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## Chapter 17.66 PLANNED UNIT DEVELOPMENTS\*

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### 17.66.010 Intent.

The intent of this chapter shall be to set down regulations under which development can be carried out that will achieve a better relationship between open space and buildings, greater harmony between the development and the surrounding area, wider variety of residential settings, more economical development, accommodation of affordable housing, superior maintenance of buildings and premises, and a better living environment than is possible to achieve by developing on a lot-by-lot basis. Upon approval of a planned unit development, the features and dimensions shown on the approved plan will constitute the zoning restrictions and regulations as applied to the territory shown on the approved plan. (Ord. 99-06 (part), 1999: prior code § 27-23-1)

**17.66.020 Small scale planned unit developments.**

Small scale planned unit developments shall be allowed in the R-3, R-4 and C-1 zones, provided that a parcel has a minimum of three acres and is owned by one continuous property owner. The standard allowable density shall be eight dwellings per acre, up to a maximum of ten units per acre utilizing affordable housing density bonuses. At least twenty-five percent of the gross area of the planned unit development shall be retained in permanent open space. Parks, playgrounds, sidewalks, nonmotorized pathways and trails may be computed in the twenty-five percent open space requirement. Land proposed to be devoted to vehicular streets or roads, parking, and driveways, shall not be included in the computation of open space, park or playground areas.

The Planning Commission may approve two additional units per acre over and above the standard density otherwise allowed in a planned unit development if the petitioner increases the number of affordable housing units according to the following formula:

% of Area Median Income	Bonus Units to be Used for Affordable Housing
60	2 out of 10 dwelling units
80	3 out of 10 dwelling units

A. Every affordable housing unit shall be sold or conveyed pursuant to a deed restriction (covenant) containing the following requirements:

1. The purchaser must qualify with verified income meeting affordable housing guidelines;
2. Each unit must be owner-occupied for at least the first five years, and no individual shall be entitled to own more than one affordable unit;
3. Appreciation in value over purchase cost of each residential unit shall be capped at four percent per annum;
4. The City shall be designated as a necessary grantor in every conveyance of an affordable housing unit;
5. Leasing shall be permitted no sooner than five years from the date of purchase, with lease rates being no greater than the amount of the monthly first mortgage payment, plus ten percent; and
6. The City shall be designated as a third-party beneficiary entitled to enforce, enjoin, or seek damages for violations of the deed restrictions.

B. The City may require additional deed restrictions to affordable housing units incident to approval of the final plat/plan to the extent dictated by the attributes of the particular development, lender requirements, or state or federal regulations. (Ord. 99-06 (part), 1999)

**17.66.030 Large scale planned unit developments.**

Large scale planned unit developments will be allowed in all R-1, R-2, and RA-1 zoning districts provided that a parcel has a minimum of five acres and is owned by one continuous property owner. The standard allowable density shall be six dwellings per acre, up to a maximum of eight units per acre utilizing the additional open space alternative or the affordable housing density bonus alternative. At least forty percent of the gross area of the planned unit development shall be retained in permanent open space. Parks, playgrounds, sidewalks, nonmotorized pathways and trails may be computed in the forty percent open space requirement. Land proposed to be devoted to vehicular streets or roads, parking, and driveways, shall not be included in the computation of open space, park or playground areas.

A. *Additional Open Space Alternative.* For large scale planned unit developments, the Planning Commission may approve a density bonus over and above the standard density otherwise allowed if the petitioner increases the percentage of open space provided in the development according to the following formula:

<b>% of Area Used as Open Space</b>	<b>Bonus Units to be Used for Open Space</b>
Over 50% open space	1 additional dwelling unit (7 maximum)
Over 60% open space	2 additional dwelling units (8 maximum)

The petitioner shall enter into an agreement with the City ensuring that the area remain in open space for set period of time agreeable to the City, and shall provide any other insurance required by the City to guarantee that the intent of the ordinance codified in this chapter is achieved.

B. *Affordable Housing Bonus Density Alternative.* The Planning Commission may approve additional units per acre over and above the standard density otherwise allowed in a planned unit development if the petitioner increases the number of affordable housing units according to the following formula:

<b>% of Area Median Income</b>	<b>Bonus Units to be Used for Affordable Housing</b>
60	2 out of 8 dwelling units
80	3 out of 8 dwelling units

C. Every affordable housing unit shall be sold or conveyed pursuant to a deed restriction (covenant) containing the following requirements:

1. The purchaser must qualify with verified income meeting affordable housing guidelines;
2. Each unit must be owner-occupied for at least the first five years, and no individual shall be entitled to own more than one affordable unit;
3. Appreciation in value over purchase cost of each residential unit shall be capped at four percent per annum;

4. The City shall be designated as a necessary grantor in every conveyance of an affordable housing unit;
5. Leasing shall be permitted no sooner than five years from the date of purchase, with lease rates being no greater than the amount of the monthly first mortgage payment, plus ten percent; and
6. The City shall be designated as a third-party beneficiary entitled to enforce, enjoin, or seek damages for violations of the deed restrictions.

