



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to consider and take action on a request (ZTA 2016-02) to amend the Planned Residential Unit Development - PRUD Chapter (Title 108, Chapter 5) within the Weber County Land Use Code.

Agenda Date: Tuesday, July 05, 2016

Applicant: Brad Blanch

Representative: Brad Blanch

File Number: ZTA 2016-02

Staff Information

Report Presenter: Scott Mendoza
smendoza@co.weber.ut.us
801-399-8769

Report Reviewer: RG

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code text amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically, the criteria for making a recommendation related to a legislative matter require compatibility with the general plan and existing codes if applicable.

Text Amendment Request

The applicant is requesting that Weber County amend the Planned Residential Unit Development - PRUD Chapter (Land Use Code-Title 108, Chapter 5) by adding language that provides for an open space plan approval process, individual ownership and preservation methods for open space parcels, financial guarantee standards, and open space parcel maintenance. The applicant is also requesting that Weber County consider increasing the existing bonus density opportunity from a 10 percent bonus to a maximum of 50 percent in the Western Weber Planning Area only. The proposed new language has been taken from the County's existing cluster subdivision code.

Other amendments, consisting of minor grammatical and the elimination of bonus density opportunities in the Ogden Valley Planning area, have been written in by the Planning Division staff. See Exhibit A for the PRUD Chapter, all proposed amendments, and planning staff comments. See Exhibit B for the PRUD Chapter and all proposed amendments without planning staff comments.

Summary of Planning Commission Considerations

- Do the proposed amendments conform to the General Plan?
- Do the proposed amendments preserve the overall purpose and intent of the PRUD Chapter?

Sec. 108-5-2. - Purpose and intent.

(a) A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.

(b) Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.

Conformance to the General Plan

- The Ogden Valley General Plan (pg. 5) states that one of the Plan objectives is to establish mechanisms to preserve open space.
 - The proposal would amend the code by adding a specific open space plan approval procedure which provides for open spaces parcel ownership, maintenance, preservation methods, and developer financial guarantees.
- The Ogden Valley General Plan (pg. 5) states that one of the Plan goals is to ensure that development is compatible with the Valley's rural character and natural setting.
 - The proposal would amend the code by adding a specific open space plan approval procedure which requires the submittal of detailed information that will help to review and ensure that development is compatible with the Valley's rural character.
- The Recreation Element of the General Plan (Executive Summary, pg. iv) describes that, during a one year planning process, Valley residents provided input and expressed a desire to not generate any additional units beyond what exists under current zoning.
 - The proposed amendment eliminates the existing ten percent bonus density potential for projects located in the Ogden Valley Planning Area.

Staff Recommendation

The Planning Division Staff suggests that the Planning Commission recommend that the Weber County Commission approve and adopt the proposed amendments to the Planned Residential Unit Development - PRUD Chapter (Title 108, Chapter 5) located within the Weber County Land Use Code. The Staff recommendation is based on the finding that the proposal conforms to the General Plan as described above.

Exhibits

- A. Text Amendment Application Form.
- B. Proposed PRUD Chapter (LUC-Title 104, Chapter 29) including all proposed amendments and planning staff comments.
- C. Proposed PRUD Chapter (LUC-Title 104, Chapter 29) including all proposed amendments without planning staff comments.

Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted 5/31/2014	Received By (Office Use)	Added to Map (Office Use)
-----------------------------	--------------------------	---------------------------

Property Owner Contact Information

Name of Property Owner(s) BRAD BLANCH		Mailing Address of Property Owner(s) 10600 EAST 3400 NORTH NORTH OGDEN, UT 84414	
Phone 801-468-8565	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address bradblanch@gmail.com			

Ordinance Proposal

Ordinance to be Amended
PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

Describing the amendment and/or proposed changes to the ordinance:

PLEASE SEE ATTACHED PROPOSED HIGHLIGHTED CHANGES.

EXHIBIT B

1 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

2

3 Sec. 108-5-1. - Definitions.

4 When used in this chapter, the following words and phrases have the meaning ascribed to them in
5 this section, unless the context indicates a different meaning:

6 Common open space means land area in a planned residential unit development reserved and set
7 aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use
8 and enjoyment of the residents of the PRUD

9 Common open space easement means a required right of use granted to the county by the owner of
10 a planned residential unit development, on and over land in a planned residential unit development
11 designated as common open space, which easement guarantees to the county that the designated
12 common open space and recreation land is permanently reserved for access, parking and recreation and
13 open green space purposes in accordance with the plans and specifications approved by the planning
14 commission and county commission at the time of approval of the PRUD or as such plans are amended
15 from time to time with the approval of the county commission.

16 Planned residential unit development (PRUD) means a development in which the regulations of the
17 zone, in which the development is situated, are waived to allow flexibility and initiative in site, building
18 design and location in accordance with an approved plan and imposed general requirements.

19 (Ord. of 1956, § 22D-1; Ord. No. 3-72; Ord. No. 98-4)

20 Sec. 108-5-2. - Purpose and intent.

21 (a) A planned residential unit development (PRUD) is intended to allow for diversification in the
22 relationship of various uses and structures to their sites and to permit more flexibility of such sites
23 and to encourage new and imaginative concepts in the design of neighborhood and housing projects
24 in urbanizing areas. To this end, the development should be planned as one complex land use.

25 (b) Substantial compliance with the zone regulations and other provisions of this chapter in requiring
26 adequate standards related to the public health, safety, and general welfare shall be observed,
27 without unduly inhibiting the advantages of large scale planning for residential and related purposes.

28 (Ord. of 1956, § 22D-2; Ord. No. 98-4)

29 Sec. 108-5-3. - Permitted zones.

30 A planned residential unit development shall be permitted as a conditional use in all forest,
31 agricultural, residential zones, and notwithstanding any other provisions of this chapter, the provisions as
32 hereinafter set forth shall be applicable if any conflict exists.

