



TOWN OF PORTAGE - LAND USE ORDINANCES

8. Noise

- a. At no point on any exterior lot line shall the sound pressure level of any individual plant or operation (other than the operation of motor vehicles or other transportation facilities, or isolated and non-continuing sounds such as whistles, bells, or sirens) exceed the decibel levels in the designated octave bands shown below:

Octave Band Cycles Per Second	Maximum Permitted Sound Level in Decimals
0 - 300	75
300 - 1,200	55
1,200 - 4,800	45
4,800 - and above	40

(Change 1-9-2019) Emergency sirens are allowed in any zone regardless of octave band, cycles or decibels.

9. Temporary Structures

- a. No temporary structure shall be installed or maintained on any lot without the specific written approval of the Planning Commission. All applications for approval of any temporary structure will include its being dismantled and removed from the lot in question.

109.0 PLANNED UNIT DEVELOPMENTS

109.1 Purpose

The intent of the Planned Unit Development shall be to establish a better relationship between open space and buildings, greater harmony between the development and the surrounding area, a wider variety of residential settings, more economical development and a better living environment than is possible by developing on a lot by lot basis.

To this end, the requirements of this Ordinance which affect density, land use, setback requirements, area requirements and building size may be waived or modified by the Town Council providing such waivers



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or modifications shall not conflict with the intent of the zone in which the Planned Unit Development is located.

109.2 Conditional Use Permit Required

Planned Unit Developments are a Conditional Use in all zones and shall be subject to the requirements for Conditional Uses listed in Section 111. In addition, the requirements of this Section must be met.

109.3 Uses Allowed

Any use listed as a permitted or conditional use in the zone in which the Planned Unit Development is to be located may be approved in a Planned Unit Development.

109.4 Minimum Area

The minimum area, which may be considered as a Planned Unit Development, is ten acres.

109.5 Density Bonus

The number of dwelling units in a Planned Unit Development may be increased by 10% over the number permitted by area requirements of the zone in which the Planned Unit Development is located. The 10% density increase is a bonus to be awarded by the Planning Commission based on the following considerations:

1. Land designated for public facilities such as schools, churches and utilities shall not be included in the area used to determine the number of dwelling units permitted.
2. The amount of bonus, if any, shall be determined by the Planning Commission after considering the proposed site in relation to the public services and facilities, surrounding residential density and land use, adequacy of traffic access, topographic considerations, amenities proposed, and other related conditions. For details of the bonus evaluation procedure, see subsection 109.13, Point Evaluation for Density Bonus Grant.

109.6 General Requirements

The Planned Unit Development should be compatible with surrounding land uses, building types and physical features of the site. Specific requirements are included below:

1. The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by all owners of the property.
2. The property adjacent to the Planned Unit Development shall not be adversely affected and to this end the Planning Commission may require that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. Yard, height, and use requirements of the adjacent district shall apply within 50' of the boundary of the proposed Planned Unit Development



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3. The Town Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance, and the ownership of open space utilizing at the town's option one of the following methods:

- a. Dedication of the land as a public park or parkway system, or
- b. Complying with the provisions of 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 as part of the approved final development plan of the Planned Unit Development.

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

4. The developer shall be required to provide a surety of cash bond in an amount determined by the Town guaranteeing the completion of the development of the open space, or a phase thereof.

When completed in accordance with the approved plan the bond shall be released. If uncompleted at the end of two years, the Town will review the progress and may proceed to use the bond funds to make the improvements to the open space areas in accordance with the approved plan.

5. If the Planned Unit Development is to be subsequently divided either as a subdivision into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan. Preliminary subdivision approval shall be concurrently obtained in the case of a "subdivision".
6. Any part of a Planned Unit Development which is proposed as a subdivision is subject to the provision of the Subdivision Ordinance, except for references to lot dimensions and size, which are to be determined as part of the Planned Unit Development review process.
7. Where access roads create corner lots of adjoining parcels of land, the location of the paved area of the access road shall be located so as to maintain the minimum street side yard requirements of the zone in which the corner lot is located.
8. In Planned Unit Developments that are proposed as condominiums or other forms of multiple, separate ownership, agreement shall be reached between the Planning Commission and developer as to a schedule of installation of all development amenities. Such agreement shall be a condition of approval of the preliminary plan. Amenities shall include all recreational facilities.
9. Written approval by the State Division of Health must be presented for the proposed sewage disposal system and culinary water supply if a non-municipal water source is used.



