CHAPTER 27

PLANNED UNIT DEVELOPMENT (PUD)

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11-27-010 Purpose.

The intent of the Planned Unit Development chapter is to promote flexibility in site design, to achieve, for example, the clustering of buildings, the mixture of housing types, and the combining of housing with supplementary uses such as commercial centers, business parks or other multiple use centers, etc. This chapter is also intended to promote better design of residential developments through the use of design professionals. It is further intended that a Planned Unit Developments will provide for more open space, more public amenities, and the preservation of natural features such as flood plains and steep slopes that\n would be possible under traditional development techniques. This Chapter, however, will not allow flexibility in the design and construction of streets. All streets in Planned Unit Developments shall be dedicated public streets and conform to the Minimum Improvement Requirements of the Subdivision Standards except for parking areas in apartment complexes.

11-27-020 Definition.

A Planned Unit Development is a large scale, predominantly residential development in which the regulations (EXCEPT streets) of the underlying zone are waived to allow flexibility and innovation in site and building design in accordance with a (PUD) Master Plan approved by the Planning Commission and City Council. Accessory nonresidential uses may be included in the development, as determined by the Planning Commission, to provide a necessary service to the residents of the development.

11-27-030 Combination with Residential Zones.

A Planned Unit Development shall be considered only in the AA, A, AE, LS, S, LR, R, R-2, R-4, and R-8 BP, BR, C , OTR (single-family residential only), NMU, CMU, and B (single-family residential only) zones. The provisions of this Chapter shall prevail in cases of conflict between this Chapter and other chapters (the provisions of the Foothill Ordinance shall be more restrictive than this Chapter).

11-27-040 Designation on the Official Map.

A Planned Unit Development designation shall be used in combination with existing zones as designated above and not applied to a land area independently. The Planned Unit Development designation (PUD) shall become a suffix to the zone with which it is combined. For example, R-8 (PUD). Approval of the Planned Unit Development shall be accomplished in the same manner as other amendments to the official zoning map in compliance with Chapter 6 of this Ordinance.

11-27-050 Pre-Application Conference.

To obtain information and an interpretation of the Planned Unit Development Chapter and other provision in this Ordinance that pertain to Planned Unit Development's, each applicant shall confer with the City Planner and other Farmington City staff members as appropriate in a (PUD) Concept Plan pre-application conference before a Preliminary (PUD) Master Plan is submitted. The submission of general outlines of the proposal, sketch plans, and other conceptual documents are appropriate at this time. The City Planner shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to assist the applicant in the preparation of a Preliminary (PUD) Master Plan. These comments and recommendations must be considered as guidance and as assistance to the applicant pending official action by Farmington City on the submitted Preliminary (PUD) Master Plan.

11-27-060 Preliminary (PUD) Master Plan.

All applications for approval by Farmington City of a Preliminary (PUD) Master Plan, shall include 6 copies of the proposed Preliminary (PUD) Master Plan. This development plan shall contain the following written documents:

(a) A legal description of the total site proposed for development, including a statement of present and proposed ownership.

(b) A development schedule indicating the approximate date when construction of the planned Unit Development or stages of the Planned Unit Development can be expected to begin and be completed.

(c) A tabulation of the following: total number, by type, of dwelling units; total acreage of the site and the percentages thereof to be designated for various uses, i.e., parking, open space, streets, commercial, residential, etc.; gross and net dwelling unit densities and an estimate of the project population; anticipated number of employees, proposed lot coverage ratio

of buildings and structures.

(d) Site plan and supporting maps:

(1) Topographic maps of the site, including contour intervals of no greater than 2 feet. This map should include existing conditions such as a drainage channel, flood plain, other unique natural features, and natural vegetation coverage.

(2) General location and size of all dwellings and other structures in the Planned Unit Development.

(3) Proposed circulation system and parking areas, including streets, pedestrian pathways, ingress and egress and recreational vehicle storage areas and proposed outdoor lighting.

(4) Parks, common open spaces, semi-private open spaces, playgrounds, school sites, and other public and private recreational facilities and improvements proposed for the Planned Unit Development.

(5) An existing and proposed utility system plan including sanitary sewers, culinary water, storm water, and easements for electricity, natural gas, and telephone, etc. This plan should also indicate from which point the utilities will be extended.

