

**CITY OF MOAB
PLANNING COMMISSION
PUBLIC HEARING
PROPOSED ORDINANCE 2015-04**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, March 26, 2015 at approximately 7:00 p.m. in the Council Chambers of the Moab City Offices at 217 East Center Street, Moab, Utah.

The purpose of this Public Hearing is to solicit public input on proposed Ordinance 2015-04, an ordinance amending Chapter 17.65 of the City of Moab Municipal Code with new language concerning Master Planned Developments.

The proposed ordinance is available for public review at the Moab City Planning Office located at 217 East Center Street and on the website at www.moabcity.org. Written public comment may be directed to the Planning Department at the listed address. To ensure that the Planning Commission has the opportunity to review written comments prior to the meeting, written comments will only be accepted until 5 pm the day prior to the public hearing.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Planning Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5129 at least three (3) working days prior to the meeting.

/s/ Sommar Johnson
Zoning Administrator

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DRAFT
ORDINANCE #2015-04

**AN ORDINANCE AMENDING CHAPTER 17.65, OF THE CITY OF MOAB
MUNICIPAL CODE WITH NEW LANGUAGE CONCERNING MASTER PLANNED
DEVELOPMENTS**

WHEREAS, the City Council (“Council”) adopted the Moab Municipal Code (“Code”) and especially Chapter 17.65, Master Planned Developments, in an effort to provide greater flexibility and, consequently, more creative and imaginative design than generally is possible under conventional zoning regulations.

WHEREAS, an MPD should promote more economical and efficient use of the land by providing better coordination of necessary infrastructure, site amenities, and protection of natural systems; and,

WHEREAS, from time to time, the City Council (Council) has determined that it is necessary to amend the Moab Municipal Code (MMC) to coincide with current land use trends, satisfy state law, and to adjust MMC to adjust to the needs of a growing community; and,

WHEREAS, the City of Moab Planning Commission (“Commission”) in a public hearing held on _____, 2015, reviewed the changes to MMC Chapter 17.65; and,

WHEREAS, the Commission found that adoption of the proposed language would benefit the residents of the City; and,

WHEREAS, the Commission favorably recommends the new language to the City Council (Council) for review and approval; and,

WHEREAS, Council reviewed Ordinance #2015-0? in a regularly scheduled meeting held on March __, 2015, to hear and decide the merits of the proposed changes to MMC Chapter 17.65, Master Planned Developments; and,

WHEREAS, Council found that the changes benefit the residents of Moab.

NOW, THEREFORE, the Moab City Council hereby amends specific sections of Chapter 17.65, *Master Planned Developments*, and amends the language as noted below:

**Chapter 17.65
MASTER PLANNED DEVELOPMENTS**

Sections:

- 17.65.010 Objectives and characteristics.**
- 17.65.020 Applicability.**
- 17.65.030 Considerations for approval.**
- 17.65.040 Standards and requirements.**
- 17.65.050 Reduction of physical design requirements.**
- 17.65.060 Supplementary regulations.**

17.65.070 Phasing.

17.65.080 MPD review procedures.

17.65.090 Concept MPD.

17.65.100 Preliminary MPD.

17.65.110 Final MPD.

17.65.120 Development agreements.

17.65.130 Amendment procedures.

17.65.140 Compliance with the approved development plan.

17.65.010 Objectives and characteristics.

A. The intent of the master planned development (MPD) process is to provide greater flexibility and, consequently, more creative and imaginative design than generally is possible under conventional zoning regulations. An MPD should promote more economical and efficient use of the land by providing better coordination of necessary infrastructure, site amenities, and protection of natural systems.

B. The MPD process should encourage innovative planning and provide a variety of housing types and configurations, resulting in more mixed-use development, improved protection of open spaces, and increased transportation options.

C. Encourage developments that recognize the relationship between buildings and their use, open space and public spaces, pedestrian vitality, ecological process, and varied forms of transportation, providing opportunities for innovative and diversified development.

D. Preserve, to the greatest extent possible, the existing natural and cultural landscape features and amenities that may not otherwise be protected through conventional development. (Ord. 06-17 (part), 2006)

17.65.020 Applicability.

The master planned development designation may be applied as an overlay within the city's Sensitive Area Resort Zone (SAR). An applicant may elect to develop a project as a master planned development in compliance with the requirements of this chapter.

