

**CITY OF MOAB
PLANNING COMMISSION
PUBLIC HEARING
PROPOSED ORDINANCE 2017-18**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, April 27, 2017 at approximately 6:00 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 2017-18, an ordinance amending the City of Moab Municipal Code, Sections 17.09.660 and 17.09.665 pertaining to the Site Plan Review process; amending Chapter 17.80 pertaining to Large Scale Developments; and amending Chapter 17.31 Use Restrictions in the Resort Commercial Zone to Prohibit Large Scale Retail Developments in that zone.

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

Published in the Times Independent, April 13, 2017 and April 20, 2017.

ORDINANCE #2017-__

AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL CODE, SECTIONS 17.09.660 AND 17.09.665 PERTAINING TO THE SITE PLAN REVIEW PROCESS; AMENDING CHAPTER 17.80 PERTAINING TO LARGE SCALE DEVELOPMENTS; AND AMENDING CHAPTER 17.31 USE RESTRICTIONS IN THE RESORT COMMERCIAL ZONE TO PROHIBIT LARGE SCALE DEVELOPMENTS IN THAT ZONE

The following findings describe the intent and purpose of this ordinance:

- a. The City has enacted Sections 17.09.660 and 17.09.665 of the Moab Municipal Code, which governs the site plan review process for commercial development. Additionally, the City has enacted Chapter 17.80, which governs large scale retail developments.
- b. From time to time the City undertakes to revise its zoning ordinances to improve the efficiency of review processes and the quality of land development.
- c. The City has experienced an increase in commercial development, and the Council believes that changes to its ordinances are necessary to: i) provide clearer and more efficient review procedures; and ii) assure that new development serves the needs of the community.
- d. Updating and expanding the reach of Chapter 17.80 is necessary to assure that large scale commercial projects, including large scale retailers and large scale hotel/lodging developments, contain elements to promote transportation access, good landscaping design, attractive architectural elements, and buffering with respect to adjacent uses.
- e. Changing Chapter 17.31, which governs the Resort Commercial Zone, to prohibit large scale retail projects containing a single building in excess of 30,000 square feet is appropriate, and in keeping with the intent of that zoning district to promote an attractive and appropriately scaled gateway to the City of Moab.
- f. The City finds that this ordinance will serve the public health, safety, and welfare, and that adoption is in the best interests of the Moab community.
- g. This ordinance was reviewed by the Planning Commission on _____, 2017, and the Planning Commission recommended approval.

Therefore, the City of Moab enacts as follows:

Sections 17.09.660 and 17.09.665 are hereby repealed. The City enacts the following Chapter 17.67:

CHAPTER 17.67 SITE PLAN REVIEW

17.67.010 Purpose. Site plan review is required to assure that new development and re-development of existing structures is compliant with City of Moab ordinances, advisory policies, and building codes. Unless exempted, an approved site plan issued under this Chapter is required prior to the issuance of a building permit.

17.67.20 Site Plan Required; Exemptions. [should be 020]

- A. A site plan review is required for the following:
 1. all new development unless exempted by this section 020;
 2. remodeling of existing commercial development involving an addition to the finished square footage of an existing structure of 2,000 square feet or more; or
 3. a Use Change as defined by this Chapter involving an addition to the finished square footage of an existing structure of 2,000 square feet or more.
- B. Site plan review is not required for the development of the following, as defined in this Title 17: a single family dwelling; a twin home or duplex; secondary dwelling units; Subdivisions;

Planned Unit Developments; Master Planned Developments; development requiring a Conditional Use Permit; or remodeling or additions of existing structures comprising less than 2,000 square feet of new construction.

17.67.030 Definitions.

- A. Adversely Affected means a person or entity who claims an interest in real property which may be negatively affected by any decision issued under this Chapter.

- B. Adjacent means a parcel of land which shares a boundary with the parcel of real property which is the subject of an application under this Chapter. For purposes of this Chapter, a parcel is adjacent to another if it is separated only by a public street.

- C. Advisory Documents means planning documents adopted by the City from time to time, including: the Moab General Plan; Moab Storm Water Management Master Plan; Moab Sanitary Sewer Master Plan; Moab Water Storage Distribution and Master Plan; Natural Hazards Pre-disaster Mitigation Plan, Utah Southeastern Region; Moab Area Housing Plan; Grand County/Moab Non-motorized Trails Master Plan; or similar publicly adopted planning documents.

- D. Appeal Authority means the person or persons designated by ordinance enacted by the City to hear land use appeals under Title 17 of the Moab Municipal Code.

- E. Base Flood Elevation (BFE) means the computed elevation to which floodwater is anticipated to rise during the base flood. The BFE is typically shown on Flood Insurance Rate Maps, and is a regulatory requirement for the elevation and flood-proofing of structures.

- F. Buffer means a structure or area provided to reduce the conflict between two different land uses. Buffers may consist of fencing, walls, landscaping, or land set aside to separate particular uses.

- G. Development Review Team (DRT) means the committee of City employees including the Planning Director, Zoning Administrator, Public Works Director, Community Services Director, Building Official, and such other persons as may be designated by the City from time to time.

- H. Land Use Authority means the person or entity designated by ordinance to approve or deny a land use application.

- I. Lot means an existing parcel of real estate which is proposed for development. As used in this Chapter, one or more lots may be subject to a site plan application, and individual areas within those lots may be designated as plots set aside for particular uses. In no instance shall the designation of lots or plots on an application under this Chapter be deemed to create a subdivision of real estate.

J. Refuse Area means an area for the location of solid waste disposal containers which is screened from view using a solid wall or fence. In no case shall a Refuse Area be screened using a chain link or similar fence utilizing slats to obscure the view.

K. Tier I Application means a site plan application for the development of six or fewer residential units, or the development or remodeling of not more than 8,000 square feet of finished commercial space.

L. Tier II Application means a site plan application for the development of seven or more residential units or the development or remodeling in excess of 8,000 square feet of finished commercial space.

M. Tier III Application means a site plan application for development as defined in Chapter 17.80, pertaining to Large Scale commercial development.

N. Use Change means the conversion of an existing residential or commercial structure from one use to another use permitted within the zoning district. Without limitation, examples of a use change include changing a warehouse to a restaurant; converting office space into apartments; changing retail space into professional offices; or the like. Any use change which would require a building permit under applicable City building codes shall also constitute a use change under this Chapter.

17.67.040 Submittal Requirements.

A. An application for site plan approval must be submitted to the Planning Department on the approved site plan application form, together with the required review fee. The application must be signed by the record property owner or, if the applicant is not the owner, the applicant must deliver proof of approval signed by the owner. Components of the application submittal may contain multiple plan sets or reports, provided that they are clear, legible, and successfully demonstrate the purposes required under this Chapter. Unless waived by the Planning Director, the application must include four copies of all design drawings. The application must include the following:

1. Preliminary Site Plan. Applicants shall submit a preliminary site plan (with requirements as listed below), drawn and stamped by a Utah engineer, to a scale of not less than one inch equals fifty feet (on paper no larger than twenty-four inches by thirty-six inches), and one copy reduced to eleven inches by seventeen inches that shall include:
 - a. Parcel Boundary Lines. Include all easements, setbacks and construction limits of the project site;
 - b. Drives, Streets, and Rights-of-way. Include widths of pavement, curb and gutter, and dimensions of rights-of-way;

- c. Parking and Loading. The parking plan must include a count of spaces and details of ADA parking spaces as well as indicating the location and types of exterior lighting proposed for security lighting of the area;
- d. Access. Include all points of ingress, egress. For developments adjacent to and accessed by a state or federal highway, a highway access permit from the Utah Department of Transportation (UDOT) must be attached;
- e. Refuse Areas. Drawings of the refuse enclosures must be included;
- f. Common open space. All open space, common areas, parks, sidewalks, and trails (with required connectivity) must be clearly depicted;
- g. Topography. All site conditions including terrain contours, drainage areas, and other physical features on or within 100 feet of the site must be shown; existing and finished grades must be shown in different shades/colors; all elevations shall be shown in the most current North American Vertical Datum (NAVD). Minor Applications may contain this topographic survey on the site plan. Standard and Large Scale applications must show a separate topographic survey;
- h. Use Types. Specific areas proposed for specific types of land use shall be shown, and must include the acreage or square footage for each area;
- i. Public Dedications. Areas proposed for public dedication (i.e. utility easements, trails, open space, or the like) shall be depicted;
- j. Lots or Plots. The areas for each lot or plot must be shown;
- k. Adjacent Zoning. Zoning for adjacent properties within three hundred feet of the subject property shall be shown;
- l. Fire Hydrants. The locations of all fire hydrants;
- m. Title Block. A title block shall appear in the lower right hand corner of all pages of plans and plats and shall contain the name of the development, legal location of the property, name and contact information of the site designer/engineer/surveyor, and the name of subdivision. The drawing scale and north point shall also be placed on the plat or plan.
- n. A regional or vicinity map shall accompany the submitted application to indicate the location of the project.

