

TITLE 10

CHAPTER 10

RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE

SECTION:

- 10-10-1: Intent
- 10-10-2: Regulations
- 10-10-3: Procedure
- 10-10-4: Requirements
- 10-10-5: Open Space
- 10-10-6: In Lieu Substitutions for Open Space Requirements
- 10-10-7: Development Agreement
- 10-10-8: Water, Sewer and Road Requirements

10-10-1: INTENT

The intent of this zone is to encourage efficient utilization of land that is suitable in size, location, and character, to develop a sense of community, and to ensure compatibility within the surrounding neighborhoods and environment. This is accomplished by allowing greater diversity of lot design, flexibility in the placement of buildings, clustering of dwelling units, amenities, well-planned circulation, the creation and consolidation of open spaces, and attractive entrances. These provisions are intended to create more attractive and desirable environments within River Heights City while ensuring compliance with the intent, objectives and purposes of this title and the city's general plan.

10-10-2: REGULATIONS

- A. The following uses are permitted in the Residential Planned Unit Development (R-PUD) zone:
 - 1. Single-family detached (SFD) housing
 - 2. Single-family duplex housing
 - 3. Single-family attached housing
 - 4. Multiple family attached housing (shall not exceed four (4) units per building)
 - 5. Parks and Recreation
- B. A minimum of 65% of all dwelling units in a R-PUD shall be single-family detached housing.
- C. All buildings shall be limited in height to two (2) stories above grade

D. Lot Regulations:

Minimum Project Size	5 acres
Maximum Density¹	9 dwelling units per acre (net)
Minimum Lot Area	
Single-Family Detached	5,000 sq ft
Single-Family Attached (street garage access)	9,167 sq ft
Single-Family Attached (alley garage access)	8,334 sq ft
Duplex	7,500 sq ft
Multiple family ²	10,800 sq ft
Minimum Lot Width	
Single-Family Detached	60 feet
Single-Family Attached (street garage access)	110 feet
Single-Family Attached (alley garage access)	100 feet
Duplex	100 feet
Multiple Family	120 feet
Setbacks (Single Family Detached, Duplex)	
Front Yard (street garage access)	20 feet minimum
Front Yard (alley garage access)	10 feet minimum
Rear Yard (street garage access)	10 feet minimum
Rear Yard (alley garage access)	20 feet minimum
Side Yard	7.5 feet minimum
Side Yard on a Street	15 feet minimum adjacent to street
Setbacks (Single Family Attached, Multiple Family)	
Front Yard (street garage access)	20 feet minimum
Front Yard (alley garage access)	10 feet minimum
Rear Yard (street garage access)	10 feet minimum
Rear Yard (alley garage access)	20 feet minimum
Side Yard	10 feet minimum
Side Yard (Multiple Family w/o garage)	10 feet minimum
Side Yard on a Street	15 feet minimum adjacent to street
Maximum Structure Height	35 feet
Off-Street Parking	
Single-Family Detached	4 per dwelling unit
Single-Family Attached	2 per dwelling unit + 0.5 guest/unit
Duplex	2 per dwelling unit
Multiple Family (2+bedrooms)	2 per dwelling unit + 0.5 guest/unit

¹ Density (net acreage) = Housing units per gross project acreage minus acreage dedicated to rights-of-way and minus acreage dedicated to open space.

² Minimum Multiple Family dwelling unit main floor including garage is 1,500 sq ft.

10-10-3: PROCEDURE

- A. The application, review and approval procedures for a R-PUD development are described in Title 11, Chapter 4 (Review and Plat Requirements) of this code. Additional requirements are described in this Chapter.
- B. If the final plat of a R-PUD is not recorded with six (6) months following approval of

the development, the approval is void and the developer must begin the application, review, and approval procedures over.