- A. Sensitive Area Resort (SAR) Zones. Residential or mixed-use master planned developments shall be required in the SAR zone pursuant to this and all other applicable ordinances. The minimum size for a MPD in the SAR zone is forty acres.

Type	SAR
Residential MPD	Permitted
	40 ac.
Mixed-Use MPD	Permitted
	40 ac.

F. Conflicts. When provisions within this chapter expressly allow for a deviation from an existing city code, all provisions herein shall apply.

G. Exceptions. The land use authority shall have the discretion to grant exceptions from portions of this chapter for any of the following conditions:

1. Commercial establishment size limits may be increased.
2. Open space/amenities dedications in a mixed-use MPD may be varied to allow up to fifty percent of the required “public amenities” area to be privately owned.
3. Adjustments may be made in open space allocations for purposes of satisfying the requirements for differing types of open space, provided the adjustments are consistent with the overall intent of this chapter.
4. Public street widths may be less than thirty-three feet with public works and engineering approval.
5. Commercial floor space requirements in mixed-use MPD may be reduced when supplemented by moderate-income housing.
6. Mixed-use MPD setback requirements when adjacent to residential zones may be decreased when supplemented with other buffering or public amenities.
7. Setback requirements on commercial buildings adjacent to public streets may be reduced to a zero lot line when the areas are used for outdoor gathering spaces, courtyards, pocket parks and other pedestrian amenities.

H. Allowed Uses. Uses allowed in the MPD overlay are those specified in the SAR Zone as identified in Chapter 17.32.

17.65.030 Considerations for approval.

A. Review Criteria. In reviewing a master planned development, the land use authority shall determine whether:

1. The site plan satisfies the requirements pursuant to this and all other applicable ordinances;

2. Buildings and structures are adequately grouped so that the corresponding required acreage is set aside as common open space or public amenity as required by this chapter. To the greatest degree practicable, common open space shall be designated as larger contiguous parcels and not divided into small unconnected parcels located in various parts of the development;
3. Pedestrians can easily access common open space;
4. The site plan establishes, where applicable, a consciously designed buffer to sensitive natural features, including natural drainages and visually significant ridges or other landscape features included in the required site inventory;
5. Individual lots, buildings, structures, streets, and parking areas are situated to minimize and mitigate the alteration of natural features, natural vegetation and topography;
6. The site plan accommodates and preserves any features of historic, cultural or archaeological value;
7. Floodways, ridges as expressed within the hillside development ordinance, areas of geologic hazard, and slopes in excess of forty-five percent shall be protected from development;
8. The master planned development advances the purposes of this chapter as stated in the objectives and characteristics.

B. Special Conditions. The land use authority may, in its discretion, apply such special conditions or stipulations to the approval of a master planned development as may be required to maintain harmony with neighboring uses or landscape and to further promote the objectives of this chapter, the Moab City general plan, and other applicable land use ordinances. Such conditions may include, but are not limited to, increased buffering or screening, special landscape requirements, architectural material or color requirements, and site layout for view shed and vista preservation. (Ord. 06-17 (part), 2006)

17.65.040 Standards and requirements.

A. General Provisions. The following provisions shall apply to any master planned development:

1. Yield Density Determination. There shall be no area, width and location requirements provided that minimum open space acreage is met, and floodways and all slopes in excess of forty-five percent are protected from development.

2. **MPD Density Bonus.** A residential density bonus of fifteen percent (.15 times maximum yield density) shall be granted for master planned developments in the SAR zone.
3. **Moderate-Income Housing Density Bonus.** An additional moderate-income housing density bonus of fifteen percent (.15 times the maximum yield density) may be granted provided that a majority (>50 percent) of total bonus density units meet moderate-income housing requirements as outlined in the Moab Moderate-Income Housing Plan.
 - a. Moderate-income dwelling units used as the basis for approving a moderate-income housing density bonus shall be subject to a recorded deed restriction conforming with all applicable city affordable housing ordinances and policies.
4. **Lot Size.** No minimum area of lots shall apply within an MPD.
5. **Setbacks.** No minimum per-lot setbacks shall apply within an MPD.
6. **Emergency Access.** Each lot shall have a minimum of one twenty-foot wide dedicated emergency access to a public or private street. Staff may approve the sharing of access between multiple lots provided that emergency vehicle access is available.