2. Floor Plan and Elevations. A floor plan, at a minimum, shall consist of a drawing to scale showing a view from above, of the relationships between rooms, spaces and other physical features at each floor level of a structure. All dimensions shall be drawn between the walls to specify room sizes and wall lengths. The floor plan shall show the physical layout of:
 - a. Interior walls and hallways;
 - b. Restrooms;
 - c. Windows, doors, landings, decks, and patios;
 - d. Plumbing features such as sinks, showers, bathtubs, HVAC elements, etc.;
 - e. Interior features such as fireplaces, saunas, hot tubs, and whirlpools;
 - f. Locations of electrical panels and service connections;
 - g. The planned uses of all buildings and rooms;
 - h. All finished first floor elevations;
 - i. Elevation view drawings shall show all side elevations of existing and proposed structures, and shall depict exterior architectural elements and materials, as well as heights of the structure.

B. Narrative. The narrative shall describe in reasonable detail the purpose of the proposed development, the types of all land uses that are anticipated, the phasing of development, and information regarding all accessory uses, structures, or major features. Statistical information as to the project area, developed area square footage, number of parking spaces, and the like shall be included.

C. Conceptual Master Sign Plan. If signage is anticipated, applicants shall submit a master sign plan showing the location, dimensions, materials, and type of illumination for all signs. All signage shall comply with Chapter 15.44, the Sign Code, and is subject to permitting under that process.

D. Lighting Plan. The lighting plan shall show number and types of fixtures for walkways, building exterior lighting, and parking areas. Light fixtures shall consist of a full cutoff, fully shielded, downward directed types. Internal or external shielding may be used to prevent glare toward other properties or into the roadway. Lighting of required parking areas shall be a

minimum of one-half foot-candle at all areas of the parking lot. Wall mounted flood lights that direct outward toward other properties and roadways are prohibited.

E. Landscape Plan. The landscape plan shall include size and species of all plantings, an irrigation plan, xeriscape plan, and a care and maintenance plan. All applicable code sections of the Moab Municipal Code must be used to develop the landscape plan including Chapter 12.24, Tree Stewardship. Proposed erosion control structures and details as to ground cover must also be noted on the landscape plan.

F. Wetlands, Riparian Areas, and Floodways. If the development is adjacent to riparian areas, flood zones, probable wetlands, or areas where stream channels may be altered by planned development, a Wetlands, Riparian Areas, and Floodway Plan, drawn and stamped by a Utah licensed engineer or other appropriate consultant must be submitted. Probable wetlands shall be described and delineated. All applications shall show compliance with Chapter 15.40, the Flood Damage Prevention Ordinance. Flood zone boundaries and elevations must be shown. Where the application includes areas which may be subject to flooding the applicant shall show that the elevation of the lowest floor of all structures exceeds the elevation which is above the base flood elevation. All elevations on the plan shall be shown in the most current North American Vertical Datum (NAVD).

G. Adequate Drainage. A storm water drainage plan, signed and stamped by a Utah engineer, shall be submitted and show calculations and other information specified below.

1. Storm Water Drainage Plan. This report shall comply with the City of Moab/Grand County Design Criteria for Drainage Studies, as adopted or updated by the City from time to time. The Storm Water Drainage Plan shall be reviewed for compliance with other applicable Advisory Documents and must show, at minimum, all drainage structures that will become integral parts of the existing street or roadway drainage system, and all on-site and off-site detention or storm water conveyance structures. Drainage structures shall be of a size and nature sufficient to carry the calculated storm water from streets, paved areas, buildings, and other areas based on standard engineering principles. The drainage plan shall demonstrate that proposed development will result in no net increase in storm water discharge, as compared to pre-development conditions. The storm water drainage plan shall include, at a minimum, the following information:
 - a. The project site, including areas three hundred feet beyond its boundaries;
 - b. Existing contours at two-foot intervals shown as dashed lines;
 - c. Proposed contours at two-foot intervals shown as solid lines;

- d. Indication of a permanent benchmark referenced to mean sea level;
 - e. Drainage system shown in plan view with estimated cubic-feet-per-second flow for a ten-year storm event;
 - f. Locations of all natural drainage channels and water bodies;
 - g. Existing and proposed drainage easements;
 - h. Type, size, and location of existing and proposed drainage structures such as pipes, culverts, inlets, ditches, swales, retention ponds, detention areas, etc.;
 - i. One-hundred-year event (base) flood areas;
 - j. Additional grading and drainage elements may be required to be depicted to satisfy Federal Emergency Management Administration (FEMA) flood plain requirements or other applicable City flood damage prevention ordinances; and
 - k. Erosion control plans showing adequate sedimentation control which shall be accomplished throughout construction phases as well as during the ongoing use of the site (e.g., sedimentation ponds, dikes, seeding, retaining walls, rip-rap, etc.).
2. Minimum Standards. All structures for drainage and flood control shall be designed, at a minimum, to successfully convey the anticipated one-hundred-year frequency storm event for maximum period of intensity over the entire drainage basin. The applicant shall submit calculations to show that all structures have adequate capacity to accommodate flows expected to result from the designated storm event.
3. Water and Sewer System Protection. All storm water facilities shall be designed to avoid or minimize damage to, or infiltration of, culinary water and sanitary sewer facilities.

H. Planned Grading. A Grading Plan for surface drainage (shown by contours and spot elevations) shall also be submitted and show the planned grading and paving of driveways, access roads, and parking areas. Grading and paving shall be shown on plans, profiles, cross sections, and details as necessary to describe new construction. Details of curbs, gutters, sidewalks, drainage structures, and conveyance systems, dimensions of all improvements, size location, thickness, materials, strengths, and necessary reinforcement can be shown on the site plan in the case of Minor Application, or on a separate drawing based on the complexity of the project.

I. Utility Plan. A utility plan shall be signed and stamped by a Utah licensed engineer. It shall show the locations, dimensions, and elevations of all sewer facilities and culinary water facilities needed to serve the site. The utility plan shall specify in reasonable detail the types of equipment and materials to be used, and shall comply with all applicable Advisory Documents or City engineering requirements. Plans showing the locations of natural gas, electric, telephone/data lines must also be shown.

J. Evidence of Title. A current title insurance commitment, ownership and encumbrance report, or abstract of title prepared by a title insurance company or attorney showing all ownership interests, easements, and encumbrances which apply to the parcel(s) comprising the application must be submitted. If common elements or private use restrictions are anticipated, the applicant must submit draft covenants, conditions, and restrictions (CC&Rs) for review.

K. Slopes. If proposed development is likely to result in grading of hillsides, City staff may require submittal of a slope study, signed and stamped by a Utah engineer or surveyor. Applications will also be reviewed for compliance with Chapter 17. 55, the Hillside Development Ordinance.

L. Surface and Subsurface Soils Report. The application shall include a surface and subsurface soils report establishing soil suitability for the proposed development. The report shall be prepared by a Utah licensed geotechnical engineer or other professional, if approved by City staff. At a minimum, the report shall include:

1. A description of soil types;
2. Locations and characteristics with supporting soil maps;
3. Soil logs of test pits and bore holes;
4. All other information necessary to determine soil suitability for the scope of the development and constraints on development based on the findings;
5. Analysis and evaluation of such information with recommendations regarding structural constraints, erosion control, and requirements for building design.

M. Highway Access Permit. A completed application for highway access permit from the Utah Department of Transportation shall be submitted for all applications under this Chapter which require access to a state or federal highway.

N. Traffic Study. A traffic study and parking and circulation study are required for projects which will generate in excess 100 Peak Hour Trips. The study shall be signed and stamped by a Utah engineer. The following table shall be used to determine if a traffic study is required.