10-10-4: REQUIREMENTS

- A. In addition to items required for the site analysis (11-4-1 C.), the developer shall provide a written statement that describes the impact the development will have on natural features of the area. Include any measures taken to mitigate negative conditions that occur as a result of the project.
- B. In addition to items required for the sketch plan submission (11-4-1 F.), the conceptual site plan shall show approximate building locations, proposed road layouts, general parking layouts, proposed open spaces, anticipated public and private amenities and their locations.
- C. In addition to items required for the preliminary plat submission (11-4-2 B.), the developer shall include dimensions and locations of areas to be reserved for vehicular and pedestrian circulation, proposed parking, ingress, and egress. Proposed circulation patterns including private driveways, public and private streets, and pedestrian and bicycle paths shall also be included. Description and placement of fences, walls and solid waste enclosures shall be shown.
- D. In addition to items required for the preliminary plat submission (11-4-2 B.), the developer shall submit preliminary architectural plans and landscape plans. The architectural plans shall comply with the architectural standards described below. The preliminary landscape plan shall show general location and types of plants to be installed as well as preliminary calculations demonstrating that landscape requirements have been met.
- E. The final plat submittal shall include fully designed and engineered drawings for the site plan, architectural plans, landscape plan and parking plan, with these plans meeting all the requirements outlined herein and which may be added as a condition of the sketch plan (conceptual) or preliminary plat approval. This is in addition to any plat and construction drawings which are required as part of the subdivision of property described in Title 11, Chapter 4.
- F. The developer's engineer shall prepare, as part of the construction documents, an estimate of the cost of construction of all the public improvements. The city engineer shall review the estimate of the cost of construction for the purpose of determining the amount required as security of performance. The security of performance required is to assure the city that all improvements are constructed in conformance with all relevant city ordinances, regulations, and standards, and to assure the city that all expenses incurred for labor and materials used in the construction of the same are paid for by the developer. The amount of the security of performance shall be equal to at least one and one-half (1 1/2) times the reasonable value of the improvements required, as determined by the developer's engineer, and approved by the city engineer. The security of performance will be placed in an escrow account. The city may hold five percent (5%) of the security of performance provided by the subdivider until one year following the final inspection by the city engineer, or for such other period of time less than one year as the city deems necessary to ensure compliance as set forth in this Chapter and Title 11.

- G. The city shall require the applicant to submit for recording covenants, conditions and restrictions which will provide adequate guarantees for the permanent retention and maintenance of open space area, landscaping, natural features, private streets, other privately owned infrastructure, and architectural design standards. The covenants, conditions and restrictions shall include, at a minimum, provisions for:
1. The establishment of a perpetual, irrevocable homeowners' association;
 2. A notice to subsequent owners of the need to obtain city approval of changes to the P-RUD, which may require either an amendment to the final development plan or a conditional use permit;
 3. A provision granting the city the consent of the homeowners' association and each of its members, after providing notice to each property owner and holding a public hearing, to create a special assessment area comprised of all homes and lots within the PRUD, to finance the cost of reasonably necessary maintenance, repair, or replacement of commonly owned essential public infrastructure such as streets, sidewalks, street lighting, water systems, etc., in the event of dissolution or default by the homeowners' association;
 4. A provision defining "default" by the homeowners' association which shall include, at minimum, the failure of the homeowners' association, after receiving six (6) months' notice of default from the city, to take reasonable steps to remedy its failure to levy, collect and budget assessments sufficient to provide for reasonably necessary maintenance, repair or replacement of commonly owned essential public infrastructure which has become unsafe, unsound or functionally obsolete as determined by the city engineer.
- H. Modifications and Conditions May be Imposed. The planning commission and city council may impose modifications and conditions such as: street capacities of the area, ingress and egress to adjoining streets, internal traffic, signs, lighting, building bulk, architectural style and location, and open space characteristics, as stated in the River Heights Subdivision Ordinance.
- I. The development must be planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.
- J. Proposed R-PUDs adjacent to existing single-family homes must place single-family homes adjacent to the existing homes unless otherwise buffered by a 100-foot-wide open space and landscaped buffer. If a road is installed in the 100-foot-wide buffer, a minimum landscaped area of 25 feet shall be maintained on each side of the road.
- K. Architectural Design Standards (for all housing except single-family detached)
1. All new buildings must incorporate a defined architectural style recognized by design professionals as having basis in classical, historical, or academic architectural design styles. The following elements shall be incorporated into the design of each building
 - a. Exterior Materials. All exterior materials shall be suitable for the climate and

exposure in which the development is located and shall, to the greatest extent possible, be maintenance free. Primarily durable, materials including stucco, brick, fiber cement, decorative block or other materials as approved by the city. River Heights City reserves the right to reject any proposed building material it feels is not in harmony with this requirement.