33 (Ord. of 1956, § 22D-3; Ord. No. 7-94; Ord. No. 2009-15)

34 Sec. 108-5-4. - Use requirements.

35 (a) An over all development plan for a planned residential unit development showing residential uses,
36 housing types, locations, sizes, height, number of residential units, access roads, common area and
37 other open spaces, etc., may be approved by the planning commission and county commission and
38 building permits issued in accordance with such plan, even though the residential uses and dwelling
39 types and the location of the buildings proposed may differ from the residential uses and dwelling

EXHIBIT B

40 types and regulations governing such uses in effect in the zone in which the development is
41 proposed provided the requirements of this chapter are complied with. Accessory nonresidential
42 uses may be included in planned residential unit developments of 100 units or more to provide a
43 necessary service to the residents of the development as determined by the planning commission
44 provided agreements and restrictive covenants controlling the proposed uses, ownership,
45 operational characteristics and physical design to the county's satisfaction are filed by and entered
46 into by the developer to assure that the approved necessary services intent is maintained.

47 (b) Once the overall development plan showing details of buildings, structures and uses has been
48 approved by the county commission, after recommendations of the planning commission, no
49 changes or alterations to said development plan or uses shall be made without first obtaining the
50 approval of the planning commission and county commission, except for landscaping, provided
51 subsection (c) of this section has been complied with.

52 (c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum
53 acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to
54 the planning area planning commission and shall be stamped by a licensed landscape architect
55 certifying the following:

- 56 (1) That the area of landscaping area exceeds the approved landscape plan;
57 (2) That the number and quality of plants exceed the approved landscape plan;
58 (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;
59 and
60 (4) That all requirements of the Land Use Code have been met.

61 No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall
62 be released until all landscaping requirements are completed for that phase, with the exception of single-
63 family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion
64 of the phase represented by the dwelling, may be released.

65 (d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout
66 sleeping rooms) for nightly rentals shall be declared and designated on the site development plan,
67 and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title
68 108, chapter 8, section 2 of this Land Use Code.

69 (Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17; [Ord. No. 2014-18](#), Exh. A, 6-17-2014;
70 [Ord. No. 2015-22](#), Exh. A, 12-22-2015)

71 Sec. 108-5-5. - Area and residential density regulations.

72 (a) A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all
73 forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.

74 (b) The basic number of dwelling units in a PRUD shall be the same as the number permitted by the lot
75 area requirements of the same zone in which the PRUD is located. Land used for schools, churches,
76 other nonresidential service type buildings and uses, for streets and exclusively for access to the
77 useable area of a PRUD shall not be included in the area for determining the number of allowable
78 dwelling units.

79 (c) Notwithstanding §108-5-5(b), The the County may, at its discretion, allow for an increased basic
80 number of dwelling units residential lots in a PRUD may be increased by awarding bonus densities to
81 those PRUDs developed within the Western Weber County Planning Area. PRUD's developed
82 within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents
83 the bonus density opportunities that are available to PRUDs located within specific zoning
84 classification boundaries: up to ten percent if the planning commission in its judgment determines
85 that the concept, site layout and design, the residential groupings, the aesthetic and landscaping

EXHIBIT B

86 proposals will provide a superior residential development and environment to that which would result
87 through the normal land subdivision process.

88 (1) In the Forest (F-40) and the Residential Estates (RE-15 & RE-20) Zones, the county may award
89 a maximum bonus density of 10 percent based on an accumulation of any combination of the
90 following:

91 a. If the PRUD meets the purpose and intent of this chapter, up to a five percent
92 bonus may be granted.

93 b. If the PRUD provides a minimum of one road stub to an adjacent property where
94 the planning commission determines that streets are needed to provide for current
95 or future traffic circulation, up to a five percent bonus density may be granted.

96 c. If the PRUD provides a minimum of one approved public access to public lands,
97 up to a five percent bonus density may be granted.

98 d. If the PRUD provides common area that offers easily accessible amenities, such
99 as a trail, park, or community garden, that are open for use by the general public,
100 up to a five percent bonus density may be granted.

101 e. If the PRUD dedicates and conveys to the county, the state division of wildlife
102 resources, or both, an open space easement that permanently preserves areas
103 that have been identified by the state division of wildlife resources as having
104 substantial or crucial wildlife habitat value, up to a 10 percent bonus density may
105 be granted.

106 (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to
107 30 percent if the applicant preserves open space area equal to or greater than 30 percent
108 of the PRUD's adjusted gross acreage as defined in §101-1-7. However, if the applicant
109 preserves open space area above 30 percent, the county may grant a bonus density of up
110 to 50 percent. Overall bonus density potential shall be no greater than a percentage equal
111 to the percentage of the PRUD's total area preserved as open space. The county may
112 award bonus densities based on an accumulation of any combination of the following:

113 a. If a PRUD meets the purpose and intent of this chapter, up to a ten percent bonus
114 may be granted.

115 b. If a PRUD provides and implements an approved roadway landscape and design
116 plan that includes, but is not necessarily limited to, vehicle and pedestrian
117 circulation, lighting, and street trees of an appropriate species, size of at least a
118 two-inch caliper, and quantity of not less than eight trees for every 100 feet of road
119 length, up to 20 percent bonus density may be granted.

120 c. For each five percent increment of open space preserved over 50 percent: a five
121 percent bonus density shall be granted up to the total bonus density allowed by
122 subsection (2).

123 d. If a PRUD provides a minimum of one approved access to public lands, up to a ten
124 percent bonus density may be granted.

125 e. If a PRUD provides common area that offers easily accessible amenities such as
126 trails, parks, or community gardens, that are open for use by the general public,
127 up to a 15 percent bonus density may be granted.

128 f. If a PRUD donates and/or permanently preserves a site determined to be desirable
129 and necessary, to a local park district or other county approved entity, for the
130 perpetual location and operation of a public park, cultural, or other recreation
131 facility; up to a 20 percent bonus may be granted.

Comment [SM1]: Added language to allow bonus density in the Western Weber Planning Area and eliminate bonus density potential from the Ogden Valley Planning Area. This language comes directly from the cluster subdivision code. Bonus density awarded for "donation of land to a park district" comes from the Ogden Valley resort zone code.

