

**GRANTSVILLE
ORDINANCE 2025-04**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE GRANTSVILLE CITY
LAND USE CODE TO PROHIBIT PLANNED UNIT DEVELOPMENTS**

WHEREAS, the Grantsville City Council seeks to update and improve its land use regulations to align with community goals and priorities;

WHEREAS, the City Council has determined that Planned Unit Developments (PUDs) are no longer consistent with the City’s vision for land use planning and development;

WHEREAS, it is necessary to amend Chapter 12 of the Grantsville City Land Use Code to reflect this determination;

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

SECTION 1: **AMENDMENT** “12.2 Authority To Modify Regulations” of the Grantsville Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

12.2 Authority To Modify Regulations

(1) The Planning Commission shall have the authority to recommend to the City Council reasonable and appropriate conditions in any planned development including recommendations to change, alter, modify or waive of the land use Code as they applies to the proposed planned development. Public health and safety issued including but not limited to; line of site, public utilities and associated easements, secondary and emergency access, and quantity of required parking are outside of the Planning Commission authority to recommend for modification or waivewaiver. No such change, alteration, modification or waiver shall be approved unless the City Council shall find that the proposed planned unit development:

(a) Will achieve all of the applicable purposes for which a planned development may be approved pursuant to Section 12.1. It is recognized that not all properties include historic or blighted structures, nor will all purposes specifically apply to non-residential uses and thus may be considered "Not Applicable". Residential projects that do not seek to increase the overall density allowed within the applicable district shall not be required to provide a moderate-income housing element unless the applicant otherwise desires to provide moderate income or affordable housing. For residential projects requesting density, at least 50% of the requested increased density shall meet state moderate income standards.

(b) Will not violate the general purposes, goals and objectives of this Code and of any plans adopted by the Planning Commission or the City Council.

AFTER AMENDMENT

12.2 Authority To Modify Regulations

~~(1) The Planning Commission shall have the authority to recommend to the City Council reasonable and appropriate conditions in any planned development including recommendations to change, alter, modify or waive of the land use Code as they applies to the proposed planned development. Public health and safety issued including but not limited to; line of site, public utilities and associated easements, secondary and emergency access, and quantity of required parking are outside of the Planning Commission authority to recommend for modification or waiver. No such change, alteration, modification or waiver shall be approved unless the City Council shall find that the proposed planned unit development: (a) Will achieve all of the applicable purposes for which a planned development may be approved pursuant to Section 12.1. It is recognized that not all properties include historic or blighted structures, nor will all purposes specifically apply to non-residential uses and thus may be considered "Not Applicable". Residential projects that do not seek to increase the overall density allowed within the applicable district shall not be required to provide a moderate income housing element unless the applicant otherwise desires to provide moderate income or affordable housing. For residential projects requesting density, at least 50% of the requested increased density shall meet state moderate income standards. (b) Will not violate the general purposes, goals and objectives of this Code and of any plans adopted by the Planning Commission or the City Council.~~

SECTION 2: AMENDMENT “12.4 Application Procedure” of the Grantsville Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

12.4 Application Procedure

1. If required by code or the applicant is seeking proposed variations to a Grantsville City Ordinance, a PUD application shall be submitted and approved prior to the submittal of a development application such as, but not limited to, Preliminary Plan and Final Plat applications as detailed in Chapter 21.
2. In addition to the application requirements for subdivisions, an applicant for a planned unit development shall submit the following information with the Preliminary Plat application:
 - a. (a) The applicant shall submit a concept plan, that is drawn to scale and is legible if printed on an 11 x 17 sheet. At a minimum, the concept plan shall include:
 - i. The proposed configuration of lots and types of uses proposed for the property.
 - ii. Streets rights-of-way, open spaces and other proposed common area or public use spaces shall be shown.

