

**GRANTSVILLE  
ORDINANCE 2019-18**

**AMENDING RESIDENTIAL PUD OPEN SPACE REQUIREMENT**

**AN ORDINANCE AMENDING CHAPTER 12 AND CHAPTER 21 OF THE GRANTSVILLE  
CITY LAND USE MANAGEMENT AND DEVELOPMENT CODE REQUIRING 10  
PERCENT DEDICATION OF OPEN SPACE IN RESIDENTIAL PUD**

**WHEREAS**, Grantsville City currently requires all residential Planned Unit Developments (PUD) located within the City to dedicate fifteen (15) percent of total acreage to the City for open space;

**WHEREAS**, the City Council seeks to lower the open space dedication requirement from fifteen (15) percent to ten (10) percent of total acreage;

**WHEREAS**, the City Council finds this amendment will protect and promote the health, safety and welfare of the public and is in the best interest of the City.

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

**SECTION 1:**        **AMENDMENT** “12.1 Purpose” of the Grantsville Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

12.1 Purpose

(1) 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 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 a single dwelling unit at least 10% of the total parcel acreage shall be 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.

## AFTER AMENDMENT

### 12.1 Purpose

- (1) 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 City and developer will seek to achieve the following specific objectives:
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- (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 a single dwelling unit at least 10% of the total parcel acreage shall be 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.

**SECTION 2:            AMENDMENT “21.1.15 Open Space Requirements”** of the Grantsville Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 21.1.15 Open Space Requirements

- (1) Each subdivision or site plan shall provide a minimum of 15% of its total parcel acreage as open space. The open space shall be designated on the preliminary plan or site plan and recorded on the final plat. The minimum restricted open space shall comprise at least 15% of the total parcel acreage. The open space shall be held and maintained in a private protective trust. In limited cases such as the provision of a minimum of five-acre public park the City Council at its discretion may, by finding of a beneficial public purpose, choose to accept the dedication of such parcels and improvements.
- (2) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 15% minimum area requirement except that historic structures and existing trails with public access may be counted. Areas greater than 15% of the total open space area that is covered with any impervious surface shall be excluded from the open space calculation.

(3) At least 75% of the open space shall be in a contiguous or interconnecting tract. The open space shall be designed in such a way that it adjoins any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space. If there is no defined or identified open space on adjoining land, then the open space shall provide areas for the eventual connection with future development as practicable.

(4) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. The type of open space shall be taken into consideration when making the determination of direct accessibility. Open space parcels that are preserved as active agriculture or pasture land may have limited direct accessibility as the use requires restricted access, but it is expected that such uses shall be located along the sides of public streets or trails so that the open space will provide for the benefit and enjoyment of residents as it reserves the open rural atmosphere desired by the residents. Historic features or other unique natural features due to the nature of their location, characteristics and configuration may also limit direct accessibility but shall be showcased in such a way that it may provide for the benefit and enjoyment of residents as it preserves the open rural atmosphere desired by the residents. Non-adjoining lots shall be provided with safe, convenient access to the open space. Trails are encouraged in the subdivision to access both natural open space areas within the subdivision and those that may be located nearby. Just as with streets, trail connections for connectivity and access with future subdivisions and the City-wide trails system shall be considered.

(5) In lieu of, or in a proportional combination with, the provision of 15% of the total parcel acreage as open space, the developer may, through agreement with the Planning Commission and City Council apply 15% of the predeveloped value of the total parcel acreage, as determined through an owner provided appraisal by a certified real estate appraiser, to purchase another parcel that would be designated as park or open space, construct amenities in existing public parks and open space located within ½ mile of the proposed development, and extend off site trails from the proposed development with sidewalk and trail connections between both parcels to benefit the residents of the development.

(6) Land dedicated for use as a public park shall be no smaller than five acres and shall not be located any closer than three quarters of a mile from another public park. The City Council may make exceptions to the minimum distance if walkability and other accessibility issues limit the residents of the proposed subdivision from safely or conveniently accessing the nearest public park. Requiring improvements that remove the accessibility barriers may be considered proportionally not exceeding the appraised value of the predeveloped value of the total parcel acreage as detailed in 21.1.15.6

## AFTER AMENDMENT

### 21.1.15 Open Space Requirements

(1) Each subdivision or site plan shall provide a minimum of 105% of its total parcel acreage as open space. The open space shall be designated on the preliminary plan or site plan and recorded on the final plat. The minimum restricted open space shall comprise at least 150% of the total parcel acreage. The open space shall be held and maintained in a private protective trust. In limited cases such as the provision of a minimum of five-acre public park the City Council at its discretion may, by finding of a beneficial public purpose, choose to accept the dedication of such parcels and improvements.

(2) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 105% minimum area requirement except that historic structures and existing trails with public access may be counted. Areas greater than 105% of the total open space area that is covered with any impervious surface shall be excluded from the open space calculation.

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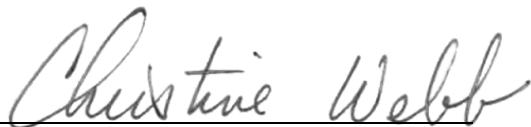
PASSED AND ADOPTED BY THE GRANTSVILLE COUNCIL AUGUST 07, 2019.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Jewel Allen	_____	_____	_____X_____	_____
Neil Critchlow	_____X_____	_____	_____	_____
Krista Sparks	_____X_____	_____	_____	_____
Scott Stice	_____X_____	_____	_____	_____
Jeff Hutchins	_____X_____	_____	_____	_____

Presiding Officer

Attest

  
 \_\_\_\_\_  
 Brent K. Marshall, Mayor, Grantsville

  
 \_\_\_\_\_  
 Christine Webb, City Recorder  
 Grantsville



**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with Utah Code Annotated §542-122-194 as amended, I hereby certify that the foregoing Ordinance was duly passed and published or posted at:

- 1) *Grantsville City Hall*
- 2) *Tooele Transcript Bulletin*
- 3) *Utah Public Notice Website*
- 4) *www.grantsvilleut.gov*

on the above referenced dates.

Attest

A handwritten signature in cursive script that reads "Christine Webb". The signature is written in dark ink and is positioned above a horizontal line.

Christine Webb, City Recorder,  
Grantsville