

## **CHAPTER 20. PLANNED UNIT DEVELOPMENT**

### **SECTION:**

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#### **9-20-1: Purpose.**

A Planned Unit Development, as defined herein, is a distinct category of Conditional Use. As such, it is intended to encourage the efficient use of land and resources, greater efficiency in public and utility services, preservation of open space, use of alternative transportation and innovation in the planning process for all types of development. The PUD “over lay” permits variation from standard lot configuration patterns in order to reduce disturbance of sensitive lands, promote land use compatibility and facilitate creative site planning.

#### **9-20-2: Planned Unit Development Permit.**

Planned Unit Developments may be approved by the Kane County Land Use Authority in Residential Zones and Commercial Zones \* (Note 1). Over all density shall coincide with the density of the existing Zone. Compliance with the regulations of this Ordinance in no way excuses the developer from the applicable requirements of the Subdivision Ordinance except as modifications thereof are specifically authorized in the approval of the application for the Planned Unit Development. No exceptions shall be approved that are less restrictive than applicable state and local ordinances or regulations. An applicant shall secure and follow the provisions outlined in the Land Use Authority’s procedures for a Planned Unit Development.

\*Note 1: Commercial Zone Densities in a Planned Unit Development will be determined by the tier densities, overlay zone and/or annexation policy plan densities.

9-20-3: Required Conditions.

- 1) No Planned Unit Development shall have an area less than that approved by the Land Use Authority as adequate for the proposed development.
- 2) Application for the development shall be filed by the sole owner or jointly filed by all owners of the property.
- 3) The Land Use Authority shall require such arrangement of structures and open spaces within the site development plan deemed as necessary to minimize impact on adjacent properties.
  - a. Dwelling unit and land use density;
  - b. Where feasible, lowest height and least density of buildings and uses shall be arranged around the boundaries of the development;
  - c. Width, yard, height, and overall density and coverage regulations shall be in accordance with the underlying zone;
  - d. Promote a clustering development pattern in the interest of preserving rural character;
- 4) Twenty percent of the developable land within the PUD shall be preserved as open space for the benefit of residents of the development and the community;
- 5) Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
  - a. Dedication of the land as public park or parkway system in perpetuity, or;
  - b. Granting to the County Commission a permanent, open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in recreational uses, with ownership and maintenance being the responsibility of an Owners' Association established with articles of association and by-laws which are satisfactory to the Commission, or;

- c. Complying with the provisions of the Condominium Ownership Act (U.C.A. 57-8et. al. as amended), which provides for the payment of common expenses for the upkeep of the common areas and facilities.
  - d. Such dedication and/or restriction must be permanent and not for a period of years.
- 6) Landscaping, fencing and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Land Use Authority for approval, together with other required plans for the development.
  - 7) The size, location, design and nature of signs, if any and the intensity and direction of area the flood-lighting shall be detailed in the application.
  - 8) A grading and drainage plan detailing geologic and flood hazards shall be submitted to the Land Use Authority Administrator with the application.

9-20-4: General Site Plan.

Applications shall be accompanied by a general site plan showing where pertinent:

- 1) The use or uses of the land, dimensions, sketch elevations and locations of all proposed structures, including percentages of the land devoted to the projected use, such as building coverage, parking area, landscaped area, etc.
- 2) Dimensions, percentages and locations of areas to be reserved and developed for various types of land use such as vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping and other open spaces.
- 3) Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.

- 4) The text material shall set forth planning objectives to be accomplished through the development of the project.
- 5) The density in terms of dwelling units per gross acre of land shall be indicated.
- 6) A phasing plan, if the development is proposed to be developed in phases, shall be submitted.
- 7) Topography at contour intervals of two feet shall be submitted unless waived by the planning staff.
- 8) A landscape plan showing the general location of landscaped areas shall be submitted (this may be a part of the site or plot plan).

9-20-5: Review by Land Use Authority.

In order that it may approve a Planned Unit Development, the Land Use Authority shall have authority to require the following conditions be met by the applicant:

- 1) That the proponents of the Planned Unit Development have demonstrated to the satisfaction of the Land Use Authority that they are financially able to carry out the proposed project.
- 2) That the proponents intend to start construction within one year of the approval of the project and apply for any necessary zoning change, and intend to complete the construction, or approved phase thereof, within two years from the date construction begins.

9-20-6: Scope of Land Use Authority Action.

In carrying out the intent of this chapter the Land Use Authority shall consider the following principles:

- 1) A certified surveyor or engineer licensed in the state shall be used to survey all properties for the Planned Unit Development.
- 2) It is the intent of this Section that the control exercised by the Kane County Land Use Authority be the minimum necessary to achieve the purpose of this chapter.

- 3) The Land Use Authority may approve or disapprove an application for a Planned Unit Development. In an approval, the Land Use Authority may attach such conditions as it may deem necessary to secure compliance with this section. The denial of an application for a Planned Unit Development by the Land Use Authority may be appealed to the Appeal Authority. Appeal must be filed within thirty days of receipt of written reason for denial.

9-20-7: Construction Limitations.

- 1) Upon approval of a Planned Unit Development, construction shall proceed only in accordance with the plans and specifications approved by the Land Use Authority and in conformity with any conditions attached by the County Commission to its approval.
- 2) Amendments to approved plans and specifications for a Planned Unit Development shall be obtained only by following procedures for a Planned Unit Development.
- 3) No permit shall be issued for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.