- iii. Information shall be provided detailing minimum lot sizes, number of proposed lots for each type of use and calculations for over all areas for each type of use.
 - iv. Where proposed uses do not match uses on adjoining properties, a continuation of the adjoining use shall be implemented for lots against the lot boundary, or a passive use landscaped buffer of at least 50 feet wide containing trees and privacy fencing shall be included. No lighting shall be allowed to reside in the 50 foot buffer and no light shall escape onto adjacent properties. Landscaped buffer areas may be counted as open space if the open space complies with the requirements found in GLUDMC Section 21.1. For commercial properties that are not in use at night, parking may encroach into the buffer area but trees and fencing are still required between the parking and the property boundary. Properties smaller than three acres or containing narrow areas of less than 200 feet may be granted modifications to the buffer width in those narrow areas if applicants and Planning Commission agree on an acceptable alternative such as transitions in architectural design that complement the neighboring issues.
- b. The applicant shall submit a written statement addressing each of the standards set forth in GLUDMC Section 7.8 herein entitled, Determination, when applicable and how the proposed development will promote the objectives set forth in Section 12.1 of this Chapter. The statement shall explain specifically how the proposed planned unit development relates to each such standard and promotes a listed objective;
 - c. The applicant shall submit a written statement indicating specifically what change, alteration, modification or waiver of any zoning or development regulations is being sought by the developer, if any. The proposed variations shall include specific references to the affected ordinances and a comparison of the requirement and proposed variations. The applicant shall also provide an explanation of how the proposed variation benefits the development and the surrounding community and explain the steps that are proposed to mitigate the effects of the proposed variation on the ordinance.
 - d. The approval of the PUD applicaiton final plan or final plat (if required) shall include approval of all special conditions applicable to the planned unit development. All special conditions and approved variations to the GLUDMC shall be included in a Development Agreement which shall be approved by Planning Commission and City Council.
 - e. Any party aggrieved by the final decision of the Planning Commission, regarding a planned unit development, with respect to changes, alterations, modifications or waivers either granted or denied, may appeal such decision to the City Council, whose decision shall then be final. All appeals to the City Council must be in writing and filed with the Zoning Administrator within thirty (30) days of the date of the decision appealed from and prior to any further consideration by the Planning Commission of a subsequent step in the planned unit development approval process. Only the final decision of the

City Council with respect to the Final Plan or plat, Development Plan or changes, alterations, modifications or waivers either granted or denied may be appealed to the District Court, provided such appeal is filed within thirty (30) days of the decision of the City Council. Said appeal shall be filed with the City Recorder and with the Clerk of the District Court.

- f. No planned unit development approval (that does not include a subdivision) shall be valid for a period longer than one year unless a building permit has been issued, construction has actually begun within that period and construction has been diligently pursued. Upon written request of the applicant, the one year period may be extended by the Planning Commission for such time as it shall determine for good cause shown, without further hearing.

AFTER AMENDMENT

12.4 Application Procedure

1. ~~If required by code or the applicant is seeking proposed variations to a Grantsville City Ordinance, a PUD application shall be submitted and approved prior to the submittal of a development application such as, but not limited to, Preliminary Plan and Final Plat applications as detailed in Chapter 21.(a) The applicant shall submit a concept plan, that is drawn to scale and is legible if printed on an 11 x 17 sheet. At a minimum, the concept plan shall include: The applicant shall submit a written statement addressing each of the standards set forth in GLUDMC Section 7.8 herein entitled, Determination, when applicable and how the proposed development will promote the objectives set forth in Section 12.1 of this Chapter. The statement shall explain specifically how the proposed planned unit development relates to each such standard and promotes a listed objective; The applicant shall submit a written statement indicating specifically what change, alteration, modification or waiver of any zoning or development regulations is being sought by the developer, if any. The proposed variations shall include specific references to the affected ordinances and a comparison of the requirement and proposed variations. The applicant shall also provide an explanation of how the proposed variation benefits the development and the surrounding community and explain the steps that are proposed to mitigate the effects of the proposed variation on the ordinance. The approval of the PUD applicaiton final plan or final plat (if required) shall include approval of all special conditions applicable to the planned unit development. All special conditions and approved variations to the GLUDMC shall be included in a Development Agreement which shall be approved by Planning Commission and City Council. Any party aggrieved by the final decision of the Planning Commission, regarding a planned unit development, with respect to changes, alterations, modifications or waivers either granted or denied, may appeal such decision to the City Council, whose decision shall then be final. All appeals to the City Council must be in writing and filed with the Zoning Administrator within thirty (30) days of the date of the decision appealed from and prior to any further consideration by the Planning Commission of a subsequent step in the planned unit development approval process. Only the final decision of the City Council with~~