EXHIBIT B

- 132 g. If ten percent of the lots and homes in a PRUD are permanently set aside for
133 affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20
134 percent bonus density may be granted. If a bonus density is granted to affordable
135 housing, the applicant shall:
- 136 1. Present and gain county approval of an effective plan and method for
137 guaranteeing and enforcing perpetual affordability. Any method used, such
138 as an affordable housing deed restriction, shall limit the sale or rental of the
139 affected lots and homes to a household with an income at or below 80
140 percent of the county median income;
 - 141 2. Identify and label, on the final plat, the lots set aside as affordable housing
142 lots; and
 - 143 3. Provide a note on the final plat explaining the nature of the housing
144 restriction on the lot and the method by which occupancy and affordability
145 will be regulated.
- 146 h. If a PRUD preserves an agricultural parcel with an agriculturally based open space
147 preservation plan approved by the planning commission and records an
148 agricultural preservation easement on the parcel, a bonus density may be
149 approved as follows:
- 150 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15
151 percent bonus density may be granted.
 - 152 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20
153 percent bonus density may be granted.
 - 154 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30
155 percent bonus density may be granted.
 - 156 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40
157 percent bonus density may be granted.
 - 158 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus
159 density may be granted.
- 160 i. If a PRUD provides for the preservation of historical sites and buildings that have
161 been identified by the state historic preservation office as having notable historical
162 value, up to a five percent bonus density may be granted.
- 163 j. If a PRUD provides for the development of excess sewage treatment capacity, up
164 to a five percent bonus density may be granted.
- 165 k. If a PRUD dedicates and conveys to the county, the state division of wildlife
166 resources, or both, an open space easement that permanently preserves areas that
167 have been identified by the state division of wildlife resources as having substantial
168 or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.
- 169 l. If a PRUD includes an open space parcel that consists of five acres or more and is
170 contiguous to permanently preserved open space on an adjoining property located
171 outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- 172 (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total
173 of the units allowed in each zone, however, the units allowed in each zone must be constructed in
174 the respective zone.
- 175 (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD
176 beyond what county development ordinances would normally allow, by requesting housing unit credit
177 and transfer for lands to be included in the PRUD boundary as common open space which have little

EXHIBIT B

178 or no possibility of housing development. Such areas may include swamp lands, bodies of water,
179 excessively steep slopes and hillsides, mountain areas which do not have the capability of housing
180 development due to lack of water, access, natural resource limitations, etc. Therefore, the planning
181 commission shall determine what part if any, of such lands may be included in a PRUD as useable
182 open space common area for which dwelling unit credit is being requested for transfer to
183 developable portions of the PRUD and, when such determination justifies such inclusion, the
184 planning commission shall allow the transfer of units. In making this determination, the planning
185 commission shall be guided by the following factors:

- 186 (1) The physical relationship of the proposed common areas to the developable areas of the PRUD
187 shall be such that the common areas are suitable for landscaped and/or developed open space
188 or for recreational use of direct benefit, access and usability to the unit owners.
- 189 (2) The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall
190 be physically integrated into the development design.
- 191 (3) The lands must be suitable for and possess the capability for housing development.
- 192 (4) Lands with an average slope of ~~60-40~~ percent or more in the FR-1, ~~F-4~~FV-3, ~~F-5~~, ~~F-10~~, and ~~F-~~
193 ~~40~~ zones and ~~40-30~~ percent or more in all other zones, shall not be classified as developable
194 land and shall not be considered when determining the number of allowable units in a proposed
195 PRUD.

Comment [SM2]: Now consistent with Subdivision Code.

196 (Ord. of 1956, § 22D-5; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

197 Sec. 108-5-6. - General requirements.

- 198 (a) The development shall be in a single or corporate ownership at the time of development or the
199 subject of an application filed jointly by the owners of the property.
- 200 (b) The property adjacent to the planned residential unit development shall not be adversely
201 detrimentally affected and to this end, without the county imposing reasonable conditions or, the
202 planning commission may require in the absence of appropriate physical boundaries natural or
203 constructed buffers, require that uses of least intensity or greatest compatibility be arranged around
204 the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be
205 required on the immediate periphery of a PRUD.
- 206 (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed
207 shall be determined acceptable by approval of the site development plan.
- 208 (d) The county commission may, at its discretion and after receiving a, upon recommendation of from
209 the planning commission, shall require consider and approve a plan that provides for the ownership,
210 preservation, maintenance, and guarantee of improvements for maintenance and ownership of the
211 common proposed open space(s). Open space parcels, and any improvements proposed thereon,
212 shall be approved, owned, maintained, preserved, and financially guaranteed as follows: utilizing, at
213 the county's option, one of the following methods:

Comment [SM3]: Now consistent with CUP Code.

- 214 (1) Plan approval. An open space preservation plan shall accompany an application for PRUD
215 approval. The plan shall include a narrative describing all proposed uses, phasing, and
216 maintenance methods for all open space parcels, and a site plan that shows proposed common
217 areas, individually owned preservation parcels, and the locations of existing and proposed
218 future structures. Dedication of the land as public park or parkway system;

Comment [SM4]: Added language addressing open space and allowing for HOA ownership and individual ownership. This language comes directly from the cluster subdivision code.

- 219 a. For open space dedicated as common area parcels, the site plan shall show the
220 location of existing and future structures by identifying the structure's approximate
221 footprint. Structures housing a utility or serving as a development amenity shall be
222 subject to all applicable standards including all design review and applicable
223 architectural standards found in title 108 of the Weber County Land Use Code.

EXHIBIT B

224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271

- b. For open space dedicated as individually owned preservation parcels, the site plan shall identify locatable building envelopes within which all existing and future buildings must be located.
- (2) Ownership. Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners' association established with articles of association and bylaws which are satisfactory to the county; or

 - a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the Community Association Act.
 - b. Other open space parcels, consisting of five acres or more, may be owned individually.

 - 1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.
 - 2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same cluster subdivision.
 - 3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:

 - i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and
 - ii. A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.
 - iii. A Notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.
- (3) Preservation. Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

 - a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.
 - b. The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).
 - c. If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
 - d. If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:

 - 1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;

EXHIBIT B

- 272 2. Further identify each preservation parcel by placing a unique identifying letter of
273 the alphabet immediately after the label;
- 274 3. Present an agricultural, forest, or other type of preservation easement to the
275 county and gain its approval; and
- 276 4. Record an approved preservation easement on each parcel identified as an
277 agricultural, forest, or other type of preservation parcel.
- 278 e. The county may impose any additional conditions and restrictions it deems necessary
279 to ensure maintenance of the open space and adherence to the open space
280 preservation plan. Such conditions may include a plan for the disposition or re-use of
281 the open space property if the open space is not maintained in the manner agreed
282 upon or is abandoned by the owners.

283 (4) Guarantee of open space improvements.