B. Open Space Required. All master planned developments shall be required to convey common open space as outlined in the provisions and matrix below. In cases where acreage of floodways or slopes in excess of forty-five percent is greater than required minimum open space acreage, all floodways and slopes in excess of forty-five percent shall be protected from development and shall increase the required open space.

1. **SAR Zones.** Not less than seventy percent of the site area within a SAR zone shall be conveyed as open space in the manner provided for in subsection C of this section.

Minimum Percentage of Open Space Required (Gross Acreage)

Zone	Residential MPD	Mixed-Use MPD
SAR	70%	70%

C. Types of Open Space. In order to allow maximum design flexibility while providing the required open space dedications, all preliminary or final MPDs shall designate types of open space within the approved plan. Open space designations are not required to be separate parcels, but shall act as a general guide in balancing the need for both natural open areas and recreational or public amenities. These provisions intend to allow a certain percentage of the required open space dedication to be developed with recreational or public amenities and infrastructure, as

outlined in the matrix below. The following open space classifications shall be allowed as per the maximum allowable type of open space list below:

1. Natural or Naturalized Open Space. Natural or naturalized means open space left in its current natural state or returned to a traditionally native natural state by means of landscape restoration.
 - a. Whenever practical, natural open space should be conveyed in areas adjacent to the master planned development site boundaries and specifically adjacent to other off-site natural open space, thus creating larger contiguous areas of natural open space across parcel boundaries.
 - b. Vegetation should reflect and compliment the natural characteristics of the surrounding landscape within the master planned development and adjacent properties.
2. Passive Recreation. Passive recreation areas mean open space that has minimal introduced infrastructure. Passive recreation areas may contain trail-based hiking, biking, horseback riding, wildlife viewing, picnicking, landscaped parks and similar minimally invasive activities and related infrastructure.
 - a. Any introduced infrastructure for passive recreation shall be visually unified with the sounding natural landscape or overall architectural design motif in terms of color, materials and scale.
3. Active Recreation. Active recreation areas mean open space that may contain introduced infrastructure related to sports fields and other facilities. Active recreation areas may contain equestrian facilities, courts and fields, outdoor entertainment areas, plazas and other gathering spaces.
 - a. Infrastructure for active recreation shall be developed in a visually unified design scheme directly related to other development infrastructure such as dwellings or commercial uses in terms of color, materials, and scale.
4. Public Pedestrian Amenities. Public pedestrian amenities mean open space that contains introduced infrastructure related to the public streetscape and has a pedestrian priority, including public plazas, outdoor gathering areas, pedestrian malls, outdoor entertainment areas, sidewalk cafes, pocket parks, fountains and other public gathering spaces.

Maximum Allowable Type of Open Space

(maximum percent of required open space acreage)

Zone	Open Space Type	Residential MPD	Mixed-Use MPD
SAR			
	Natural or Naturalized	Max. 100%	Max. 100%
	Passive Recreation (minimal infrastructure)	Max. 30%	Max. 30%
	Active Recreation (infrastructure)	Max. 15%	Max. 15%

D. Conveyance of Open Space. Common open space tracts provided by a master planned development shall be conveyed as follows:

1. To a nonprofit corporation, homeowners association, or trust owned or to be owned by the owners of lots or dwelling units within the master planned development, or via an undivided conveyance to the owners of units within a cooperative or condominium development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots of dwelling units; or
2. To the city of Moab and accepted by it for a park, open space, agricultural, or other specified use or uses;
3. In all cases, the conveyance shall be approved by the city’s land use authority and shall be in a form approved by the Moab City attorney; and
4. In all cases, where common open space in a master planned development is conveyed pursuant to the requirements above, a deed restriction enforceable by the city of Moab shall be recorded in conjunction with the final MPD plan that provides that the common open space shall be used and maintained solely for purposes consistent with the MPD approval, and that it shall not be subject to further development. (Ord. 07-07 (part), 2007; Ord. 06-17 (part), 2006)

17.65.050 Reduction of physical design requirements.

A. Right-of-Way Width. In approving a master planned development, the land use authority may reduce the total right-of-way width of any private streets that would otherwise be required by subdivision regulations and other provisions of this code to a minimum of twenty feet. Streets dedicated to the city for public use shall have a minimum right-of-way width of thirty-three feet.

