLANNED UNIT DEVELOPMENTS:**

Permitted uses shall be the same as those within the base zone district, with the following exceptions:

- A. Limited commercial and related recreational activities and facilities which are designed primarily to accommodate the needs of residents within a "mixed use" PUD described in section **9-2** of this chapter may be permitted in any district, except for Industrial. Commercial recreation areas, such as golf courses are allowed where permitted or conditionally permitted in applicable districts, may include related commercial uses to accommodate the general public as well as residents within the PUD when included and approved as part of the PUD development plan.

#### **9-3.1: PLANNED UNIT DEVELOPMENT APPLICATION REQUIREMENTS**

Application for a PUD shall be made with the Tooele County Community Development Department. In addition to the basic information requirements and application forms provided by the department, a completed application shall include the following:

- A. A report showing how the proposed PUD complies with the conditional use standards of Chapter 7.
- B. Environmental analysis, which shall address the impacts of the development on the various physical features of the land, including wetlands, wildlife habitat, vegetation, floodplain and floodways, cultural resources, water quality and other natural resources.

- C. Preliminary development plan or conceptual land use plan for a "large scale" PUD of significant size which may be planned in phases for a variety of land use types over a period of time. The preliminary development plan contents for a "small scale" or "mixed use" PUD, or for any portion of an approved "large scale" PUD which is contemplated to be completed or under construction within two (2) years after approval, shall include the proposed use or uses, housing densities and arrangements, parking facilities, preliminary subdivision plan (if applicable), common areas, open spaces and a transportation network for vehicular and pedestrian circulation. The Planning Director or Governing Body may require drawings and sketches demonstrating the design characteristics and physical relationships of various uses and siting conditions in order to determine the feasibility and desirability of any necessary variation from the conventional development standards of this title.
- D. A trip generation and distribution letter.

### **9-3.2: PREAPPLICATION MEETING:**

The developer or developer's representative for a PUD shall meet with The County Planner or Zoning Administrator prior to submitting an application. The purpose of this meeting is to discuss early and informally with the developer, the purpose and qualifying provisions of this chapter along with any known constraints in order to assist the applicant in determining the feasibility of the proposal. The meeting will familiarize the developer with the general plan, the Tooele County Active Transportation Implementation Plan, this title, sewer and water regulations and general soil information. The developer shall also consult with the serving utility companies and agencies regarding electrical power, sewer and water supply prior to submission of the preliminary development plan.

### **9-3.3: CONCURRENT PROCESSING OF PLANNED UNIT DEVELOPMENT AND CONCEPT SUBDIVISION APPLICATIONS:**

When a PUD includes a subdivision, the processing of the concept subdivision application shall take place concurrently with the PUD application.

### **9-4: "LARGE SCALE" PUD, GENERAL PROVISIONS:**

- A. A conditional use permit may be granted for a conceptual land use plan for a "large scale" PUD, subject to submission of preliminary development plans as provided in this title. The planning commission shall consider the conceptual land use plan and shall make its recommendation to the County Commission, which shall conduct its own hearing on the plan. If phasing is proposed, a phasing schedule shall be provided with the application.
- B. Development plans submitted as part of an approved "large scale" PUD shall be in substantial compliance with the approved conceptual land use plan. Any significant change affecting the original approval of the plan shall require a public hearing. A change in density or a more intensive use of the same area constitutes a significant change.

### **9-5: PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS:**

The procedures of chapter 7 (conditional uses) for approval of conditional use permits applies to consideration and approval of planned unit developments, except as otherwise provided in this title. The planning commission shall consider the planned unit development proposal and shall make its recommendation to the County Commission, which shall conduct its own hearing on the planned unit development.

## **9-6: DESIGN STANDARDS FOR PLANNED UNIT DEVELOPMENTS:**

Approval of a development plan by the County Commission shall include, but is not limited to, the following performance standards and requirements, which may be in addition to and may vary from the minimum standards of this title:

A. Common Open Space: At least ten percent (10%) of the gross land area of a residential PUD shall be reserved as common open space, exclusive of streets, parking areas, and utility easements and other improvements which would detract from the function of the "common open space", as defined below. The required common open space must fall into one or more of the following categories:

1. Wildlife habitat or wildlife corridors, as identified by the Utah department of fish and game or U.S. fish and wildlife service. These areas might be stream corridors, waterways subject to artificial high-water marks, as defined, which shall not exceed fifty percent (50%) of the total required common open space, waterways, wetlands, grasslands, stands of mature timber, areas with snags, wintering areas, nesting and roosting sites, waterfront areas and travel corridors between habitat blocks and sources of food and water.
2. Areas with native vegetation, including native grassland or unique vegetative communities.
3. Recreational areas, including trails, sports courts and wildlife viewing areas, and other similar recreational uses.
4. Historic or culturally significant areas as determined by the Utah State Historical Society.
5. Actively managed pasture, farm or timbered land in the A/F and rural districts. Accessory agricultural structures are allowed within the common open space.