- 284 a. The county shall not require an applicant to deposit a financial guarantee for open
285 space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a
286 certificate of occupancy and that remain incomplete at the time of final approval and
287 acceptance of a proposed subdivision (resulting from the approval of a PRUD) from
288 the board of county commissioners. The applicant or developer shall complete the
289 improvements according to the approved phasing component of an open space
290 preservation plan. If the applicant fails to complete improvements as presented in the
291 open space preservation plan, the county may revoke the approval of the PRUD and
292 suspend final plat approvals and record an instrument notifying prospective lot buyers
293 that future land use permits may not be issued for any construction.
- 294 b. The county shall require an applicant to deposit a financial guarantee for all open
295 space improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.)
296 that do not require a certificate of occupancy and that remain incomplete at the time of
297 final approval and acceptance of a proposed subdivision (resulting from the approval
298 of a PRUD) from the board of county commissioners. The applicant or developer shall
299 complete all improvements according to the approved phasing component of an open
300 space preservation plan.

301 (5) Maintenance. The open space parcel owner, whether an individual or an association, shall use,
302 manage, and maintain the owner's parcel in a manner that is consistent with the open space
303 preservation plan approved under subsection (1), and the agriculture, forest, or other type of
304 preservation easement executed under subsection (3).

- 305 a. Recreation uses and facilities may be developed within the common open space areas in
306 compliance with the recreation and landscaping plan being a part of the approved final
307 level development plan of the PRUD.
- 308 b. The developer shall be required to provide a surety by cash bond, escrow or bank letter or
309 credit in an amount determined by the county engineer, sufficient to guarantee the
310 completion of the development of the common open space, or a phase thereof. When
311 completed in accordance with the approved plan, the bond shall be released. If
312 uncompleted at the end of two years, the county will review the progress and may proceed
313 to use the bond funds to make the improvements to the open space areas in accordance
314 with the approved plan. The bond shall be approved by the county commission and shall
315 be filed with the county recorder.

316 If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized
317 to maintain the common open spaces, but the organization fails to maintain the open space in
318 reasonable order and condition, the county may, at its option, do or contract to have done the
319 required maintenance and shall assess ratable the open space and individually owned
320 properties within the PRUD. Such assessment shall be a lien against the property and shall be
321 filed with the county recorder, or the county may bring suit to collect the maintenance fees
322 together with a reasonable attorney's fees and costs.

EXHIBIT B

- 323 c. ~~If the planned residential unit development or phase thereof is to be subsequently divided~~
324 ~~as a "subdivision" into phase development parcels or separately owned and operated~~
325 ~~units, such division boundaries shall be indicated on the development plan and preliminary~~
326 ~~subdivision approval concurrently obtained in the case of a "subdivision."~~
- 327 d. ~~The area shall be adaptable to a unit type development and shall not contain within or~~
328 ~~through it any ownership or physical barrier which would tend to impair the unit~~
329 ~~cohesiveness.~~
- 330 e. ~~All proposed residential developments, with the exception of normal land subdivisions, within the~~
331 ~~county equal to or in excess of the minimum area requirements for a PRUD as set forth in section 108-5-5~~
332 ~~shall comply with the provisions of this chapter and be developed as a planned residential unit~~
333 ~~development.~~

334 (Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

335 Sec. 108-5-7. - Submission of application.

- 336 (a) An application for a planned residential unit development shall be to the planning commission and
337 shall be accompanied by an overall development plan, including an open space preservation plan,
338 showing uses, dimensions and locations of proposed structures, areas reserved for public uses such
339 as schools and playgrounds, landscaping, recreational facilities ~~and open spaces~~, areas reserved
340 and proposals for accommodating vehicular and pedestrian ~~pedestrian~~ circulations, parking, etc.,
341 development phases, and architectural drawings and sketches demonstrating the design and
342 character of the proposed development.
- 343 (b) ~~Such other~~ Additional information shall be included as may be necessary to determine that the
344 contemplated arrangement of uses make it desirable to apply regulations and requirements differing
345 from those ordinarily applicable under this chapter.

346 (Ord. of 1956, § 22D-7)

347 Sec. 108-5-8. - Planning commission consideration.

348 In considering the proposed planned residential unit development, the planning commission shall
349 consider:

- 350 (1) The architectural design of buildings and their relationship on the site and development beyond
351 the boundaries of the proposal.
- 352 (2) Which streets shall be public and which shall be private; the entrances and exits to the
353 development and the provisions for internal and external traffic circulation and off-street parking.
- 354 (3) The landscaping and screening as related to the ~~several~~ proposed uses within the development
355 and ~~as a means of its~~ their integration into its ~~the~~ surroundings area.
- 356 (4) Lighting and ~~The~~ the size, location, design, and nature ~~quality~~ of signs ~~if any~~, and the intensity
357 and ~~direction of area of flood lighting~~.
- 358 (5) The residential density of the proposed development and its distribution as compared with the
359 residential density of the surrounding lands, either existing or as indicated on the zoning map or
360 general plan proposals of the county as being a desirable future residential density.
- 361 (6) The demonstrated ability of the ~~proponents of the planned residential unit development~~ applicant
362 to financially carry out the proposed project under total or phase development proposals within
363 the time limit established.

364 (Ord. of 1956, § 22D-8; Ord. No. 98-4)

EXHIBIT B

365 Sec. 108-5-9. - Planning commission action.

366 The planning commission, subject to the requirements of this chapter after considering applicable
367 codes and any anticipated detrimental effects, may recommend an approval, recommend an approval
368 with conditions, or recommend denial with conditions of the PRUD to the county commission.

369 (Ord. of 1956, § 22D-9; Ord. No. 98-4)

370 Sec. 108-5-10. - County commission action.

371 The county commission, after holding a public hearing meeting thereon, may approve or disapprove
372 the application for a PRUD. ~~In~~ if approving an application, the county commission may attach such
373 conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county
374 commission, together with any conditions imposed, constitutes approval of the proposed development as
375 a conditional use in the zone in which it is proposed.

376 (Ord. of 1956, § 22D-10; Ord. No. 98-4)

377 Sec. 108-5-11. - ~~Building~~ Land use permit issuance.

378 The ~~building inspector~~ planning division shall not issue any land use permit for any proposed building,
379 structure, or use within the project unless such building, structure, or use is in accordance complies with
380 the approved ~~overall and/or phase development plans~~ and any conditions imposed. Approved
381 development plans shall be filed with the planning division, building inspector and county engineer.

Comment [SM5]: These changes put the responsibility on the planning division and not the building official.