B. Sidewalks. In lieu of required sidewalks the land use authority may approve acceptable substitutes such as accessible trail ways or separated multi-use paths, provided that the substitute

promotes pedestrian circulation and suitable access by persons with disabilities within and through the development and will be maintained.

C. Curb and Gutter. Master planned developments may substitute required city standard curb and gutter improvements with an acceptable alternative that fulfills similar purposes.

The alternative to curb and gutter shall be approved by the city engineer and public works director and should be incorporated into the stormwater management plan. (Ord. 06-17 (part), 2006)

17.65.060 Supplementary regulations.

A. Commercial Establishment Size Limits. The gross floor area of any single retail commercial establishment, building or commercial tenant space within any master planned development shall not exceed twenty-five thousand square feet. B. Site Layout for Residential and Commercial Buildings. Buildings shall be oriented to the street, pedestrian plazas or landscaped courtyards, and streetscapes shall include amenities pedestrian-friendly amenities such as wider sidewalks, enhanced landscaping, pedestrian-scale lighting, and street furnishings.

1. Ground floor residential units shall be directly accessed from landscaped courtyards or pedestrian plazas when not adjacent to public streets.
2. Townhomes and all other multifamily dwelling units with private exterior ground-floor entries shall provide at least twenty square feet of landscaping adjacent to the entry. Landscaped area may be shared between units at a minimum of ten square feet per unit.
3. Single-family detached, duplex housing and cottage housing. All proposed ground-floor single-family units shall contain a minimum of four and a maximum of twelve cottages/units located in a cluster to encourage a sense of community among the residents. A development site may contain more than one cottage housing development.
 - a. All cottages shall be within sixty feet walking distance of the common open space or pedestrian amenities.

C. Pedestrian Priority. Pedestrian priority areas are areas within a mixed-use MPD development where primary design consideration shall be given to pedestrians rather than vehicles. Such areas shall be subject to the following provisions:

1. All mixed-use developments shall include at least one pedestrian priority area.
2. A pedestrian priority area shall be located between all residential and nonresidential areas or uses and shall be designed to integrate the different types of land uses to the greatest extent practicable.

3. Additional pedestrian priority areas may be required based on site design variables such as the number and location(s) of residential and nonresidential components. In all cases there shall be at least one pedestrian area meeting the requirements of this section for each three hundred feet of public street frontage.

4. The required pedestrian area, plaza or similar gathering space shall have a minimum area of one thousand square feet and a minimum dimension of twenty feet.

5. Outdoor seating areas used by restaurants may be counted toward the total open space and pedestrian priority area requirement.

6. The developer(s) and/or property owner(s) of a mixed-use development shall establish an arrangement to assure the city of a continued standard of maintenance and responsibility of the common open space and recreational facilities. The management and maintenance arrangement shall be approved by the city prior to the occupancy of any buildings within the development.

7. Applicants must successfully demonstrate how the proposed pedestrian area meets all of the following criteria:

- a. Paved walking surfaces of either concrete or approved alternative paving;
- b. At least two linear feet of seating area (bench, ledge, etc.) or one individual seat per sixty square feet of plaza area or open space (up to fifty percent of seats may be moveable);
- c. Location in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry; and
- d. Utilization of decorative pavement patterns, tree grates, artwork, landscaping, information kiosks, lighting, fountains or other visual amenities.

D. Sidewalks. Sidewalks and pathways along the facade of mixed-use and retail buildings shall include an eight-foot minimum unobstructed walking surface and street trees placed no more than thirty feet on-center per landscaping requirements.

E. Perimeter Setbacks. Perimeter setbacks shall be no less than ten (10) feet in width and shall be adequately landscaped. A landscape plan must bear the stamp of a Utah licensed landscape architect or landscape designer approved by the city.