- b. Elevations. For buildings over one story, vertical separation elements to differentiate levels may be appropriate. These may include change of materials, dormers, cornices, or other elements, as approved by the city. Architectural wall variation between units to differentiate dwellings may also be appropriate. These may include vertical articulation, variation of materials or other elements, as approved by the city. Trim and/or shutters is required on all front and side elevations windows unless the design of the building is such that trim and/or shutters is not compatible with the overall architectural style.
- c. Roofs. Pitched roofs are encouraged.
- d. Garages
 - (1) Each single-family detached unit, single-family duplex unit and single-family attached unit is required to have a minimum two-car garage which shall be attached to the main structure and shall be of the same or complimentary architectural materials as the primary residence.
 - (2) Multiple family units are encouraged to have garages, but garages are not required provided that at least one (1) covered parking space is provided for each dwelling unit. Garages may be attached or detached from the primary structure, but the use of attached, recessed garages is strongly encouraged. Front-loaded garages may not protrude beyond the front plane of the main building façade by more than ten (10) feet.
- 2. Accessory Buildings. Accessory buildings privately owned by an individual homeowner shall not be permitted in any commonly held area.
- 3. Porches, Decks and Overhangs. To provide architectural variety to the development, the use of covered porches, decks and overhangs is encouraged. Such porches, decks and overhangs shall be integrated into the design of the structure to avoid the appearance of “add-on” elements.

L. Landscape Plan

- 1. Show planting and irrigation plans for the entire site (except for single-family detached, privately-owned lots), specifically those areas which will be held in common ownership. The landscape plans shall include all requirements outlined in this chapter. Planting and irrigation
- 2. The developer shall submit a landscape documentation package, which shall be prepared by a licensed landscape architect. The package shall include planting and irrigation plans for the entire site (except for single-family detached, privately-owned lots), specifically those areas which will be held in common ownership.

The landscape documentation package shall be submitted to and approved by the city prior to the issue of any permit. The documentation package shall consist of the following:

- a. Landscaping Plan. A detailed landscaping plan shall be drawn at a scale that clearly identifies the following:
 - (1) Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 - (2) Property lines and street names;
 - (3) Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 - (4) Existing trees and plant materials to be removed and retained;
 - (5) Designation of landscape zones; and
 - (6) Details and specification for tree staking (trees less than a two-inch caliper must be double staked until the trees mature to two-inch caliper), soil preparation, and other planting work.
- b. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
 - (1) Layout of the irrigation system and a legend summarizing the type and size of all components of the system;
 - (2) Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 - (3) Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; and
 - (4) Installation details for irrigation components.
- c. Landscape Grading Plan. In addition to grading plans required by the subdivision ordinance, a landscape grading plan shall be drawn at the same scale as the planting plan and shall contain the following information:
 - (1) Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements;
 - (2) Existing and finished contour lines and spot elevations as necessary to illustrate proposed landscape forms and related site improvements;
 - (3) Grades shall slope away from the structures as required by the International Building Code.

M. Landscaping Standards

1. All required landscaping shall be installed prior to the city issuing any certificate(s) of occupancy for structures in the development, unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative for all landscaping, which landscaping shall be installed by the following May 31st. The cash security or approved alternative is in addition to the security of performance for the overall development.
 - a. Applicability. This section applies to all front, side, and rear yard landscaping as well as any required open space and common area landscaping which is referenced herein.
 - b. Materials. Landscaping shall be planted with substantial live plant material including plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site. Wherever possible on the project, developers are encouraged to use Low-Impact Development (LID) techniques and materials.
 - (1) Plant Selection. Plants selected for landscape areas shall be well suited to the climate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible. Drought tolerant plants are encouraged. Areas with slopes greater than twenty-five percent (25%) shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
 - (2) Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four-inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature.
 - (3) Size of Trees. The following standards apply to trees used in the required landscaping of the development.
 - (A) Deciduous trees shall have a minimum caliper size of two inches (2").
 - (B) Ornamental trees shall have a minimum caliper size of one and one-half inches (1.5").
 - (C) Evergreen trees shall have a minimum height of six feet (6').
 - (D) Xeriscaping. The developer is encouraged to use xeriscaping for a portion of the required landscaping.
 - (4) Vegetation Protection. The property owner must protect existing significant vegetation during any development activity. Development plans must show all significant vegetation within twenty feet of a proposed development.
 - (5) Removal. No landscaping may be removed without replacement of equal quality. This shall include the installation of healthy plant materials as well

as a tree for tree replacement as governed by this ordinance. Utility contractors and others that disturb landscaped areas shall restore disturbed landscaping to previous condition.

