

**CITY OF MOAB
PLANNING COMMISSION
PUBLIC HEARING
PROPOSED ORDINANCE 2017-15**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, April 13, 2017 at approximately 6:00 p.m. in the Council Chambers of the Moab City Offices at 217 East Center Street, Moab, Utah.

The purpose of this Public Hearing is to solicit public input on proposed Ordinance 2017-15, an ordinance to repeal Section 16.24.030, Protection Strips.

The proposed ordinance is available for public review at the Moab City Planning Office located at 217 East Center Street and on the website at www.moabcity.org. Written public comment may be directed to the Planning Department at the listed address. To ensure that the Planning Commission has the opportunity to review written comments prior to the meeting, written comments will only be accepted until 5 pm the day prior to the public hearing.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Planning Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5129 at least three (3) working days prior to the meeting.

/s/ Sommar Johnson
Zoning Administrator

Published in the Times Independent, March 30, 2017 and April 6, 2017.

ORDINANCE #2017-15
AN ORDINANCE TO REPEAL SECTION 16.24.030, PROTECTION STRIPS

WHEREAS, the Moab City Council (“Council”) adopted the Moab Municipal Code (“Code”) and especially Title 16, also known as “The Subdivision Ordinance of Moab City, Utah” in an effort to encourage and facilitate orderly growth and development in the City as well as to promote a more attractive and wholesome community environment; and,

WHEREAS, from time to time Council has found it necessary to amend Title 16 to support the elements of the General Plan and enforce the provisions of the land use ordinances; and,

WHEREAS, it has come to the attention of the City of Moab that Section 16.24.030 should be removed from the Code, since it is of dubious legal standing; and,

WHEREAS, the Moab City Planning Commission (“Commission”) held a duly advertised public hearing on _____, 2017, to hear and decide the merits of said repeal; and,

WHEREAS, the Commission, after reviewing the public testimony and the recommendation of Staff, determined that said repeal would benefit the City of Moab; and,

WHEREAS, Council reviewed Ordinance #2017-15 in a regularly scheduled meeting held on _____, 2017, to hear and decide the merits of the proposed change to Section 16.24.030; and,

WHEREAS, Council found the changes to be in the best interests of the City of Moab.

NOW, THEREFORE, the Moab City Council hereby repeals in its entirety Section 16.24.030, as it currently reads, and places it in reserve:

Subdivisions

16.24.030 Protection strips.

Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the planning commission, retain a protection strip not less than one foot in width between the street and adjacent property; provided, that an agreement, approved by the city attorney, has been made by the subdivider, contracting to deed to the owners of the contiguous property, the one-foot or larger protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the city attorney and the city recorder prior to approval of the final plat. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.

Shall be removed from the Code in its entirety, and placed in reserve.

In effect on the day of passage;

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on the ___ day of _____, 2017.

SIGNED:

David L. Sakrison, Mayor

ATTEST:

Rachel Stenta, Recorder