I. Parking. All off-street parking areas within a mixed-use MPD shall be, when possible, located at the rear or side of a building or complex of buildings, away from public streets and screened from view. Shared drive access routes between commercial developments and parking areas are encouraged to reduce the number of curb-cuts and pedestrian conflicts on a public street.

1. The total number of parking spaces required for a mixed-use project may be reduced by five percent.
2. A reduction of parking standards up to twenty percent may be granted based upon justification shown within a parking impact study. The study shall be subject to review and modification by the city of Moab planning and engineering staff.

J. Facade Transparency. A minimum of fifty percent of any street-facing building facade between three feet and eight feet in height shall be comprised of windows that allow views into and out of indoor spaces. Where unavoidable conflicts with mechanical or other engineering structures occur, this requirement may be reduced and substituted with staff approved architectural detailing.

K. Entrances and Doors. Commercial or mixed-use buildings adjacent to public streets shall have a primary entrance door facing a public sidewalk. Entrances at building corners are encouraged and may be used to satisfy this requirement for corner lots with two public street frontages.

L. Landscaping and Trees Required. In addition to the landscaping requirements of Chapters 17.09 and 12.24, Tree Stewardship, the following landscaping treatments shall be required of all mixed-use MPD in established commercial zones:

1. Street trees of an approved variety shall be planted along all public streets unless otherwise agreed upon during the pre-application conference. All trees shall be a minimum of two inches caliper measured at four feet above the root ball at the time of planting and shall be planted at minimum intervals of thirty feet on center.
2. As an alternative to some of the required street trees, developments may provide pedestrian-scaled light fixtures at the same spacing. However, no less than one tree per sixty lineal feet of the required walkway shall be required. To increase business visibility and accessibility, the responsible official may allow breaks in the required tree coverage adjacent to major building entries.
3. Nonvegetative ground covers, including but not limited to, rocks and small stones, crushed rock, cinders, and bark shall cover no more than twenty percent of the landscaped ground surface. Areas covered by such nonvegetative ground covers shall be broken up as much as possible by live plant materials. (Ord. 13-09 (part), 2013; Ord. 06-17 (part), 2006)
4. A landscape plan must be submitted and bear the stamp of a Utah licensed landscape architect or landscape designer approved by the city

17.65.070 Phasing.

A. Phasing. If the proposed MPD is to be constructed in phases, the project as a whole shall be portrayed in the application and shall require preliminary MPD approval. Subsequent development phases shall be approved through final MPD approval process. (Ord. 06-17 (part), 2006)

17.65.080 MPD review procedures.

The master planned development review process is intended to provide a means of consolidating various reviews for large scale projects into a single master plan application and review. A master planned development that has an approved preliminary development plan shall only be required to complete a final plat or site plan review for individual phases or portions of the development. Any master planned development without phasing shall complete a final development plan review.

All master planned developments shall be required to follow the following approval process:

A. Steps to Approval. There are four required review steps to a master planned development approval:

1. MPD Preapplication Meeting. A preapplication conference shall be held with the planning staff and/or planning commission in order for the applicant to generally describe the proposed development concept and receive professional recommendation based upon the city’s requirements; and to become acquainted with the master planned development procedures and related requirements;
2. Concept MPD review;
3. Preliminary MPD review;
4. Final MPD review; or site plan review.

Master Planned Developments, Approval Process & Authority

Step	Task	Advisory	Approval	Public Hearing	Appeal
1	Pre-Application Meeting(s)	Staff	Staff	*	*
2	Complete Application, Fees	Staff	Staff	*	*
3	Concept MPD	Staff	Staff	*	*
4	Preliminary MPD	Planning Commission	City Council	Planning Commission ¹	**

Master Planned Developments, Approval Process & Authority

Step	Task	Advisory	Approval	Public Hearing	Appeal
5	Final MPD	Planning Commission	City Council	*	**

* Not required

** Appeals authority

1 If a plat is required by state law)

C. Appeal Procedure. Any person who is a party to the application, the applicant, or the owner may appeal to the appeal authority by filing a notice of appeal with the city recorder within fifteen days from the date of the administrative decision in issue. In any appeal, the complaining party shall have the burden of proof, and the appeal body shall not overturn the decision unless it was clearly erroneous under applicable law. The appeal authority decision shall be issued in writing.