382 (Ord. of 1956, § 22D-11)

383 Sec. 108-5-12. - Time limit.

384 Unless there is substantial action has been taken, leading toward completion of a PRUD or an
385 approved phase thereof, within a period of 18 months from the date of approval, ~~such~~ the approval shall
386 expire unless ~~after reconsideration of the progress of the project~~ an extension, not to exceed six months,
387 is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be
388 used for any other permitted use in the zone in which the project is located. Reserved open space shall
389 be maintained where necessary to protect and blend existing structures into alternate land use proposals
390 after abandonment of a project.

Comment [SM6]: These changes address the need to limit the extension time and designate who has the authority to approve an extension.

391 (Ord. of 1956, § 22D-12; Ord. No. 98-4)

1 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

2
3 Sec. 108-5-1. - Definitions.

4 When used in this chapter, the following words and phrases have the meaning ascribed to them in
5 this section, unless the context indicates a different meaning:

6 Common open space means land area in a planned residential unit development reserved and set
7 aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use
8 and enjoyment of the residents of the PRUD

9 Common open space easement means a required right of use granted to the county by the owner of
10 a planned residential unit development, on and over land in a planned residential unit development
11 designated as common open space, which easement guarantees to the county that the designated
12 common open space and recreation land is permanently reserved for access, parking and recreation and
13 open green space purposes in accordance with the plans and specifications approved by the planning
14 commission and county commission at the time of approval of the PRUD or as such plans are amended
15 from time to time with the approval of the county commission.

16 Planned residential unit development (PRUD) means a development in which the regulations of the
17 zone, in which the development is situated, are waived to allow flexibility and initiative in site, building
18 design and location in accordance with an approved plan and imposed general requirements.

19 (Ord. of 1956, § 22D-1; Ord. No. 3-72; Ord. No. 98-4)

20 Sec. 108-5-2. - Purpose and intent.

21 (a) A planned residential unit development (PRUD) is intended to allow for diversification in the
22 relationship of various uses and structures to their sites and to permit more flexibility of such sites
23 and to encourage new and imaginative concepts in the design of neighborhood and housing projects
24 in urbanizing areas. To this end, the development should be planned as one complex land use.

25 (b) Substantial compliance with the zone regulations and other provisions of this chapter in requiring
26 adequate standards related to the public health, safety, and general welfare shall be observed,
27 without unduly inhibiting the advantages of large scale planning for residential and related purposes.

28 (Ord. of 1956, § 22D-2; Ord. No. 98-4)

29 Sec. 108-5-3. - Permitted zones.

30 A planned residential unit development shall be permitted as a conditional use in all forest,
31 agricultural, residential zones, and notwithstanding any other provisions of this chapter, the provisions as
32 hereinafter set forth shall be applicable if any conflict exists.

33 (Ord. of 1956, § 22D-3; Ord. No. 7-94; Ord. No. 2009-15)

34 Sec. 108-5-4. - Use requirements.

35 (a) An over all development plan for a planned residential unit development showing residential uses,
36 housing types, locations, sizes, height, number of residential units, access roads, common area and
37 other open spaces, etc., may be approved by the planning commission and county commission and
38 building permits issued in accordance with such plan, even though the residential uses and dwelling
39 types and the location of the buildings proposed may differ from the residential uses and dwelling

40 types and regulations governing such uses in effect in the zone in which the development is
 41 proposed provided the requirements of this chapter are complied with. Accessory nonresidential
 42 uses may be included in planned residential unit developments of 100 units or more to provide a
 43 necessary service to the residents of the development as determined by the planning commission
 44 provided agreements and restrictive covenants controlling the proposed uses, ownership,
 45 operational characteristics and physical design to the county's satisfaction are filed by and entered
 46 into by the developer to assure that the approved necessary services intent is maintained.

47 (b) Once the overall development plan showing details of buildings, structures and uses has been
 48 approved by the county commission, after recommendations of the planning commission, no
 49 changes or alterations to said development plan or uses shall be made without first obtaining the
 50 approval of the planning commission and county commission, except for landscaping, provided
 51 subsection (c) of this section has been complied with.

52 (c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum
 53 acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to
 54 the planning area planning commission and shall be stamped by a licensed landscape architect
 55 certifying the following:

56 (1) That the area of landscaping area exceeds the approved landscape plan;

57 (2) That the number and quality of plants exceed the approved landscape plan;

58 (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;
 59 and

60 (4) That all requirements of the Land Use Code have been met.

61 No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall
 62 be released until all landscaping requirements are completed for that phase, with the exception of single-
 63 family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion
 64 of the phase represented by the dwelling, may be released.

65 (d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout
 66 sleeping rooms) for nightly rentals shall be declared and designated on the site development plan,
 67 and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title
 68 108, chapter 8, section 2 of this Land Use Code.

69 (Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17; [Ord. No. 2014-18](#), Exh. A, 6-17-2014;
 70 [Ord. No. 2015-22](#), Exh. A, 12-22-2015)

71 Sec. 108-5-5. - Area [and residential density](#) regulations.

72 (a) A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all
 73 forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.

74 (b) The ~~basic~~ number of dwelling units in a PRUD shall be the same as the number permitted by the lot
 75 area requirements of the same [zone](#) in which the PRUD is located. Land used for schools, churches,
 76 other nonresidential service type buildings and uses, for streets and exclusively for access to the
 77 useable area of a PRUD shall not be included in the area for determining the number of allowable
 78 dwelling units.

79 (c) ~~Notwithstanding §108-5-5(b), The the County may, at its discretion, allow for an increased basic~~
 80 ~~number of dwelling units residential lots in a PRUD may be increased by awarding bonus densities to~~
 81 ~~those PRUDs developed within the Western Weber County Planning Area. PRUD's developed~~
 82 ~~within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents~~
 83 ~~the bonus density opportunities that are available to PRUDs located within specific zoning~~
 84 ~~classification boundaries: up to ten percent if the planning commission in its judgment determines~~
 85 ~~that the concept, site layout and design, the residential groupings, the aesthetic and landscaping~~

86 proposals will provide a superior residential development and environment to that which would result
87 through the normal land subdivision process^[SM1].

88 (1) In the Forest (F-40) and the Residential Estates (RE-15 & RE-20) Zones, the county may award
89 a maximum bonus density of 10 percent based on an accumulation of any combination of the
90 following:

91 a. If the PRUD meets the purpose and intent of this chapter, up to a five percent
92 bonus may be granted.