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109.7 Planning Commission Review

1. Five copies of a preliminary application and preliminary site plan shall be submitted to the Planning Commission. After receipt of the preliminary application and preliminary site plan, the Town Clerk shall notify by mail all property owners within 300 feet of the proposed Planned Unit Development. Such notice shall indicate the date when the Planned Unit Development will be considered by the Planning Commission, and that a public hearing will be held by the Town Council prior to consideration for approval by the Town Council.
2. A complete copy of the preliminary application and preliminary site plan shall be submitted to the town engineer for review and comment. Recommendations for approval, in whole or in part, with or without modifications, or for denial, shall be returned to the Planning Commission within 30 days.
3. The Town Clerk shall publish notice of the Planning Commission Meeting to consider the preliminary application for the Planned Unit Development at least 21 days prior to the meeting. Such notice shall be published in a newspaper of general circulation in Portage and posted in 3 places in Portage.
4. The Planning Commission shall consider the preliminary application and preliminary site plan, together with any recommendations made by the town engineer and any comments made by interested citizens, at a regularly scheduled meeting within 60 days of receipt of the preliminary application and preliminary site plan.
5. The Planning Commission may recommend approval in whole or in part, with or without modifications, or may recommend denial. Where the Planning Commission recommends denial, the reasons shall be explained in writing.
6. Following approval of the preliminary application and preliminary site plan, five copies of final application and final site plan shall be submitted to the Planning Commission.
7. Where the final application and final site plan differ from the preliminary application and preliminary site plan, the final application and final site plan shall be resubmitted to the town for review and comment. Recommendations shall be returned to the Planning Commission within 30 days.
8. The Planning Commission shall review the final application and final site plan within 45 (change May 2002) 90 days and make its recommendation for approval in whole or in part, with or without modifications, or for denial to the Town Council. Such recommendation shall be made in writing.
9. The Planning Commission recommendation shall be based on the following guidelines:
 - a. The relationship of the proposed development, including its character, density and design, to the surrounding area and to the site itself.
 - b. The demonstrated ability of the applicant to financially carry out the project. In either total or phased development within the time established.



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c. Considerations of Section 111, Conditional Uses.

109.8 Town Council Action

1. After receipt of the written recommendation of the Planning Commission, the Town Council shall hold a public hearing, notice of which shall be published in a newspaper of general circulation at least 15 days prior to the public hearing.
2. Following the public hearing, the Town Council may approve, in whole or in part, with or without modifications, or deny the Planned Unit Development. The decision of the Town Council shall be final.
3. After approval of a Planned Unit Development, the Town Council shall indicate approval, together with any conditions attached, on the site plan and shall instruct the Town Clerk to note the approval of the Planned Unit Development on the official zoning map.