~~respect to the Final Plan or plat, Development Plan or changes, alterations, modifications or waivers either granted or denied may be appealed to the District~~

~~Court, provided such appeal is filed within thirty (30) days of the decision of the City Council. Said appeal shall be filed with the City Recorder and with the Clerk of the District Court. The proposed configuration of lots and types of uses proposed for the property. Streets rights-of-way, open spaces and other proposed common area or public use spaces shall be shown. Information shall be provided detailing minimum lot sizes, number of proposed lots for each type of use and calculations for over all areas for each type of use. Where proposed uses do not match uses on adjoining properties, a continuation of the adjoining use shall be implemented for lots against the lot boundary, or a passive use landscaped buffer of at least 50 feet wide containing trees and privacy fencing shall be included. No lighting shall be allowed to reside in the 50 foot buffer and no light shall escape onto adjacent properties. Landscaped buffer areas may be counted as open space if the open space complies with the requirements found in GLUDMC Section 21.1. For commercial properties that are not in use at night, parking may encroach into the buffer area but trees and fencing are still required between the parking and the property boundary. Properties smaller than three acres or containing narrow areas of less than 200 feet may be granted modifications to the buffer width in those narrow areas if applicants and Planning Commission agree on an acceptable alternative such as transitions in architectural design that complement the neighboring issues. No planned unit development approval (that does not include a subdivision) shall be valid for a period longer than one year unless a building permit has been issued, construction has actually begun within that period and construction has been diligently pursued. Upon written request of the applicant, the one year period may be extended by the Planning Commission for such time as it shall determine for good cause shown, without further hearing.~~

- ~~2. In addition to the application requirements for subdivisions, an applicant for a planned unit development shall submit the following information with the Preliminary Plat application:~~

SECTION 3: AMENDMENT “12.5 Adjustments To Development Plan” of the Grantsville Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

12.5 Adjustments To Development Plan

(1) No major alteration or amendment to a development plan that would alter or expand the intent of the provisions in the approved PUD shall be made without a new application being filed and processed pursuant to the provisions of this Chapter. Minor alterations to a development plan that do not include a subdivision of land, may be made subject to written approval of the Planning Commission when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the

following elements:

- (a) Adjusting the distance as shown on the approved Plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;
- (b) Adjusting the location of any open space. The size or amount of open space that was approved shall not be compromised.
- (c) Adjusting any final grade, and
- (d) Altering the types of landscaping elements and their arrangement within the required landscaping buffer area.

(2) Such minor adjustments shall be consistent with the intent and purpose of the Code and the PUD provisions as approved, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this Code.

(3) Any adjustment to the Development Plan that would alter or expand the intent of the provisions in the approved PUD and is not authorized by this Section, shall be considered to be a major adjustment. The Planning Commission following notice to at least all adjoining property owners, may approve an application for a major adjustment of the Final Development Plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the final Development Plan. If the Planning Commission determines that a major adjustment is not in substantial conformity with the provisions of the approved PUD as approved, then the Planning Commission shall review the request in accordance with the procedures set forth in Section 12.4.

AFTER AMENDMENT

12.5 Adjustments To Development Plan

~~(1) No major alteration or amendment to a development plan that would alter or expand the intent of the provisions in the approved PUD shall be made without a new application being filed and processed pursuant to the provisions of this Chapter. Minor alterations to a development plan that do not include a subdivision of land, may be made subject to written approval of the Planning Commission when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following elements: (a) Adjusting the distance as shown on the approved Plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site; (b) Adjusting the location of any open space. The size or amount of open space that was approved shall not be compromised. (c) Adjusting any final grade, and (d) Altering the types of landscaping elements and their arrangement within the required landscaping buffer area. (2) Such minor adjustments shall be consistent with the intent and purpose of the Code and the PUD provisions as approved, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved~~

