

## CITY OF MOAB ORDINANCE NO. 2019-06

AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PROHIBITING, FOR A PERIOD OF 180 DAYS, THE DEVELOPMENT OF NEW NIGHTLY RENTAL USES, INCLUDING HOTELS/MOTELS, BED AND BREAKFASTS, AND OTHER OVERNIGHT ACCOMMODATIONS PENDING COMPLETION OF REVISIONS TO CITY ORDINANCES IN ZONING DISTRICTS WHERE NIGHTLY RENTALS ARE ALLOWED

The following findings describe the reasons for this ordinance and explain its purpose:

- a. The City possesses the authority, pursuant U.C.A. § 10-9a-504, to enact temporary land use regulations governing the construction or alteration of any building and having a duration of not to exceed six (6) months if it finds that there is a compelling countervailing public interest that justifies the regulation.
- b. The City's General Plan includes the goal of "[p]romot[ing] a vibrant local economy that supports the unique quality of life and character of Moab" along with the following policies and action steps:
  - Policy: Facilitate the growth of local businesses and industries in a context appropriate to Moab.
    - Action steps: Develop and enforce land use and design standards for commercial development; [and] Encourage business development that complements the existing economy and business offerings.
  - Policy: Continue to promote Downtown Moab as a primary commercial core of the community for residents and visitors.
    - Action steps: Develop a Downtown Plan to define a central business district and expand and enhance pedestrian, cultural, service (eating, etc.) and shopping opportunities, manage vehicular through traffic in balance with other downtown values, improve wayfinding, and parking plan; [and] Modify zoning code to promote a quantity and distribution of downtown street-level retail that supports the pedestrian experience, and a balance between lodging, restaurants, retail, and other business types.
  - Policy: Identify and explore new economic development opportunities with the goals of increasing community economic stability, increasing the proportion of jobs which pay a living wage.
    - Action step: Explore opportunities to diversify Moab's economy.
- c. The City of Moab has experienced a surge in new nightly-rental-related development. New hotel and overnight accommodation developments are planned within the City in the near future.
- d. Nightly rental uses in various forms are now permitted in the following zoning districts within the City: C1, C2, C3, C4, RC, and SAR.

- e. The City is engaged in future land use planning to: i) evaluate the right mix of land uses in various zoning districts; ii) the zoning districts in which nightly rental uses are appropriate; and iii) additional requirements, if any, for nightly rentals in zoning districts where they are allowed. The creation of a Downtown Area Plan and related ordinances are in process, and there is an urgent need to update the City's existing land use and development code in advance of future growth.
- f. In conjunction with Grand County, in 2018 the City engaged BAE Urban Economics to perform a Nexus Study to evaluate the impacts of nightly rentals. The Nexus Study concluded that the development of new nightly rentals crowds out the development of other business uses in the City, while simultaneously driving up demand for affordable workforce housing. The City finds that a limited supply of land is available for development, making future land use planning of critical importance.
- g. The City finds that increasing nightly rental development in the downtown area of the City in particular is forcing out other important land uses to the detriment of balanced community development. Existing land use requirements and market forces have not facilitated the development of a balanced mix of business types, residential inventory, and accommodations for visitors in the downtown core.
- h. On February 5, 2019 Grand County enacted a similar temporary land use regulation with respect to new lodging development in Grand County, based largely on the same concerns as to the outsize impacts of lodging development on community character. The City finds that there is a strong public interest in a coordinated City/County approach to the issue.
- i. There is a compelling countervailing public interest to assure that lodging uses are developed in a manner that compliments the other needs of the City and its residents. This ordinance is necessary to assure that the City can promptly develop ordinances and policies to achieve those ends.

Now therefore, the foregoing findings are adopted and the City of Moab enacts the following:

1. **Definitions.** The term "nightly rental" means hotels, motels, bed and breakfasts, residential short-term rental dwellings, or other overnight accommodations available to paying guests who rent rooms, dwellings, or units on a nightly or weekly basis, or for a term of less than 30 days.
2. **Temporary Regulation and Duration.** The City hereby enacts a temporary land use regulation prohibiting the development or construction of new nightly rentals within the City limits. This ordinance shall continue until repealed, but in no instance shall the term exceed one hundred eighty (180) calendar days from the effective date, as stated below. No nightly rental land-use applications shall be accepted by the City for the duration of this ordinance. Existing nightly rentals are excluded from this ordinance.



3. **Exemptions.** The following nightly rental developments are exempt from this ordinance: a) projects that have submitted a complete land use application to the City and paid all applicable fees as of the effective date of this ordinance; b) projects that have obtained a building permit as of the effective date of this ordinance; or c) nightly rental uses of existing dwellings located in the C1 or C2 zoning districts where the use requires only the issuance of a business license to the owner and no building permits are required under applicable law.

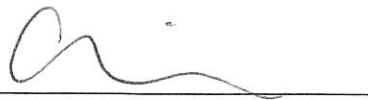
4. **Direction to Staff.** Staff is directed to engage in further study and development of policy recommendations to the City Council to implement ordinance changes consistent with this ordinance.

5. **Enforcement.** The City may enforce this ordinance in a civil action to obtain injunctive or declaratory relief. In any such proceeding the City need only prove the existence of a violation of the ordinance to obtain the injunction. Injunctive relief shall be granted without a requirement of the posting of a bond or other security.

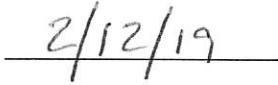
6. **Severability.** If any provision of this ordinance shall be found to be invalid by any court with jurisdiction, the provision shall be severed and the remainder of the ordinance shall be enforced without the severed provision.

7. **Effective Date.** This ordinance shall take effect immediately upon passage by the City Council, regardless of the date of publication. The City shall promptly publish same.

Approved and adopted upon the vote of a majority of the City Council, this 12<sup>th</sup> day of February, 2019.

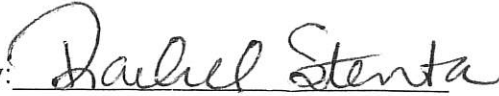
By: 

Mayor Emily S. Niehaus

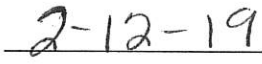


Date

Attest:

By: 

Rachel Stenta, Recorder



Date

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