(6) A landscaping plan indicating the general type, location and treatment of trees, shrubs, ground covers and plan materials used for private and common open spaces and a preliminary layout of the sprinkling system. The retention of healthy existing trees and other vegetation is strongly encouraged.

(7) The proposed treatment of the perimeter of the Planned Unit Development, including materials and techniques used such as terms, planting screens, fences, and walls.

(8) Preliminary subdivision plat, if the entire Planned Unit Development is being subdivided in no more than one phase or plat, as required in the Farmington City Subdivision Standards showing the layout of all lots.

(9) Location of any proposed signs.

(e) Preliminary elevations including building heights and appropriate perspectives of all building types proposed within the Planned Unit Development. To clearly show the nature, building materials, design and layout of the development site.

(f) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed plan.

(g) Other materials data and studies as may be required by either the City Planner or the Planning Commission. The applicant may ask for a preliminary Planning Commission

review as an agenda item to assist in establishing the type, need and extent for specific materials, data or studies. These may include, but not be limited to the following:

(1) An economic feasibility study or market analysis showing the need or basis for the Planned Unit Development.

(2) Seismic, special topographic and soils studies.

(3) Other studies identified as being necessary because of the uniqueness of the proposed Planned Unit Development site or its general surroundings.

11-27-070 Preliminary (PUD) Master Plan Review by Planning Commission.

The Planning Commission shall review the application for approval of a Planned Unit Development designation and the Preliminary (PUD) Master Plan at a public hearing. The Planning Commission shall either approve the application and plan as presented, approve it subject to certain conditions, table the application pending receipt of required materials, data, studies and information, or disapprove it. Approval of the Preliminary (PUD) Master Plan shall be made only after the Planning Commission makes the following findings:

(a) That the proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones. The Planning Commission shall consider the architectural design of the buildings and their relationship on the site and their relationship to development beyond the boundaries of the proposed Planned Unit Development. The Planning Commission shall consider the landscaping and screening as related to the several uses within the proposed Planned Unit Development and as a means of its integration into its surroundings.

(b) That the proposed Planned Unit Development will create no detriment to property adjacent to the Planned Unit Development and to this end the Planning Commission may require that the uses of least intensity or greatest compatibility be arranged around the boundaries of the project. The Planning Commission may require that yard and height requirements fo the adjacent zone apply on the periphery of the Planned Unit Development.

(c) That the proposed Planned Unit Development will provide more efficient use of the land and more usable open space than a conventional development permitted in the underlying zone. The Planning Commission shall consider the residential density of the proposed development and its distribution.

(d) That the increased density allowed within the Planned Unit Development will be compensated by better site design and by the provision of increased amenities, common open space, and recreational facilities. To insure this requirement is achieved, site plans and other plans should be prepared by design professionals.

(e) That any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety, or general welfare of the residents of the proposed Planned Unit Development. Based on its action on the Preliminary (PUD) Master Plan,

the Planning Commission shall make recommendations to the City Council. A recommendation for approval of the Preliminary (PUD) Master Plan shall also include a list of recommendations for deviation from the requirements of the underlying zone requirements.

11-27-080 City Council Action on Preliminary (PUD) Master Plan.

The City Council shall review the application for a Planned Unit Development designation to be added as a suffix to an underlying zone. The City Council shall also review and take action on the Preliminary (PUD) master Plan at a public hearing in accordance with Chapter 6 of this Ordinance.

11-27-090 Final (PUD) Master Plan.

(a) Following the public hearing on a Preliminary (PUD) Master Plan and prior to designation of a Planned Unit Development, in combination with an underlying zone, 6 copies of the Final (PUD) Master Plan shall be submitted to the City Planner. Any failure to submit a Final (PUD) Master Plan on the proposed Planned Unit Development or any portion thereof within one year of the approval of the Planned Unit Development designation and the Preliminary (PUD) Master Plan shall terminate all proceedings and render the proposed Planned Unit Development null and void.