D. Exhaustion of Remedies. No person may challenge in district court any decision under this chapter until that person has exhausted all administrative remedies and a final decision is issued by the appeal body. Any such action shall be commenced no later than thirty days from the date of the final appeal decision. (Ord. 13-11, 2013; Ord. 10-06 (part), 2010; Ord. 08-30, 2008; Ord. 06-17 (part), 2006)

17.65.090 Concept MPD.

The concept development plan shall include an area plan that depicts the development site concept including the locations of existing infrastructure and buildings and shall include the following:

A. Vicinity Plan. The vicinity plan shall include the location of the property, all adjacent parcels, and existing public or private streets and trails.

B. Site inventory including:

1. Topography at minimum two-foot contour intervals;
2. Slope inventory showing slopes between twenty-five and forty-five percent and slopes in excess of forty-five percent, including areas of geologic hazard;
3. Natural streams, drainages, washes, and mapped floodways or FC-1 zoned areas;
4. Tree or shrub groupings of four thousand square feet or more;

5. Specimen trees; to include all noninvasive trees measuring five-inch caliper and greater;
6. Significant rock outcroppings or formations;
7. Historically or culturally significant landscapes or structures; and
8. Prominent viewpoints and vista areas.

C. **Conceptual Development Plan.** The concept development plan shall include a conceptual layout of all parcels, open space, rights-of-way, building envelopes, and other features, including the conceptual phasing of the development and a statement of the overall project design features; and listing or depiction of the following:

1. Total gross acreage of the site;
2. Proposed total number of lots or units;
3. Total estimated square footage residential and commercial footprint; and
4. Existing easements, rights-of-way, and interests affecting the site.

D. **Architectural Concepts.** Architectural concepts shall include information sufficient to describe architectural styles, color schemes, general building heights, and materials.

E. **Key Observation Points.** During the concept review phase, the planning commission shall establish areas of critical view shed concern by determining key observation points that may exist along nearby public roads, public gathering spaces, or other areas deemed by the planning commission to be visually impacted by the proposed development. (Ord. 06-17 (part), 2006)

17.65.100 Preliminary MPD.

The preliminary development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes, and other significant features. Components of this submittal may be combined into one or more site plans or reports provided that they are clear, legible and successfully demonstrate their purpose.

A complete preliminary development plan application shall include the following components:

A. **Significant Features Plan.** A significant features plan shall include natural and cultural features from the concept site inventory that will be protected through delineation of open space or have been integrated into the design of the MPD by other means. Areas of natural or geologic hazard shall be delineated in the significant features plan.

B. Open Space Plan. The open space plan shall include delineated areas within the development conveyed to common open space as described in Section 17.65.040(B) of this chapter; and shall consist of the following:

1. The total acreage of open space and acreage of each open space tract;
2. The percentage of open space in relation to the gross acreage of the development;
3. The delineation of all open space types as outlines in Section 17.65.040(B) of this chapter; including:
 - a. Listed acreage of all designated natural or naturalized open space, passive recreational open space, active recreational open space, and public pedestrian amenities,
 - b. Percent of designated open space types in relation to the total acreage of all open space.

C. Traffic, Trails and Circulation Plan. The traffic, trails and circulation plan shall incorporate the location and design features of all motorized and nonmotorized streets, trails and parking areas; including:

1. Circulation of automobile traffic;
2. Cross-sections of all street types;
3. Emergency vehicle access areas;
4. Parking areas and total numbers of spaces;
5. Proposed trails or other pedestrian infrastructure; and
6. Proposed links to off-site trails and public access areas.

D. Utility Plan. The utility plan shall show existing and proposed utility infrastructure within the site, including sewers, water mains, all underground facilities including telephone, cable television, or data lines, location of fire hydrants or other emergency infrastructure.

