



2163 W Erda Way – Erda, UT
(435)243-5577

Amendment

Chapter 31 PC Zoning District Ordinance

Public Body: Erda City Planning Commission

Meeting Date: July 16, 2024

Request: Recommendation of approval for PC zoning district

Planner: Rachelle Custer

Planning Commission Recommendation:

Planning Staff Recommendation:

Applicant Name: Six Mile

PROJECT DESCRIPTION

Six Mile Ranch has submitted an application for a new PC zoning district to be adopted in Erda City. This is a planned community zoning district that allows for various uses and densities as described by ordinance and development agreement between property owner and the City.

PLANNING STAFF ANALYSIS AND RECOMMENDATION

Six Mile Ranch applied for a PC zoning district or an overlay zoning district for their property in Erda City. On April 23, 2024 the two items were discussed with the Planning Commission and the Planning Commission made the decision to move forward with the PC zoning district to allow for the creation of planning communities within Erda City. Planning communities help to reduce sprawl and require amenities.

This item was brought before the Planning Commission on May 14, 2024 in a work session and some recommended changes were made to the original proposed code. The proposed code was brought back before the Planning Commission on May 23, 2024. The attached code includes all of the recommendations from the Planning Commission

A PC zoning district has several steps and allows for input from the Planning Commission and Council throughout the process. This district allows for various types of areas with differing requirements and densities. There is an open space and moderate income housing requirement throughout the project area.

This district allows for development requirements and restrictions to be placed by development agreement between the applicant and the Council.

Planning Staff recommends that the Erda Planning Commission examine all this request thoroughly in making their recommendation to the Council.

CHAPTER 31
PLANNED COMMUNITY ZONE (P-C)

Section

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31-1. Definitions.

Whenever used in this chapter:

- (1) "City" means the Erda City Planning Staff, Erda City Planning Commission, or Erda City Council.
- (2) "Council" means the Erda City Council.
- (3) "Council Chair" means the chairperson of the Erda City Council, or appointed designee.
- (4) "Director" means the Community Development Director of Community Development, or appointed agent designated by the director.
- (5) "Planning Commission" means the Erda City Planning Commission.
- (6) "Planning Director" means the Director of Planning and Zoning.
- (7) "Planning and Zoning" means the Planning and Zoning Department of the Office of Community Development.
- (8) "Sites" refers to individual lots/parcels within a Planned Community development.
- (9) "Staff" means employees providing land use planning to Erda City.
- (10) "Erda City" means the incorporated areas of Erda City.
- (11) "Erda City Land Use Ordinance" means the zoning ordinance for the areas of Erda City.

31-2. Purpose.

- (1) The purpose of the Planned Community (P-C) Zone is to provide a regulatory tool which allows large properties in Erda City to be developed in accordance with a specific plan designed to achieve the following purposes:
 - (a) To promote and protect the public health, safety, and welfare;
 - (b) To implement the objectives and policies of the general plan;
 - (c) To safeguard and enhance environmental amenities and the quality of development;
 - (d) To attain the physical, social, and economic advantages resulting from comprehensive and orderly planned use of land resources;
 - (e) To lessen congestion and assure convenience of access;
 - (f) To secure safety from fire, flood, and other dangers;
 - (g) To provide for adequate light, air, sunlight, and open space;
 - (h) To promote and encourage conservation of scarce resources;
 - (i) To prevent overcrowding of land and undue concentration of population;
 - (j) To facilitate the creation of a convenient, attractive, and harmonious community with a desirable living and working environment with unique identity and character;
 - (k) To attain a desirable balance of residential and employment opportunities;
 - (l) To promote a pedestrian friendly environment that encourages transit and bicycle use;
 - (m) To expedite the provision of adequate and essential public services;
 - (n) To facilitate development within Erda City in accordance with the general plan by promoting

high quality, innovative and creative development that includes a mixture of uses, heights and setbacks, varying densities and lot sizes and sufficient diversity of housing types to meet the full life cycle of housing needs of Erda City residents, a harmonious variety of industrial and commercial uses, a high level of amenities, and preservation of open space;

(o) To promote more economical and efficient use of the land; and,

(p) To provide a process for initiation, review, and regulation of large-scale comprehensively planned communities that affords the maximum flexibility to the developer within the context of an overall development program and specific, phased development plans coordinated with the provision of necessary public services and facilities.

