

## **Chapter 19.07. Planned Unit Development (PUD).**

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### **19.07.01. Purpose.**

#### **1. In General.**

- a. The purpose of the Planned Unit Development (“PUD”) Overlay zone is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of structures on the land, the consolidation of open spaces, and the clustering of dwellings.
- b. These provisions are intended to create more attractive and more desirable environments within residential and mixed use areas.
- c. A PUD development is intended to allow for diversification in the relationship of various uses and structures to their sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects within the City of Saratoga Springs.

#### **2. Discontinuation of PUDs.**

- a. Effective July 18, 2013, it is the intent of the City Council to discontinue the granting of Planned Unit Developments or the Planned Unit Development Overlay Zone.
- b. This Chapter shall remain a part of the Land Development Code solely for the purpose of governing properties that have vested rights to develop as PUDs in the PUD Overlay Zone. Such vested properties shall only include:
  - i. (a) properties granted PUD status in a development agreement that has not expired;
  - ii. (b) properties with a recorded plat; and
  - iii. (c) properties developed as a PUD.
- c. City Staff is directed to remove the PUD Overlay Zone, in accordance with state law, from the official Zoning Map except for those properties listed as vested. Also, if a development agreement expires and the property owner has not recorded a plat on all or a portion of his or her property, the City Council will rezone the property to remove the PUD Overlay Zone.

(Ord. 13-16, Ord. 11-9)

### **19.07.02. PUD Definition and Design Compatibility.**

1. **Definition.** A PUD is a master planned, architecturally-designed development for which the regulations of the underlying zone, in which the development is situated, may be modified to allow flexibility and initiation in site and structure design and location. A PUD may only be developed if the property has already been vested in accordance with 19.07.01 above.
2. **Design Standards.** A PUD development shall be planned with a common architectural design theme that provides variety with architectural compatibility, rather than an aggregation of individual, unrelated structures located on separate, unrelated lots. Mixed uses (multi-family and single family) are encouraged and allowed and shall still provide integrated architectural designs and styles

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

### **19.07.03. General PUD Standards.**

1. Substantial compliance with the overlay zone regulations and other provisions of this Chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantage of large scale Site Planning for residential and related purposes.
2. Even if property has already been vested with a PUD overlay rezone as provided in 19.07.01 above, submitting an application for PUD approval does not guarantee the property owner the right to exercise the provisions of this Chapter. PUDs shall be recommended for approval by the City Council only if, in their judgment, the proposed PUD fully meets the intent, purposes, and requirements of the Land Development Code.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

### **19.07.04. Underlying zones.**

1. The PUD Overlay Zone provides an additional layer of land use provisions in addition to those in the underlying zone. In the event of a conflict with the provisions of the underlying zone or other chapters or sections of this Title, the provisions of this Chapter shall take precedence regardless of which provision is more restrictive.
2. The PUD provisions shall be used in combination with existing conventional zones as designated in the City Code. The PUD Overlay Zone is not an independent zone exclusive of the underlying zone. The underlying zone provisions shall apply except when in conflict with this Chapter. Property which is vested with a PUD Overlay Zone shall be developed only in conformance with an approved PUD plan.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

### **19.07.05. Permitted and Conditional Uses.**

1. Uses permitted in PUD project areas shall be limited to those listed as permitted uses in the provisions of the underlying zone with which the PUD zone has been combined, except that single family and multi-family residential developments are permitted.

2. Permitted uses in a PUD shall also include private recreational facilities for the exclusive use of the occupants of the PUD and their guests, when approved as part of the final PUD plan.

(Ord. 13-16, Ord. 11-9)

**19.07.06. Application of PUD Overlay Zone Provisions to Underlying Zone Provisions.**

1. In a vested PUD Overlay Zone, variations from the development standards of the underlying zone may be permitted by the City Council provided the variations meet the requirements of this Chapter and are specifically adopted by the City Council as part of the approved PUD plans. Variations, however, shall not include changes in the uses allowed by the zone with which the PUD has been combined.
2. The City Council may, in the process of approving preliminary or final PUD plans, approve variations from the minimum standards of the underlying zone, including minimum densities, lot sizes, setbacks, and open space requirements where there is sufficient evidence that the variations will not adversely affect neighboring property and where the standards of this Chapter are met.
3. Variations to the underlying zone requirements may not be greater than 25% except for density bonuses, which are established in each zone under Chapter 19.04. For instance, a required 20 foot front setback may not be reduced to less than 15 feet.
4. Setbacks.
  - a. Subject to 19.07.06(3), variations of setbacks from the underlying zone regulations shall be compensated by providing additional open space in other appropriate areas of the development, shall be in keeping with accepted land use planning principles, and shall only be approved as part of a PUD application duly approved by the City Council.
  - b. Notwithstanding Subsection (a), no structure within a PUD may be closer than twenty feet to the peripheral property line of the entire development. The area within the twenty feet may be used as a buffer strip to be counted toward base open space requirements so long as it meets the definition of open space in Chapter 19.02 and the requirements for “base open space” in Subsection 19.07.07(7) below. If such buffer strip does not meet the definition of “base open space,” then it may be counted towards a density bonus so long as it meets the requirements of this Chapter and is granted in the discretion of the City Council.
5. Base Density. The base density of a PUD shall be based on the density of the underlying zone. If the PUD is located in more than one residential zone, the total number of dwellings for the PUD is calculated by adding up the number of dwellings allowed by each zone, with the applicable density bonus. However, the dwellings in such projects may be placed without regard to zone boundaries.

