

Moab Planning Commission Agenda Item
Moab Outdoor Lighting Ordinance (MOLO) Update: Public Hearing
Meeting Date: November 9, 2023

Title: Public Hearing and possible action on Moab Outdoor Lighting Ordinance (MOLO) Update, An ordinance amending the text of the Moab Municipal Code (MMC), to include additional regulations required through the International Dark Sky Association Certification and resolve outstanding discrepancies within the existing regulations.

Disposition: Public Hearing and possible action

Staff Presenter: Alexi Lamm, Sustainability Director, and Cory P. Shurtleff, Planning Director

Attachment(s):

Exhibit 1: Draft Ordinance 2023-14 MOLO Update 110923

Exhibit 2: Draft MOLO 2023-14 REDLINE 110923

Exhibit 3: Draft MOLO 2023-14 CLEAN 110923

Exhibit 4: Approved Outdoor Lighting Ordinance 2019-03

Exhibit 5: Draft Ordinance 2023-14 Outdoor Lighting Code Amendments REDLINE 092922

Exhibit 6: Draft Ordinance 2023-14 MOLO Update consolidated amendments 110923

Exhibit 7: Draft Ordinance 2023-14 MOLO PH Notice on 103023 for 110923

Applicant: City Initiated Amendment

Background:

The Moab City Council adopted Ordinance No. 2019-03, Outdoor Lighting Provisions, August 13, 2019. Following the Ordinance approval, the City has continued to pursue International Dark Sky (IDA) certification. Updates to the IDA certification checklist require that the City amend the Moab Municipal Code to accommodate updated regulations. In addition to these regulations, the City is also proposing to resolve and clarify regulatory issues observed through the execution of approval standards.

Process: Zoning Map Amendments and Text Amendments

Section 17.04.010 of the Moab Municipal Code (MMC) regulates the Zoning Text Amendments. Subsections 17.04.040, 17.04.070, 17.04.080, 17.04.090, and 17.04.100, additionally regulated submittal, review, and approval procedures for text amendments to the Land Use Code.

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)

17.04.040

Application for zoning map amendment or text amendment.

A. Any person having a proprietary interest in any real property within the corporate limits of the City may request a map amendment or text amendment by filing three copies of the application for such change or amendment with the Zoning Administrator. The application shall, at a minimum, include the following information:

- 1. The name, address, and telephone number of the applicant;*
- 2. A description of the requested change or amendment and a description of the property to be affected by such request by a metes and bounds legal description;*
- 3. A title certificate or report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements, judgments, and encumbrances of record that affect the title to the subject property;*
- 4. A statement from the county treasurer showing payment in full of all real property taxes due on such parcel;*
- 5. A boundary survey of the land area to be rezoned, which shall include a depiction of existing zoning district boundaries, real property boundaries, existing structures, and public roads existing within three hundred feet in all directions of the subject property boundary;*
- 6. A list of surrounding property owners and their legal mailing addresses for all properties within three hundred feet of the exterior boundary of the parcel proposed for a zoning map amendment;*
- 7. A statement by the applicant explaining the rationale for the zoning request relative to the standards imposed by this chapter;*
- 8. A filing fee in accordance with the fee schedule adopted by resolution of the City Council; and*

9. *A narrative or concept plan describing why this property is suited for the intended purposes and stating what development and/or construction is planned by the applicant.*

B. Pre-Application Conference. Prior to the filing of an application for a map amendment or zoning text amendment, the applicant shall meet with the planning department to discuss the proposed application. At the pre-application meeting the application contents, review procedures, use and area standards, and the general character of the development may be discussed. At the pre-application conference, the applicant may be represented by a land planner, engineer or surveyor. Applicants are encouraged to submit a conceptual site plan at the pre-application stage.

C. Modifications of Submittals. City staff shall be authorized to waive or modify application submittal requirements as reasonable necessary to address the attributes of a specific application. (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.