~~if such adjustments would result in a violation of any standard or requirement of this Code.(3) Any adjustment to the Development Plan that would alter or expand the intent of the provisions in the approved PUD and is not authorized by this Section, shall be considered to be a major adjustment. The Planning Commission following notice to at least all adjoining property owners, may approve an application for a major adjustment of the Final Development Plan, not requiring a modification of written conditions of approval or recorded easements; upon finding that any changes in the plan as approved will be in substantial conformity with the final Development Plan. If the Planning Commission determines that a major adjustment is not in substantial conformity with the provisions of the approved PUD as approved, then the Planning Commission shall review the request in accordance with the procedures set forth in Section 12.4.~~

SECTION 4: AMENDMENT “12.1 Purpose” of the Grantsville Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

12.1 Purpose

(1) A planned unit 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 City and developer will seek to achieve the following specific objectives:

(a) Creation of a more desirable environment than would be possible through strict application of other City land use regulations through promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities. The developer shall detail the proposed variation from Grantsville City ordinance requirements and explain how this variation will lead to a more desirable environment;

(b) The use of design, landscape or architectural features to create a pleasing environment while preserving desirable site characteristics such as natural topography, vegetation and geologic features as open space and providing recreational facilities. For projects containing a residential component containing more than 4 dwelling units defined as Lebel 4 and Level 5 subdivisions in Chapter 21 of this code at least 10% of the total parcel acreage shall be improved, fully landscaped, amenity rich, active open space. All planned unit development projects shall conform at a minimum with open space and improved open space requirements found in Chapter 21. Topography with slopes greater than 30% on average with a site area greater than 5,000 square feet, natural water bodies and drainages shall be protected;

(c) Preservation of buildings which are architecturally or historically significant contribute to the character of the City;

- (d) 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. Onsite paths and trails shall connect to the citywide trail system. Trails connecting to the citywide system shall be considered public trails allowing for public use; and
- (e) Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.
- (f) Provide residential housing that conforms with the State moderate income requirements.

AFTER AMENDMENT

12.1 ~~Purpose~~Repeal as Use Type

~~(1) A planned unit 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 City and developer will seek to achieve the following specific objectives:(a) Creation of a more desirable environment than would be possible through strict application of other City land use regulations through promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities. The developer shall detail the proposed variation from Grantsville City ordinance requirements and explain how this variation will lead to a more desirable environment;(b) The use of design, landscape or architectural features to create a pleasing environment while preserving desirable site characteristics such as natural topography, vegetation and geologic features as open space and providing recreational facilities. For projects containing a residential component containing more than 4 dwelling units defined as Level 4 and Level 5 subdivisions in Chapter 21 of this code at least 10% of the total parcel acreage shall be improved, fully landscaped, amenity rich, active open space. All planned unit development projects shall conform at a minimum with open space and improved open space requirements found in Chapter 21. Topography with slopes greater than 30% on average with a site area greater than 5,000 square feet, natural water bodies and drainages shall be protected;(c) Preservation of buildings which are architecturally or historically significant contribute to the character of the City;(d) 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. Onsite paths and trails shall connect to the citywide trail system. Trails connecting to the citywide system shall be considered public trails allowing for public use; and(e) Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.(f) Provide residential housing that conforms with the State moderate income requirements:~~

Notwithstanding anything to the contrary in this Title, including its charts and/or appendices,

planned unit development uses are prohibited in all zones in Grantsville by Ordinance.

SECTION 5: **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 Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 6: **EFFECTIVE DATE** This Ordinance shall take effect immediately upon its passage and approval as provided by law.

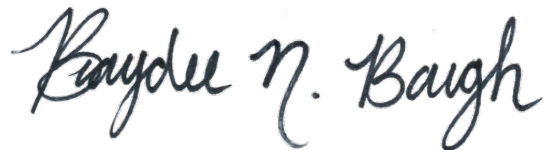
PASSED AND ADOPTED BY THE GRANTSVILLE COUNCIL JANUARY 30, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Heidi Hammond	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Jolene Jenkins	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Jeff Williams	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Rhett Butler	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Jacob Thomas	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer

Neil Critchlow, Mayor, Grantsville



Braydee Baugh, City Recorder,
Grantsville