Traffic Impact Table		
Land Use	100 Peak Hour Trips	750 Daily Trips
Residential: Single Family	150 units	70 units
Apartments	245 units	120 units
Condos/Townhouses	295 units	120 units
Mobile Home Park	305 units	150 units
Shopping Center	15,500 sq. ft.	2,700 sq. ft.
Fast Food Restaurant (GFA)	5,200 sq. ft.	1,200 sq. ft.
Convenience Store w/ gas (GFA)	1,300 sq. ft. or 5 pumps	
Bank w/ Drive-In	4,400 sq. ft.	2,800 sq. ft.
Hotel/Motel	250 rooms	90 rooms
General Office	55,000 sq. ft.	45,000 sq. ft.
Medical/Dental Office	37,000 sq. ft.	26,000 sq. ft.
Research & Development	85,000 sq. ft or 4.5 acres	70,000 sq. ft or 4 acres
Light Industrial	115,000 sq. ft. or 8 acres	115,000 sq. ft. or 11.5 acres
Manufacturing	250,000 sq. ft.	195,000 sq. ft.

O. The Planning Director has discretion to require a traffic study for applications which do not generate the level of trips specified above where:

1. High traffic volumes on surrounding streets may affect movement to and from the proposed development;
2. There is a lack of existing left turn lanes on streets adjacent to the proposed access drive;
3. There are inadequate sight distances at access points;
4. Proposed access points are close to other existing drives or intersections; or
5. The proposed development includes a drive-through pick up window.

Q. Street Design Drawings. The application shall include drawings, signed and stamped by a Utah engineer, showing the design, grades, widths, and profiles of all streets, sidewalks, curbs, gutters, traffic control devices, traffic signs, and associated public improvements. All street designs shall conform to street classifications and design standards adopted by the City.

R. Additional Submittals; Waiver of Certain Submittals. The Planning Director has discretion to require other or additional submittals where necessary for the review of a

particular application, or as required for Tier III Development under Chapter 17.80. Alternatively, the Planning Director has discretion to waive any requirement for a particular submittal if it is determined that the document or report is not necessary for the review of a particular application. Any waiver shall be in a writing labelled as a Submittal Waiver, shall identify the project by name and application number, and shall be signed and dated by the Planning Director.

S. Conformity with Submittal Standards. All submittals must conform to the Land Use Submittal Standards adopted by the City. Submittals which do not clearly or accurately depict elements required for review of the project may be rejected, or staff may require revisions during the review process.

17.67.050 Review Procedures.

A. Pre-Application. All Applicants shall participate in a pre-application meeting with the Planning Department staff prior to application submittal. The pre-application meeting is intended to identify project elements and issues which may need to be addressed in the review process. Applicants must bring to the Pre-Application meeting those items identified on the Pre-Application Checklist available from staff.

B. Review for Completeness. All applications shall be reviewed for completeness and accuracy by the Planning Director. If an application is found to be incomplete or deficient the Planning Director shall notify the applicant in writing as to the deficiencies and allow the applicant to submit additional or supplemental materials as needed. Incomplete or deficient applications will not be scheduled for further review.

C. Level I Applications. Level I Applications shall be reviewed by City staff comprising the Development Review Team (DRT), which shall be the land use authority. The DRT may approve, approve subject to conditions, or deny a Minor Application.

D. Level II Applications. Level II Applications shall first be reviewed by the DRT, which shall issue a staff report identifying recommendations for the project. The land use authority for Standard Applications shall be the Planning Commission, which may approve, approve subject to conditions, or deny a Standard Application.

1. Level II Applications are not subject to a public hearing; however the applicant shall deliver notice of the pending application, in a form approved by the City, to adjacent property owners, who shall be permitted to submit written comments or testimony as to the compliance of the application with applicable ordinances. Any written comments or testimony from adjacent property owners or interested persons may be considered by the Planning Commission in reaching its decision. The Planning Commission shall consider the application at a public meeting without further public testimony. Within a reasonable period of time following the conclusion of the meeting, the Planning Commission, as land use authority, shall issue a written decision, which may approve, approve subject to conditions, or deny the Level II Application.

E. Level III Applications. Level III Applications subject to Chapter 17.80 shall first be reviewed by the DRT, which shall provide a staff report identifying recommendations for the project. The DRT may request review comments from other affected governmental agencies. The Planning Commission shall review the application as an advisory body and provide a recommendation to the City Council.

1. The City Council shall hold a public hearing on Level III Applications, at which the applicant, City staff, and interested persons can provide testimony regarding the merits of the application. Within a reasonable period of time following the closure of the public hearing, the City Council, as land use authority, shall issue a written decision, which may approve, approve subject to conditions, or deny the Level III Application.

F. When a Site Plan is Deemed Granted. For purposes of this Chapter, a site plan approved by the applicable land use authority subject to conditions is not deemed granted until the Planning Director certifies in writing that all pre-construction conditions of approval have been satisfied, all applicable fees are paid, and all ancillary documents (dedications, Development Improvements Agreement, or the like) are executed and delivered to the City. Satisfaction of all such conditions must occur before a building permit will be issued. For purposes of this subsection, pre-construction conditions means those conditions pertaining to design of the development, permitting by other agencies, corrective submittals, or the like.

G. Concurrent Review. To the extent possible, where an application under this Chapter requires other City approvals, the City shall attempt to consolidate all such approvals in one proceeding to provide for efficient and timely review. However, nothing in this Chapter shall be deemed to repeal or abrogate review procedures or criteria in other ordinances.

H. Certificate of Occupancy. A certificate of occupancy will be issued, provided that all fees have been paid and construction is completed in conformity with the approved Site Plan, conditions of approval, the building permit, applicable city Code provisions, and building codes.

17.67.050 Approval Criteria.

A. The following criteria govern site plan approval:

1. compliance with applicable Moab ordinances and building codes;
2. availability of necessary utilities, including culinary water, sewer, electricity, natural gas, and the like;
3. performance of the design in providing efficient access, vehicle circulation, connectivity, pedestrian/non-motorized vehicle access, and the buffering of off-site impacts;

4. performance of the design with regard to storm water management, flood damage prevention, landscaping, and architectural design standards, as applicable;
5. consistency of the design with Moab Advisory Documents; and
6. accuracy and truthfulness of submittals or representations in the application.

B. Discretion to Grant Conditional Approval. The applicable land use authority has discretion to impose conditions during the review process which will address deficiencies in the application, improve compliance with applicable criteria, or improve the functionality of the project.

C. Statement of Reasons in the Event of Denial. Where an application is denied, the land use authority shall provide a statement of reasons explaining the basis for its denial.

D. Code Violations. The City may properly decline to review or approve any application where the property that is the location of the application has outstanding municipal code or building code violations. Where such violations exist, the City may decline further review of the application until such time as all violations are abated and applicable fines or fees are paid.

17.67.060 Improvements Agreements, Dedications, and Warranty.

A. Development Improvements Agreement. The City may require the applicant to deliver a Development Improvements Agreement (DIA), which will specify in detail: the public improvements which must be constructed to serve the development; engineer's estimates for the cost of required improvements; deadlines for construction; provisions for a financial assurance and warranty deposit; required property dedications; and such other terms as may be specifically required for the development. The amount of the financial assurance and warranty deposit shall be equal to 140% and 10%, respectively, of the approved construction costs, as verified by the City Engineer or other City designee. The DIA may be recorded in the land records, and constitutes an encumbrance on the subject real property. The form of any financial assurance shall be as authorized by the City Attorney.

B. Dedications. The City may require a developer to dedicate an interest in land to the City, in fee simple or an easement, where it is necessary for the siting of public infrastructure, such as public streets, sidewalks, pedestrian paths, or underground utilities made necessary by a particular site plan application. Additionally, dedications may be required incident to site plan approval to conform to Advisory Documents. Property dedications will be confirmed by a separate deed or easement, in a form acceptable to the City Attorney, which shall be executed by the property owner and recorded. All applicants are encouraged to consider access dedications and connectivity with adjacent parcels during the design process.

C. Public Improvements Warranted and Delivered free of Liens. All public improvements installed and dedicated to the City (e.g. culinary water lines, sewer lines, curbing, gutters, roads, hydrants, street lights, and the like) shall be delivered free of liens and encumbrances, and shall be warranted by the developer to be free of defects in design, materials, and workmanship for a period of one year from the date of acceptance.