93 b. If the PRUD provides a minimum of one road stub to an adjacent property where
94 the planning commission determines that streets are needed to provide for current
95 or future traffic circulation, up to a five percent bonus density may be granted.

96 c. If the PRUD provides a minimum of one approved public access to public lands,
97 up to a five percent bonus density may be granted.

98 d. If the PRUD provides common area that offers easily accessible amenities, such
99 as a trail, park, or community garden, that are open for use by the general public,
100 up to a five percent bonus density may be granted.

101 e. If the PRUD dedicates and conveys to the county, the state division of wildlife
102 resources, or both, an open space easement that permanently preserves areas
103 that have been identified by the state division of wildlife resources as having
104 substantial or crucial wildlife habitat value, up to a 10 percent bonus density may
105 be granted.

106 (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to
107 30 percent if the applicant preserves open space area equal to or greater than 30 percent
108 of the PRUD's adjusted gross acreage as defined in §101-1-7. However, if the applicant
109 preserves open space area above 30 percent, the county may grant a bonus density of up
110 to 50 percent. Overall bonus density potential shall be no greater than a percentage equal
111 to the percentage of the PRUD's total area preserved as open space. The county may
112 award bonus densities based on an accumulation of any combination of the following:

113 a. If a PRUD meets the purpose and intent of this chapter, up to a ten percent bonus
114 may be granted.

115 b. If a PRUD provides and implements an approved roadway landscape and design
116 plan that includes, but is not necessarily limited to, vehicle and pedestrian
117 circulation, lighting, and street trees of an appropriate species, size of at least a
118 two-inch caliper, and quantity of not less than eight trees for every 100 feet of road
119 length, up to 20 percent bonus density may be granted.

120 c. For each five percent increment of open space preserved over 50 percent: a five
121 percent bonus density shall be granted up to the total bonus density allowed by
122 subsection (2).

123 d. If a PRUD provides a minimum of one approved access to public lands, up to a ten
124 percent bonus density may be granted

125 e. If a PRUD provides common area that offers easily accessible amenities such as
126 trails, parks, or community gardens, that are open for use by the general public,
127 up to a 15 percent bonus density may be granted.

128 f. If a PRUD donates and/or permanently preserves a site determined to be desirable
129 and necessary, to a local park district or other county approved entity, for the
130 perpetual location and operation of a public park, cultural, or other recreation
131 facility; up to a 20 percent bonus may be granted.

- 132 g. If ten percent of the lots and homes in a PRUD are permanently set aside for
 133 affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20
 134 percent bonus density may be granted. If a bonus density is granted to affordable
 135 housing, the applicant shall:
- 136 1. Present and gain county approval of an effective plan and method for
 137 guaranteeing and enforcing perpetual affordability. Any method used, such
 138 as an affordable housing deed restriction, shall limit the sale or rental of the
 139 affected lots and homes to a household with an income at or below 80
 140 percent of the county median income;
 - 141 2. Identify and label, on the final plat, the lots set aside as affordable housing
 142 lots; and
 - 143 3. Provide a note on the final plat explaining the nature of the housing
 144 restriction on the lot and the method by which occupancy and affordability
 145 will be regulated.
- 146 h. If a PRUD preserves an agricultural parcel with an agriculturally based open space
 147 preservation plan approved by the planning commission and records an
 148 agricultural preservation easement on the parcel, a bonus density may be
 149 approved as follows:
- 150 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15
 151 percent bonus density may be granted.
 - 152 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20
 153 percent bonus density may be granted.
 - 154 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30
 155 percent bonus density may be granted.
 - 156 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40
 157 percent bonus density may be granted.
 - 158 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus
 159 density may be granted.
- 160 i. If a PRUD provides for the preservation of historical sites and buildings that have
 161 been identified by the state historic preservation office as having notable historical
 162 value, up to a five percent bonus density may be granted.
- 163 j. If a PRUD provides for the development of excess sewage treatment capacity, up
 164 to a five percent bonus density may be granted.
- 165 k. If a PRUD dedicates and conveys to the county, the state division of wildlife
 166 resources, or both, an open space easement that permanently preserves areas that
 167 have been identified by the state division of wildlife resources as having substantial
 168 or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.
- 169 l. If a PRUD includes an open space parcel that consists of five acres or more and is
 170 contiguous to permanently preserved open space on an adjoining property located
 171 outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- 172 (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total
 173 of the units allowed in each zone, however, the units allowed in each zone must be constructed in
 174 the respective zone.
- 175 (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD
 176 beyond what county development ordinances would normally allow, by requesting housing unit credit
 177 and transfer for lands to be included in the PRUD boundary as common open space which have little

178 or no possibility of housing development. Such areas may include swamp lands, bodies of water,
 179 excessively steep slopes and hillsides, mountain areas which do not have the capability of housing
 180 development due to lack of water, access, natural resource limitations, etc. Therefore, the planning
 181 commission shall determine what part if any, of such lands may be included in a PRUD as useable
 182 open space common area for which dwelling unit credit is being requested for transfer to
 183 developable portions of the PRUD and, when such determination justifies such inclusion, the
 184 planning commission shall allow the transfer of units. In making this determination, the planning
 185 commission shall be guided by the following factors:

- 186 (1) The physical relationship of the proposed common areas to the developable areas of the PRUD
 187 shall be such that the common areas are suitable for landscaped and/or developed open space
 188 or for recreational use of direct benefit, access and usability to the unit owners.
- 189 (2) The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall
 190 be physically integrated into the development design.
- 191 (3) The lands must be suitable for and possess the capability for housing development.
- 192 (4) Lands with an average slope of ~~60~~40 percent or more in the FR-1, F-4~~FV-3~~, ~~F-5~~, ~~F-10~~, and ~~F-~~
 193 ~~40~~30 zones and ~~40~~30 percent or more in all other zones, shall not be classified as developable
 194 land and shall not be considered when determining the number of allowable units in a proposed
 195 PRUD^[SM2].