(b) The City Planner shall review the Final (PUD) Master Plan to assure that it is in compliance with the requirements of this Chapter. The Planning Commission shall not place any Final (PUD) Master Plan on the Planning Commission agenda until all items required have been submitted or are omitted for good cause. The Final (PUD) Master Plan will allow the Planning Commission to review all the information required for the Preliminary (PUD) Master Plan in its finalized, detailed form. The final plan shall not vary substantially form the previously approved Preliminary (PUD) Master Plan. The Final (PUD) Master Plan shall be deemed in substantial compliance with the Preliminary (PUD) Master Plan provided that:

(1) The lot areas do not vary by more than 10 percent;

(2) A reduction of the area designated for common open space is no more than 5 percent;

(3) An increase in the floor area proposed for non-residential uses is no more than 5 percent;

(4) An increase in the ground coverage ratio by all buildings is no more than 5 percent.

(c) If it is determined that the final (PUD) Master Plan does vary substantially from the Preliminary (PUD) Master Plan, the applicant must repeat the procedure outlined in Section 27-060 to Section 27-080 before further action shall be taken on the Final (PUD) Master Plan. The applicant may be required to pay additional fees, as determined by the City Manager, for the repeated procedures required.

(d) The Final (PUD) Master Plan shall contain all of the site plans and maps required for the Preliminary (PUD) Master Plan in a finalized format. Specifically it shall contain the following:

(1) Tabulations of all dwelling units to be constructed by types and number of bedrooms per unit (if multi-family);

(2) Detailed site plan with complete dimensions showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations of common spaces and special use areas, detailed circulation pattern;

(3) Dimensioned parking layout and traffic circulation pattern including streets, location of individual parking stalls and all areas of ingress and egress and outdoor lighting;

(4) Final exterior design for all building types, presented as exterior perspectives or exterior elevations;

(5) Detailed engineering plans or final subdivision plat showing site grading, street improvements, drainage and public utility location.

(6) Detailed landscaping plans with a legend showing the types and sizes of all planting materials and their locations, decorative materials, recreation equipment, sprinkler or irrigation systems and any recreation related outdoor lighting;

(7) The fully executed declaration of covenants, conditions, restrictions together with open space easements and other bonds, guarantees, or agreements as required by this Chapter or as deemed necessary by the Planning Commission and/or the City Attorney;

11-27-100 Final (PUD) Master Plan Review by Planning Commission.

(a) The Planning Commission shall review the submitted final (PUD) Master Plan and may approve or disapprove it. The Planning Commission may approve the Final (PUD) Master Plan if they find that the proposed Planned Unit Development meets all of the requirements of this Chapter, that it is in substantial compliance with the approved Preliminary (PUD) Master Plan and that it meets the objectives and purposes of this Chapter. The Planning Commission may impose conditions with the approval of the Final (PUD) Master Plan that will insure that the proposed PUD meets with the objectives of this Chapter.

(b) Phased Development - Development Plans for an approved Preliminary (PUD) Master Plan may be submitted in phases, provided each phase can exist as a separate unit capable of independently meeting all the requirements and objectives of this Chapter. If the Planned Unit Development is developed in phases, the required open space and approved recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given development phase unless it is determined by the Planning Commission a greater amount of open space and recreation facilities must be provided in order to assure that these

spaces and facilities can function properly.

(c) Fees- All final plans shall be accompanied by the appropriate fee, as specified from time to time by the City Council.

11-27-110 Final (PUD) Master Plan Review by the City Council.

(a) The City Council shall review the Final (PUD) Master Plan after review and approval by the Planning Commission. If the City Council finds that the proposed Planned Unit Development meets the objectives and purposes of this Chapter, it may approve the Final (PUD) Master Plan subject to, but not limited to, the following:

(1) Building Permit - No building permit for any portion of the proposed Planned Unit Development shall be issued until the Final (PUD) Master Plan has been approved and all necessary subdivision ordinance requirements have been met. Building permits may be issued in accordance with the approved Final (PUD) Master Plan even though the yard requirements, building heights, minimum lot sizes, etc., differ from the requirements of the underlying zone in which the development is proposed.

(2) Permanent Protection of Planned Unit Development Open Space, Performance Bonds, Guarantee of Improvements, Covenants and Restrictions - All provisions pertaining to the requirements cited in Sections 11-27-130, 11-27-140 and 11-27-150 of this Chapter shall be met as required in the approved conditions of the Planned Unit Development prior to City Council final approval.

11-27-120 Standards and Requirements.