6. When topography would dictate a lower density than the base residential density of the underlying zone, a density analysis, specific to the site, shall determine the base density for the PUD.
7. Density Bonus and Incentives. The inclusion of certain amenities or design options may result in an allowed increase in density, referred to as a density bonus. The maximum density bonus allowed is established with each zone. The City Council may determine the density bonus, up to the maximum allowed, upon its acceptance of the design options, as set forth in the following two tables:

Table 1 – Single and Family Residential Projects

Density Bonus	Required Design Option
Up to 20%	Creation of significant recreation or site amenities, e.g., pool, playground, club house, picnic areas, water features, etc.
Up to 5%	Additional pedestrian, bicycle, or other recreational trails that are separated from vehicular traffic, both within and outside the project.
Up to 5%	The provision of providing exterior fencing including architecturally designed wrought iron fences, vinyl, structural wood fences, or masonry fences, or, additional landscape buffers with the enhanced width and landscaping specifications.

Table 2 – Multi-family Residential and Mixed Use Projects

Density Bonus	Required Design Option
Up to 10%	Creation of significant recreation or site amenities, e.g., pool, playground, club house, picnic areas, water features, etc.
Up to 5%	Additional pedestrian, bicycle, or other recreational trails which are separated from vehicular traffic, both within and outside the project.
Up to 10%	Providing additional landscape buffers with the enhanced width and landscaping specifications.

7. Open Space. PUDs shall provide contiguous open space for use-in-common of residents and occupants of such development and members of the public (“base open space”). Said base open space shall be consistent with the definition of open space as found in Chapter 19.02 of this code and shall comprise, at a minimum, thirty percent of the project area. The required base open space shall not include areas that are occupied by structures, parking areas, or streets, nor shall it include areas that are separated by such areas. Credit towards meeting minimum open space requirements may be given for sensitive lands as defined in Chapter 19.02. However, no more than fifty percent of the required base open space area shall be comprised of sensitive lands.

- a. The required base open space areas shall be contiguous, not a collection of remnants. Such areas shall include:
  - i. areas with natural features worthy of preservation, which may not be buildable, such as canyons or slopes, ridge lines, wetlands, stream or creek corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas. This may be included in the peripheral buffer strip; and
  - ii. significant agricultural lands worthy of preservation for continued agricultural use.
- b. No structure within a PUD may be closer than twenty feet to the peripheral property line of the development. The area within the twenty feet may be used as a buffer strip to be counted toward open space requirements, or in private lots.
- c. The base open space requirement may be reduced to a minimum of twenty-five percent at the discretion of the City Council if it is determined that reducing the base open space requirement:
  - i. will result in a more attractive development;
  - ii. will allow for larger or better designed lots or multi-family developments;
  - iii. will result in more or better open space facilities and amenities; or
  - iv. will better utilize the property covered by the PUD. The basis or criteria to reduce open space may not also be used to justify a density bonus.
- d. The following criteria shall be considered when granting a density bonus for additional open space:
  - i. whether the open space is held in common via public ownership or by a homeowner's association with a permanent open space easement;
  - ii. whether the open space is large enough for the use of all residents of the project or the general public. Such spaces shall include improvements such as playgrounds, pathways, pavilions, play courts, ball fields, or informal spaces which encourage the use and enjoyment of the open space. Such areas may include lands, which are buildable, such as prominent ridgelines, views and vistas, and areas of significant native vegetation; or
  - iii. whether the open space improves or makes more accessible agricultural lands such as equestrian facilities, stables, etc. for the use of area residents.
- e. The City Council shall require the preservation, maintenance, and ownership of all open space through one, or a combination of, the following:
  - i. dedication of the land as a public park or parkway system;
  - ii. dedication of the land as permanent open space on the recorded plat;
  - iii. granting the City a permanent open space easement on the open spaces to guarantee that the open space remains perpetually in public use, with ownership and maintenance being the responsibility of a homeowner's association; or
  - iv. through compliance with the provisions of the Condominium Ownership Act as outlined in Title 57 of the Utah Code, which provides for the payment of common expenses for the upkeep of common areas and facilities.
- f. In the event the common open space and other facilities are not maintained under Subsection e. in a manner consistent with the approved final PUD plan, the City may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.