196 (Ord. of 1956, § 22D-5; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

197 Sec. 108-5-6. - General requirements.

- 198 (a) The development shall be in a single or corporate ownership at the time of development or the
 199 subject of an application filed jointly by the owners of the property.
- 200 (b) The property adjacent to the planned residential unit development shall not be adversely
 201 detrimentally affected and ~~to this end, without the county imposing reasonable conditions or,~~
 202 ~~the planning commission may require in the absence of appropriate physical boundaries~~natural or
 203 constructed buffers, require that uses of least intensity or greatest compatibility be arranged around
 204 the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be
 205 required on the immediate periphery of a PRUD^[SM3].
- 206 (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed
 207 shall be determined acceptable by approval of the site development plan.
- 208 (d) The county commission may, at its discretion and after receiving a, ~~upon recommendation of from~~
 209 ~~the planning commission, shall require~~ consider and approve a plan that provides for the ownership,
 210 preservation, maintenance, and guarantee of improvements for ~~maintenance and ownership of the~~
 211 ~~common~~proposed open space(s). Open space parcels, and any improvements proposed thereon,
 212 shall be approved, owned, maintained, preserved, and financially guaranteed as follows: utilizing, ~~at~~
 213 ~~the county's option, one of the following methods~~^[SM4]:
 - 214 (1) Plan approval. An open space preservation plan shall accompany an application for PRUD
 215 approval. The plan shall include a narrative describing all proposed uses, phasing, and
 216 maintenance methods for all open space parcels, and a site plan that shows proposed common
 217 areas, individually owned preservation parcels, and the locations of existing and proposed
 218 future structures. Dedication of the land as public park or parkway system;
 - 219 a. For open space dedicated as common area parcels, the site plan shall show the
 220 location of existing and future structures by identifying the structure's approximate
 221 footprint. Structures housing a utility or serving as a development amenity shall be
 222 subject to all applicable standards including all design review and applicable
 223 architectural standards found in title 108 of the Weber County Land Use Code.

- 224 b. For open space dedicated as individually owned preservation parcels, the site plan
 225 shall identify locatable building envelopes within which all existing and future buildings
 226 must be located.
- 227 (2) Ownership. ~~Granting to the county a permanent common open space easement on and over the~~
 228 ~~said private open spaces to guarantee that the open spaces remain perpetually in access,~~
 229 ~~parking, recreation or open space uses with ownership and maintenance being the~~
 230 ~~responsibility of a home owners' association established with articles of association and bylaws~~
 231 ~~which are satisfactory to the county; or~~
- 232 a. Open space parcels of any size and dedicated as common area shall be commonly
 233 owned by an appropriate homeowner's association established under U.C.A. 1953,
 234 §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the
 235 Community Association Act.
- 236 b. Other open space parcels, consisting of five acres or more, may be owned individually.
- 237 1. Individually owned preservation parcels of ten acres or more in area may be
 238 owned by any person, regardless of whether the person owns a residential lot
 239 within the PRUD.
- 240 2. Individually owned preservation parcels of less than ten acres in area may only
 241 be owned by an owner of a lot within the same cluster subdivision.
- 242 3. The applicable ownership standard in subsection (2)b.1. or 2. shall be
 243 memorialized in the following manner:
- 244 i. An explanation of the applicable ownership standard and a perpetual
 245 restriction conforming thereto shall be written into all agriculture,
 246 forest, or other type of preservation easements granted pursuant to
 247 subsection (3); and
- 248 ii. A note describing the applicable ownership standard shall be placed
 249 on the final recorded subdivision plat.
- 250 iii. A Notice describing the applicable ownership standard shall be
 251 recorded on each individually owned preservation parcel at the time of
 252 recording a subdivision plat.
- 253 (3) Preservation. ~~Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, §~~
 254 ~~57-8-1 et seq., as amended, which provides for the payment of common expenses for the~~
 255 ~~upkeep of common areas and facilities.~~
- 256 a. Open space parcels are to be permanently preserved in a manner that is consistent
 257 with the approved open space preservation plan.
- 258 b. The applicant, after receiving an approval for a PRUD and prior to recording or as part
 259 of recording the final subdivision plat, shall grant and convey to the county, to each lot
 260 owner, and to the homeowner association if applicable, an open space easement over
 261 all areas dedicated as common area or individually owned preservation parcels. The
 262 open space easement shall incorporate and conform to the open space preservation
 263 plan approved under subsection (1).
- 264 c. If a PRUD and subsequent subdivision plat contains open space intended to preserve
 265 substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife
 266 Resources, a wildlife habitat easement meeting the requirements of the Utah Division
 267 of Wildlife Resources shall be offered to the division.
- 268 d. If a PRUD and subsequent subdivision plat contains an individually owned
 269 preservation parcel, the applicant shall:
- 270 1. Identify and label on the final plat each such parcel as an agricultural, forest, or
 271 other type of preservation parcel;

272 2. Further identify each preservation parcel by placing a unique identifying letter of
 273 the alphabet immediately after the label;

274 3. Present an agricultural, forest, or other type of preservation easement to the
 275 county and gain its approval; and

276 4. Record an approved preservation easement on each parcel identified as an
 277 agricultural, forest, or other type of preservation parcel.

278 e. The county may impose any additional conditions and restrictions it deems necessary
 279 to ensure maintenance of the open space and adherence to the open space
 280 preservation plan. Such conditions may include a plan for the disposition or re-use of
 281 the open space property if the open space is not maintained in the manner agreed
 282 upon or is abandoned by the owners.

283 (4) Guarantee of open space improvements.

284 a. The county shall not require an applicant to deposit a financial guarantee for open
 285 space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a
 286 certificate of occupancy and that remain incomplete at the time of final approval and
 287 acceptance of a proposed subdivision (resulting from the approval of a PRUD) from
 288 the board of county commissioners. The applicant or developer shall complete the
 289 improvements according to the approved phasing component of an open space
 290 preservation plan. If the applicant fails to complete improvements as presented in the
 291 open space preservation plan, the county may revoke the approval of the PRUD and
 292 suspend final plat approvals and record an instrument notifying prospective lot buyers
 293 that future land use permits may not be issued for any construction.

294 b. The county shall require an applicant to deposit a financial guarantee for all open
 295 space improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.)
 296 that do not require a certificate of occupancy and that remain incomplete at the time of
 297 final approval and acceptance of a proposed subdivision (resulting from the approval
 298 of a PRUD) from the board of county commissioners. The applicant or developer shall
 299 complete all improvements according to the approved phasing component of an open
 300 space preservation plan.

