

Moab Planning Commission Agenda Item

Workshop: Priority Code Amendments

Meeting Date: February 23, 2023

Title: Workshop on possible Moab City Draft Ordinance, An Ordinance Amending the Moab Municipal Code with Priority Code Amendments from various sections to resolve deficiencies, discrepancies, or vagueness of existing code sections.

Disposition: Briefing and Workshop

Staff Presenter: Cory P. Shurtleff, Planning Director
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Background:

In the time since the last general Municipal Code review and update, a number of areas that are deficient, vague, or create discrepancy, have been identified as particularly problematic when trying to consistently regulate and enforce zoning provisions of the land use code. Staff has contributed to a matrix of these identified areas over the past three years through self-audit. During the 2023/2024 Strategic Planning Sessions, the Moab City Council and Administration directed Planning Staff to pursue key code amendments that would resolve existing issues more immediately, while continuing to identify more complex, or newly generated code amendments that will be included on the comprehensive Municipal Code rewrite. The directive of this City initiated text amendment is to isolate specific and currently problematic code sections rather than address new concepts or refine existing concepts that are not expressly problematic. As a City initiated text amendment, Staff has developed a general list of code provisions for consideration by Planning Commission, however new items may be added by Planning Commission if similar findings for relevance are provided. Following the workshop session with Planning Commission, planning staff will develop a draft ordinance to be proposed to Planning Commission with a Public Hearing, prior to submitting to City Council for review and possible approval.

Summary of Discussion Items:

- Definition and Standards for Building Height
- Dwelling Unit Definition; Detached Living Space Definition
- Dwelling Unit Floor Area Minimum
- Standards for Non-Conversion Noticing + Deed Restriction
- Hard Surface Parking for Intensive Residential-Uses
- Driveway Separation Standard
- Traffic, Parking, and Circulation Analysis for number of driveways required
- Consolidation of existing Open Space Requirements
- Buffering Standards
- Fee-in-Lieu Parking Formula 30% to 70%+
- Permitted Use Zones for Drive Throughs
- Outdoor Rec clarification, Outfitter/Tourism Oriented Business Definition and Permitted Use Zones
- Industrial Zone Permitted Use Clarifications
- Planning Application Lapsing Period
- Fence Height Maximum

- Location of Accessory Structures on Residential Lots/ Storage Containers + Shipping Containers
- Projections & Encroachments into Setbacks
- C-4 Form Based Code Amendment
- Form Based Code Amendments for Permitted Uses
- Boarding House, Guest Apartment, Group Home refined use definitions
- Refine Service Establishment Permitted Use
- C4/C5 Multi-Household Permitted Use
- Short Term Rental Definition Expansion
- Level I and Level II Site Plan Review Thresholds and Minor/Major Change Thresholds
- Accessory Uses Definition
- Parking for “Bunkhouse” occupancy of Permitted Use

Process:

Chapter 17.04 of the Moab Municipal Code sets forth review procedures and approval criteria to consider when reviewing a Text Amendment.

17.04.020

Zoning text amendments.

A. Purpose. The zoning text amendment process allows for amendment to the use requirements within zoning districts to allow particular uses which are not otherwise permitted within a specified zone, provided that proposed uses are substantially similar to, and compatible with, the objectives and characteristics of the zone.

B. Uses Not Specified. Uses not specified as authorized within any particular zoning district are prohibited, unless authorized pursuant to the other provisions of this Land Use Code.

C. Similar Use Determination Repealed. Text amendments pursuant to this chapter encompass and shall supersede similar use determinations as previously allowed by various sections of this Land Use Code, all of which are hereby repealed. (Ord. 08-03 (part), 2008)

17.04.070

Text amendment approval criteria.

It is the burden of the applicant to provide “good cause” to support a proposed text amendment. For the purpose of establishing and maintaining sound, stable and desirable development within the City of Moab, amendments to the Land Use Code are committed to the sound discretion of the City Council based upon the following nonexclusive list of criteria:

A. Is the proposed use substantially similar to other authorized uses permitted within the subject zoning district?

B. Is the proposed use a relatively new use type or development concept that was not anticipated at the time of the adoption of the City’s General Plan?