D. The City may require additional deed restrictions to affordable housing units incident to approval of the final plat/plan to the extent dictated by the attributes of the particular development, lender requirements, or state or federal regulations. (Ord. 99-06 (part), 1999)

#### 17.66.040 Permitted uses.

The following uses shall be permitted in a planned unit development:

- A. Single-household dwellings;
- B. Townhouses;
- C. Modular homes;
- D. Rest homes;
- E. Golf courses;
- F. Swimming pools;
- G. Recreation buildings;
- H. Parks and playground facilities;
- I. Churches;
- J. Schools;
- K. Similar facilities, for use by only the occupants of the development or the public-at-large as the Planning Commission deems appropriate. (Ord. 19-13 § 21 (part), 2019; Ord. 99-06 (part), 1999; Ord. 94-04 (part), 1994; prior code § 27-23-3(C))

### 17.66.050 Standards and requirements.

All parking spaces, parking areas and driveways must be hard-surfaced (paved) and properly drained with no drainage running across public or private walkways. Hard surface shall be paved concrete, asphalt or other pavement systems that perform similarly for the intended use as approved by the public works director. All weather, nonpaved driveways and parking areas may be permitted within planned unit developments containing three or fewer total dwelling units. All nonpaved driveways and parking areas shall be approved by the public works director. (Ord. 07-01, 2007; Ord. 06-02, 2006; Ord. 99-06 (part), 1999; Ord. 94-04 (part), 1994; prior code § 27-23-3(D))

### 17.66.060 Design standards.

Property development standards in excess of the minimums set forth in this section may be imposed by the Planning Commission where it is determined that such increases are necessary to ensure that the integrity and desirability of the planned unit development will be maintained.

#### A. *Minimum Design Standards.*

1. Setbacks shall be maintained along the peripheral property lines of the planned unit development which shall be at least equal to that required by the zone on the property immediately adjacent thereto;
2. In those instances where a proposed planned unit development will front upon one or more existing streets, the setback from the street shall be equal to that required by the most restrictive zoning on the property immediately adjacent along the same street frontage;
3. Minimum right-of-way width shall be forty feet;
4. Minimum street width shall be thirty feet;
5. Minimum sidewalk width shall be five feet; and
6. Dead end streets shall not exceed four hundred feet in length and must have a cul-de-sac with a minimum radius of at least fifty feet and a diameter of eighty feet curb to curb. (Ord. 99-06 (part), 1999)

### 17.66.070 Procedures generally.

Any person wishing to construct a planned unit development shall obtain from the Zoning Administrator information pertaining to the City's plan of land use, streets, public facilities and other requirements affecting the land to be developed. The petitioner shall then prepare plans and obtain approval thereof as hereinafter set forth. (Ord. 99-06 (part), 1999; prior code § 27-23-2)

### 17.66.080 Vicinity plan and environmental analysis.

A. The design team shall prepare a vicinity plan which shows a simple sketch of the major features of the development in relation to existing conditions and planned development within one-fourth mile of the outside boundaries of the development and shall submit the same to the Zoning Administrator, together with an environmental analysis. The plan may be a pencil sketch or may be made directly on an aerial photograph.

B. The environmental analysis statement shall be prepared by an engineer, landscape architect, land planner or other person qualified by training and experience to prepare such a statement as determined by the Planning Commission, indicating and describing the measures that will be taken with respect to the following:

1. Revegetation of cuts and fills and area which will be denuded in constructing the planned unit development;
2. Prevention of fire and control of dust;
3. Prevention of the accumulation of weeds and debris;
4. Management of surface water and elimination of flood hazards; and
5. Reduction in the need for the allocation of public funds for upkeep and maintenance of streets, water and sewer lines, landscaped areas, etc., within the territory to be included in the development. (Ord. 99-06 (part), 1999: prior code § 27-23-3(A))

### 17.66.090 Preliminary plan.

Upon approval of the vicinity plan by the Zoning Administrator, the petitioner shall then prepare a preliminary plan and shall submit five copies of the same to the Zoning Administrator. The plan must be submitted at least two weeks prior to the meeting of the Planning Commission. An administrative fee as established by resolution shall accompany the preliminary plan. The preliminary plan shall be drawn to a scale not smaller than one inch equals one hundred feet, or as recommended by the Zoning Administrator, and shall show the following information:

1. Type of development;
2. Name of development;
3. Name and address of the petitioner; a current deed and an abstract of title or an ownership and encumbrance report showing the record title holder and all liens and encumbrances, affecting title;
4. Name and address of the designer;

5. Position of all buildings and structures to be constructed in the development. Also, the design of dwellings shall be shown, accompanied by estimates of the cost to purchasers or renters;
6. Proposed parks, playgrounds, school sites, and other open spaces. Also, proposed buildings and other facilities for the common use of the occupants or for the public;
7. Facilities and services to be supplied by the petitioner or by the association and the cost thereof to the occupants;
8. North point and scale;
9. Township, range, and section lines;
10. Zone boundary lines and zone designations;
11. Topography shown by contours at an interval no greater than two feet, except that a greater interval may be permitted when specifically authorized by action of the Zoning Administrator or authorized representative;
12. Boundary of the development including a legal description thereof;
13. Total acreage of the development;
14. Adjacent property ownership;
15. Preliminary subdivision plan showing layout of all proposed lots;
16. Proposed circulation pattern including private and public streets, sidewalks and nonmotorized pathways and trails;
17. Typical street or roadway cross-sections;
18. Existing and proposed canals and waterways, public utility lines and easements, etc.;
19. Proposed sewage disposal facilities;
20. Existing and proposed storm drains, bridges and other storm water management measures;
21. The location and type of water sources. Such sources shall be shown either on the preliminary plan or on an accompanying map drawn at a scale not smaller than one-inch equals two thousand feet. Appropriate supporting documents showing that potable water will be available to the project in quantities as required by the water superintendent, State Health Department, and fire marshal and that such water will be made available to each dwelling site through a properly designed distribution system shall be included as part of the preliminary plan;
22. Tentative location and size of water mains;

23. Tentative location of fire hydrants;
24. Location and size of sewers; and
25. Any other information which the Zoning Administrator or Planning Commission considers necessary to enable the Planning Commission to determine whether or not to recommend the plan to the City Council. (Ord. 99-06 (part), 1999: prior code § 27-23-3(B))

#### 17.66.100 Preliminary documents.

The following documents shall be submitted along with the preliminary plan:

- A. Proposed declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the owners, renters or occupants within the planned unit development;
- B. In the event that the development is to be divided into two or more ownerships, the document must provide for adequate control and maintenance of all phases of the development;
- C. An agreement between the petitioners and the City stating among other things:
  1. That in the event of failure or neglect on the part of the owners, successors or assigns to maintain the water and sewerage facilities, common areas, landscaping and other improvements in good condition, the City may perform the necessary work and may enter upon the land and do the work and charge the cost thereof, including reasonable attorneys fees, to the owners or their successors or assigns,
  2. That the owners, successors or assigns will reimburse the City for all costs which the City incurs in performing the necessary work,
  3. That the petitioner will construct and maintain the project in accordance with approved plans and in accordance with city standards,
  4. That the terms of the contract shall be binding upon the heirs, assigns, receivers and successors of the project for the life of the project or buildings, and
  5. Any other conditions that the Planning Commission deems to be reasonably necessary to carry out the intent of this title. (Ord. 99-06 (part), 1999: prior code § 27-23-3(E))

#### 17.66.110 Planning Commission actions.

Upon presentation of the preliminary plan and documents, the Planning Commission shall either approve them as submitted or shall refer them back to the petitioner for one or more of the following reasons:



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- A. The development has been found to be inconsistent with either this title or the General Plan;
  - B. The Planning Commission requires that certain specific changes be made within the plans;
  - C. The plans or documents have not been completed;
  - D. Before approving the preliminary plan, the Planning Commission must make the following findings:
    - 1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development,
    - 2. That the proposed development will create no detriment to adjacent properties nor to the general area in which it is located; and that it will be in substantial harmony with the character of existing developments in the area,
    - 3. That the project will provide more efficient use of the land and more usable open space than a conventional development permitted in the surrounding area,
    - 4. That increased densities allowed within the proposed planned unit development will be compensated by better site design and by the provision of increased amenities and recreational facilities, and
    - 5. That the development will not create increased hazards to the health, safety or general welfare of the residents of the proposed planned unit development or adjacent areas. (Ord. 99-06 (part), 1999: prior code § 27-23-4)