(2) This chapter establishes an approval and entitlement process to promote inventive and efficient land use patterns that would otherwise be difficult under typical zoning ordinances. Districts within a P-C Zone may include neighborhoods, villages, town centers, business, research, technology or educational campuses, and open space with convenient pedestrian access among residential, commercial, office, retail, and recreational areas. Individual structures within those districts may contain mixed uses. Permitted densities and intensity of land use in villages and town centers may be higher than those permitted in neighborhoods.

31-3. Land use districts.

Each P-C Zone shall establish land uses and development patterns, densities, and standards unique to the rural community of Erda that zone. Upon approval, through the process set forth in this chapter, the established land uses and development patterns and densities shall be established pursuant to the P-C Zone Plan and one or more development agreements. The P-C Zone may consist of any number of a combination of the following land use districts that shall be identified in the Community Structure Plan, with the emphasis guidelines of keeping Erda as rural as possible with planned growth as provided in this chapter. Planning Staff will ensure that an appropriate mixture of land use districts are provided in the proposed Planned Community prior to allowing the application to proceed through the approval process. Specific land uses proposed in the P-C Zone may only be established in conformance with provisions of this chapter.

10% of the residential units within the development shall be 20 year deed restricted affordable housing with a maximum 80% AMI target dispersed evenly throughout the development.

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(1) Neighborhood: This category is designed for comparatively low density mixed use development that emphasizes residential (single and multi-family) use, but also includes office, commercial, public/semi-public, and with allowed recreation/open space uses. This category may accommodate gross residential densities between one (1) to three (3) to six (6) units per acre. Shall be a minimum of 20% of the project area with an equal amount of Neighborhood A and B.

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- Neighborhood A shall account for 50% of the neighborhood district. Shall have lots no smaller than ½ acre with a gross density of 1 unit per acre.

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- Neighborhood B shall account for 50% of the neighborhood district. Shall have lots no smaller than 6,000 sq. ft. with a maximum density of 6 units per acre.

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(1) A gross residential density allowing eight (8) units per acre may be accommodated, if the preserved land is allocated as additional open space or common areas within and/or immediately adjacent to the specific area utilizing the increased density.

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(2) Village: This category is designed for medium density mixed use development that includes residential (single and multi-family), office, neighborhood commercial, public/semipublic, and recreation/open space uses, without a predetermined emphasis on any single use. This category may accommodate gross residential densities up to 12 units per acre. A gross residential density allowing twenty-five (25) units per acre may be accommodated, if the preserved land is allocated as additional open space or common areas within and/or immediately adjacent to the specific area utilizing the increased density may be increased based upon the percentage of property within the Village area dedicated for Neighborhood Commercial as deemed appropriate by the City. (beyond As to the required percentages defined in section 31-12 (A) of this chapter). Shall be a maximum of 15% of the project area.

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(3) Town Center: This category is designed for high density mixed use development that emphasizes office, commercial and recreational uses, but also includes residential (single and multi-family), public/semi-public, and open space uses. Town center gross residential densities may be approved up to exceed 20 units per acre. Gross density may be increased based upon the percentage of property within the Town Center area dedicated to commercial uses, as deemed appropriate by the City, and

~~may require additional allocations for open space, common areas, and/or recreational amenities within and/or immediately adjacent to the specific area utilizing the increased density. Shall be a maximum of 10% of the project area.~~

(4) Business, Research, Technology or Educational Campus: This category is designed to accommodate a campus dedicated to a mixture of business uses: office, commercial, industrial, technological, recreational, and public/semi-public uses; or to an educational institution, including classrooms, laboratories, offices, housing, educational facilities of all types and other related uses. Shall be a minimum of 30% of the project area.

(5) Open Space: Landscaped area, natural area or farmland that is established to provide and preserve outdoor recreational, agricultural, or other similar uses. In addition to the open space district, areas of open space may also be provided within the other land use districts as well, which may include open space and common areas as defined in section 31-12 (A) of this chapter. Shall be a minimum of 25% of the project area with a minimum 10% being productive, usable public space ie: parks, sports fields, etc. An interconnected asphalt trail system shall be provided throughout the development.

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31-4. P-C zone area – minimum requirements.

Each P-C Zone shall contain a minimum of 150 acres located in Erda City as depicted on the Erda City Land Use Map on file with Planning and Zoning. If the P-C Zone contains multiple owners, the owners may, if necessary to reach the 150-acre threshold, or if such owners otherwise desire, combine their properties for planning and development purposes.