E. Grading and Drainage Plan and Report. The grading and drainage report shall include stormwater management, erosion control, and grading plans describing the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss, and hydrological hazards will be controlled during and after construction. Individual plans shall include:

1. Existing topography, including elevations, and the clearly delineated location and depth of all proposed fills and cuts of finished earth surfaces, as well as any mapped floodways or FC-1 zoned areas; and
2. Locations and proposed details for storm sewers, detention/retention structures, diversions, waterways, drains, culverts and other water management or erosion control measures.
3. All grading and drainage plans shall demonstrate that the proposed development will result in no net increase in off-site stormwater discharge and no net increase in the base flood discharge depth, as defined in the city's flood damage prevention ordinance.

F. Landscape and Irrigation Plan. The landscape plan shall show all existing and proposed landscaping, planting details, and irrigation. The plan shall include information such as the total number of existing trees on-site, the trees to be removed, trees to be planted on-site, and a plant list that indicates plant quantity, spacing, size, and root type. The landscape plan shall be prepared by a licensed landscape architect.

G. Signage Plan. A signage plan shall be submitted in order to ensure long term aesthetic compatibility of signage throughout the MPD. The signage plan shall describe the location, size, materials and design of all signage in the development, including, but not limited to:

1. Temporary signs and signs that will exist during the sales and marketing of the development;
2. Individual tenant or building signage;
3. Directional and way finding signage;
4. Sign colors, materials, and illumination methods;
5. Location and size;
6. Sign lettering style and logos;
7. Accompanying ornamental structures;
8. Landscaping beds around permanent signs; and
9. Drawings and illustrations of proposed sign types.

H. Exterior Lighting Plan. The exterior lighting plan shall indicate the location, size, height, typical design, material, color, and method and direction of proposed illumination and lighting.

I. Architectural Design Plan. Conceptual architectural renderings or perspective drawings that indicate elevations, exterior wall finishes, and visual character of proposed buildings types.

J. Phasing Plan. If applicable, the phasing plan shall delineate construction and anticipated platting schedule of various sub-areas within the development.

K. Codes, Covenants and Restrictions. An MPD shall submit a proposed set of codes, covenants and restrictions which shall be recorded following approval of their content and the approval of the final MPD. Covenants shall demonstrate compliance with the use restrictions, architectural plans, and attributes of the development, and shall provide a mechanism for enforcement of restrictions, as well as provisions for the ownership and maintenance of common areas, open space, and other project improvements.

L. Other. Any other applicable studies or reports as required by the land use authority or staff, or as required by other provisions of the Moab Municipal Code. Such reports include, but are not limited to, geotechnical reports, soils reports, slope inventories, and traffic impact analysis reports.

M. Illustrative Renderings. Illustrative conceptual design, drawings, visual aides, models, sections, or any other requirements the land use authority feels would help understand the concept.

N. Title Report. The applicant shall deliver an ownership and encumbrance report, title commitment, or similar report showing current ownership of the subject real property and including copies of all deeds or other instruments affecting title to the MPD site. The application shall be signed by the current owner of record. (Ord. 06-17 (part), 2006)

17.65.110 Final MPD.

After the preliminary plan has been approved by the planning commission, the applicant shall submit prints of a final plan to the planning commission through the zoning administrator for approval thereof, showing in detail the following information:

A. Site Plan. Detailed site plan with complete dimensions showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations of open spaces and special use areas, detailed circulation pattern including proposed ownership;

B. Building Plans. Preliminary building plans, including floor plans and exterior elevations;

C. Landscape Plan. Detailed landscaping plans produced and stamped by a registered landscape architect showing the types and sizes of all plant materials and their locations, decorative materials, recreation equipment, special effects, and sprinkler or irrigation systems;

D. Parking Plan. Dimensioned parking layout showing location of individual parking stalls and all areas of ingress or egress;

E. Engineering Plan. Detailed engineering plans and final subdivision plat showing site grading, street improvements, drainage and public utility locations. Also, submission of the engineering feasibility studies if required by the zoning administrator;

F. Covenants. A copy of protective covenants, articles of incorporation, bonds and guarantees, as required by the zoning administrator and/or the city attorney;

G. Title. A certificate of title showing the ownership of the land;

H. Certificate of Acceptance. A certificate of acceptance by the city council for any dedication of public streets and other public areas, if any, that are made by the owners;

I. Accuracy of Survey. A certificate of accuracy by an engineer or land surveyor registered to practice in the state of Utah.