17.67.060 Amendment Procedures; Lapse of Site Plan.

A. Binding on Successors. An approved Site Plan shall be binding upon the applicant and any of its successors in title. Amendments which change the character, building design, density, or any other requirements or conditions contained in the Site Plan shall not be permitted without prior review and approval as set forth in this Section.

B. Minor Changes. A minor change in the location or placement of buildings or specific improvements may be authorized by the DRT where unforeseen circumstances, such as site constraints, engineering problems, or the like require a change.

C. Major Changes. Major changes, such as alterations in the size, configuration, or uses of buildings; significant realignments or changes to access, utilities, or storm-water facilities; other changes which increase the density, scope, or intensity of occupancy; significant changes to project phasing; or other changes which significantly affect the overall design or intent of the project shall be treated as a major change, and shall be referred to the land use authority that originally authorized the Site Plan for review.

D. Review of Amendments. A land use authority reviewing an amendment application may approve, approve with conditions, or deny the application.

E. Lapse of Plan; Extension. If, within twelve months from the date of approval of a site plan, the applicant fails to satisfy approval conditions or diligently complete construction, then the City may declare a lapse of plan by delivering written notice to the applicant. A lapse of plan shall result in all prior approvals under this Chapter being void and of no further effect. An extension of any site plan approval may be granted by the applicable land use authority upon a showing by the applicant of good cause, and provided that an extension is sought in writing within twelve months of the date of approval.

17.67.070 Appeals.

A. Appeals. Any person adversely affected by a decision under this Chapter may file an appeal of that decision no later than 30 days from the date of the decision, permit, or action which is the subject of the appeal. Untimely appeals are subject to dismissal with prejudice.

B. Staff Appeals or Planning Commission Appeals. Decisions of the staff, the DRT, or the Planning Commission shall be appealed to the Appeal Authority. Any subsequent appeal shall be to the Seventh Judicial District Court.

C. Council Appeals. Decisions of the City Council shall be appealed to the Seventh Judicial District Court.

D. Review on Record. Appeals shall be a review of the record which was submitted to the applicable Land Use Authority. Upon the filing of an appeal the staff shall assemble the record of proceeding and forward same to the appeal body or court, as applicable, and the parties. If the record is particularly voluminous, the City may require the appellant to pay the reasonable costs of assembly and copying of the record.

E. Standard of Review. In any administrative or judicial appeal the decision under review shall be reviewed on the basis of the record before the land use authority. The decision of the land use authority shall be affirmed unless it is found to be arbitrary, capricious, or illegal. The appellant has the burden of proof in any appeal, which shall clearly and concisely state reasons why the land use authority decision was erroneous. Except in the case of Tier I appeals, to preserve an issue for judicial review, the appellant must first have exhausted its administrative remedies by presenting any claimed point of error to the attention of the applicable land use authority prior to seeking appellate review.

Additionally, **Chapter 17.80 is hereby amended as follows.**

Chapter 17.80

SUPPLEMENTARY REGULATIONS FOR LARGE SCALE DEVELOPMENTS OVER THIRTY THOUSAND SQUARE FEET

Sections:

- 17.80.010 Purpose and Intent.
- 17.80.020 Definitions.
- 17.80.030 Applicability.
- 17.80.040 Aesthetic character.
- 17.80.050 Site design.
- 17.80.060 Signage.
- 17.80.070 Landscaping.
- 17.80.080 Submittal Requirements.
- 17.80.090 Adaptive Reuse/renewal.
- 17.80.100 Abandoned Building Supplementary Regulations.
- 17.80.110 Financial Assurance.
- 17.80.120 Development Improvements Agreement Required.

17.80.010 Purpose and intent.

The purpose and intent of these regulations are:

- a. To break up the apparent mass and scale of large structures in order to ensure that such development is compatible with and does not detract from Moab's unique natural character, scale, and sense of place;

- b. To help integrate large-scale development with its visual surroundings when viewed from adjacent public rights-of-way and neighboring properties;
- c. To promote and facilitate a safe and comfortable pedestrian scale environment;
- d. To mitigate onsite and offsite impacts of large structures on public infrastructure;
- e. To encourage a mixture of uses and sizes of structures;
- f. To reduce the visual impact of large areas of parking and outdoor lighting; and
- g. To reduce future negative impacts of empty or abandoned large retail structures on the appearance and retail economic health of the community. (Ord. 08-10 (part), 2008)

17.80.020 Definitions.

- A. In the event that the definition of a term presented in this chapter conflicts with the definition of the same or similar term presented elsewhere in this code or in a model code that has been adopted by the city (eg., International Building Code), the definition contained in this Chapter shall prevail.
- B. Affected Entity means a county, local district, special service district, interlocal cooperation entity, public utility, private property owner, school district, property owner's association, federal government agency, or state agency.
- C. Arcade means an area contiguous to a street or building that is open and unobstructed, and that is accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking areas.
- D. Architectural or Structural Bay" means a design feature or collection of features that breaks up the flat expanse of a wall through the use of indentations, property ribs or offsets.
- E. Berm means an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses.
- F. Buffer (see also "screen") means an area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesired views, noise and glare -- effectively providing greater privacy to neighboring land uses. Typical buffers consist of materials that serve this purpose and include, but are not limited to, plant materials, walls, fences and/or significant land area to separate the uses.
- G. "Commercial Development" means the construction or expansion of business uses involving the sale of goods or services to the public. As used in this Chapter, Commercial Development includes hotels, motels, or similar lodging businesses providing short-term accommodations to the public.
- H. Cornice means a decorative projection at the top of a wall or building.

- I. Dormer” means a window set vertically in a gable projecting from a sloping roof.
- J. Extraordinary Impact means an impact created by a proposed development that will result in the need for improvements to public facilities such as water, sewer, storm water drainage, and/or streets. Examples of extraordinary impacts include but are not limited to:
1. Installation of new water, sewer and/or storm water improvements necessary to meet the demands of the proposed development;
 2. Upsizing of existing water, sewer, and/or storm drain pipelines to meet the demands of the proposed development increase capacity;
 3. Installation of street and/or traffic signal improvements to maintain a level of service (LOS) of C or higher on all public streets that will be affected by the proposed development.
- K. Facade means the portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.
- L. Floor Area, Gross (GFA). The sum of the gross horizontal areas of all enclosed floors of a building, including basements, mezzanines, corridors, and lobbies from the exterior face of the exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor to ceiling height of less than six feet six inches. The GFA also includes permanent outdoor retail display areas including, but not limited to, garden centers and seasonal displays of merchandise.
- M. Floor Area, Net (NFA). The total of all floor areas of a building, excluding: stairwells and elevator shafts; equipment rooms; interior vehicular parking or loading; and all floors below the first or ground floor, except where these below ground floor areas are used or intended to be used for human habitation or service to the public.
- N. Gable means a triangular wall section at the end of a pitched roof, bounded by the two roof slopes.
- O. Ghost Signage means the visible remains or impressions left when a sign is removed from a building or sign standard.
- P. Hardscape means the inanimate elements of landscaping including patios, paths, plazas, decks, fountains, rock and stone.
- Q. Hip Roof means a roof without gables.

R. Large Scale Development means new retail or commercial development exceeding thirty thousand gross square feet of finished space, as measured by the finished building envelope for all structures to be developed, and/or the remodeling or expansion of existing structures where the result of the remodeling and/or expansion exceeds thirty thousand gross square feet of finished space. Where development is to be developed in phases, the total gross square footage of all phases is to be utilized in determining whether this Chapter applies, rather than the area of the structures in any single phase.

S. Pad Building means a building placed in or around a large scale development parking area and providing complementary goods and services to those provided by the large scale development.

T. Parapet means the portion of a wall that extends above the roofline.

U. Portico means a porch or walkway with a roof supported by columns, often leading to the entrance to a building.

V. Public or Private Right-of-way means any road intended to provide public access to any lot/development, but excluding any service road or internal driving aisles (i.e., within parking lots).

W. Public Space means an area where the public can gather and/or rest, and not part of the commercial space of a development.

X. Retail Development means businesses where goods or services are sold to the public primarily for personal consumption, rather than for resale. Retail uses include shops, restaurants, warehouse sales, and associated service businesses or offices doing business with the general public. As used in this Chapter, the term "retail" does not include hotels, motels, or similar short-term lodging businesses.

