Moab City Council Agenda Item
Meeting Date: February 9, 2021

Title: Direction to staff regarding MCC changes to define “formal initiation of land use code changes”, and to move noise code from Chapter 17 – Zoning, to Chapter 8 – Health and Safety

Disposition: Discussion and possible action

Staff Presenter: Joel Linares

Attachment(s): none

Recommended direction: Provide direction to planning and legal staff to proceed with the process of developing the language of the proposed Moab City Code (MCC) changes and submit to Planning Commission and Council for approval.

Background/Summary:

Formal Initiation of Land Use Code Changes:

Utah Code § 10-9a-509 permits the City to deny approval of a land use application submitted within an 180-day period after initiation of formal proceedings to amend applicable land use regulations. Specifically:

§ 10-9a-509

(I) ...(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless: ...

(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality’s land use regulations in a manner that would prohibit approval of the application as submitted.

Moab City has not defined the manner of formal initiation of land use regulation by ordinance. Doing so may protect the city from land use application approvals being processed under old rules while new ones are being developed, without the necessity of using a Temporary Land Use Regulation (TLUR). Draft amendment (with comments/alternate text in italics) to the MCC could read:

17.04.010 Initiation of zoning change. ...
17.04.011 Formal initiation of proceedings to amend zoning text (or, “… to amend land use regulations”, which would be more consistent with state code, but less with the language in section 17.04).

A zoning text amendment shall be considered to be initiated at the earliest of:

a) Publication (or other specific public notification benchmark(s)) of a Planning Commission agenda in which the amendment topic is the subject of a discrete agenda item, and/or public hearing, or

b) Effective date of a resolution stating the formal initiation and scope of text amendments.

Noise Code Location

The City's noise code is currently located in Chapter 17 – Zoning. Most local governments place their noise code in a category like health and safety. Most of the MCC “specific noise prohibitions” are not regulated by zoning. Administration of the noise code is granted to the Chief of Police, Zoning Administrator and the Public Works Director. In the near future staff and Council may desire to substantively amend the noise code. Changes to LUC aspects of local government codes must be reviewed by the Planning Commission, including a public hearing with proper notice, which takes time. Moving the city noise code as currently written to Chapter 8 – Health and Safety will be more consistent with other communities and the intent and content of the noise code, and Council and staff will be better positioned to efficiently process substantive amendments in a timely manner.