

**DRAFT 01.08.2020**

**CITY OF MOAB ORDINANCE #2019--030**

**AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL CODE SECTION 17.31 RC RESORT COMMERCIAL ZONE TO ALLOW NEW HOTELS AND MOTELS, SUBJECT TO REVISED DEVELOPMENT STANDARDS.**

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

- a. The City has enacted Title 17.00, Zoning, of the Moab Municipal Code (MMC), which governs land use and development within the City Limits. Text Amendments to the Moab Municipal Code are authorized pursuant to MMC § 17.04.070 and Utah Code Annotated 10-9a-503(1)(b) and (c).
- b. From time to time the City undertakes to revise its zoning ordinances to improve the quality of land development and align the Code with state law and contemporary planning concepts.
- c. The City has experienced rapid growth of Overnight Accommodations as a result of the growth of tourism in the region. Between 2010 and 2018 visitation to Arches National Park and Canyonlands National Park increased 60.1% and 58.9%, respectively, with Arches posting 1,663,557 visits, and Canyonlands posting 739,449 visits in 2018.<sup>1</sup>
- d. Overnight Accommodations have displaced long term rental housing in Moab and are a contributing factor in the affordable housing shortage that exists in Moab.<sup>2</sup>
- e. The City desires that new zoning regulations be developed to result in new overnight accommodations that better reflect the long-term interests of the City.
- f. There is a finite supply of developable land within the City, and market conditions have resulted in Overnight Lodging uses being developed to the detriment of the development of other necessary uses, including retail, commercial, office, and housing uses.<sup>3</sup>
- g. The City has experienced an increase in traffic, congestion, noise, crowding, and related impacts associated with tourism and Overnight Lodging, and those impacts have affected the quality of life for Moab residents. The City recognizes that resident concerns are valid and justify changes to City zoning regulations.
- h. The City finds that there is good cause to make these text amendments. There have been fundamental changes to the City and to the zoning districts that are the subject of this ordinance. Current development impacts and the overall growth of overnight accommodations were not foreseen at the time many zoning classifications were adopted and, therefore, the zoning scheme requires modification to reflect

<sup>1</sup> Source, National Park Service Official Visitation Statistics.

<sup>2</sup> Source, BAE Urban Economics, Moab/Grand County Nexus Study, Phases I and II, 2018.

<sup>3</sup> See Id.

current realities. This ordinance will facilitate a more diverse land use mix and provide important benefits for the development of affordable housing and other retail and commercial land uses.

i. The United States Geological Survey is finalizing a draft report that includes findings from a recent multi-year study of the Moab area watershed. The study found that: a) safe yield of groundwater removal (the amount of water that can be removed without depleting aquifers) is less than previously estimated (11,000 to 13,000 acre/feet per year);

j. This ordinance is consistent with the City's General Plan, which expresses a desire to preserve the quality of life in Moab, the availability of affordable housing, and a diverse, resilient local economy.

k. This ordinance is the product of a substantial public process and public outreach, including public hearings and forums facilitated by Landmark Design in conjunction with Grand County, and public hearing held before the City of Moab Planning Commission on June 27, 2019 at which members of the public expressed a desire that the City curtail Overnight Lodging growth.

l. On July 23, 2019, the City Council adopted Ordinance 2019-018, removing Overnight Accommodations as a permitted use in the C-1, C-2, C-3, C-4, RC and SAR Zones and recognized Established Overnight Accommodations as legal uses.

m. Development Standards are being proposed to better regulate new Overnight Accommodations in the RC Zone.

THEREFORE, LET IT BE ORDAINED THAT THE FOLLOWING AMENDMENTS BE ADOPTED:

**SECTION 1: Amend Section 17.06.020 Definitions to add definitions for**

"Civic Space" refers to the places in which a community performs or engages in some part of its political or social life. More broadly, civic space can include spaces used for community activities, including open-air environments where public activities such as assemblies or speeches occur.