(a) The minimum area for a Planned Unit Development shall be five acres in AA, A, AE, LS and S zones, and two and one-half acres in LR, R and R-2 zones; and one and one half acres in R-4 and R-8 zones. Any proposal for a Planned Unit Development in areas smaller than those cited above, may be approved by the Planning Commission based upon the specific conditions related to the site upon which the development is proposed. Smaller Planned Unit Developments are encouraged in the older historical parts of the City in order to use lot interiors where unique conditions may exist.

(b) The base density of the Planned Unit Development shall be determined by the development of a yield plan as defined in Sections 11-2-020(86) of this Ordinance applying Subdivision Yield Plan Dimension Standards set forth in Chapter 12 and related requirements of the underlying zone.

(c) Lot area, width, yard, height, and coverage regulations shall be determined by approval of the Preliminary (PUD) Master Plan.

(d) The number of dwelling units in each building shall not exceed the number permitted in the zone when the underlying zone is R-4 or R-8. When the underlying zone is R-8 the maximum dwelling units in each building may be increased to 12 units provided that the maximum allowable density of the R-8 zone is not exceeded.

(e) The Planning Commission may require that yard and height requirements of adjacent zones be applied to the periphery of the Planned Unit Development.

(f) To assure that adjacent properties will not be adversely affected, the Planning Commission may require, where feasible, buildings and uses of lowest intensity be situated on the periphery of the Planned Unit Development.

(g) Every Planned Unit Development shall provide usable common open space, accessible to all lots or units, of not less that 10 percent of the net area (gross area less constrained or sensitive lands), in single-family Planned Unit Developments (see chart below) and 30 percent in multi-family Planned Unit Developments. (Open space requirements in a mixed single-family, multi-family Planned Unit Development shall be computed as a weighted average.) No streets, driveways, parking areas, yard areas typically used for individual structures or areas with slopes greater than 30 percent, wetlands or other constrained lands may be included in the computation of the required open space unless the Planning Commission determines that certain constrained, i.e., rock out croppings, etc., qualify as unimproved open space in order to enhance the character and function of open space with the development. Playgrounds, parks, swimming pools and related amenities, tennis courts and similar bona fide recreation buildings and facilities and trailway system land may be considered part of the usable common open space. The City, at its sole discretion, may consider preservation of an on-site building or structure eligible, or that may be eligible, for the National Register of Historic Places in lieu of the 10 percent open space requirement or portion thereof.

SINGLE FAMILY - ALL ZONES Open Space and Character Incentive Multiplier					
Required Open Space (Net Area)	Open Space Increase (Net Area)	Total Open Space	Open Space Incentive Multiplier	Design/ Character Incentive Multiplier	Total Incentive Multiplier Allowed
If improved					
10 %	0 - 10 %	20 %	0 - 20 %	0 - 5 %	20 %
If unimproved					
10 %	0 - 5 %	15 %	0 - 10 %	0 - 5 %	15 %

(h) Residential density may be increased up to a maximum of 20 percent above that allowed in the underlying single-family zone, at the discretion of the Planning Commission and subject to the concurrence of the City Council. The density will be determined during the Preliminary (PUD) Master Plan review stage.

(1) An increase of usable common open space in addition to the open space requirements cited in (g) above, may allow the following density increases:

(i) Improved open space is usable common open space that is highly accessible to all residents of the Planned Unit Development; that is devoted to planting; patios, walkway, and recreational areas; that provides recreational facilities such as swimming pool, tennis court, club house, playground, etc.; that is of such dimension to be functionally usable (any on section of improved open space shall not be less than 6,000 square feet nor less than 30 feet in its smallest dimension); and that is of a finished grade of 12 percent or less.

(ii) Unimproved open space is common open space that generally allows for the preservation of the Planned Unit Development's natural amenities such as rock outcrops, trees, ravines, ponds, drainage channels, etc. All or part of unimproved open space is generally left in a natural state and its use is restricted to more passive recreation such as hiking trails or creation of access to scenic vistas and natural sites.

(2) A density bonus is not allowed in multi-family Planned Unit Development's by increasing open space. Economies in construction and an increase in open space may be achieved by increasing the number of units per structure as provided in Section 11-120(d).