31-5. Permitted uses.

(1) The following uses may be conducted in all areas within a P-C Zone containing between 150 and less than 400 acres:

- (a) Residential uses of all types on a range of lot sizes including: single family detached; single family attached; multifamily residential; town homes; loft apartments; residential units above ground floor retail, commercial, or office uses; and condominiums;
- (b) Retail, service, office, hotel, restaurant, entertainment, and all other commercial uses as permitted;
- (c) Mix of permitted uses (including office/commercial, office/residential, retail/residential) within individual structures;
- (d) Home-Occupation Permits following the provisions of the Erda City Land Use Ordinance;
- (e) Health-care facilities;
- (f) Public facilities, such as schools, libraries, and civic buildings;
- (g) Common areas, such as plazas, playgrounds, and trails
- (h) Churches;
- (i) Day-care facilities;
- (j) Open space, including landscaped areas and areas in natural vegetation, golf courses, parks, recreational areas; and
- (k) Other accessory uses which are ancillary to, and designed to serve, any of the foregoing uses.

(2) The following uses may be conducted in all areas within a P-C Zone of more than 400 acres:

- (a) Residential uses of all types on a range of lot sizes including: single family detached; single family attached; multifamily residential; town homes; loft apartments; residential units above ground floor retail, commercial, or office uses; and condominiums;
- (b) Retail, service, office, hotel, restaurant, entertainment, and all other commercial uses as permitted;
- (c) Mix of permitted uses (including office/commercial, office/residential, retail/residential) within individual structures;
- (d) Home-Occupation Permits following the provisions of the Erda City Land Use Ordinance.
- (e) Health-care facilities;
- (f) Public facilities, such as schools, libraries, and civic buildings;
- (g) Common areas, such as plazas, playgrounds, and trails
- (h) Churches;

- (i) Day-care facilities;
- (j) Open space, including landscaped areas and areas in natural vegetation, golf courses, parks, recreational areas;
- (k) Industrial and manufacturing uses in harmony with existing and proposed development; and
- (l) Other accessory uses which are ancillary to, and designed to serve, any of the foregoing uses.

31-6. Conditional uses.

(1) The approved P-C Zone Plan or Community Structure Plan (CSP) may include provisions for specific land uses identified as conditional uses within a given district, which may include uses listed under section 31-3 or additional uses. The addition of conditional uses in the approved P-C Zone Plan shall require the approval of the Erda City Council, which approval may be established by development agreement. Conditional uses, if any, are subject to review and approval as set forth in Chapter 7 of this Title. Design standards for conditional uses shall be included with the applicable Project Specific Standards.

(2) Within a P-C Zone Plan or Community Structure Plan of properties containing 150 acres, but less than 400 acres, industrial and manufacturing uses may be allowed as conditional uses, subject to Planning Commission and council approval.

31-7. Planning and approval process for P-C zone.

Development within the P-C Zone will require the following plans to be prepared and submitted for approval in accordance with this chapter: P-C Zone Plan, CSP, and Project Plans and/or subdivision and condominium plat approval as applicable. The planning and approval process and approving bodies are summarized in the following table:

APPROVAL STEP	SCALE (AREA COVERED BY APPLICATION)	WHAT IS DESCRIBED IN PLAN	APPROVAL LEVEL
P-C Zone and Plan	Total land area to be rezoned P-C.	Land area to be rezoned with land use table outlining proposed permitted and conditional uses (if applicable), number of residential units, square feet of nonresidential development, and a preliminary outline of the proposed locations for land use districts.	Planning Commission and City Council
Community Structure Plan	Any portion of project that has a common street system, open space system or other infrastructure system.	Major systems for the larger development such as major roadways, infrastructure, open space networks, general location of villages, towns, neighborhoods and business and research parkways.	Staff, Planning Commission and City Council
Project Plan/Subdivision Plat	Multiple phases of development. May, but is not required to include, master subdivision approval followed by phased subdivision plats.	Show major development parcel locations, open space system, and major infrastructure associated with roadways. Final plats indicate lot layouts and development regulations.	Planning Commission
Site Plan Approval	Individual sites within the development.	Final site development requirements.	Staff

31-8. P-C zone plan.