- N. Mailboxes. The developer shall coordinate placement of clustered mailboxes with the United States Postal Service.
- O. Miscellaneous Site Development Standards
 - 1. Walkways and Paths. Each development shall include common area pedestrian-friendly walkways and paths. Where possible, such walkways and paths shall connect to a larger trail system. The general location and design of such walkways and paths shall be presented as part of the preliminary site plan. The construction type, size and exact location shall be part of the final development of each phase. All walkways and paths shall be provided with adequate safety lighting.
 - 2. Fixtures and Appurtenances. The type and location of any fixtures or appurtenances (lighting, benches, bike racks, etc.) shall be submitted as part of the final development plan of each phase and shall be approved by the city.
 - 3. Public Infrastructure. All public infrastructure improvements shall be constructed according to the River Heights City design standards and specifications.
 - 4. Lighting. To maintain the residential character and to shield the lighting from shining on to another residence or lot, all lighting within a development governed by these Standards shall be Dark Sky compliant and comply with the Outdoor Lighting Ordinance, Title 9, Chapter 3.
 - 5. Signage. All signage shall comply with the River Heights City sign ordinance.

10-10-5: OPEN SPACE

- A. R-PUDs shall provide a minimum open area (“required open space”) for residents and/or occupants of such development. Required open space shall be land areas that are not occupied by buildings, structures, parking areas (including private driveways), streets or alleys. Said required open space shall be devoted to landscaping, preservation of natural features, open pavilions, and recreational areas. Required open space areas shall be contiguous, not a collection of remnants, nor the area immediately surrounding housing units (“common area”).
- B. The required open space requirement for a R-PUD is twenty-five percent (25%) of the gross acreage of the development.
- C. The required open space should be large enough for the use of all residents of the development or the general public, if deeded to the city. Such spaces should include improvements such as playgrounds, pathways, pavilions, play courts, and areas of significant native vegetation. Specific improvements shall be approved by the city.
- D. Areas with natural features worthy of preservation, which are not buildable, such as

canyons or slopes, ridgelines, wetlands, rivers, stream or creek corridors, utility corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas, shall be preserved and may be considered part of the required open space calculation if contiguous to the rest of the development's required open space.

- E. Trails are required in R-PUDs. Location of trails shall conform to the city's Trail and Park Master Plan and the Cache County Trail Master Plan.
- F. Required Open Space Amenities. An R-PUD with 40-100 dwelling units must provide a playground. An R-PUD with more than 100 dwelling units must provide a playground and pavilion. Alternate amenities of equal value and utility may be provided, if approved by the city.
- G. Playground. A playground area provided for children twelve years old and younger to play on shall be provided. Each playground must include features that appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of six (6) features.
- H. Type of Ownership Allowed for Required Open Space
 - 1. General. Required Open Space in the R-PUD zone shall remain undivided and may be owned and managed by a homeowners' association at the election of the city. The city reserves the option to own and maintain the required open space but is not required to do so. If the city allows a homeowners' association to own and manage the required open space, a narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, and utilities of the required open space. If, at any time, the ownership of required open space is changed to another form of ownership allowed herein, the ownership change must be approved by the city and the city must be provided the first right to accept or acquire the required open space.
 - 2. Ownership Standards. Required open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the city.
 - a. Offer of Dedication: The city shall have the first and last offer of dedication of required open space. Dedication shall take the form of a fee simple ownership. The city may, but shall not be required to, accept required open space; provided, that:
 - (1) Such land is accessible to the residents of the city;
 - (2) There is no cost of acquisition other than any cost incidental to the transfer of ownership such as title insurance; and
 - (3) The city agrees to and has access to maintain such lands. Where the city accepts dedication of required open space that contain improvements, the city may require the posting of financial security to ensure satisfactory functioning and structural integrity of improvements for a term not to

exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifty percent (50%) of the actual cost of installation of said improvements.