B. Owners' Association: A PUD shall include a homeowners' association and/or corporate ownership, which shall be responsible for the development, use and permanent maintenance of all common activities and facilities.

C. Covenants, Articles Of Incorporation: Articles of incorporation for the homeowners' association or corporate entity governing the PUD shall be recorded with the final plat of any PUD subdivision or final development plans. The covenants, conditions and restrictions shall be sufficient to enforce development requirements and responsibilities of the homeowners' association and/or ownership.

D. Development Density: The unit density of a PUD containing residential uses (dwelling units/acre) shall not exceed the density of the zone district in which it is located, except for density bonuses as provided in the following tables:

TABLE 9-6.1  
 DENSITY BONUS FOR COMMON OPEN SPACE  
 (Numbers in parentheses refer to additional  
 standards located below the table.)

Amount Of Common Open Space (Percent Of Site) (2)	Maximum Percentage Increase In Approved Building Lots (1)	
	A/F-10, R-5 (3)	A/F-20 And R-10 Districts S, AV, C, REC And RSC Districts (4)
10 percent - 19 percent	0 percent	0 percent
20 percent - 29 percent	10 percent	Bonus percentage increase equal to percentage of common open space.
30 percent - 39 percent	20 percent	
40 percent - 49 percent	30 percent	
50 percent - 69 percent	40 percent	
70 percent or more	50 percent	

Standards:

1. To qualify for the full bonus percentages herein, the common open space must comply with applicable requirements of subsection A of this section.
2. Common open space percentages may be rounded off to the nearest whole percentage.
3. Planned unit development subdivisions shall not exceed 150 percent of the density allowed by the underlying zoning district through provision of common open space percentages and other density bonus actions listed in table 9-6.1 above. For example, an applicant with 40 acres in the RR-5 district [normally allowed a maximum of 8 lots] may qualify for up to 12 lots via common open space.
4. Planned unit development subdivisions shall not exceed 200 percent of the density allowed by the underlying zoning district through provision of common open space percentages listed in table 9-6.1 above and other density bonus actions listed in table 9-6.2 below. For example, an applicant with 40 acres in the R-5 district [normally allowed a maximum of 8 lots] may qualify for up to 16 lots via a combination of common open space (table 9-6.1) and other bonus actions (table 9-6.2).

TABLE 9-6.2  
DENSITY BONUS FOR OTHER ACTIONS

Density Bonus Action	Maximum Percentage Increase In Approved Building Lots
1. Provide subdivision residents with usable access to adjacent lakes, streams or public lands. The access must meet the minimum trail/pathway design standards specified in Title 13, Subdivisions and the Tooele County Active Transportation Implementation Plan.	5 percent
2. Provide general public with usable access to common open space, adjacent lakes, streams or public lands. (Note: This option is in lieu of, not in addition to, action 1.) The access must meet the minimum trail/pathway design standards specified in Title 13, Subdivisions and the Tooele County Active Transportation Implementation Plan.	15 percent
3. Provide a sidewalk or pathway system that connects each lot in the subdivision per the design standards in Title 13, Subdivisions, the Tooele County Active Transportation Implementation Plan, and Title 15, Roads.	5 percent if open only to subdivision residents.  15 percent if open to the general public.
4. Provide other public amenities. The County Commission may approve bonus lots for other improvements and amenities, both on and off site, where the applicant can successfully demonstrate that the proposed improvements/amenities benefit the public. See subsections E of this section for examples and requirements. Improvements required to mitigate impacts shall not be used to earn bonus lots.	Up to 25 percent
5. Bonus for urban sewer (where not required to achieve given density) (i.e., suburban/rural using "urban sewer" to get to smaller acres).	25 percent

E. Public Amenities: Below are public amenities that can be provided to obtain a density bonus. All are subject to approval by the board:

1. Construct recreational improvements that are available for the use by the general public. Improvements may include, but are not limited to, play fields, picnic shelters, children play areas and indoor recreational facilities. Applicants must successfully demonstrate that the improvements are safe, accessible and desirable to the general public.
2. Construct public facilities such as schools, fire stations or libraries. To qualify, the land and/or facilities must be accepted by the applicable public agency. The land itself set aside for such public use shall be considered as common open space for the purposes of obtaining a density bonus.
3. Provide environmental improvements as certified by wetlands, plant or other biologists having expert knowledge of the specific environmental feature. An example could be replacement of nonnative vegetation with native vegetation in common open space areas. Such improvements are particularly desirable in and around wetland areas and designated critical wildlife habitat.
4. Provide off site road improvements (above and beyond what is required by board for subdivision approval).

The applicant shall include a cost estimate for the proposed public amenity improvements prepared by a professional construction estimator, registered general contractor, engineer, architect or landscape architect shall be submitted with the application. The cost estimate shall be limited to physical improvements, labor and utility costs associated with the proposed public amenity feature.

G. Design Standards: Minimum development standards set forth in this title may be increased or decreased sufficient to accomplish design objectives in the utilization of natural or created amenities (i.e., topographic features, seasonal recreational uses, etc.), provided the development meets the intent of the standards. PUD subdivisions shall comply with the conservation subdivision provisions of chapter 8 of Title 12, Subdivisions.

H. Buffering, Clustering: Residential PUDs shall provide for the clustering of dwelling units. Clustered lots shall be accessed by interior road systems. To the maximum extent possible, cluster lots shall be located so that common open space provides a buffer between the cluster lots and adjacent properties and/or right of way. When this is not possible, the development shall be designed to provide at a minimum one of the following:

1. Cluster lots that abut surrounding properties or right of way shall be at least seventy five percent (75%) of the minimum lot size standard for the subject parcel.
2. Cluster lots that abut surrounding properties or rights of way shall be separated from adjacent properties or rights of way by a minimum buffer strip of one hundred feet (100'). At a minimum, proposed or existing landscaping and vegetation within the buffer strip shall be of sufficient size and type to provide a buffer of vegetation six feet (6') in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of a combination of native trees and shrubs, as provided in appendix B of this title. Variations to these standards may be permitted where the applicant can demonstrate that unique topographic conditions provide sufficient buffering, such as intervening waterways, ridges or ravines, or other land features.

## **9-7: STANDARDS FOR REVIEW OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS:**

Planning Staff, Planning Commission and/or County Commission shall review the particular facts and circumstances of each planned unit development proposal. To approve a planned unit development proposal, the Planning Commission and/or County Commission must find adequate evidence showing that the proposal has met the following:

- A. The planned unit development is in accord with the Tooele County General Plan.
- B. The proposed planned unit development or the first phase of it can be substantially completed within two (2) years from the date of approval.
- C. Each individual development phase can exist as an independent unit meeting the minimum standards set forth in this subchapter.
- D. The streets and thoroughfares proposed are suitable and adequate to gather anticipated traffic and will not generate traffic in amounts that will overload the street network outside the planned unit development. Connections to public transportation systems shall also be considered.
- E. Any residential development will constitute a residential environment of sustained desirability and stability and will be in harmony with the character of the surrounding neighborhood and community.
- F. Any proposed commercial or industrial development will constitute an efficient well organized development, with adequate provisions for access and storage, and it will not adversely affect adjacent or surrounding development.

## **9-8: EXPIRATION AND EXTENSION OF PLANNED UNIT DEVELOPMENT APPROVAL:**

- A. Preliminary Subdivision PUD: Conditional use approval for a preliminary subdivision PUD shall expire two (2) years from the date of approval if the final plat has not been approved and recorded.
- B. PUD Final Development Plan: Conditional use approval for a PUD final development plan other than a subdivision shall expire two (2) years from the date of approval if building permits have not been issued and/or construction begun on a substantial portion of the project, as determined by the board of county commissioners.
- C. Large Scale PUD: Conditional use approval for a conceptual "large scale" PUD shall expire four (4) years from the date of approval if no improvements have started in accordance with subdivision and/or development plan approval requirements. The developer is responsible for keeping the county informed of progress made during the approval period.

D. Extension: An extension of time request not to exceed two (2) years may be granted by the board of county commissioners. The request shall be made in writing prior to the expiration date and shall state the reasons why the extension is needed and how the developer intends to progress with the project. If it is found that the intent of the PUD approval is merely for speculation purposes, the extension shall not be granted.