Y. Screen a wall constructed of opaque materials and whose height will be effective in obstructing unwanted views.

Z. Structural Best Management Practice (BMP) means any of several commonly accepted and used storm water improvements designed to prevent storm water discharges exceeding historic pre-development levels, and to prevent the discharge of pollutants into surface and groundwaters.

AA. Wing Wall means a projection of a wall extending out beyond the body of the building.

17.80.030 Applicability.

A. Application. In addition to compliance with all other requirements of this Code, new construction of Large Scale Commercial Development or Large Scale Retail Development exceeding thirty thousand gross square feet, as measured by the finished building envelope for all structures, a single tenant, or combination of tenants in a single structure, must comply with the standards established by this Chapter. Remodeling and/or expansion of existing structures where the result of the remodeling and/or expansion exceeds thirty thousand gross square feet for a single tenant or combination of tenants in a single structure must comply with the standards established by this Chapter.

B. Conflicts. Where the requirements of any part of this Chapter conflict with any other provision of the Code, this Chapter shall prevail, with the exception of the RC Zone. (Ord. 08-10 (part), 2008)

17.80.040 Aesthetic character.

A. Facades and Exterior Walls. If a building facade exceeds sixty feet in length, it shall be broken down into smaller elements by jogging the wall in or out a minimum of four feet for at least ten feet in length, or by adding an element such as a porch, recessed entry, bay window, projecting trellis or similar substantial architectural feature at intervals so that no continuous wall plane is more than sixty feet in length.

B. Smaller Retail Uses. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or on the development site.

1. Where principal buildings contain additional, separate uses, which occupy less than thirty-thousand square feet of gross floor area, with separate, exterior customer entrances:
 - a. The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than sixty percent of the horizontal length of the building facade of such additional stores; And
 - b. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

C. Detail Features. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint:

1. Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically:
 - a. Color or hue change;
 - b. Texture change;
 - c. Material module change; or
 - d. Expression of architectural or structural bay through a change in plane no less than twelve inches in width, such as an offset, reveal, or projecting rib.

D. Roof Lines. Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. The following standards shall apply:

1. Roof lines shall be varied with a change in height of not less than three feet for every one hundred linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. The planning commission may approve alternating lengths and designs which may be addressed during the site plan approval process.

B. Materials and Colors. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of the surrounding landscape.

1. Predominant exterior building materials shall be high quality materials and include:
 - a. Stucco;
 - b. Unpainted or natural colored brick;
 - c. Wood;
 - d. Stone;
 - e. Tinted and textured masonry units; or
 - f. Other materials approved by the planning commission.

2. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
 3. Exterior building materials on facades adjacent to public roads shall not include the following:
 - a. Smooth-faced concrete or masonry block;
 - b. Tilt-up concrete panels; or
 - c. Pre-fabricated steel panels.
- C. Entryways. Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The following standards identify entryway design features:
1. Each principal building on a site shall have clearly defined and visible customer entrances featuring no less than three of the following:
 - a. Canopies or porticos;
 - b. Overhangs;
 - c. Recesses/projections;
 - d. Arcades;
 - e. Raised corniced parapets over the door;
 - f. Peaked roof forms;
 - g. Arches;
 - h. Outdoor patios;
 - i. Display windows;
 - j. Architectural details such as tile work and moldings which are integrated into the building structure and design; or
 - k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- D. Public Spaces. No less than five percent of the floor area shall be dedicated to interior or exterior public spaces. (Ord. 08-10 (part), 2008)

17.80.050 Site design.

Large Scale Development shall be required to conform to all applicable provisions of this Chapter 17.80, including:

- A. Building Size. New development shall not exceed two hundred thousand gross square feet as a single tenant or combination of tenants in a single structure. Remodels and/or expansions of existing building shall not result in development exceeding two

hundred thousand square feet as a single tenant or combination of tenants in a single structure.

B. Building Height. New development and remodels and/or expansions of existing buildings shall not exceed forty feet in height.

C. Parking. These regulations are intended to:

1. Reduce the “heat island effect” of the parking surface;
2. Encourage natural on-site processing of stormwater through landscape features designed to slow and filter polluted runoff;
3. Encourage groundwater recharge and/or reuse;
4. Reduce the overall scale of paved surfaces;
5. Minimize the utilitarian visual impact; And
6. Enhance pedestrian safety.
7. Lot Orientation. Parking areas shall provide safe, convenient, and efficient access for all types of vehicles, public transit, all alternative forms of travel, and pedestrians. They should be distributed around larger buildings in order to shorten distances to other buildings and public sidewalks and to reduce the overall scale of the paved surface, and provide shared parking between businesses. Bike racks shall be located in well-lighted areas and placed in locations that are visible from store entrances and parking areas.
8. Parking areas shall be planned as an accessory to the buildings they serve to achieve a high quality design and appearance. The parking area’s utilitarian appearance should be minimized by utilizing effective landscaping, street furniture and other public amenities.
9. Parking lots should be designed to avoid causing erosion damage to grading and surrounding landscaping. Whenever possible, permeable paving systems shall be evaluated and utilized especially for overflow and employee parking areas. To reduce impervious surfaces, one-way drive aisles shall be incorporated into the design to the greatest extent possible.

10. Parking lots shall incorporate methods for stormwater management utilizing low impact development (LID) techniques including, but not limited to:
 - a. End-of-island bioretention cell(s) with underdrain(s) and landscaping;
 - b. Bioretention cells or biofiltration swales located around the parking perimeter;
 - c. Breached curb drainage inlets (or curb cuts) in the end-of-island bioretention cells and bioretention strips to collect runoff; or
 - d. Bioretention cells installed between lines of parking stalls to increase the total treatment surface area of these systems.

11. Parking and Vehicular Circulation. Parking facilities shall be recognized as transitional spaces where users change modes of travel, from car, bus, or bicycle to pedestrian. The design of those spaces shall therefore safely and attractively serve all modes, and provide safe walkways for pedestrians.

12. Surface Parking. No single parking area shall exceed one hundred fifty feet in length unless divided into two or more sub-areas by a building, internal landscaped street, or landscaped pedestrian way.

13. Parking lots shall be configured and designed to reduce the overall mass of paved surfaces. No more than seventy percent of the required or proposed off-street parking area for the entire property shall be located between the front (street adjacent) facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by secondary development (such as restaurants), additional tree plantings, other landscaping, berms or screening. The planning commission shall approve all proposed screening and increases in parking according to the requirements listed herein.

14. No overnight camping shall be permitted in parking facilities authorized pursuant to Chapter 8.20 and Section 10.04.230. The property owner shall post and enforce policies to ensure compliance with this provision.

D. Paving and Circulation Requirements.

1. All parking stalls and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or pavers surfacing except in employee and overflow parking areas where the use of gravel or other pervious surface material may be approved by the planning commission. The utilization of pavers or other approved pervious materials to provide for additional parking during times of high volume traffic is encouraged.
2. All areas within the parking area not used for parking stalls or maneuvering areas shall be landscaped.
3. Parking areas shall be designed to enable a car entering the parking area to move from one location to any other location within the parking area or premises without entering a street.

E. Parking Sub-Areas. Unbroken rows of parking spaces shall not exceed sixteen spaces unless divided into two or more sub-areas by a building, internal landscaped street, significant planted dividers or islands or a landscaped pedestrian way. All islands shall be landscaped.

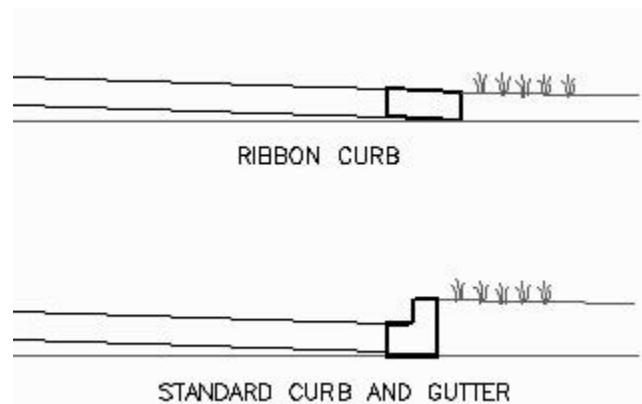


F. Number of Parking Spaces. The number of parking spaces provided shall be one space for every two hundred square feet of retail space. The planning commission shall have the authority to grant bonuses to the required number of parking spaces; provided, that any additional bonuses may be granted by the planning commission upon approval of the landscape plan or if alternative energy is incorporated into the lighting and/or shading of the parking lot. Parking bonuses may be approved by the planning commission as allowed in subsection (G) of this section.

