

## CHAPTER 10

## OVERLAY ZONES

**ARTICLE B. PLANNED RESIDENTIAL UNIT  
DEVELOPMENT OVERLAY DESIGNATION (PRUD)**

## SECTION:

- 10-10B-1: Purpose
- 10-10B-2: Designation
- 10-10B-3: Review Procedure
- 10-10B-4: Requirements And Standards
- 10-10B-5: Guarantees And Covenants

10-10B-1: **PURPOSE:** The purpose of the planned residential unit development (PRUD) overlay designation is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces and the clustering of dwelling units. These provisions are intended to create attractive and desirable environments within the residential areas of the city. (Ord. 2005-02, 2-15-2005)

10-10B-2: **DESIGNATION:**

- A. **Combination With Residential Zones:** The PRUD shall be approved as a conditional use only. The PRUD shall be used only in combination with existing residential zones. Property to which the PRUD has been applied shall be developed only in accordance with an approved final development plan.
- B. **Designation On Official Zoning Map:** The PRUD designation shall become a suffix to the designation of the zone with which it is combined and shall be shown on the official zoning map in parenthesis. For example, if the PRUD were being combined with the residential R-1-12 zone, it would be designated on the official zoning map as "R-1-12 (PRUD)".

- C. Minimum Acreage: The minimum land area eligible for a PRUD shall be two (2) acres. (Ord. 2005-02, 2-15-2005)

**10-10B-3: REVIEW PROCEDURE:**

- A. Expert Review: The city, in reviewing PRUD applications, may employ the services of a planning and design expert of their own choosing. The cost of the expert review shall be paid by the developer.
- B. Application Fee: Pay applicable application fees at city office.
- C. Conceptual Plan Approval: Concurrent with any request to rezone property to the PRUD overlay designation, a conceptual PRUD plan shall be submitted to, and reviewed by, the planning commission and city council. The planning commission shall review the rezone and conceptual PRUD plan request and forward a recommendation to the city council. The city council shall hold a public hearing to review the proposed rezone and conceptual PRUD plan request. In reviewing a conceptual plan, the city should consider the items listed in subsection E of this section. The conceptual plan will include the following:
1. A preliminary title report and legal description of the property.
  2. Evidence to show ownership or authority to act on owner's behalf.
  3. Location of all dwelling units and the proposed density of the project.
  4. Contour lines.
  5. Street configuration and cross sections.
  6. Location of any cuts and fills.
  7. Existing utilities and locations of all proposed utilities.
- D. Preliminary Planned Development Plan: All applications for a PRUD shall be accompanied by a preliminary plan of development. The plan shall follow the requirements of the subdivision ordinance in addition to the following:

1. A tabulation of the total acreage of the site, and the percentages thereof to be designated for various uses, i.e., parking, residential units, open space, streets, etc.
  2. Proposed circulation patterns, including private and public streets and pedestrian paths.
  3. Parks, common open spaces, playgrounds, and other public or private recreation facilities and improvements proposed within the planned development.
  4. General location of all dwellings and other structures in the planned development, and an indication of the proposed density (units per acre).
  5. A preliminary landscaping plan showing what areas are to be landscaped and what general types of plants and materials will be used.
  6. Preliminary elevations or perspectives of all building types, including materials of construction proposed within the development.
  7. A draft of the declaration of covenants, conditions and restrictions.
  8. Other relevant materials as may be required by the city.
- E. Preliminary Plan Review: The planning commission shall review the application for a PRUD. The planning commission, based upon its review for compliance with the provisions of this title, may recommend to the city council approval, denial or approval subject to compliance with such modifications or conditions as may be deemed necessary to carry out the purposes of this title. The planning commission shall recommend approval upon making the following findings:
1. The proposed development will provide a pleasant and attractive living environment.
  2. The proposed development will create a logical buffer to adjacent properties in which it is located; and that it will be in harmony with the character of existing development in the area.
  3. The planned development will provide efficient use of the land, and minimize the impact on sensitive lands by preserving the character of natural features and open spaces.

4. The densities allowed within the proposed planned development will be compensated by better site design and by the provision of increased amenities.
  5. Variations allowed in this section which differ from the development standards of the underlying zone will not increase hazards to the health, safety or general welfare of the residents of the proposed planned development or of adjacent areas.
- F. City Council Approval: The city council shall review and approve or deny the preliminary plan for the PRUD.
- G. Final Development Plans: Upon approval of the preliminary plan for the PRUD by the city council, final plans for the proposed planned development shall be submitted to the city, who shall schedule the application for consideration by the planning commission. Final planned development plans shall follow the outline of the subdivision ordinance, in addition to the following:
1. Detailed site plan with complete dimensions showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations of common open spaces and special use areas, detailed circulation patterns, including proposed ownership and typical cross sections of streets.
  2. Final exterior designs for all buildings, presented as exterior perspectives or exterior elevations.
  3. Detailed landscaping plans showing the types and sizes of all plant materials and their locations, decorative materials, recreation equipment, special effects, and sprinkler or irrigation system plans.
  4. Dimensioned parking layout showing location of individual parking stalls and all areas of ingress and egress.
  5. Detailed engineering plans for site grading, street improvements, drainage and public utilities. Also submission of engineering feasibility reports, if required by the city engineer.
  6. Fully executed declaration of covenants, conditions and restrictions, together with open space easements and other bonds, guarantees or agreements as required herein or as deemed necessary by the city.