J. Consistency with Approvals. All final MPD submittals shall be reviewed for consistency with this chapter and all preliminary MPD approval conditions. (Ord. 06-17 (part), 2006)

17.65.120 Development agreements.

Once the land use authority has approved either the (a) phased preliminary master planned development or, (b) final master planned development, the approval shall be put in the form of a development agreement. The development agreement shall be in a form approved by the city attorney, and shall contain, at a minimum, the following:

A. A legal description of the land;

B. All relevant zoning parameters including all findings, conclusions and conditions of approval;

C. An express reservation of the future legislative power and zoning authority of the city;

D. A copy of the approved master plan, architectural plans, landscape plans, grading plan, trails and open space plans, and other plans which are a part of the planning commission approval;

E. A description of all developer exactions or agreed upon public dedications;

F. The developer's agreement to pay all specified impact fees;

G. The form of ownership anticipated for the project and the specific project phasing plan;

H. Financial guarantees for all required improvements;

I. Final covenants, conditions, and restrictions.

J. All fees associated with the approval documents are the responsibility of the applicant.

The development agreement shall also contain language which allows for minor, administrative modifications to occur to the approval without revision of the agreement. To obtain approval, the development agreement must be signed by the applicant and submitted to the city council within six months of the date the project was approved by the land use authority, or said approval of the plat or plan shall expire. The development agreement shall be signed by the city council and recorded with the county recorder. All agreements and plans or plats shall be recorded within six (6) months of approval or the agreement and all approvals are null and void. If the applicant chooses to pursue the development, a new application and all fees shall be submitted by the applicant to the city planning and zoning department in accordance with the Municipal Code sections above. (Ord. 06-17 (part), 2006)

17.65.130 Amendment procedures.

An approved MPD, or subsequent revision thereto, shall be binding as to the general intent and apportionment of land for buildings, sewage disposal, storm management, sensitive area protection, stipulated use, circulation pattern, domestic water and landscaping. Amendments that change the character, basic design, building density and intensity, open space or any other requirements and conditions contained in the MPD shall not be permitted without prior review and approval by the planning commission. If approved, amendments shall be clearly depicted as a revision to approved plans.

A. Minor Changes. Minor changes in the location and placement of buildings may be authorized by the Moab City planning department staff where unforeseen circumstances, such as engineering requirements, dictate such change. When in question, the Moab City planning staff may determine whether the changes shall be classified as a minor or major, or may refer the question to the land use authority, if deemed necessary.

B. Major Changes. Major changes, such as alterations in structural types, in the shapes and arrangements of multiple lots and blocks, in the allocation of open space or other land uses which increase density and/or intensity of the project, in project phasing, and all other changes which significantly affect the overall design or intent of the project shall be referred to the land use authority, after which the authority shall consider and shall either approve or deny, the changes in the final development plan. If such changes are authorized, the developer shall submit a revised plan showing the authorized changes. (Ord. 06-17 (part), 2006)

17.65.140 Compliance with the approved development plan.

A. Enforcement. If the Moab City planning staff determines that the development substantially differs from the approved plans, the city shall notify the developer in writing. Thereafter, if the

violation or departure from approval conditions is not cured or abated, the building official or zoning administrator may issue orders to the developer including, but not limited to:

1. Revoking MPD plan approval;
2. Revoking or terminating the issuance of building permits;
3. Commencing a civil action to enjoin or abate the violation of this chapter or any MPD plan or development agreement;
4. Enforcing any remedies in any development agreement; and/or
5. Proceeding with any other remedies authorized pursuant to U.C.A. Section 10-9a-802, 10-9a-803.

B. Fees and Costs. In any civil enforcement action under this chapter the city, upon showing proof of a violation under this chapter or any approval or agreement pursuant to this chapter, shall be entitled to recover its reasonable attorney fees and court costs in addition to any other relief authorized herein. (Ord. 06-17 (part), 2006)

This ordinance is effective upon adoption.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on _____, 2015.

SIGNED:

David L. Sakrison, Mayor

ATTEST:

Rachel Stenta, Recorder