G. Parking Bonuses. The City shall use the following standards when evaluating the landscape design and granting parking bonuses.

1. Additional shade coverage exceeding the fifty percent requirement by fifteen percent may allow up to ten percent parking area increases.
2. The use of solar energy panels for lighting and/or shade structures shall allow additional parking bonuses of ten percent based on a fifteen percent solar panel coverage of the parking area.
3. Other valid options for bonuses as proposed by the applicant and approved by the City may be used in lieu of the increases in shade or solar panels if the intent of the regulations is met or exceeded. Such options shall include solar panels located on the roofs of structures and green roofs used to absorb water runoff from principal uses.

H. Storm Water Systems. Storm water system design shall emphasize water quality treatment and ground water recharge. The site storm water system shall capture all site runoff, provide water quality treatment through the use of appropriate structural BMPs, and discharge the storm water to the public storm water system at a rate that does not exceed the pre-developed rate for the project site for the ten-year and one-hundred-year storm events. In the event that the property cannot drain to the public storm water system, storm water may be discharged onto or across adjacent properties provided that easements permitting such use are executed with the respective landowners. Required additional storm water conveyance systems shall be subject to approval by the City and shall be constructed at the applicant's cost.



I. Rear and Side Facades. Side and rear facades shall adhere to the requirements outlined in Section 17.80.040(A). Architectural and landscaping features should mitigate to the maximum extent practicable the impacts of blank walls, loading areas, storage areas, HVAC units, garbage receptacles and other accessory features.

1. The minimum setback for any building facade shall be twenty-five feet. Where the facade faces adjacent residential zones an earthen berm shall be installed, no less than six feet in height, containing at a minimum a double row of evergreen or deciduous trees planted at intervals of twenty feet trunk to trunk. Additional landscaping may be required by the planning commission to effectively buffer adjacent land use as deemed appropriate. All additional landscape requirements of the landscape ordinance shall apply.

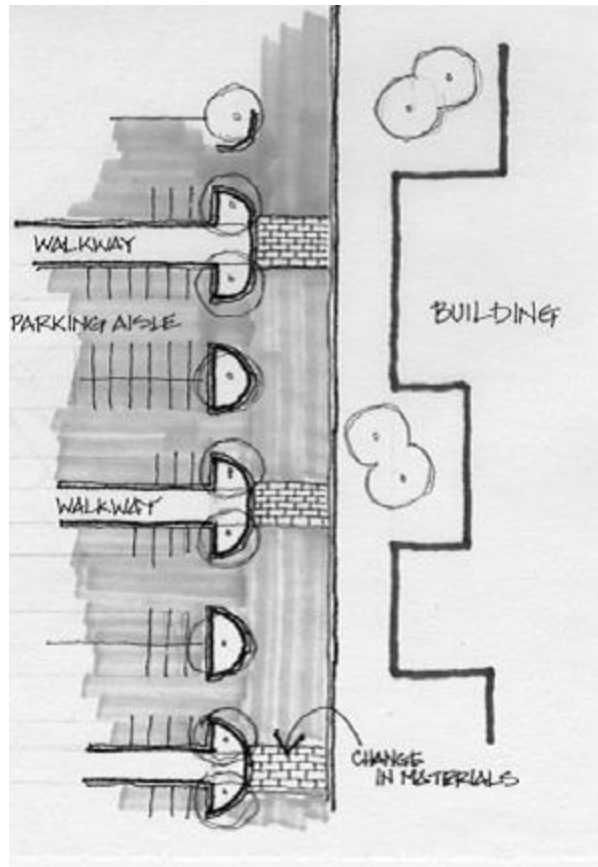
J. Outdoor Storage, Trash Collection, and Loading Areas. Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, shall be screened from view of adjacent public or private rights-of-way or neighboring properties. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than forty feet apart, or on those sides of buildings that do not have customer entrances.

1. Areas for outdoor storage, truck parking, trash collection or compaction, utility meters, HVAC equipment or other such equipment, similar uses, and similar service functions shall be screened from view from adjacent public or private rights-of-way or neighboring properties. Materials, colors, and designs of screening walls, fences and covers shall conform to those used as predominant materials, colors and designs of the building. Areas for outdoor storage, trash collection or compaction, loading, or other such uses shall not be located within thirty feet of any public street, public sidewalk, or internal pedestrian way.
2. Delivery and loading operations shall conform to Chapter 17.74, Noise.
3. Delivery and loading areas shall be substantially set back from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer, or other approved buffering, of at least thirty feet in width shall be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer shall include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals to provide noise, light, and visual screening.
4. If the delivery and loading spaces are located within an enclosed building or underground, no such setback and buffer area shall be required.
5. Outdoor storage of chemicals, fertilizers and other materials that pose a potential source of groundwater pollution shall be stored in a contained area that prevents leakage into the storm water system or into the

groundwater. Environmental Protection Agency regulations or other regulations shall be followed.

K. Pedestrian/Bicycle Accessibility. This subsection sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

1. Sidewalks at least six feet in width shall be provided along all sides of the project site that abut a public or private right-of-way. The planning commission may waive this requirement as part of the development plan if a suitable alternative is proposed.
2. Continuous internal pedestrian walkways, no less than five feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrances of all principal buildings on the site. At a minimum, walkways shall connect focal points of activity such as, but not limited to, parking areas, street crossings, building and store entry points, and shall feature landscaping as per requirements outlined in this chapter.



3. Walkways shall be provided through parking lots. A paved walkway or sidewalk must be provided for safe walking areas through parking lots greater than one hundred fifty feet in length (measured either parallel or perpendicular to the street front). Walkways shall be provided every third parking aisle, or at a distance of not less than one hundred fifty feet between paths (whichever is the least restrictive). Such access routes through parking areas shall be separated from vehicular parking and travel lanes by use of contrasting paving materials which may be raised above the vehicular pavement. Speed tables shall not be used to satisfy this requirement.
4. Sidewalks, no less than five feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping.
5. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored and tinted concrete to enhance

pedestrian safety and comfort, as well as the attractiveness of the walkways.



Bike racks shall be located in well-lighted areas and placed in locations that are visible from store entrances and/or parking areas

6. Public bicycle and pedestrian paths, trails, and lanes a minimum of ten feet in width shall be provided across the site as necessary to implement the Grand County non-motorized master trails plan as approved by the city council and in effect at the time of application. All such easement widths shall be contingent upon the type of trail proposed and may vary. Such trails shall provide connections to existing and/or future trails.
7. Bicycle lanes or paths shall be provided from an adjacent street to bicycle parking areas near a primary entrance of structures.
8. The applicant shall provide street stub outs, trails, and sidewalks as necessary to promote efficient circulation and connectivity with adjacent developed parcels or undeveloped parcels that are likely to develop. (Ord. 12-07 (part), 2012; Ord. 08-10 (part), 2008)

17.80.060 Signage.

Large Scale Developments as defined by this Chapter shall be required to follow the provisions of Chapter 15.44 (Sign Code). In addition, the following provisions shall apply:

- A. Sign Color. Sign colors shall be low reflectance, subtle, neutral, or earth tone colors. Use of high-contrast colors in all wall and monument signs is prohibited.

B. Sign Types. Corporate or retail signage shall be limited to internally illuminated and channeled wall signs and monument signs. Maximum sign square footage, height and all other requirements shall be governed by Chapter 15.44.

C. All freestanding signs shall be monument style: i.e., mounted on a base (above grade) of wood, brick or stone, which is detached from any building and built with continuous background surface from the ground up. (Ord. 12-07 (part), 2012: Ord. 08-10 (part), 2008)

17.80.070 Landscaping.

A. All planter beds and tree planters shall be bordered by a concrete curb not less than six inches in height adjacent to the parking surface except where areas of landscape are used for storm water detention. If used in this manner, all asphalt abutting landscaping shall terminate with a concrete ribbon curb one and one-half feet in width and ten inches in thickness.