#### 17.66.120 Planning Commission procedures.

- A. The Planning Commission may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this chapter, or may disapprove a planned unit development which is found to be deficient in meeting the intent of these provisions. Any such disapproval may be appealed to the City Council by filing such appeal with the Zoning Administrator within ten days after the decision of the Planning Commission.
- B. Any failure to submit a final development plan within one year of the approval of the preliminary development plan shall terminate all proceedings and render the preliminary development plan null and void. (Ord. 99-06 (part), 1999: prior code § 27-23-5)

### 17.66.140 Public hearing.

The Planning Commission, shall after receiving all of the information and documentation required by this section, hold a public hearing after proper legal notice. (Ord. 06-01 (part), 2006: Ord. 99-06 (part), 1999: prior code § 27-23-7)

### 17.66.150 Final plan and approval.

After the preliminary plan has been approved by the City Council, the petitioner shall submit five prints of a final plan to the Planning Commission through the Zoning Administrator for approval thereof, showing in detail the following information:

- A. All of the information required for submission with preliminary development plans;
- B. Tabulations of all dwelling units to be constructed by types and number of bedrooms per unit;
- C. Detailed site plan with complete dimensions showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations of common open spaces and special use areas, detailed circulation pattern including proposed ownership;
- D. Preliminary building plans, including floor plans and exterior elevations;
- E. Detailed landscaping plans in accordance with Chapters [17.09](#) and [12.24](#), Tree Stewardship, showing the types and sizes of all plant materials and their locations, decorative materials, recreation equipment, special effects, and sprinkler or irrigation systems;
- F. Dimensioned parking layout showing location of individual parking stalls and all areas of ingress or egress;
- G. Detailed engineering plans and final subdivision plat showing site grading, street improvements, drainage and public utility locations. Also, submission of the engineering feasibility studies if required by the Zoning Administrator;
- H. A copy of protective covenants, articles of incorporation, bonds and guarantees, as required by the Zoning Administrator and/or the City Attorney;
- I. A certificate of title showing the ownership of the land;
- J. A certificate of acceptance by the City Council for any dedication of public streets and other public areas, if any, that are made by the owners;
- K. A certificate of accuracy by an engineer or land surveyor registered to practice in the state; and

L. Approval from the Planning Commission. (Ord. 13-09 (part), 2013; Ord. 99-06 (part), 1999: prior code § 27-23-8)

#### 17.66.160 Filing fees.

A filing fee as established by resolution shall accompany the final plan. (Ord. 99-06 (part), 1999: prior code § 27-23-9)

#### 17.66.170 Stage construction permitted.

Large scale planned unit developments may be carried out in progressive stages, provided assurance is given to the City that the requirements and intent of this title will be fully complied with. Each stage shall be considered as a separate application. No final plan for the initial stage shall cover less than two and a half acres when such projects are part of the overall project as shown on the approved preliminary plan. (Ord. 99-06 (part), 1999: prior code § 27-23-10)

#### 17.66.180 Performance guarantee.

A. Adequate guarantees shall be provided for permanent retention of the open space area as follows:

1. The City shall require the petitioner to furnish and record protective covenants, which will guarantee the retention of the open land area. The City shall also require the creation of a corporation granting beneficial rights to the open space to all owners or occupants of land within the development.
2. The petitioner shall be required to develop and maintain all open space, unless part of or all of it is contiguous to and is made a part of an existing park.
3. In the case of private reservation, the open space to be reserved shall be protected against subsequent building development by conveying to the City as part of the condition for project approval, an open space easement over such open areas, restricting the area against future building or use, except as approved on the final development plan.
4. The care and maintenance of such open space reservation shall be ensured by the petitioner by establishing a private association or corporation responsible for such maintenance which shall levy the cost thereof and an assessment of the property owners within the planned unit development. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the City and made a part of the conditions of the final plan approval.

B. The applicant (owner) of any planned unit development which is being developed as a condominium project under the provisions of the Condominium Ownership Act of Utah, or subsequent amendments thereto, shall, prior to the conveyance of any unit, submit to the Zoning Administrator a master deed consisting of a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. Such master deed shall include management policies which shall set forth the quality of maintenance that will be performed, and who is to be responsible for such maintenance within such condominium development. The document shall, as a minimum, contain the following:

1. The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development;
2. The establishment of a management committee with provisions setting forth the number of persons constituting the committee, the method of selection and the powers and duties of such committee;
3. The method of calling a meeting of the members of the corporation or association, with the members thereof that will constitute a quorum authorized to transact business;
4. The method proposed for maintenance, repair and replacement of common areas and facilities, and distribution of costs therefor;
5. The manner of collection from unit owners for their share of common expenses, and the method of assessment;
6. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair, restore or sell property in the event of damage or destruction of all or part of the project; and
7. The method by which the declaration may be amended. The declaration required herein, any amendment and any instrument affecting the property or any unit therein shall be approved by the Planning Commission and recorded with the City Recorder. Neither the declaration nor any amendment thereto shall be valid until approved and recorded. The declaration and amendments thereto shall be maintained as part of the final development plan for the planned unit development.

