

## **CHAPTER 11B-15: REQUIREMENTS FOR RESIDENTIAL PUD SUBDIVISIONS**

### **11B-15-010. Planned Unit Developments.**

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(a) **Design Standards.** The design of the preliminary and final plats of the project in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of the Woods Cross General Plan that has been adopted by the City Council, and design standards recommended by the Planning Commission and approved by the City Council. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character.

(b) **Provisions for Common Open Space.** The developer of a cluster subdivision or PUD shall submit plans of landscaping and improvements for the common open space. The developer shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A project must meet the requirements of the Zoning Ordinance, must assure proper use, construction, and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the project, surrounding residents, and the general public.

The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.

(c) **Guarantee of Common Open Space Improvements.** As assurance of completion of common open space improvements, the developer at the request of the City Council, shall be required to file with the City Council an acceptable bond, or other agreement, in a form satisfactory to the City Attorney guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a bond or other agreement has been filed, the developer shall call for inspection by the City Engineer, such inspection to be made within fourteen (14) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds or security therefor shall be released. If the bonds or security are not released, refusal to release and reasons therefor shall be given to the developer in writing.

(d) **Continuation of Common Open Space.** As assurance of continuation of common open space use in accordance with the plans approved by the Planning Commission, the developer shall grant to the City an "Open Space Easement" on and over the common open space prior to the recording to the final plat, which easement will not give the general public the right of access, but will provide that the common open space remains open.

(e) **Maintenance of the Common Open Space.** In order to ensure maintenance of the common open space and other improvements where so required, the developer, prior to the recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a home or property owners' association. By proper covenants running with the land and through the articles of incorporation and by-laws of the association it shall among other things, be provided:

(1) That the membership in the association shall be mandatory for each lot or dwelling unit purchaser, their guaranties, successors, and assigns.

(2) That the common open space restrictions shall be permanent and not just for a period of years.

(3) That the association be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and other facilities.

(4) That all lot, unit, or home owners shall pay their pro rata share of the cost of upkeep, maintenance, and operation.

(5) That any assessment levied by the association may become a lien on the real property of any lot, unit, or homeowner which may be foreclosed, and the property sold.