

Moab City Council Agenda Item

Meeting Date: January 26, 2021

Title: Ordinance 2021-02: AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PROHIBITING, FOR A PERIOD OF 180 DAYS, THE DEVELOPMENT AND EXPANSION OF VEHICLE SALES, RENTALS OR LEASING, COMMERCIAL OUTDOOR RECREATIONAL USES, COMMERCIAL AND RECREATIONAL TOUR COMPANIES, OUTFITTERS AND GUIDE SERVICES AS THEY PERTAIN TO ALL TERRAIN VEHICLES, AS DEFINED BY UTAH CODE §§ 41-6a-102 AND 41-22-2

Disposition: Discussion and possible approval

Staff Presenter: Nora Shepard, Planning Director

Attachment(s):

Attachment 1: Proposed Ordinance 2021-02

Recommended Motion:

I move to adopt Ordinance 2021-02 enacting a temporary land use regulation prohibiting, for a period of 180 days, the development and expansion of new vehicle sales, rentals or leasing, commercial outdoor recreational uses, commercial and recreational tour companies, outfitters, and guide services as they pertain to All Terrain Vehicles (ATVs) as defined by Utah State Code §§ 41-6a-102 and 41-22-2.

Background/Summary:

Based on the City Council Discussion on ATVs held on January 12, 2021, a Temporary Zoning Regulation has been prepared for your consideration and possible approval. This action is permitted pursuant to Utah Code Annotated ("U.C.A.") §10-9a-504, a municipal legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:

- (i) the legislative body makes a finding of compelling, countervailing public interest; or
- (ii) the area is unregulated.

(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) The municipal legislative body shall establish a period of limited effect for the ordinance not to exceed six months;

The intent of the ordinance is to allow the City 180 days to develop new regulations to better address ATVs in Moab. This is part of a larger effort that includes addressing impacts created by increased ATV use.

Ordinance Language:

The proposed Ordinance consists of supporting statements (the Whereas statements) that explain why such an action is necessary at this time. Many of the items were taken from the Joint Resolution approved by the City Council and the County Commission. They have been modified to apply to the City only. References to Grand County have been deleted. These statements support the need for this action.

The specific direction to enact the ordinance is similar to the language the City Council adopted as a part of the Temporary Zoning Regulation on Overnight Accommodations, modified to address ATVs.