B. All plants and irrigation systems shall be installed according to the landscape installation guidelines shown on the approved landscape plan. The owner shall guarantee the quality of work, health and condition of plants and installation of materials including, but not limited to, plant types, size, spacing, and irrigation systems. Prior to final acceptance of the project and issuance of a certificate of occupancy, the city shall inspect and certify that the installation is in compliance with the approved plans and specifications. All corrections, adjustments, and/or replacement of landscape elements and execution of a landscape maintenance agreement shall be done prior to final approval by the City. In the event corrections cannot be made or installation cannot be completed prior to issuance of a certificate of occupancy, the City shall require a cash deposit equal in value to the amount of one and one-half the cost of the landscaping project. A cash deposit is returned only when the City gives final approval of the project.

C. Landscaping shall be provided and maintained in good condition by the property owner. Failure to maintain shall constitute a misdemeanor and be punishable as established in Chapters 17.75 and 17.78 and Section 12.24.160.

D. Any changes to an approved landscape plan shall be reviewed and approved by the Planning Director prior to the alteration taking place.

E. Landscaping Materials and Spaces. Required landscaping shall be limited to the following materials and spaces:

1. Living ground cover;

2. Permeable, continuous non-living ground cover;
3. Living plant life other than ground cover;
4. Retained native vegetation;
5. Natural or manufactured features, including but not limited to boulders and planters;
6. Pedestrian ways; and
7. Public spaces.

F. Landscaping Materials and Design Mix. Separate sections of landscaping shall be composed of the required materials in any combination as follows:

1. Living plant life other than ground cover or natural vegetation shall have a minimum coverage of five percent;
2. Living ground cover shall have a maximum coverage of eighty percent;
3. Permeable non-living ground cover shall have a maximum coverage of twenty percent;
4. Natural or manufactured features shall have a maximum coverage of fifteen percent;
5. Pedestrian ways or public spaces shall have a maximum coverage of fifty percent.

G. Plant Materials and Landscape Design Standards.

1. Plants selected for landscape areas shall consist of plants that are well suited to the micro-climate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible.
2. Turf areas shall be limited to areas with suitable shade and shall not be allowed in spaces narrower than ten feet wide. Turf shall not be used in more than ten percent of total landscape area, and should be located in places where people will use it.
3. For projects located at the interface between urban areas and natural open space non-irrigated, highly drought tolerant plants shall be selected

that will blend with the native vegetation and are fire resistant or retardant. Plants with low level fuel volume or high moisture content shall be emphasized. Plants which tend to accumulate excessive amount of dead wood or debris shall be avoided.

4. Areas with a slope greater than thirty-three percent shall be landscaped with deep rooting, water conserving plants for erosion control and soil stabilization.
5. Parking strips and other landscaped areas less than eight feet wide shall be landscaped with water conserving plants.

H. Irrigation Systems.

1. A detailed irrigation plan shall be drawn to the same scale as the landscape plan and shall contain the following information:
 - a. Layout of irrigation system and summary legend outlining the type and size of all components of the system, including manufacture name and model number with approved equals;
 - b. Static water pressure in pounds per square inch at the point of connection to the public water supply;
 - c. Flow rate in gallons per minute and design operating pressure in pounds per square inch for each valve and precipitation rate in inches per hour for each valve with sprinklers; and
 - d. Installation details for irrigation components.
2. Plant type a monthly irrigation schedule shall be prepared that covers the initial one-hundred-twenty-day plant establishment period and the typical long-term uses period. The schedule shall consist of a table with the following information for each valve:
 - a. (e.g., turf, trees, low water plants);
 - b. Irrigation type (e.g., drip, bubblers, sprinklers);
 - c. Flow rate in gallons per minute;
 - d. Run time in minutes;

- e. Frequency of run (number of days per week); and
- f. Cycle time to avoid runoff.

I. Building Foundation Landscaping. A minimum of fifty percent of a facade length containing a primary customer entrance shall have a foundation landscaped area extending at least six feet out from the building. All other facades that can be viewed from existing public rights-of-way shall have foundation landscaping extending a minimum of eighty percent of the facade length.

J. Parking Lot Landscaping.

- 1. Large parking areas should be enhanced with additional landscaping. Creative site design, to include preservation of existing stands of trees and clustered landscaped areas, is encouraged over symmetrical rows of small landscaped islands.
- 2. To the greatest extent possible, landscape islands shall be designed so that plant material is not located on the first one foot of the edge of the island, where it is most likely to be trampled by individuals exiting and entering parked vehicles. Such edge shall be mulched or paved with porous paving materials such as pavers.
 - a. Landscaping. Parking lot landscaping is an important element in reducing reflective heating, controlling water runoff and improving the aesthetics of a site. Increasing the landscape requirements may also help in the adaptive reuse of large scale retail buildings. Landscaping shall be installed and maintained as established elsewhere in this section.
 - b. Parking lot dividers, islands, planters and planting areas shall be a minimum of six feet wide at the widest point, and six feet long except that all new or retrofitted tree planters shall be a minimum of nine feet by seven feet, measured to the outside perimeter of the planter, and shall have no less than forty-eight square feet of permeable soil planting area.
 - c. Landscaping shall be used to define parking areas, primary vehicular drives and pedestrian areas in an aesthetically and environmentally pleasing manner.

- d. Landscaped areas shall be distributed throughout the entire parking area as evenly as is appropriate in the design of the park facility.
3. Where trees already exist, the parking lot shall be designed to make the best use of this existing growth and shade wherever it is reasonably possible.
4. Landscaping shall include shrubs, trees, vines, ground covers, hedges, flowers, bark, chips, decorating cinders, gravel, and similar material which will improve the appearance of parking areas.
 - a. Tree Requirements. Off-street open parking areas shall provide fifty percent or more of shade coverage at the time of maturity of the trees. To achieve this coverage the applicant shall:
 - i. Design, where possible, north/south oriented parking areas to provide maximum shade;
 - ii. Plant at least one medium or large-scale tree for every three parking stalls;
 - iii. Utilize a diversity of tree species that have the ability to survive the climate zone.
 - b. The minimum size tree planted shall be no less than a one-and-one-half-inch tree measured at four feet from the base of the tree and sized to specifications according to the American Standard for Nursery Stock (ANSI Z60.1) Low water use and “native” plant materials shall be used to the greatest extent possible. Problematic trees having shallow or invasive roots or having brittle or weak branching structure are prohibited. All trees shall be planted and maintained according to the landscaping plan detail sheet and in such a manner to maximize the growth, health and longevity of the plantings. Parking lot trees adaptable to the Spanish Valley environment shall be selected and planted according to the appropriate tree species sized for planters with various dimensions and approved by the urban forester.
 - c. Trees shall be maintained in accordance with Chapter 12.24, Tree Stewardship. Violations shall be punishable as established in Sections 12.24.150 and 12.24.160.

- d. The interior of all vehicular use areas shall be landscaped so as to define parking isles and limit unbroken rows of parking and provide for pedestrian accessibility and safety. Ends of parking rows and corner areas shall be curbed and landscaped.

K. Internal Pedestrian Walkway Landscaping. All internal pedestrian walkways, as required by this Chapter, shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty percent of their length.

L. Parking Lot Trees Required. All proposed parking areas shall have shade trees planted at spacing no greater than forty feet trunk to trunk around the entire perimeter, with exception of those areas where the placement of trees would constitute a clear visual safety hazard. All landscaped islands in the interior of parking lots shall have, at a minimum, one large shade tree every forty feet. Each separate landscaped island or area shall contain a minimum of one hundred sixty-five square feet, shall have a minimum dimension of eight feet in any direction and shall include at least one tree. Trees shall be required within the interior planting islands of any vehicular use area exceeding four thousand five hundred square feet.

M. Adjacent Buffer Required. A landscaped buffer of at least fifteen feet in width shall be required along the entire edge of any parking lot or the edge of a building facade without a primary or pedestrian oriented entrance when adjacent to a public right-of-way. The landscaped buffer shall incorporate canopy shade trees planted at a minimum of thirty feet on-center for the buffer area.

N. Screening.

1. Seventy-five percent of the lot frontage adjacent to any arterial street, exclusive of vehicular and pedestrian entrances, shall provide screening of parking areas by means of on-site buildings, landscaping, decorative walls and retaining walls, or other approved methods which may include primary structures. Additional screening of on-site parking shall be reviewed and approved by the planning commission.
2. Fifty percent of the lot frontage adjacent to all other streets and adjacent properties shall provide screening of on-site parking by means of on-site buildings, decorative walls, decorative retaining walls, landscaping, or other buildings and shall be reviewed and approved by the planning commission.