- g. Any changes in use, or arrangement of lots, blocks, and building tracts, or any changes in the provision or type of open space must be submitted for review and approval by the City Council.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

**19.07.07. Variations from Development Standards.**

Subject to 19.07.06(3), the City Council may, in the process of approving preliminary or final PUD plans, approve variations from applicable development standards in the underlying zone only if it finds that all of the following conditions are met:

1. that the granting of the variation will not adversely affect the rights of adjacent landowners or residents;
2. that the variation desired will not adversely affect the public health, safety, or general welfare; and
3. that the granting of the variation will not be opposed to the general spirit and intent of this Chapter or the Land Use Element of the General Plan.

(Ord. 13-16, Ord. 11-9)

**19.07.08. Streets and Circulation.**

1. The design of public and private streets, including sidewalks and all appurtenances, within a PUD shall follow City ordinances, policies, and standards.
2. All private streets within a PUD shall be dedicated as public utility easements and all underground improvements shall be constructed per the City of Saratoga Springs ordinances, policies, and standards.
3. Points of primary vehicular access to a PUD shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Points of intersection between internal and external circulation systems shall be so arranged that both systems function in a safe and efficient manner.
4. The required off-street parking shall be distributed throughout the PUD and provide reasonable access to all residential structures within the project.

(Ord. 13-16, Ord. 11-9)

**19.07.09. PUD Plan Approval.**

PUD is reviewed in a three-step process: 1) concept plan review, 2) preliminary plat review, and 3) final plat review.

1. **Concept Plan Review.**
  - a. Concept PUD plan review examines the PUD Concept Plan with respect to such

items as density, including: the number, type, and location of dwellings; parking and circulation; adequacy of services; and the impact of the proposed PUD on surrounding areas.

- b. A concept PUD plan shall be submitted to, and reviewed by, the Development Review Committee, the Planning Commission, and City Council. The City Council shall review the conceptual PUD plan request and forward their comments, if any, to the applicant. The City Council shall not take any action on the Concept Plan review. The Council's comments shall not be binding, but shall only be used for information in the preparation of the preliminary PUD plat application.
- c. The Concept Plan shall also comply with the submittal requirements contained in Chapter 19.13.

## **2. Preliminary PUD Plat Review.**

- a. Subsequent to the Conceptual plan review by the DRC, Planning Commission, and City Council, an application for Preliminary PUD Plat review shall be prepared. The submittal requirements for a Preliminary Plat review are contained in Chapter 19.12.03. In addition, the following items shall be submitted with the Preliminary plat:
  - i. a plan document that contains written descriptions of how the proposed project complies with the provisions of this Chapter, including a description of the terms of the proposed project relating to densities, density bonuses, clustering, preservation of open space, etc.; and
  - ii. architectural plans that demonstrate continuity and uniform architectural themes, features and styles for all structures within the project, including types of materials to be used.
- b. All building elevation plans shall be reviewed by the Development Review Committee ("DRC") prior to review by the Planning Commission. The DRC shall review architectural styles, themes, and materials and shall make a recommendation to the Planning Commission regarding architectural styles, themes, and materials.
- c. The Preliminary PUD Plat submittal, when complete, will be forwarded to the Planning Commission (following the process outlined in Chapter 19.13) and recommendation. The Planning Commission will either recommend approval, approval with conditions, or denial of the application to the City Council. The Planning Commission may also table the application if it finds that the application materials are incomplete or request more information or clarification from the applicant, the Development Review Committee, or City Attorney regarding the proposed project.
- d. Following the Planning Commission's action, the application shall be forwarded to the City Council for action. The City Council shall approve, approve with conditions, or deny the application. The City Council may also table action on the application if it finds that the application materials are incomplete or request more information or clarification relative to any portion of the application.

## **3. Final PUD Plat Review.**

- a. Final PUD Plat applications may be prepared in compliance with the action of the City Council on any preliminary plat application. In preparing applications, applicants shall comply with the submittal requirements of Chapter 19.12.03. In addition, applicants shall meet any conditions set forth in the preliminary approval.

- b. When complete, final plats shall be reviewed by the City Council if inconsistent with the preliminary plat approval. Final plats consistent with the preliminary plat approval shall be approved by the Planning Director.
- c. If determined to be the land use authority, the City Council shall approve, approve with conditions, or deny the application. The City Council may also table action on the application if it finds that the application materials are incomplete or request more information or clarification relative to any portion of the application.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

**19.07.10. Phased Developments.**

If the construction of various portions of the final development plan is proposed to occur in stages, then the open space or recreational facilities shall be developed in proportion to the number of dwellings intended to be developed during any stage of construction. A Phasing Plan, including size and order of each phase, funding mechanism, and responsible parties, shall be approved by the City Council. Separate phases may exceed the overall density of the zone only if the approved overall plan does not exceed the maximum allowable density of the zone. Each phasing plan shall have the written approval of all property owners.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

**19.07.11. Expiration of Approval.**

Failure to submit a final plat application within two years of the approval of the preliminary plat approval shall render the preliminary plat null and void.

(Ord. 16-01, Ord. 13-16, Ord. 12-9, Ord. 11-9)