- b. Homeowners' Association (HOA). The required open space and associated facilities as well as lands immediately surrounding housing units or buildings (known as "common area") may be held in common ownership by a homeowners' association.
 - (1) The developer of the subdivision shall provide documentation showing a proforma, articles of organization and by-laws of the intended HOA, prior to the formation of the HOA.
 - (2) The developer of the subdivision shall endow the newly formed HOA with funds equivalent to ten percent (10%) of the development cost for all common improvements which shall be used by the HOA to operate, maintain, and ensure the HOA for the first year that the association begins to operate independently of the developer. Funds shall be deposited in the checking account in the name of the HOA within ten (10) days after the day which the HOA begins to operate independently of the developer.
 - (3) The HOA shall be responsible for maintenance of insurance and taxes on undivided lands, enforceable by liens placed by the city.
 - (4) The members of the HOA shall share equitably the costs of maintaining and developing such required open space and common areas. Fees shall be determined by the association and approved by the city. The fees assessed shall then be deposited in an escrow account. Shares shall be defined within the HOA bylaws. (??? Craig wonders if the city wants to get involved in mgmt. of open space owned and maintained by a HOA.)
 - (5) In the event of a proposed transfer of required open space by the HOA to the city, notice of such action shall be given to all property owners within the development.
 - (6) All improvements to the required open space held in common or intended to be held in common by the HOA shall be approved by the city, installed, completed, and accepted prior to the beginning of the second phase of construction, or if the project is not phased, prior to sale of all lots. If phasing of the improvements to the required open space is required by the developer, all incomplete improvements for the required open space shall be secured through a security of performance posted by the developer. The bond shall be of 150% of the cost of the incomplete improvements. (Isn't security of performance required before the project begins?)
 - c. The HOA shall have or hire adequate staff to administer common facilities and properly and continually maintain the required open space.
3. Maintenance Standards
- a. The owner of the required open space shall be responsible for maintenance and

the raising of all monies required for operations, maintenance, and physical improvements to the required open space through annual dues, special assessments, etc. The maintenance organization shall be authorized, under its bylaws, to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

- b. In the event the maintenance organization, or any successor organization, shall, at any time after establishment of a development containing required open space, fail to maintain the required open space in reasonable order and condition in accordance with the development plan, the city may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the required open space in reasonable condition.
- c. Failure to adequately maintain the required open space in reasonable order and condition constitutes a violation of this title. The city is hereby authorized to give notice, by personal delivery or by United States postal service, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days. Further, the city shall be authorized to assume maintenance of the required open space in such a manner as it deems appropriate. (??? Jon seems okay with this. Craig wonders if it's a taking.)
- d. The city may, at its sole discretion, enter the required open space to bring it into compliance with the maintenance standards of this section. The city can force transfer of the land to the city if the maintenance standards are not adequately maintained. (Same taking as c. above??)
- e. Should any bills for maintenance of the required open space by the city be unpaid by January 1 of each year, a lien shall be filed against the premises in the same manner as other municipal claims. A late fee of fifteen percent (15%) annually shall be added to such bills, and the city shall be entitled to recover any costs and attorney fees incurred collecting or recovering any such amounts due to the city.
- f. Access by Public upon Completion of Improvements within Undivided Lands. The HOA shall have the option of allowing only property members and their guests to enter the required open space or let the required open space be open to the public. If the required open space is transferred to the City, then the public shall have access to the required open space.
- g. The following standards shall be fulfilled and shall be recorded on the face of the final plat:
 - (1) *"River Heights City shall have the right, but not the duty, to require, and if necessary, perform, at the organization's expense, landscaping, maintenance and snow removal, as applicable, within the open space areas if the organization fails adequately to perform such. The city may take this action when asked to take over improvements or maintenance tasks by an organization. The city council may also take such action when it determines the need based on a historical pattern of lack of care and maintenance. In the event River Heights City exercises this right, the city shall be entitled to recover any associated costs and attorney fees. This notation shall not be amended or deleted without the approval of River Heights City."* (??? Craig is concerned

with city liability if this note is on a plat.)