(3) Character, identity, and architectural and siting variation incorporated in a single-family Planned Unit Development shall be considered cause for density increases not to exceed 5 percent. When combined with open space density bonuses, the total density increase shall not exceed 25 percent. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase the Planning Commission and City Council approve. Such variations may include, but are not limited to, the following:

(i) Landscaping; street scape; opens spaces, and plazas, using of existing landscaping and natural features; pedestrian way treatments; treatment of recreational areas and provision of various recreation apparatus (a maximum increase of 2 percent).

(ii) Siting; visual focal points; use of existing physical features such as topography; view; sun orientation; circulation patterns; physical environment; variation in building setbacks; and clustering of building groups (a maximum increase of 1 percent).

(iii) Design features; street sections; architectural styles; harmonious use of materials; parking areas broken by landscape features; and varied us of house types (a maximum increase of 2 percent).

(i) All dwelling units shall be served by public sewer and public water. All utilities within the Planned Unit Development shall be placed underground.

(j) Off-street parking spaces shall be provided as required in Chapter 32.

(k) All streets in a Planned Unit Development shall be a dedicated public street built to Farmington City Standards unless otherwise approved by the City Council.

11-27-130 Permanent Protection of Planned Unit Development Open Space.

(a) The Farmington City Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance and ownership of open space utilizing, at the City's option, one of the following methods:

(1) Dedication of the land as a public park or parkway system;

(2) Granting to Farmington City a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of a Homeowners' Association established with articles and by-laws which are satisfactory to Farmington City, or

(3) Complying with the provision of the Utah Condominium Ownership act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreation uses and facilities may be developed within the common open space areas in compliance with a recreation and landscaping plan approved as part of the approved final development plan of the Planned Unit Development.

(b) If the second or third methods, as set forth above, are utilized to maintain the open spaces, but the organization established fails to maintain the open space in reasonable order and condition, the City may, at its option, do or contract to have done the required maintenance and shall assess ratably the open spaces and individually-owned properties with the Planned Unit Development. Such assessment shall be a lien against property and shall be filed with the Davis County Recorder, or the City may bring suit to collect the maintenance fees together with reasonable attorney's fees and costs.

11-27-140 Performance Bond and Guarantee of Improvements.

In order to insure that the Planned Unit Development will be constructed to completion in an acceptable manner, the developer shall guarantee the improvements. The Performance Bond or Guarantee Agreement shall be prepared by the City Attorney, and signed by the developer of the Planned Unit Development. The developer shall deposit in escrow with a bank or lending institution, a sum of money equal to 120 percent of cost of improvements as estimated by the City Engineer. (The City Engineer may obtain estimates from licensed professionals for improvements that the City Engineer is not qualified to value (e.g. landscaping in the improved common area). The estimated costs shall cover the construction and installation of all required landscaping, parking, and street improvements, including paving, curbs, gutter, sidewalks, water and sewer lines, parks, playgrounds, recreation facilities, and other amenities shown on the Final (PUD) Master Plan approved by the City Council.

11-27-150 Covenants and Restrictions.

The applicant for any Planned Unit Development which is being developed as a Condominium project under the provisions of the Condominium Ownership Act of Utah, or subsequent amendments thereto, shall prior to the conveyance of any unit, submit to the Planning Commission a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the Final (PUD) Master Plan and shall be recorded to run with the land. Said covenants, conditions and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. Said document shall, as a minimum, contain the following:

(a) The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development.

(b) The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee; and including the person, partnership, or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

(c) The method of calling a meeting of the members of the corporation or association, with the members thereof that will constitute a quorum authorized to transact business.

(d) The manner of collection from unit owners for their share of common expenses, and the method of assessment.

(e) Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair, and restore or sell property in the event of damage or destruction of all or part of the project.

(f) The method and procedure by which the declaration may be amended.

11-27-160 Time Limit.

Unless there is substantial action leading toward completion of a Planned Unit Development or an approved phase thereof within a period 12 months from the date of approval, as determined by the City Council such approval shall expire unless, after reconsideration of the progress of the project, an extension is approved.

27-614 (Now 11-27-106 (6)(h)) Amended, 9/02/98, Ord, 98-31
Amended 8/3/05, Ordinance 2005-31
11-27-120 Standards and Requirements, Amended 4/19/06, Ord. 2006-28
11-27-030 Amended 03/04/14, Ord 2014-07
11-27-030 & 11-27-120 Amended 03/04/2014, Ord 2014-07