

16-20-030 Open Space

The provision for open space or common area shall not be a requirement of the PRUD Subdivision. However, if the developer wishes to provide for open space, it may be provided for as the following: common area; agricultural area; recreational area; natural vegetation and wildlife area; public parks; etc. Areas designated as open space shall be accompanied by a conservation easement held by an appropriate agency as provided for by law and shall be held as open space in perpetuity. Agricultural parcels may be maintained by the developer or any other entity or individual for the purpose of agricultural production.

The preservation, maintenance, and ownership of Open Spaces within a subdivision development shall be accomplished by:

- a. Dedication of the land as a public or private park or parkway system, including a certificate of title insurance; or
- b. Granting to the Local Jurisdiction or land trust a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain in perpetuity, with ownership and maintenance being the responsibility of an Owners' Association established with articles of association and bylaws which are satisfactory to the Governing Body; or
- c. Granting to the Local Jurisdiction or land trust a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain in perpetuity, to be maintained from the proceeds of a perpetual maintenance trust fund established by the developer in an amount satisfactory to the Governing Body; or by
- d. Granting to the Local Jurisdiction or land trust a permanent, open space easement on and over the said agricultural open spaces to guarantee that the open space remain in perpetuity, with ownership and maintenance being the responsibility of the developer, land owner, farmer or farm land trust; or by
- e. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities, and requires that the SUBDIVIDER, prior to the recording of the Final Plat, cause to be incorporated under the laws of the State of Utah, a lot owners association. By proper covenants running with the land and through the articles of incorporation and bylaws of the association it shall, among other things, be provided:
 - i. That membership in the association shall be mandatory for each lot purchaser, their guarantees, successors and assignees.
 - ii. That the common area and open space restrictions shall be permanent and not just for a period of years.
 - iii. That the association be responsible for maintaining liability insurance, paying general property taxes and maintaining recreational and all other facilities.
 - iv. That all lot owners shall pay their pro-rata share of the costs of upkeep, maintenance, and operation.
 - v. That any assessment levied by the associations may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.