Title: AN ORDINANCE DEFINING THE POINT IN TIME AT WHICH THE CITY OF MOAB FORMALLY INITIATES PROCEEDINGS TO AMEND ITS LAND USE REGULATIONS

Staff Presenter: Nora Shepard, Planning Director
Applicant: City Initiative

Attachment(s):
Exhibit A: Ordinance 2021-05 AN ORDINANCE AMENDING DEFINING THE POINT IN TIME AT WHICH THE CITY OF MOAB FORMALLY INITIATES PROCEEDINGS TO AMEND ITS LAND USE REGULATIONS

Options:
1. Forward a Positive Recommendation to the City Council on Ordinance 2021-05, with or without modifications; or
2. Continue or table action to a later meeting with specific direction to City Staff and Applicant as to additional information needed to make a decision; or
3. Recommend Denial to the City Council, giving specific findings for decision.

Motion for Approval:
I move that the Planning Commission forward a positive recommendation to the City Council on Ordinance 2021-05 AN ORDINANCE DEFINING THE POINT IN TIME AT WHICH THE CITY OF MOAB FORMALLY INITIATES PROCEEDINGS TO AMEND ITS LAND USE REGULATIONS

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

§ 10-9a-509
(1)....(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).

This Code Amendment:

1. Adds a definition to Section 17.06.020 for “Formally Initiation” as set forth by Utah Code 10-91-509.

2. Adds Moab Municipal Code Section 17.12.190 to include the following language: Formally Initiation as set forth by Utah Code 10-91-509 means the earliest of:

   - Publication of a City Planning Commission or City Council agenda in which the amendment to the land use regulations is the subject of an agenda item, and/or public hearing, or
   - The effective date of a resolution by the City Council stating that the City has formally initiated an amendment to the land use regulations and the proposed language of the amendment(s).