(1) At the time of application for rezoning, a P-C Zone Plan shall be submitted to the Planning Commission for review and recommendation to the Council. Following recommendation by the Planning Commission, a P-C Zone Plan shall be submitted for review and approval by the Council. A proposed development agreement shall be submitted for approval by the Council in connection with each P-C Zone Plan. The approved P-C Zone Plan and development agreement shall implement and govern development within the applicable P-C Zone but may be amended through standard rezoning procedures or through procedures outlined in the development agreement and shall contain the following information:

- (a) Name of planned community;
 - (b) Names, addresses, and phone numbers of applicant and property owners;
 - (c) P-C Zone parcel location, legal/boundary description, acreage, scale, and north arrow;
 - (d) A land use table showing the proposed permitted and conditional uses (if applicable), number of dwelling units, height limits, and the total acreage of open space in the P-C Zone and areas (in square footage or acreage) of the various non- residential land uses proposed in the P-C Zone;
 - (e) General descriptions and locations of existing and proposed major infrastructure, including water, sanitary sewer, storm drainage, parks/open space/trails, and street improvements, together with service adequacy analyses for each of these (including the necessity of system improvements within or adjacent to the subject property, if applicable) to justify the dwelling units, open space, and non-residential square footage proposed in the land use table mentioned above;
 - (f) Existing waterways, major utilities, easements and flood boundary;
 - (g) Adjacent parcels, owners, and uses;
 - (h) Topography and significant features on or adjacent to the property; and
 - (i) Other information deemed necessary by the Director.
- (2) Subject to conditions or limitations agreed to in the development agreement, the development agreement based on the approved P-C Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property included within the applicable P-C Zone Plan, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved P-C Zone Plan. Upon approval, the P-C Zone Plan shall constitute an amendment to the Erda City General Plan for the area covered by the P-C Zone Plan.

31-9. Community structure plan (CSP).

(1) Following approval of the P-C Zone Plan, a Community Structure Plan (CSP), together with a development agreement that codifies that plan, shall be submitted to the Director for review and approval by the Planning Commission. The CSP shall contain a contiguous area within the P-C Zone that includes one or more of the following land use districts: neighborhood, village, town center, business, research, technology, educational campus, and open space. A CSP shall show the following:

- (a) Name of planned community;
- (b) Names, addresses, and phone numbers of applicant and property owners;
- (c) CSP location, legal/boundary description, acreage, scale, and north arrow;
- (d) Proposed land use districts (neighborhoods, villages, business and research parks, and/or town centers) boundaries, and acreage; a table showing the number of dwelling units, open space acreage, and acreage of the various non- residential land uses;
- (e) A master circulation system plan, including a street network (which may include areas for off street parking, as appropriate), pedestrian circulation, bicycle and trail system plans (including possible equestrian trails), identification of street alignments and right-of-way widths, illustrative cross sections which accommodate and specify vehicular, pedestrian, and bicycle use in the right-of- way. Pedestrian and bicycle trail systems shall connect the land use districts, schools and open space areas and provide linkages to other trail systems in existing or future areas of the P-C Zone and adjacent facilities within the adjacent municipal jurisdictions of Erda City. A traffic study may be a required component of the master circulation system plan, as deemed necessary by the City.
- (f) Existing and proposed waterways and water bodies, major utilities and easements, flood

boundary, and flood control facilities;

- (g) Adjacent parcels, their owners, and their uses;
 - (h) Topography and significant features on or adjacent to the property;
 - (i) Documentation of the ability to connect to an existing water system, or the creation of a new water system, as well as any associated water rights, shares, usage etc.
 - (j) Documentation of the ability to connect to an existing sewage system, or the creation of a new sewer system. Septic Systems are not allowed in the P-C Zone.
 - (k) Open space plan providing general description and locations of major open space;
 - (l) Standards that govern the design and maintenance of major public infrastructure improvements (including without limitation: sidewalks, parking requirements (including landscaping, and defining the required number of stalls based on land use districts) street lighting, paving, street furniture, etc.) and general building placement (setbacks), massing, and design criteria (CSP Design Standards); and
 - (m) Other information deemed necessary by the Director.
- (2) The Planning Commission shall have the discretion to disapprove a CSP only on the basis of:
- (a) the failure of the proposed CSP to include all of the elements required in this section;
 - (b) the failure of the proposed master circulation system identified in the CSP within and surrounding the P-C Zone to adequately serve the communities within the P-C Zone;
 - (c) the failure of the proposed major infrastructure identified in the CSP within and surrounding the P-C Zone to provide adequate service to the communities within the P-C Zone; or
 - (d) the inclusion of uses in the CSP not permitted or conditionally permitted under this Chapter. In approving a CSP, the Planning Commission may impose the following reasonable conditions of approval to mitigate reasonably anticipated detrimental impacts:
 - (i) The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipate traffic increases on the nearby road system which exceed the amounts called for under the City transportation master plan.
 - (ii) The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
 - (iii) ~~Any elements in table 31-7 are determined by the Planning Commission to not be sufficient.~~

31-10. Project plan/subdivision plat.