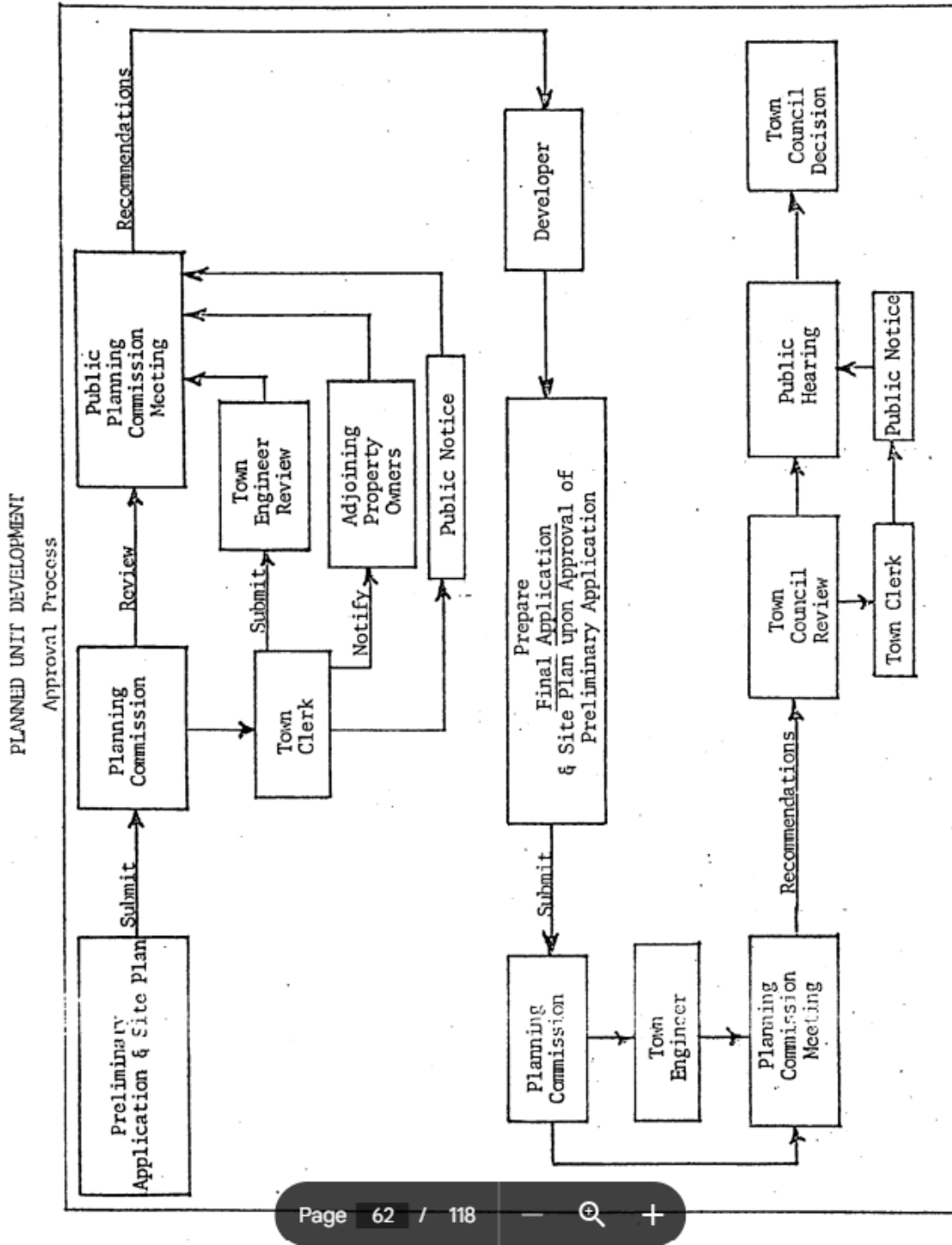
109.9 Preliminary Application

The preliminary application and site plan shall contain the following information:

1. General map of physical features and topography of site.
2. Legal description of parcel and acreage.
3. Schematic development plan showing general location of land uses and structures; density of uses shall also be indicated.
4. General circulation plan showing vehicular and pedestrian circulation, parking areas, service and loading areas, and access to public rights-of-way.
5. General open space plan showing location and character of open space areas together with a brief discussion of the proposed ownership and method of maintenance of open spaces.
6. General statement explaining the objectives to be achieved by developing as a Planned Unit Development rather than on a traditional lot by lot basis.
7. Names of all owners of land in the Planned Unit Development.
8. List of names and addresses of all property owners within 300 feet of the planned Unit Development.
9. A nonrefundable review fee in an amount to be determined by Resolution by the Town Council.
10. An improvement plan consistent with the requirements set forth in this Ordinance.



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109.10 Final Application

The final application and final site plan shall contain the following information:



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1. Complete site and building plans prepared by a professional designer or team of designers with competence in the area of planned developments. The site plan shall be drawn at a scale of no less than 1" = 100' and contain the following information:
 - a. Topographic map of the site indicating contours at no more than 2-foot intervals.
 - b. All proposed land uses.
 - c. Location and size of all existing and proposed buildings and structures.
 - d. Height of all existing and proposed buildings.
 - e. Density and type of buildings. (sketches and elevations of all buildings may be required at the discretion of the Planning Commission in order to demonstrate the character of the development.)
 - f. Internal traffic and circulation systems, including:
 - 1) off street parking,
 - 2) service and loading areas,
 - 3) access points to public rights-of-way,
 - 4) pedestrian walkways, and
 - 5) bicycle routes.
 - g. Location, height and size of signs and lighting.
 - h. Areas which are to be conveyed, dedicated or reserved for recreation or public facilities.
 - i. Areas subject to natural hazards such as flooding, erosion or earthquake faulting
 - j. General landscaping plan indicating spacing, sizes and types of landscaping material.
 - k. Location, size, height and use of all structures within 100 feet of the boundary of the Planned Unit Development.
 - l. Uses of land within 300 feet of the boundary of the Planned Unit Development.
2. Written statement explaining the following:
 - a. The objectives to be achieved by developing as a Planned Unit rather than on a traditional lot by lot basis.
 - b. Development schedule indicating the approximate dates when construction will begin and will be completed on either the entire Planned Unit Development or phases of the Planned Unit Development.



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- c. Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance and continued protection of the Planned Unit Development and any of its common park areas.

109.11 Development in Stages and Time of Approval

1. The applicant must begin and substantially complete the development of the Planned Unit Development within a time specified by the Town Council and Town Engineer. The developer shall post a bond to guarantee completion of the Planned Unit Development or an approved phase of the Planned Unit Development within the approved time limit.
2. If the applicant does not begin and substantially complete the Planned Unit Development, or any stage of the Planned Unit Development, within the time limits imposed by the preceding subsection, the Town Council shall review the Planned Unit Development and may recommend that the time for completion of the Planned Unit Development be extended, that the penalty in the construction contract be enforced, that the approval of the Planned Unit Development be revoked, or that the Planned Unit Development be amended. The recommendation of the Town Council for an amendment to the Planned Unit Development shall be subject to the procedures of subsection 109.7 and 109.8.

109.12 Changes

1. In the event a final site plan requires revision, the site plan and its revision shall be resubmitted to the Planning Commission for consideration of approval. The Planning Commission shall approve, modify or deny minor revisions. Minor revisions are changes which result in less than 10 feet, provided none of these changes exceeds the minimum or maximum requirements of this Ordinance.
2. For all other revisions, including changes in the site plan and the development schedule, the Planning Commission shall review and recommend to the Town Council, under the procedures applicable to initial approval as specified in subsection 109.7 and 109.8.
3. Where the revision is to a final site plan, all new property owners in the development shall be notified in writing of the proposed revision by the Town Clerk.

109.13 Point Evaluation For Density Bonus Grant

Maximum Evaluation Points (may be positive or negative)	Evaluation Criteria
2	a. Is the physical design of the development superior to what could develop under normal subdivision and zoning requirements?



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1	b. Does the development blend well with complimentary adjacent land uses, either existing or proposed in the Comprehensive Plan?
1	c. Are the building elevation designs outstanding from an aesthetic viewpoint and, where appropriate, in harmony with adjacent building design?
1	d. Does the development successfully cope with the physical limitations of the site?
2	e. Does the project relate well to the traffic problems are not created or intensified? Is internal circulation adequate
1	f. Does the open space on the site exceed 40% of the site? Is it usable? Is it well integrated with the overall site design so as to be convenient for use by residents?
1	Total Points = Percent Density Bonus to be Granted

110.0 PLANNING COMMISSION

110.1 Appointment

(Change 1-9-2019)

The Planning Commission shall consist of seven (7) members. The applicant(s) receiving the majority votes shall then be appointed by the Mayor. One member shall be from the Town Council and shall serve as the chairman, as well as a nonvoting member of the Planning Commission except in the case of a tie vote or when he/she is needed to make a quorum. The chairman shall be utilized before the alternate to make a quorum and vote. All new members shall be voted on by the Planning Commission/ Town Council with the exception of the Town Council member who shall be elected by a public vote or appointed by a majority vote from the Town Council to fill the remainder of the term vacated by the said member. There will be one (1) alternate member. The alternate member(s) shall be appointed by the Mayor after he/she receives a majority vote from the Planning Commission/ Town Council. The alternate member shall attend all meetings, so that he/she can be up to date on all matters of the Planning Commission. The alternate member shall automatically be placed on the commission board when a vacancy occurs.

An advertisement will then be posted to fill the alternate member position opening. The new alternate member application(s) will be reviewed and voted on by the Planning Commission and Town Council after a majority vote the new alternate shall be appointed by the Mayor.