C. In order to ensure that the planned unit development will be constructed to completion in accordance with approved plans, the petitioner shall post a bond or mortgage or other valuable assurance acceptable to the City Council in the form of a surety bond, letter of credit, cash escrow, first deed of trust, or similar collateral in an amount equal to a percentage, as specified in the Master Fee Schedule, Chapter [3.50](#), of the estimated cost of all required landscaping, road improvements, pedestrian ways, curbs and gutters, hard-surfacing, water and sewer lines and domestic sewage disposal facilities and common facilities as shown on the final plat/plan. City staff shall verify the correct amount of the bond based upon review of the cost of the required improvements. The duration of the bond shall be equivalent to the time deadlines specified in the improvements agreement, which, in any case shall not exceed twenty-four months from the date of approval. Final determination of the

amount of the bond or other assurance shall be made by the City Council. No building permit for any portion of a planned unit development shall be issued until the final plan thereof has been approved by the Planning Commission. Compliance with all material terms of the improvements agreement and the final plat/plan shall be a prerequisite to the developer obtaining a building permit for individual dwellings and/or a certificate of occupancy or zoning compliance. (Ord. 19-29 (part), 2019; Ord. 99-06 (part), 1999; prior code § 27-23-12)

#### 17.66.190 Bond duration.

The duration of the bond or other assurance shall be for two years from the date of approval of the development by the legislative authority. An extension of time may be granted by the legislative authority upon application by the petitioners, provided such application is submitted at least sixty days prior to the expiration of the bond and provided the issuer of the bond is willing to extend the time of the assurance. (Ord. 99-06 (part), 1999; prior code § 27-23-13)

#### 17.66.200 Default.

Developers who: (a) fail to timely complete required improvements; (b) fail to complete construction in a workmanlike manner; (c) allow mechanic's liens to attach to improvements; or (d) otherwise fail to comply with the improvements agreement shall be issued a notice of violation and informed of their default under the improvements agreement and guarantee. Each such developer shall be given a reasonable period of time, not to exceed thirty days, in which to cure any noncompliance with the improvements agreement. A developer contesting a notice of violation may request a hearing before the City Council by submitting a written request no later than ten days from the issuance of the notice of violation. Any action to forfeit the bond or collateral shall be stayed until completion of the hearing.

1. Default of any portion of the improvements agreement will result in the City recording an affidavit of lapse of improvements agreement. Thereafter, the developer shall be enjoined from any conveyance or transfer of platted lots, no further building permits will be issued, and a certificate of zoning compliance will not issue for any structures completed to that date. In addition, the City may, at its option, complete all or a portion of the remaining improvements required by the agreement or solicit bids for the completion of all such improvements. In such case the City shall be entitled to recover from the developer, the surety, and the holder of the collateral sufficient sums to cover all costs of construction, including incidental costs, and reasonable attorney fees.

2. Upon certification of completion by the Public Works Director and Zoning Administrator and acceptance of the improvements, free and clear of all liens and encumbrances, the City shall execute a written acceptance and release the bond or other collateral. Partial releases of collateral are authorized as improvements are

completed and accepted in accordance with the phasing plan approved as part of the final plat/plan. (Ord. 99-06 (part), 1999: prior code § 27-23-14)

#### 17.66.210 Final disposition and release.

The petitioner shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the Zoning Administrator shall make a preliminary inspection of the improvements and shall submit a report to the City Council setting forth the conditions of such facilities. If all liens are paid and other conditions thereof are found satisfactory, the City Council shall release the bond or other assurance. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if any outstanding liens are not paid, the City Council may declare the petitioner in default. (Ord. 99-06 (part), 1999: prior code § 27-23-15)

#### 17.66.220 Failure to comply.

In case of failure or neglect to comply with any and/or all of the conditions and regulations as herein established, and as specifically made applicable to a planned unit development, the Zoning Administrator shall not issue a certificate of zoning compliance therefore. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions of approval thereafter shall also be deemed a violation of this title. (Ord. 99-06 (part), 1999: prior code § 27-23-16)

**The Moab Municipal Code is current through Ordinance 21-05, passed March 23, 2021.**

Disclaimer: The City Recorder's Office has the official version of the Moab Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

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