"Usable Open Space" means any space on a lot not enclosed within a building which is designed for specific recreational purposes, including active and passive recreational activities. Usable open space includes common yards (except the required front yard setback), courtyards; and common balconies, decks, porches. Usable open space does not include driveways, aisles, or parking spaces

**SECTION 23: Allow New Hotels and Motels in the RC Resort Commercial Zone subject to new Development Standards by amending the following Code Sections:**

**SSECTION 2.1 Amend Permitted Uses to include Hotels and Motels, as follows:**

**17.31.020 Permitted uses and regulations.**

A. *Permitted Uses.* The following uses shall be permitted-by-right. If a use is not listed it is prohibited.

1. Accessory buildings and uses;
2. Bars;
3. Caretaker or guard residence, accessory;
4. Custom personal services;
5. Eating establishments;
6. Established Overnight Accommodations. Established Overnight Accommodations, as defined in this Code and as indicated on the Established Overnight Accommodations Map, shall be considered legal, conforming uses.
  - a. Established Overnight Accommodations will be allowed to make improvements to the property, so long as no new Overnight Accommodation units are proposed.
7. Gasoline service station, subject to the supplementary regulations of Section [17.31.050\(B\)](#);
8. General retail (indoors);
9. Hotels and motels may be approved subject to the Development Standards outlined in [17.31.060](#).
- ~~109~~. Multi-household dwellings;
- ~~110~~. Municipal facilities and services;
- ~~124~~. Office, business or professional;
- ~~132~~. One-household dwelling and accessory uses;
- ~~143~~. Outdoor recreational uses, commercial;
- ~~154~~. Outfitters and guide services and facilities;

165. No New Recreational vehicle/travel trailer parks are allowed. Established recreational vehicle/travel trailer parks as identified on the Existing Overnight Accommodations Map are considered legal conforming uses and shall be subject to the supplementary regulations of Section 17.31.050(C)

176. Single-household dwelling.

187. Two-household dwelling and accessory units.

**SECTION 2.2: Add Development Standards to the RC Zone by adding Section 17.31.060:**

17.31.060 Development Standards for Overnight Accommodations.

Notwithstanding other provisions of this title to the contrary, the following supplementary regulations shall apply to new overnight accommodations in the RC, Resort Commercial District:

17.31.060 Development Standards for Overnight Accommodations

Notwithstanding other provisions of this title to the contrary, the following supplementary regulations shall apply to new Overnight Accommodations in the RC, Resort Commercial District:

A. Energy:

1. OA Developments shall produce eighty percent (80%) of their energy needs on-site through solar, geoexchange, or other renewable energy sources.
2. OA Developments shall purchase their remaining energy needs through renewable energy credits such as subscriber solar.
3. OA Development may meet this energy requirements by submitting a certification through the Green Building Challenge (Leed Gold or above), Living Building Challenge, Net Zero Building Certification, or other established industry standard.
4. OAO Developments shall submit an annual report demonstrating compliance with the above standards by notarized affidavit to the County on or before January 31 each year. Failure to comply with this requirement could result in the loss of a business license.

**Commented [NS1]:** This section has been modified to be consistent with the County Standards

5. Electric vehicle charging stations at the rate of rate of 2 stations per the first 25 units, with one being ADA accessible, and 1 station per additional 25 units.

**Commented [NS2]:** The County has this standard in their Transportation Section

B. Water

1. OA developments shall install the maximum feasible rainwater catchment system and use the water for beneficial on-site uses, such as reducing the use of culinary water for landscaping irrigation.
2. OAO Developments shall utilize drought-resistant, water-wise, and xeriscape landscaping design principles. Turf grass may not exceed 10% of the landscaped area or 3,000 square feet, whichever is less.

3. To the maximum extent possible, OA Developments shall utilize bio-retention and bio infiltration systems to manage storm water runoff, as soil conditions allow.

