

CHAPTER 22D

**PLANNED RESIDENTIAL UNIT DEVELOPMENT
(P.R.U.D.)**

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22-D-1. Definitions. 3-72

A planned Residential Unit Development (P.R.U.D.) is a development in which the regulations of the zone, in which the development is situated, are waived to allow flexibility and initiative in site, building design and location in accordance with an approved plan and imposed general requirements. 98-4

Common Open Space is land area in a Planned Residential Unit Development reserved and set aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use and enjoyment of the residents of the P.R.U.D.

A Common Open Space Easement is a required right-of-use granted to Weber County by the owner of a Planned Residential Unit Development, on and over land in a Planned Residential Unit Development designated as common open space, which easement guarantees to Weber County that the designated common open space and recreation land is permanently reserved for access, parking and recreation and open green space purposes in accordance with the plans and specifications approved by the Planning Commission and County Commission at the time of approval of the P.R.U.D. or as such plans are amended from time to time with the approval of the County Commission.

22-D-2. Purpose and Intent.

A Planned Residential Unit Development (P.R.U.D.) 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 98-4

Substantial compliance with the Zone Regulations and other provisions of this Ordinance 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.

22-D-3. Permitted Zones.

A Planned Residential Unit Development shall be permitted as a conditional use in all Forest, Agricultural, Residential Zones, Commercial Resort Recreation Zone CR-1, and notwithstanding any other provisions of this ordinance, the provisions as hereinafter set forth shall be applicable if any conflict exists. 7-94

22-D-4. Use Requirements.

a) An over-all development plan for a Planned Residential Unit Development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common open spaces, etc., may be approved by the Planning Commission and County Commission and building permits issued in accordance with such plan, even though the residential uses and dwelling types and the location of the buildings proposed may differ from the residential uses and dwelling types and regulations governing such uses in effect in the zone in which the development is proposed provided the requirements of this chapter are complied with. Accessory non-residential uses may be included in Planned Residential Unit Developments of 100 units or more to provide a necessary service to the residents of the development as determined by the Planning Commission provided agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical design to the County's satisfaction are filed by and entered into by the developer to assure that the approved necessary services intent is maintained.

b) Once the overall development plan showing details of buildings, structures and uses has been approved by the County Commission, after recommendations of the Planning Commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the Planning Commission and County Commission, except for landscaping, provided item C below has been complied with. 2004-17

c) The landscaping plan submitted for approval of the P.R.U.D., shall be considered the minimum acceptable landscaping for the P.R.U.D. Any alterations to the landscape plan shall be submitted to the Township Planning Commission and shall be stamped by a licensed landscape architect certifying the following:

1. That the area of landscaping area exceeds the approved landscape plan;
2. That the number and quality of plants exceed the approved landscape plan;
3. That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and
4. That all requirements of chapters 36 and 18C of the zoning ordinance have been met.

No money held in the financial guarantee for the completion of landscaping of any phase of a P.R.U.D. shall be released until all landscaping requirements are completed for that phase, with the exception of single family dwellings. In the case of single family dwellings, that portion of the guarantee, equal to that portion of the phase represented by the dwelling, may be released. 2004-17

d) Any housing units to be developed or used for Time Share Condominiums rental apartment, Lockout Sleeping Rooms for nightly rentals etc. shall be declared and designated on the site development plan. 9-81

Area Regulations.

- a) A P.R.U.D. shall contain a minimum area of 10 acres and consist of at least 24 housing units in all Forestry and Agricultural Zones, and contain a minimum area of four acres in all Residential Zones, Commercial Resort Recreation Zone CR-1. 7-78, 7-94
- b) The basic number of dwelling units in a P.R.U.D. shall be the same as the number permitted by the lot area requirements of the same in which the P.R.U.D. is located. Land used for schools, churches, other non-residential service type buildings and uses, for streets and exclusively for access to the useable area of a P.R.U.D. shall not be included in the area for determining the number of allowable dwelling units.
- c) The basic number of dwelling units in a P.R.U.D. may be increased by up to 10 percent if the Planning Commission in its judgement determines that the concept, site layout and design, the residential groupings, the aesthetic and landscaping proposals will provide a superior residential development and environment to that which would result through the normal land subdivision process.
- d) If a P.R.U.D. is located in two or more zones, then the number of units allowed in the P.R.U.D. is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone. 9-81
- e) It is not the purpose of the P.R.U.D. provision to allow an increase in the housing density of a P.R.U.D. beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the P.R.U.D. boundary as common open space which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. Therefore, the Planning Commission shall determine what part if any, of such lands may be included in a P.R.U.D. as useable open space-common area for which dwelling unit credit is being requested for transfer to developable portions of the P.R.U.D. and when such determination justifies such inclusion the Planning Commission shall allow the transfer of units. In making this determination, the Planning Commission shall be guided by the following factors:
1. The physical relationship of the proposed common areas to the developable areas of the P.R.U.D. shall be such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.
 2. The lands shall contribute to the actual quality, livability and aesthetics of the P.R.U.D. and shall be physically integrated into the development design.
 3. The lands must be suitable for and possess the capability for housing development.
 4. Lands with an average slope of sixty percent or more in the FR-1, F-1, 5, 10, 20 and 40 zones and forty percent or more in all other zones, shall not be classified as developable land and shall not be considered when determining the number of allowable units in a proposed P.R.U.D. 9-81
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General Requirements.