3. Lot frontage adjacent to residential uses or residential zoning districts shall provide screening of on-site parking by means of walls, landscaping, or buildings.

O. Minimum Vegetation Size. No required canopy and shade tree planting shall be less than one-and-one-half-inch caliper, measured at breast height, at the time of planting. Evergreen trees shall be a minimum of seven feet in height at the time of planting.

P. Installation and Maintenance. All landscape materials required by this section shall be installed in accordance with standard practices of horticultural professionals and in good and workmanlike manner and shall be maintained by the property owner in good condition.

1. All applicants for landscape plan approval shall file a maintenance schedule and a scope of maintenance work with the zoning administrator. At minimum the maintenance schedule shall include the following:
 - a. Any damaged or dead trees, shrubs or ground cover shall be replaced promptly for the life of the building.
 - b. Maintenance of landscaped areas shall include:
 - i. Continuous operations of removal of weeds;
 - ii. Mowing, trimming, edging, cultivation;
 - iii. Reseeding;
 - iv. Plant replacement;
 - v. Appropriate fertilization, spraying;
 - vi. Control of pests, insects and rodents by nontoxic methods whenever possible;
 - vii. Watering with an automatic irrigation system is required; and
 - viii. Other operations necessary to assure normal plant growth.
2. Irrigation systems shall be maintained in good operating condition to promote the conservation of water.
3. The obligation for continuous maintenance shall be binding on the applicant for landscape plan approval, to any subsequent owners of the property, or other parties having a controlling interest in the property. (Ord. 12-07 (part), 2012; Ord. 08-10 (part), 2008)

17.80.80 Submittal requirements.

- A. In addition to those submittal documents specified in Chapter 17.67 (Site Plan Review), the applicant shall submit the following.
- B. Engineering Plans and Studies. All drawings and reports listed in this section shall be stamped by a professional engineer holding a current license in the state of Utah. Applicant shall submit the following without exception:
1. Traffic Impact Study. A report that presents pre- and post-development traffic estimates and level of service values for all streets and intersections that will be impacted by the proposed development.
 2. Water System Study. A report that presents the proposed development's fire flow and peak use requirements, and analyzes existing system capacity.
 3. Storm Drainage Study. A report that presents pre- and post-development runoff flow estimates for the site, detention volume requirements, proposed BMPs, and all other information necessary to allow for review of the proposed drainage plan.
 - 4.
 5. Construction Drawings and Specifications. A package that at a minimum shall show site utilities, site grading, surface improvements, internal traffic circulation, easements, and required traffic signage.
 - 6.
 7. Affected Entities. A listing by name, address, and telephone number of all affected entities, as defined in this Chapter, with respect to the project site.
- C. Architectural Plans and Presentations. All drawings and reports listed in this section shall be prepared by an architect or landscape architect as appropriate, holding a current license in the state of Utah. The requirements for a site plan as listed in Section 17.09.660 shall be followed when preparing an application for review. Applicant shall also submit the following:
1. Conceptual Drawings. The package shall, at a minimum, include the following:

- a. Site plan views showing building locations, parking areas with space totals, pedestrian and vehicular circulation routes, public trails and pathways, landscaped areas, and screening;
 - b. Elevation views of all proposed buildings showing scaled architectural details, massing, height, screening of roof top units from all adjacent properties, especially those lands with higher elevations, and other design features; and
 - c. Illustrative drawings, examples, or mock-ups showing the materials, colors and typical views from adjacent public streets of all proposed buildings.
 - d. Outdoor Lighting.
 - i. Lighting shall meet the requirements of Section 17.09.660(G) and be full cutoff downward directed fixtures and no light shall be emitted beyond the project site. The applicant must provide an exterior lighting plan that quantifies light coverage upon the project site and provides information on how outdoor lighting will be accomplished to minimize impacts on adjacent properties or roadways.
 - ii. To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard shall not be taller than light standards in surrounding neighborhood residential zones and should stair step down to a lower height when close to neighboring residential uses or residentially zoned areas. In no case shall the height of the light standards exceed twenty-five feet. Spotlights of any kind that are mounted on building walls are not permitted.
1. Signage Plan. A plan showing the location, size, height, materials, lighting methods, colors and incorporated logos of all proposed corporate and retail signage within the development. A sign permit is required under a separate application as set forth in Chapter 15.44 and Section 17.09.470.
 2. Landscape Plan. A detailed plan showing all proposed landscape treatments including planting locations and species for all planted areas; surfacing for hardscaped areas; fences, wall and/or other screening devices; and proposed irrigation systems.

- D. Adoptive Reuse and Renewal Plan. Applicants for Large Scale retail developments shall submit the following:
1. A building design plan that allows for and facilitates reuse of the building in the event the building is abandoned or vacated.
 2. A building renewal plan that provides for maximum opportunity for rehabilitation or redevelopment of the structure in the event of abandonment, vacating of property, or relocation by the original occupants. The plan shall include a maintenance plan for normal repairs and upkeep of the main building, accessory buildings, "pad" buildings, parking lots and hard surfaces, landscaping, and signage, including the elimination of "ghost" signage. (Ord. 12-07 (part), 2012: Ord. 08-10 (part), 2008)

17.80.090 Adaptive Reuse/renewal.

Large Scale Retail Developments as defined in this Chapter shall be constructed in a manner that includes specific elements for adaptation for multi-tenant re-use. Such elements may include, but are not limited to, compartmentalized construction, including plumbing, electrical service, and HVAC.

- A. Building design shall plan for:
1. The interior subdivision of the structure into separate tenancies;
 2. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;
 3. Parking lot designs that are shared by establishments or are linked by safe and functional pedestrian connections;
 4. Landscaping designs that compliment the multiple entrance design; and
 5. Other elements of design which facilitate the multi-tenant re-use of the building and site. (Ord. 08-10 (part), 2008)

17.80.100 Abandoned building or vacancy supplementary regulations.

A. The city may determine that a Large Scale Retail Development, or any part thereof, has been abandoned or vacated. For purposes of this chapter, an "abandoned" or "vacated" building shall be determined by meeting any of the following criteria:

1. A declaration by the owner of the establishment of the intent to go out of business at that location;

2. The cessation of business by the establishment at that location for a period of not less than twelve consecutive months.
- B. The following requirements apply to any owner of property subject to this chapter on which an abandoned establishment exists:
1. Within ninety days of the city's determination of abandonment or vacancy, the owner of such property shall submit to the city an updated reuse plan that addresses maintenance, active re-marketing, and/or reuse of the facility. The plan shall comply with existing city zoning code in effect at the time of abandonment. The plan shall be subject to approval by the City Council.
 2. If the owner fails or refuses to maintain the property during the period of time when the establishment is abandoned or vacated the City, as allowed by the International Property Maintenance Code and the International Building Code, may elect to perform, or contract for the performance of, maintenance functions. The owner shall be liable to reimburse the city for all such reasonable maintenance costs. (Ord. 08-10 (part), 2008)

17.80.110 Financial Assurance.

The applicant shall deliver a Development Improvements Agreement (DIA) and other financial assurances and dedications as provided by Chapter 17.67, or as otherwise provided by the development approvals.

17.80.120 Development Improvements Agreement Required.

- A. In addition to all other provisions applicable to DIAs under Chapter 17.67, a DIA issued under this Chapter may address: Improvements guarantees for all required public improvements and for adaptive reuse and renewal;
- B. All required dedications of utilities or right-of-way, utility easements, exactions, and impact fees;
- C. Provisions regarding compliance with abandoned building and maintenance requirements; and
- D. Any other terms and conditions as dictated by the attributes of the project, the Code, or this Chapter. (Ord. 08-10 (part), 2008)

In addition, Chapter 17.31, governing the RC Resort Commercial Zone shall be amended with the **addition of the following subsection:**

17.31.020

B. Prohibited Uses. As defined in Chapter 17.80, Large Scale Retail Development comprising a retail use in a single building in excess of fifteen thousand square feet is not permitted in the Resort Commercial (RC) zoning district. Large scale retail development comprised of multiple buildings of less than fifteen thousand square feet each, are permitted uses in the zone.