**Commented [NS3]:** Do we want to add a requirement for graywater systems for all shared or group shower or laundry facilities and use the graywater for beneficial on site uses? The County Standards include the following standard: "OAO Developments shall include greywater reuse systems for all shared or group shower or laundry facilities and use the greywater for beneficial on-site uses such as reducing the use of culinary water for landscaping irrigation"

C. Transportation

1. OA Developments shall incorporate into their subdivision plat or site plan all of the following transportation infrastructure:

- Space to accommodate a transit or shuttle stop
- Enclosed, lockable bike storage at a rate of 1 space per 2 lodging units
- Active transportation and non-motorized trail easements dedicated to the public when identified in the Grand County Non-motorized Trails Master Plan
- Oversized Parking as deemed necessary by the developer

2. All projects over 40,000 sq ft will be required to Transportation Management Plan that will reduce projected vehicle trips below the ITE Trip Generation Manual by 20%.

**Commented [NS4]:** Should we leave this in?

D. Mixed Use, Civic Space, and Open Space Amenities

1. All new overnight accommodations projects are required to provide an area of not less than 5% of the building square footage for Civic Space, and/or Usable Open Space.
2. All new overnight accommodations will be required to provide at least 5% of the building square footage for retail or community commercial uses.
3. Additional commercial uses, either within the hotel, or in a separate building, are encouraged. Additional square footage and building height are offered as an incentive as described in appropriate sections below. Additional commercial uses shall serve the public or the visitors in the north end of the City, and can include space for outdoor markets, community gardens, freestanding retail (such as a market), desired community uses such as day care, small retail spaces for lease to entrepreneurs, Pharmacies and Drug Stores, laundry facilities open to the public, restaurants open to the public, and similar uses.

**Commented [NS5]:** The County has chosen to eliminate these standards, other than to reference the Assured Workforce Housing requirement.

E. Open Space

New overnight accommodations developments shall incorporate into their subdivision plat or site plan the following usable, functional open space together with a public access easement at the following levels based on the size of all parcels included in the Development:

- a. 0-1 acre: 5%; All contiguous.
- b. 1-2 acre: 10%; At least half contiguous.
- c. 2-5acre: 15%; Minimum 7,500 sq. ft. of contiguous.
- d. 5+ acre: 25%; Minimum 7,500 sq. ft. of contiguous.

F. Building Height

1. The maximum building height for Overnight accommodations shall be 2 stories and a maximum of 30 feet, except as provided below.

**Commented [NS6]:** The County's standard is a maximum height of the underlying zoning, unless a viewshed only if the vieshet analysis is determined to show no detrimental impacts on the visibility of surrounding landscape features.

2. An additional story (3 stories and a maximum of 40 feet) of overnight accommodation uses may be allowed if the developer is willing to provide the following:
  - a. Additional affordable/employee/workforce housing above and beyond the amount required for Assured Workforce Housing. Each additional unit would result in an increase in square footage of 10,000 sq ft. The maximum of 20,00 sq ft would be allowed with 2 additional workforce housing units. This would not replace the Assured Workforce Housing requirement but would be in addition to that. The additional units could be placed anywhere on the site; or
  - b. Dedication of land to the City or other qualified entity for the purposes of building affordable/employee/workforce housing; or
  - c. Submit a master plan for the site that includes the overnight accommodation use as well as at least 20,000 square feet of commercial uses that provide goods or services for the community and open to the public. Examples include Day Care Centers, Drug Stores and Pharmacies, Grocery Stores, Open Markets and similar uses. This would be above and beyond the requirement for Civic or Open Space. The commercial uses will not be counted toward the maximum square footage allowable for the Overnight Accommodation uses and may be in a separate structure.

G. Maximum Building and Project Size

1. The maximum gross square footage of any building housing overnight accommodations shall be 20,000.
2. The maximum gross square footage of an overnight accommodation project shall be 40,000, except as
3. If the developer chooses to develop commercial uses (over 5% of gross floor area) within a building or project, that project size could be increased by the gross square footage of the commercial use, not to exceed a maximum of 20,000 square feet.
4. The minimum parcel size for a new hotel or motel shall be 2 acres. If there is an existing lot of record as of the date of adoption of this ordinance that is under this minimum, it will be allowed to proceed.