- (2) *“If, at any time, the ownership of required open space is changed to another form of ownership allowed by River Heights City in its Residential Planned Unit Development ordinance, the ownership change must be approved by the city and the city must be provided the first right to accept or acquire the required open space.”*

10-10-6: IN LIEU SUBSTITUTIONS FOR OPEN SPACE REQUIREMENTS

- A. Purpose. If the city finds that land in other locations may be better suited to meet the open space requirements consistent with the general plan, the city may, at its sole discretion, allow a developer to provide a cash in lieu substitution.
- B. Cash in Lieu. The city may, at its sole discretion, accept cash in lieu of open space or amenity requirements where such funds can be more effectively used to acquire land or amenities at a more appropriate or significant location consistent with the general plan and the parks and recreation master plan. Cash in lieu payments shall not be accepted until a qualified appraisal is provided by the city, at the cost of the applicant, identifying the value of the original land for which the in-lieu substitution is proposed, based on the use that will be permitted if the open space requirement is removed, and for which cash in lieu shall be offered. The city shall have the option to use in lieu funds for uses for park improvements.
- C. Approval Required Prior to Recordation. Recordation of a final plat for a R-PUD utilizing a cash in-lieu substitution may not occur until in lieu substitution is approved, finalized and effective.

10-10-7: DEVELOPMENT AGREEMENT

The developer and the city shall enter into a development agreement, approved by the city attorney, that includes the following:

- A. The developer shall construct and complete the project in accordance with the approved plans and in accordance with city ordinances. The terms of the contract shall be binding upon all successors of the R-PUD.
- B. A clause stating that if the final plat is not recorded with six (6) months following approval of the development, said development approval is void and the developer must begin the application, review and approval procedures again.
- C. Acknowledgment that the landscape documentation package shall be provided to the city, approved, and installed as part of the project before occupancy permits are issued. Also include a description of the landscaping cash security or approved alternative, if required.
- D. Acknowledgement of provisions required in 10-10-4 G. of this chapter including:
 - 1. Establishment of a perpetual, irrevocable homeowner’s association (HOA) prior to any occupancy permits are issued. The owner/developer shall constitute a

pseudo-HOA until sufficient occupants are available to establish an association according to covenants, conditions, and restrictions.

2. The developer will provide to the city covenants, conditions, and restrictions (CC&Rs) of the HOA, including its bylaws, articles of incorporation and methods for permanent retention and maintenance of required open space and common areas, landscaping, natural features, private streets, other privately-owned infrastructure and that architectural design standards will be followed. The CC&Rs shall be reviewed and approved in content and form by the city. Acceptance of the CC&Rs by the city will be contingent upon meeting the intent and conditions required by this code. The CC&Rs will be approved by the city prior to recording the final plat. The CC&Rs will be recorded by the city attorney at the county recorder's office at the time of the filing of the final plat.
 3. A notice to subsequent owners of the need to obtain city approval of changes to the P-RUD, which may require either an amendment to the final development plan or a conditional use permit;
 4. Acknowledgement that a special assessment area will be created to finance the cost of reasonably necessary maintenance, repair or replacement of commonly owned essential public infrastructure in the event of dissolution or default by the HOA;
 5. A provision defining "default" by the HOA.
- E. Acknowledgement that the HOA shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lots within the development.
- F. Acknowledgement that membership in the HOA is automatic (mandatory) for all purchasers of residences or lots therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified in the CC&Rs.
- G. Acknowledgement that the HOA shall be responsible for the following:
- Maintenance of all secondary water systems in the R-PUD. The fire line shall be the responsibility of the City.
 - 1. Maintenance of grounds, plants, trees, shrubs, sod, etc. in accordance with the landscaping plan.
 - 2. Maintenance of private streets, parking lots, sidewalks, playgrounds and other items described in the CC&Rs.
- H. That city utility billings, and any other city-issued billings, will be paid by residents of individual units or the HOA for the required open space and common areas, as designated by the CC&R declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the owners, renters, or occupants within the R-PUD.