Upon approval of a CSP, a Project Plan shall be submitted for review, together with a development agreement that outlines Project Specific Standards establishing in substantial detail the character and nature of the design of public and private improvements within the area covered by the applicable Project Plan (Project Specific Standards) for the applicable portion of the P-C Zone covered by the Project Plan. The purpose of the Project Plan is to allow for the creation and approval of a fully-integrated development plan for a specifically identified portion of the applicable P-C Zone. A Project Plan may include vertical and horizontal mixtures of uses on one or more proposed lots, parcels or units located within the boundaries of the proposed Project Plan. Therefore, the Project Plan may identify a combination of proposed subdivisions, condominium projects, and/or site plans, one or more of which may be submitted concurrently for review and approval with the Project Plan. The Project Plan, and each Subdivision Plat or Condominium Project submitted in connection therewith or in furtherance thereof, shall be reviewed and approved by the City staff prior to submittal of the Project Plan and associated development agreement to the Planning Commission for approval. Subdivision Plats (preliminary and final) shall be submitted and approved pursuant to the process and in accordance with the requirements set forth in Title 13, "Subdivisions," of the Erda City Land Use Ordinance, and other applicable sections of the code. Application and approval of a preliminary or final subdivision plat may occur before submission of a Project Plan provided Project Specific Standards are submitted and approved contemporaneously with such subdivision plat application and approvals; and provided, further, that the Project Specific Standards and subdivision plat will ultimately be incorporated into an approved Project Plan and associated development agreement. The preliminary and final plats shall conform to the applicable CSP Standards as well as all applicable Project Specific Standards, including any supplemental Project Specific Standards proposed and approved in connection with the applicable final plat.

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31-11. Site plan review.

Site plans may be reviewed concurrently with a Project Plan or Subdivision Plat. Any proposed commercial, office, industrial, multi-family residential, open space, parks, or institutional developments and alterations to existing developments shall be located on legal lots of record created by metes and bounds conveyance with the approval of the Staff or pursuant to subdivision or condominium plats and shall meet the site plan review requirements outlined by Staff. All Erda City ordinances and requirements (which may include additional site-specific studies or reports, as necessary) shall be met in preparing site plan applications and in designing and constructing the development. Where applicable, building permits may not be obtained nor shall any site work be performed prior to site plan approval.

31-12. Development standards.

(1) **Open Space and Common Areas.** Open Space includes parks, trails, natural areas, wildlife refuges, nature preserves, community gardens or farmland, which is established to provide recreational use and preserve recreational, agricultural, native vegetation, or other similar uses in the P-C Zone as approved by the Planning Commission. Common areas include landscaped areas (which may include landscaping around schools, colleges, and other civic buildings, as deemed appropriate by the City), athletic fields, gathering places such as plazas, commons, exterior courtyards, public recreational facilities, landscaped medians or park strips that exceed Erda City standards, but do not include areas contained within a typical public street cross section. The applicable CSP Standards and Project Specific Standards shall govern the use and character of the open spaces and common areas. Each P-C Zone shall contain a minimum of 25 percent of the gross acreage in a combination of common areas and open space, of which 15% of the gross acreage shall be open space. These areas shall be designated in the applicable Project Plan and separately identified on any applicable final plat of subdivision or site plan. Open Space recorded as a lot or lots in subdivisions or as common area in condominium plats and shall be maintained with open space or conservation easements or such other arrangement as is approved by the Planning Commission in connection with Project Plan or subdivision or condominium approval.

(2) **Yard requirements.** Yard requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following minimum requirements shall apply in the P-C Zone.

(a) Minimum yard areas shall be measured from the front, side and rear lines of lots, condominium private ownership yard areas (where building footprint is not recorded) or from accesses, driveways, or streets (where no property lines or private ownership yard areas exist).

(b) Buildings may not be located within a public right of way or utility easement.

(3) **Fencing, screening, clear vision.** Fencing, screening and clear vision requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following requirements shall apply in the P-C Zone.