**Commented [NS7]:** The County ordinance includes a maximum building size of 15,000 sf and 35 bedrooms

**Commented [NS8]:** The County ordinance has a maximum project size of 50,000 sq ft and 60 bedrooms

**Commented [NS9]:** Not included in County Code

**Commented [NS10]:** Not included in County Code

H. Site Configuration

1. All development must fit the property – no mass grading or grading of a flat building envelope (building must step with terrain);
2. All development shall stay out of wetlands;
3. Protect major existing trees and vegetation wherever possible (existing trees). If mature trees must be removed for construction, they shall be replaced as a ratio of 3 trees to 1 removed. This is in addition to the required trees as required by the MMC Landscape requirements and standards.

**Commented [NS11]:** This is not included in the County Standards

**Commented [NS12]:** This is not included in the County Standards

4. Primary uses must face the fronting street with a defined entrance fronting the roadway. Where parcel or site configurations create challenges for meeting this standard, the applicant shall present alternative use and design features that create an appealing and active interface with the fronting roadway.
5. Ensure building scale, orientation, and design relates to the surrounding uses and streets;
6. Creates a cohesive visual identity and an attractive street scene;
7. Ensure site design for efficient pedestrian, bicycle, transit, and vehicular circulation patterns;
8. Create a high-quality pedestrian environment;
9. Promote design environments built to human scale;
10. Ensure delivery, trash, and loading facilities are screened and located so as not to impede regular vehicular and pedestrian circulation and access routes; and
11. Ensure safe and efficient access between buildings and parking areas.

**Commented [NS13]:** These are not included in the County Standards

*I. Building Design Will have examples*

1. All hotel structures of 10,000 square feet or greater in gross floor area shall be composed of at least three visual building masses of differing heights and planes;
2. No façade or building wall shall exceed 60 linear feet. More than 5 ft shift in vertical and horizontal façade is required for each 30 linear feet;
3. Building design shall vary between vertical facade divisions and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material;
4. All properties along Hwy 191 will include a single-story element along the roadway. The second story must be set back at least 15 feet from the first story plane;
5. For uses located on the ground floor facing the primary fronting street, at least 30% of Ground Story Transparency is required measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance;
6. No rectangular area greater than 30% of a story's facade, as measured from floor to floor may be windowless, and no horizontal segment of a story's facade shall be greater than 15 feet in width can be windowless. An exception may be considered if the wall area is to be used as a mural (not a sign);
7. All facades of the proposed building must comply with the building design standards;
8. Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully screened from view when unavoidable. Parking shall be located to the side or rear of buildings;
9. Plastic or vinyl awnings are not permitted. Awning types and colors for each building face shall be coordinated
10. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood or other durable material.

**Commented [NS14]:** This is not included in the County Standards

**Commented [NS15]:** These are not included in the County Standards

J. Materials and Colors

1. Permitted primary building materials will include high quality, durable, natural materials such as stone, adobe-type materials, wood lap siding, fiber cement board lapped, shingled, or panel; metal siding; glass, architectural metal panels and cladding and high quality durable stucco.
2. Other high-quality synthetic materials may be approved as details or accents for a unified theme or design concept. Other durable materials will be considered as technologic improvements are made.
3. Aside from solar panels or other infrastructure related to energy efficiency and water use/reuse, OA Developments shall utilize non-reflective materials.
4. OA Developments shall utilize earthtone colors that are complementary to the surrounding landscape and visual backdrops. Exceptions can be made for public art (not signs).

**Commented [NS16]:** This phrase is not included in the County Standards

**Commented [NS17]:** This standard is not included in the County Standards.

SECTION 4: Severability Clause: This ordinance shall be construed so as to be harmonious with Utah law. If any term, requirement, or provision of this ordinance shall be found to be invalid under applicable law it shall be stricken and the remainder of the ordinance shall be enforced without the offending term, requirement, or provision.

PASSED AND APPROVED by a majority of the City of Moab City Council. This ordinance shall take effect immediately upon passage.

SIGNED:

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Emily S. Niehaus, Mayor

\_\_\_\_\_  
Date

ATTEST:

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Sommar Johnson, City Recorder