7. A total construction schedule, including a time schedule for the completion of landscaping, parking, street improvements and other improvements and amenities.

H. Final Plan Review: The planning commission shall review the submitted final plan for compliance with the requirements and standards of the city. The planning commission shall recommend approval of the final plan to the city council only after it has found:

1. The proposed planned development meets all the requirements and standards of the PRUD requirements and the subdivision ordinance.

2. The proposed development is in substantial compliance with the approved preliminary plan.

3. The proposed development fully meets the objectives and purposes of the PRUD regulations.

4. The developer has provided the guarantees and covenants required by the city.

I. City Council Approval: The city council shall review, change, and approve or deny the final plan.

J. Building Permit: No building permit for any portion of the planned development shall be issued until the final plan has been approved by the city council and all necessary subdivision ordinance requirements have been met.

K. Phased Final Plans: Final plans for an approved preliminary plan may be submitted in phases, provided each such phase can exist as a separate unit capable of independently meeting all of the requirements and standards as set forth by the city.

L. Fees: Applications for planned development approval shall be accompanied by the appropriate fee, as specified from time to time by the city council. (Ord. 2005-02, 2-15-2005)

10-10B-4: **REQUIREMENTS AND STANDARDS:** A planned residential unit development established under the provisions of this article shall conform to the following requirements and standards:

A. Dwellings: Dwelling units in PRUD zones may be clustered in common wall construction. Dwelling structure layout and design is subject to review and approval of the city. Permitted uses shall also include recreational facilities and structures when approved as part of the final development plan. No minimum lot size is required; however, every dwelling unit shall have direct access to a common street, court, walkway or other area dedicated to common use.

B. Density:

1. The base density of a PRUD shall be based on the density of the underlying zone as outlined below.

2. If the PRUD is combined with the R-3 zone, the density will not exceed the total numbers outlined in chapter 10 article E of this title and depicted on the high density map of the general plan. The overall density will be determined by the site plan as approved by the city.

3. Each zoning district shall adhere to the following base and maximum densities:

Zone	Base Density/ Per Acre	Maximum Density
R-1-8	4.3	6.5
R-1-10	3.5	5.5
R-1-12	3.0	4.5
A-1	1	1.5
R-3	See chapter 10, article E of this title	

4. The inclusion of certain amenities or design options may result in an allowed increase in density, referred to as a density bonus. The city council, upon recommendation of the planning commission, may determine the density bonus upon the city council's acceptance of the design options, as set forth below. In no case shall the maximum density bonus exceed the numbers shown in the graph in subsection B3 of this section.

a. Up to fifteen percent (15%) increase for the creation of significant recreation or site amenities, i.e., pool, playground, clubhouse, picnic areas, water features, etc.

b. Up to ten percent (10%) increase for developments which are designed to protect or preserve sensitive environmental areas, such as existing trees, floodplains, river ways, wetlands or other natural features. These areas must be open to the general public to qualify.

c. Up to ten percent (10%) increase for pedestrian, bicycle and/or walking paths open to the general public which are separated from vehicular traffic, both within and outside the project.

d. One percent (1%) for each one percent (1%) increase in open space above the minimum open space requirement, up to ten percent (10%).

e. Developments which incorporate a streetscape design, including street trees, decorative lighting, landscaped entries and/or additional landscaped buffers are eligible for up to a ten percent (10%) increase.

- C. **Building Location:** The location of dwellings and permitted structures shall be established upon review of the site plan by the city. Dwellings shall maintain setbacks equal to that of the underlying zone along the perimeter of the PRUD. Exceptions to this requirement may include buffering against permanent open space and must be approved by the city.
- D. **Height:** The maximum height of buildings within a planned development shall not exceed thirty five feet (35'). Developments located in the R-3 zone shall not exceed three (3) stories.
- E. **Concessions And Services:** Concessions and services providing for the convenience of the residents of the planned development shall be located in one of the main buildings, or if located in a separate building, the building shall be so located and designed as to be a part of the residential character of the development, having the same outside appearance as the other structures in the development. No advertising signs or promotion of the said concessions or services shall be made by any method to any persons other than those living in the development.
- F. **Open Space:** Not less than forty percent (40%) of the gross area of the planned development shall be retained in permanent common

open space, parks or playgrounds. Land devoted to vehicular streets or roads, parking and driveways shall not be included in computations of open space, park or playground areas.