- I. That all applicable fees will be charged by the city in accordance with a fee schedule set by the city council.
- J. Description of the required security of performance.
- K. Other documents that the city deems necessary to carry out the intent of this title.

10-10-8: WATER, SEWER AND ROAD REQUIREMENTS

The design and construction of improvements in a R-PUD shall comply with the design standards in Title 11, Chapter 6 in addition to the following.

A. Water Systems

1. Culinary Water System

- a. The culinary water system shall provide service to each dwelling unit. Each dwelling shall have a water meter.
- b. All master meters for common areas and required open space shall be set in the public right-of-way.
- c. All dwelling units shall be individually protected by an approved backflow prevention assembly.
- d. All water lines shall be located, maintained, repaired, and governed by approved CC&Rs from the service side of the meter to the shutoff valve in the dwelling unit.
- e. All units will comply with the adopted plumbing code.

2. Sprinkler System for Outside Irrigation

- a. The outdoor sprinkler system shall be approved by the city.
- b. Each system shall be serviced by a separate meter.
- c. Each system shall be serviced by an approved backflow prevention assembly designed for sprinkler systems.
- d. Each backflow protection unit shall be registered with the city and have a certified test submitted to the city annually prior to the start of the irrigation season.
- e. Each sprinkler system shall be sized in accordance with the adopted plumbing code.
- f. Sprinkler systems that have the option of being connected to a non-potable water supply are illegal except as approved.

3. Storm Water System

- a. Storm water systems shall meet the requirements of the subdivision ordinance, and city and state standards.
- b. The HOA shall be responsible for repairs and maintenance of all privately-owned storm water infrastructure.

B. Sewer Systems

1. A sewer system will be installed to service a R-PUD in accordance with city standards.
2. No R-PUD shall be approved without connecting to the River Heights City public sewer system. All units must be connected to the system.
3. In addition to the city sewer ordinance, this section will provide specific requirements:
 - a. Each dwelling unit shall be served with a building sewer line which will not be less than four (4) inches in diameter.
 - b. A dwelling unit drain/sewer shall go directly to the common area and will not pass through, under or over any other dwelling unit or building.
 - c. A dwelling unit sewer shall be serviced by a common sewer. The common sewer may service more than one dwelling unit, however, the common sewer will be sized according to the presently adopted plumbing code.
 - d. A dwelling unit clean out shall be provided as per the adopted plumbing code. Clean outs for the common sewer shall also be according to the plumbing code with the addition of a clean out with a brass cap at the property line. There will also be a clean out at the farthest upstream end of the pipe. This clean out shall be in the commons area and shall also have a brass cap or manhole cover. Additional clean outs may be required based on length and bends as per the plumbing code.
 - e. Each dwelling unit will be provided with a back water valve as per the plumbing code.

C. Monthly Billing for Services

1. Monthly Billing for Utilities and Other Services.
 - a. Each dwelling unit will be billed by the city at the established rates.
 - b. Any structure other than a dwelling unit, as well as common areas and required open space, will be billed to the HOA at established rates.
 - c. Fees for the outdoor sprinkler systems of common area and required open space areas will be billed to and paid by the HOA.

2. Monthly Billing for Storm Water. Storm water fees will be based on the current rate schedule and will be included on the monthly utility billing to each dwelling unit or the HOA where applicable.

D. Right-of-Way (ROW): Public and Private

1. All ROWs will be designed and constructed in accordance with city specifications.
2. A R-PUD must provide for pedestrian traffic, either in connection with the ROW or in another suitable location within the R-PUD.
3. A R-PUD must plan for storm water generated by ROWs.
4. Public ROW. Main roads (collector, minor and local streets) will be installed by the developer at the developer's expense and deeded to the city.
5. Private ROW. Private ROWs may be allowed in a R-PUD subject to the following requirements:
 - a. All private ROWs must meet city specifications for private ROWs.
 - b. Private ROWs will be accessed from main roads (public ROWs.)
 - c. Locations of private ROWs will be negotiated with the city during the development review and approval process.

- E. Failure to Comply with Regulations. In case of failure or neglect to comply with any and all conditions as established by law and the supporting documents of the R-PUD, the city will refuse to issue additional building permits and stop construction until violations or noncompliant conditions have been eliminated.