- a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.
- b) The property adjacent to the Planned Residential Unit Development shall not be adversely affected and to this end the Planning Commission may require in the absence of appropriate physical boundaries, that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a P.R.U.D.
- c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.
- d) The County Commission, upon recommendation of the Planning Commission, shall require the preservation, maintenance and ownership of the common open space utilizing, at the County's option, one of the following methods: (1) dedication of the land as public park or parkway system, or (2) granting to Weber 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 by-laws which are satisfactory to Weber County, or (3) 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 common areas and facilities.
 - 1. Recreation uses and facilities may be developed within the common open space areas in compliance with the recreation and landscaping plan being a part of the approved final level development plan of the P.R.U.D.
 - 2. The developer shall be required to provide a surety by cash bond, escrow or bank letter or credit in an amount determined by the County Engineer, sufficient to guarantee the completion of the development of the common open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two (2) years, the County will review the progress and may proceed to use the bond funds to make the improvements to the open space areas in accordance with the approved plan. The bond shall be approved by the County Commission and shall be filed with the County Recorder.

If the second or third methods, as set forth above, are utilized to maintain the common open spaces, but the organization fails to maintain the open space in reasonable order and condition, the County may, at its option, do or contract to have done the required maintenance and shall assess ratable the open space and individually owned properties within the P.R.U.D. Such assessment shall be a lien against the property and shall be filed with the Weber County Recorder or the County may bring suit to collect the maintenance fees together with a reasonable attorney's fees and costs.
- e) If the Planned Residential Unit Development or phase thereof is to be subsequently divided as a "Subdivision" into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a "Subdivision".
- f) The area shall be adaptable to a unit type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.

- g) All proposed residential developments, with the exception of normal land subdivisions, within Weber County equal to or in excess of the minimum area requirements for a P.R.U.D. as set forth in 22-D-5 shall comply with the provisions of this Chapter and be developed as a Planned Residential Unit Development.
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22-D-7. Submission of Application.

An application for a Planned Residential Unit Development shall be to the Planning Commission and shall be accompanied by an overall development plan showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities and open spaces, areas reserved and proposals for accommodating vehicular and pedestrian circulations, parking, etc. development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.

Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

22-D-8. Planning Commission Consideration.

In considering the proposed Planned Residential Unit Development, the Planning Commission shall consider:

- a) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
 - b) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
 - c) The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
 - d) The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.
 - e) The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the Zoning Map or Master Plan proposals of Weber County as being a desirable future residential density. 98-4
 - f) The demonstrated ability of the proponents of the Planned Residential Unit Development to financially carry out the proposed project under total or phase development proposals within the time limit established.
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22-D-9. Planning Commission Action.

The Planning Commission, subject to the requirements of this Chapter, may recommend approval or denial with conditions of the P.R.U.D. to the County Commission.

22-D-10. County Commission Action.

The County Commission, after holding a public hearing thereon, may approve or disapprove the application for a P.R.U.D. In approving an application, the County Commission may attach such conditions as it may deem necessary to secure the purposes of this Chapter. Approval of the County Commission, together with any conditions imposed, constitutes approval of the proposed development as a "Conditional Use" in the zone in which it is proposed. 98-4

22-D-11. Building Permit Issuance.

The Building Inspector shall not issue any permit for any proposed building structure or use within the project unless such building, structure or use is in accordance with the approved overall and/or phase development plan and any conditions imposed. Approved development plans shall be filed with the Planning Commission, Building Inspector and County Engineer.

22-D-12. Time Limit.

Unless there is substantial action leading toward completion of a P.R.U.D. or an approved phase thereof within a period of eighteen (18) months from the date of approval, such approval shall expire unless after reconsideration of the progress of the project an extension is approved. Upon expiration, the land and structures thereon, if any, may be used for any other permitted use in the zone in which the project is located. Reserved Open Space shall be maintained where necessary to protect and blend existing structures into alternate land use proposals after abandonment of a project. 98-4