- G. Utilities: All dwelling units shall be served by public sewer and by a public water supply, including secondary water. All utilities within the planned development shall be placed underground, including telephone, electrical and television cables.
- H. Parking: Off street parking shall be required, with a minimum of two (2) parking spaces per dwelling unit. In addition, visitor parking spaces shall be provided at a ratio of one-half ( $\frac{1}{2}$ ) space per dwelling unit. Driveways may be used to meet visitor parking regulations. The city maintains the right to require additional visitor parking where it feels the project has not adequately addressed the issue. All parking shall be provided within the boundaries of the planned development. Each parking space shall have minimum dimensions of nine feet by twenty feet (9' x 20') and shall be exclusive of turnarounds, and other maneuvering areas. Parking structures shall be designed to be compatible with the character and architecture of the planned development.
- I. Landscaping: Decorative landscaping shall be provided along perimeter boundaries, and adjacent to residential buildings in the planned development. Solid screen fencing at least six feet (6') in height may be required on the perimeter of the planned development by the city, as appropriate, to protect the character of adjacent properties. Fencing should be architecturally designed brick, block, wrought iron, vinyl or structured wood fences. Natural vegetation or agricultural land may take the place of decorative landscaping where the city sees fit. Landscaped areas must be maintained.
- J. Access: A planned development shall have direct access to a residential street as defined and adopted by the city. Private roads not less than twenty seven feet (27') wide can be approved. Private streets will meet city design standards. Public streets must meet the minimum residential street standards. Modifications may include the deletion of park strips and sidewalks, as determined by the city. Dead end streets or cul-de-sacs shall not exceed six hundred feet (600'). The city may require more than one entrance to the planned development, depending upon the size and location of the development.
- K. Architectural And Design Review: The city shall review and approve the overall architectural character of the PRUD to determine its



compatibility with the neighborhood and overall community. Considerations will be made for the use of permanent materials in the design, such as brick or stone, and the appropriate proportion of these permanent materials in combination with stucco or other similar materials. The city may review and specify appropriate building exterior materials and colors. Overall design and layout of the PRUD shall be subject to the review and approval of the city.

- L. Construction Of Amenities And Landscaping: The city shall require that an appropriate portion of the planned amenities and overall common landscaping be constructed in each phase of the proposed project. The portion so determined shall be included in the bond amount for that phase to be constructed. (Ord. 2005-02, 2-15-2005)

10-10B-5: **GUARANTEES AND COVENANTS:** Adequate guarantees shall be provided for permanent retention and maintenance of all open space areas created, before final plan approval can be granted.

- A. Open Space Guarantees: The city shall require the preservation, maintenance and ownership of all open space through one, or a combination of the following:

1. Dedication of the land as a public park or parkway system.
2. Dedication of the land as permanent open space on the recorded plat.
3. Granting the city a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation or agricultural use, with ownership and maintenance being the responsibility of a homeowners' association.
4. Through compliance with the provisions of the condominium ownership act, as outlined in Utah Code Annotated title 57, which provides for the payment of common expenses for the upkeep of common areas and facilities.
5. In the event the common open space and other facilities are not maintained in a manner consistent with the approved final PRUD plan, the city may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.

B. Performance Guarantee: In order to ensure that the planned development will be constructed to completion in an acceptable manner, the applicant shall post performance guarantees as outlined in the subdivision ordinance. The letter of credit or escrow account shall include the completion of off site improvements, including, among other things, landscaping, sprinkling or irrigation systems, drives, storm drains, street surfacing, parking areas, sidewalks, curbs and gutters.

C. Covenants, Conditions And Restrictions:

1. The applicant for any planned development shall, prior to the conveyance of any unit, submit to the planning commission a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. Said covenants, conditions and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and shall specify who is responsible for said maintenance within said development. Said document shall, as a minimum, contain the following:

a. The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the development.

b. The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee; and including the person, partnership or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

c. The method of calling a meeting of the members of the corporation or association, with the members thereof that will constitute a quorum authorized to transact business.

d. The manner of collection from unit owners for their share of common expenses, and the method of assessment.

e. The establishment of an initial reserve fund for the association or corporation, to adequately cover maintenance and operation expenses until such time as the association or corporation is fully operational and self-sustaining.

f. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair and restore or sell property in the event of damage or destruction of all or part of the project.

g. The method and procedure by which the declaration may be amended.

2. The declaration required herein, and amendments, and any instrument affecting the property or any unit therein, shall be approved by the city attorney and by the planning commission and recorded with the county recorder. (Ord. 2005-02, 2-15-2005)