C. Is the amendment consistent with the policies and goals of the General Plan?

D. Will the amendment create significant adverse impacts upon neighboring properties within or adjacent to the zoning districts which would be affected by the change?

E. Is it in the public interest to approve the proposed amendment?

F. Is the amendment likely to lead to a positive redevelopment of a specific area or zone?

G. Will the amendment provide a variety of options for residents in terms of economic development, affordable housing, or other benefits?

H. Is the amendment appropriate considering the existing conditions in the zoning district, the established relationships between zoning districts, existing land uses and densities, and the scale of both existing and proposed development? (Ord. 08-03 (part), 2008)

17.04.080

Public hearing required.

A. Upon receipt of a complete application under this chapter city staff shall promptly schedule a public hearing before the Planning Commission.

B. Within thirty days following the closing of the public hearing, the Planning Commission shall either recommend approval, approval with modifications, or disapproval of the application to the City Council. The recommendation of the Planning Commission shall be transmitted to the City Council and to the applicant within ten days of the recommendation.

C. City staff may provide a staff report, which shall be provided to the applicant no later than three days prior to the public hearing or public meeting before City Council. (Ord. 08-03 (part), 2008)

17.04.090

Notification requirements for Planning Commission public hearing.

A. The City shall provide notice with respect to the Planning Commission public hearing describing the real property subject to the application order under this chapter; the present and proposed zoning; and the time, date, and location of the hearing as follows:

1. By publication in a newspaper of general circulation within the City at least fifteen days prior to the hearing;

2. By mailing to the applicant, affected entities, and real property owners abutting or located within three hundred feet of the subject property at least ten days prior to the hearing; and

3. By posting on the City's official website and in at least one public place within the City, which notice shall also include a map showing the land area proposed for rezoning.

B. Property Posting. In addition to the notifications by the City, the applicant shall post signs, in a form acceptable to the City, noticing the public hearing in at least one location

every five hundred feet along the perimeter of the land area proposed for map amendment at least three days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date, and place of the public hearing; and contact information for the Zoning Administrator.

C. Exception for General Amendments. When a zoning map amendment or text amendment is incidental to, or part of a general revision of the official zoning map or the text of this Land Use Code, whether such revision is made by repeal of the existing zoning and/or land use regulations and enactment of a new zoning and/or land use regulations, or otherwise, posting notice on the land area subject to the amendment or mailing to affected property owners or adjoining property owners is not required. (Ord. 08-03 (part), 2008)

17.04.100

Action by City Council.

A. The City Council may authorize any zoning map amendment or text amendment by ordinance adopted at a public meeting, which shall be held promptly following receipt of the Planning Commission recommendation.

B. Notice of the public meeting shall be given to the applicant and by posting in at least one place within the City and by posting on the City's official website at least twenty-four hours prior to the meeting.

C. In its discretion, the Council may elect to receive testimony or evidence from the applicant, city staff, and the public prior to taking final action on the ordinance.

D. The approval of a zoning map amendment or text amendment is a legislative decision, which is committed to the discretion and judgment of the City Council. (Ord. 08-03 (part), 2008)

17.04.110

Appeals.

A. Any person adversely affected by the final decision of the City Council pursuant to this chapter may appeal that decision to the Grand County district court.

B. An appeal or any other judicial action arising from, or seeking review of, a decision by the City Council under this chapter must be filed no later than thirty days from the date of the final decision or action that is the subject of the action or legal claim. Any action commenced beyond that time is barred and shall be subject to summary dismissal.

C. Review of any zoning map amendment or text amendment application shall be based upon the record of proceedings before the City Council. Upon the commencement of a judicial appeal challenging any decision under this chapter, the City shall transmit to the district court true and correct copies of all submittals, testimony, orders, and file documents comprising the record pertaining to the application, including any transcript or tape recordings of proceedings. (Ord. 08-03 (part), 2008)

17.04.120

Processing matrix.

This matrix shall be amended to delete review procedures for “similar use” review and to include the following:

Application	Advisory Body	Land Use Auth.	Appeal Body	Pub. Hearing
Map amend.	Planning Comm.	City Council	Dist. Ct.	Yes, P.C.
Text amend.	Planning Comm.	City Council	Dist. Ct.	Yes, P.C.