(a) All mechanical equipment, antennas, loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings as more specifically set forth in the applicable Project Specific Standards.

(b) Fences and landscape materials, except for mature trees which are pruned at least 7 feet above the ground, shall not exceed 2 feet in height within a 10 foot triangular area formed by the edge of a driveway and the street right-of-way line or within a 30 foot triangular area formed by the right-of-way lines of intersecting streets.

(4) **Architectural standards.** Architectural requirements shall be determined and governed by the Project Specific Standards established pursuant to the requirements of this Chapter. The following architectural standards and requirements shall apply in the P-C Zone.

(a) Architectural design of buildings and building materials shall be established in the Project Specific Standards.

(b) All building materials shall be high quality, durable, and low maintenance.

(c) The applicable Project Specific Standards shall address exterior relief of buildings, design of all sides of buildings, and architectural compatibility of buildings.

(5) **Landscaping requirements.** Landscaping requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following landscaping requirements shall apply in the P-C Zone.

(a) The applicable Project Specific Standards shall address the landscaping and proper maintenance of required front, side, and rear yards of lots and private ownership areas in the P-C Zone.

(b) All areas of lots and parcels in the P-C Zone not designated for open space, parking, buildings, or other hard surfacing shall be landscaped and properly maintained. Designated open space shall remain in a natural condition, cultivated or landscaped, and properly maintained in accordance with the Project Specific Standards.

(c) All park strips and public right-of-way areas in the P-C Zone shall be landscaped and properly irrigated and maintained by the applicable property owners in the P-C Zone unless otherwise approved by the Council. All park strip areas shall be installed by the developer and properly maintained by the applicable owners in the P-C Zone. A plan for funding of on-going maintenance of street landscaping by the property owners shall be presented for approval by Staff at the time of site plan approval.

(6) **Lighting.** Lighting requirements shall be determined and governed by the Project Specific Standards established pursuant to the requirements of this Chapter.

(7) **Environmental Design.** To promote innovative stormwater management with an emphasis on the usage of practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat, Erda City encourages the incorporation of Low-Impact Development (LID), as appropriate.

(8) **Other requirements.** The following requirements shall apply in the P-C Zone.

(a) All developments shall be graded according to Erda City's engineering and building requirements to provide adequate drainage, and shall include necessary observations and reports performed by a licensed professional (with applicable fees paid for by the applicant or developer) to verify adequate grading and drainage as built. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

(b) The applicable owners shall properly maintain all private areas of individual lots or parcels.

(c) The specific requirements of section 31-11 shall be governed by the Project Specific Standards established pursuant to the requirements of this Chapter and may be modified as the Council deems appropriate pursuant to the terms of the applicable Project development agreement.

(d) All common area improvements including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights and signs not specifically dedicated to Erda City or accepted for ownership or maintenance by Erda City shall be perpetually maintained by the applicable owners or their agents through a special taxing district (existing or new), owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the Council. Improvements for which Erda City agrees to accept maintenance responsibility shall be reviewed by the applicable Erda City service provider for compliance with adopted standards prior to approval.

31-13. Development agreement.

In conjunction with the approval of a P-C Zone Plan, CSP, and Project Plan, the developer and Erda City shall enter into one or more development agreements reflecting all conditions of approval and terms of the applicable P-C Zone Plan, CSP, and Project Plan, and such other matters as Erda City and the developer may agree. The Council chair signs all development agreements. The Council need only approve the development agreement associated with the P-C Zone Plan. Development Agreements entered into with respect to a CSP or Project Plan do not require approval of the Council unless the approved CSP or Project Plan, together with the approved CSP Design Standards or Project Specific Standards, are inconsistent with the conditions and requirements set forth in this title. Without regard to future amendments, additions or changes to the Erda City Land Use Ordinance, Erda City may agree, in such Development Agreements, that the developer may advance development applications for projects within the applicable P-C Zone pursuant to the planning and approval processes set forth in this chapter, or such other process as is specifically agreed upon pursuant to a development agreement approved by the Council. Such

development agreements may further identify a process for approving amendments to an approved P-C Zone Plan, CSP, Project Plan or Subdivision Plat, which shall be approved by the Council to the extent such a process differs from Erda City Land Use Ordinance. Any entitlement granted to the developer under the terms of a Development Agreement shall be subject to amendments, changes, or additions to this chapter if the Council finds that failure to so amend, change, or add to the chapter would constitute a compelling countervailing public interest.