301 (5) Maintenance. The open space parcel owner, whether an individual or an association, shall use,
 302 manage, and maintain the owner's parcel in a manner that is consistent with the open space
 303 preservation plan approved under subsection (1), and the agriculture, forest, or other type of
 304 preservation easement executed under subsection (3).

305 ~~a. Recreation uses and facilities may be developed within the common open space areas in~~
 306 ~~compliance with the recreation and landscaping plan being a part of the approved final~~
 307 ~~level development plan of the PRUD.~~

308 ~~b. The developer shall be required to provide a surety by cash bond, escrow or bank letter or~~
 309 ~~credit in an amount determined by the county engineer, sufficient to guarantee the~~
 310 ~~completion of the development of the common open space, or a phase thereof. When~~
 311 ~~completed in accordance with the approved plan, the bond shall be released. If~~
 312 ~~uncompleted at the end of two years, the county will review the progress and may proceed~~
 313 ~~to use the bond funds to make the improvements to the open space areas in accordance~~
 314 ~~with the approved plan. The bond shall be approved by the county commission and shall~~
 315 ~~be filed with the county recorder.~~

316 ~~If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized~~
 317 ~~to maintain the common open spaces, but the organization fails to maintain the open space in~~
 318 ~~reasonable order and condition, the county may, at its option, do or contract to have done the~~
 319 ~~required maintenance and shall assess ratable the open space and individually owned~~
 320 ~~properties within the PRUD. Such assessment shall be a lien against the property and shall be~~
 321 ~~filed with the county recorder, or the county may bring suit to collect the maintenance fees~~
 322 ~~together with a reasonable attorney's fees and costs.~~

323 e. ~~If the planned residential unit development or phase thereof is to be subsequently divided~~
 324 ~~as a "subdivision" into phase development parcels or separately owned and operated~~
 325 ~~units, such division boundaries shall be indicated on the development plan and preliminary~~
 326 ~~subdivision approval concurrently obtained in the case of a "subdivision."~~

327 d. ~~The area shall be adaptable to a unit type development and shall not contain within or~~
 328 ~~through it any ownership or physical barrier which would tend to impair the unit~~
 329 ~~cohesiveness.~~

330 e. ~~All proposed residential developments, with the exception of normal land subdivisions, within the~~
 331 ~~county equal to or in excess of the minimum area requirements for a PRUD as set forth in section 108-5-5~~
 332 ~~shall comply with the provisions of this chapter and be developed as a planned residential unit~~
 333 ~~development.~~

334 (Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

335 Sec. 108-5-7. - Submission of application.

336 (a) An application for a planned residential unit development shall be to the planning commission and
 337 shall be accompanied by an overall development plan, including an open space preservation plan,
 338 showing uses, dimensions and locations of proposed structures, areas reserved for public uses such
 339 as schools and playgrounds, landscaping, recreational facilities ~~and open spaces~~, areas reserved
 340 and proposals for accommodating vehicular and ~~pedestrian~~ pedestrian circulations, parking, etc.,
 341 development phases, and architectural drawings and sketches demonstrating the design and
 342 character of the proposed development.

343 (b) ~~Such other~~ Additional information shall be included as may be necessary to determine that the
 344 contemplated arrangement of uses make it desirable to apply regulations and requirements differing
 345 from those ordinarily applicable under this chapter.

346 (Ord. of 1956, § 22D-7)

347 Sec. 108-5-8. - Planning commission consideration.

348 In considering the proposed planned residential unit development, the planning commission shall
 349 consider:

350 (1) The architectural design of buildings and their relationship on the site and development beyond
 351 the boundaries of the proposal.

352 (2) Which streets shall be public and which shall be private; the entrances and exits to the
 353 development and the provisions for internal and external traffic circulation and off-street parking.

354 (3) The landscaping and screening as related to the ~~several~~ proposed uses within the development
 355 and ~~as a means of its~~ their integration into its ~~the~~ surroundings area.

356 (4) Lighting and ~~The~~ ~~the~~ size, location, design, and ~~nature~~ quality of signs if any, ~~and the intensity~~
 357 ~~and direction of area of flood lighting.~~

358 (5) The residential density of the proposed development and its distribution as compared with the
 359 residential density of the surrounding lands, either existing or as indicated on the zoning map or
 360 general plan proposals of the county as being a desirable future residential density.

361 (6) The demonstrated ability of the ~~proponents of the planned residential unit development~~ applicant
 362 to financially carry out the proposed project under total or phase development proposals within
 363 the time limit established.

364 (Ord. of 1956, § 22D-8; Ord. No. 98-4)

365 Sec. 108-5-9. - Planning commission action.

366 The planning commission, subject to the requirements of this chapter after considering applicable
367 codes and any anticipated detrimental effects, may recommend an approval, recommend an approval
368 with conditions, or recommend denial with conditions of the PRUD to the county commission.

369 (Ord. of 1956, § 22D-9; Ord. No. 98-4)

370 Sec. 108-5-10. - County commission action.

371 The county commission, after holding a public hearing meeting thereon, may approve or disapprove
372 the application for a PRUD. ~~It~~ if approving an application, the county commission may attach ~~such~~
373 conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county
374 commission, together with any conditions imposed, constitutes approval of the proposed development as
375 a conditional use in the zone in which it is proposed.

376 (Ord. of 1956, § 22D-10; Ord. No. 98-4)

377 Sec. 108-5-11. - ~~Building~~ Land use permit issuance.

378 The ~~building inspector~~ planning division shall not issue any land use permit for any proposed building,
379 structure, or use within the project unless such building, structure, or use ~~is in accordance~~ complies with
380 the approved ~~overall and/or phase development plans~~ s and any conditions imposed. Approved
381 development plans shall be filed with the planning division, building inspector and county engineer ^[SM5].

382 (Ord. of 1956, § 22D-11)

383 Sec. 108-5-12. - Time limit.

384 Unless ~~there is~~ substantial action has been taken, leading toward completion of a PRUD or an
385 approved phase thereof, within a period of 18 months from the date of approval, ~~such~~ the approval shall
386 expire unless ~~after reconsideration of the progress of the project~~ an extension, not to exceed six months,
387 is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be
388 used for any other permitted use in the zone in which the project is located. Reserved open space shall
389 be maintained where necessary to protect and blend existing structures into alternate land use proposals
390 after abandonment of a project ^[SM6].

391 (Ord. of 1956, § 22D-12; Ord. No. 98-4)