

**CITY OF MOAB
PUBLIC HEARING
PROPOSED ORDINANCE 2019-30**

The City of Moab will hold a Public Hearing on Tuesday, December 10, 2019 at approximately 7:30 p.m. in the Council Chambers of the Moab City Offices at 217 East Center Street, Moab, Utah.

The purpose of this hearing is to solicit public input on Proposed Ordinance 2019-30 – An Ordinance Amending the City of Moab Municipal Code, Section 17.31 RC Resort Commercial Zone to Allow New Overnight Accommodations, Subject to Revised Development Standards.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Recorder's Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5121 at least three (3) working days prior to the meeting.

/s/ Sommar Johnson
City Recorder

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DRAFT 11.27.2019

CITY OF MOAB ORDINANCE #2019--030

**AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL CODE SECTIONS ~~17.21 C-2~~
~~COMMERCIAL RESIDENTIAL ZONE AND~~ 17.31 RC RESORT COMMERCIAL ZONE TO
ALLOW NEW OVERNIGHT ACCOMMODATIONS, SUBJECT TO REVISED DEVELOPMENT
STANDARDS.**

The following findings describe the intent and purpose of this ordinance:

- a. The City has enacted Title 17.00, Zoning, of the Moab Municipal Code (MMC), which governs land use and development within the City Limits. Text Amendments to the Moab Municipal Code are authorized pursuant to MMC § 17.04.070 and Utah Code Annotated 10-9a-503(1)(b) and (c).
- b. From time to time the City undertakes to revise its zoning ordinances to improve the quality of land development and align the Code with state law and contemporary planning concepts.
- c. The City has experienced rapid growth of Overnight Accommodations as a result of the growth of tourism in the region. Between 2010 and 2018 visitation to Arches National Park and Canyonlands National Park increased 60.1% and 58.9%, respectively, with Arches posting 1,663,557 visits, and Canyonlands posting 739,449 visits in 2018.¹
- d. Overnight Accommodations have displaced long term rental housing in Moab and are a contributing factor in the affordable housing shortage that exists in Moab.²
- e. The City desires that new zoning regulations be developed to result in new overnight accommodations that better reflect the long-term interests of the City.
- f. There is a finite supply of developable land within the City, and market conditions have resulted in Overnight Lodging uses being developed to the detriment of the development of other necessary uses, including retail, commercial, office, and housing uses.³
- g. The City has experienced an increase in traffic, congestion, noise, crowding, and related impacts associated with tourism and Overnight Lodging, and those impacts have affected the quality of life for Moab residents. The City recognizes that resident concerns are valid and justify changes to City zoning regulations.
- h. The City finds that there is good cause to make these text amendments. There have been fundamental changes to the City and to the zoning districts that are the subject of this ordinance. Current development impacts and the overall growth of overnight accommodations were not foreseen at the time many zoning classifications

¹ Source, National Park Service Official Visitation Statistics.

² Source, BAE Urban Economics, Moab/Grand County Nexus Study, Phases I and II, 2018.

³ See Id.

were adopted and, therefore, the zoning scheme requires modification to reflect current realities. This ordinance will facilitate a more diverse land use mix and provide important benefits for the development of affordable housing and other retail and commercial land uses.

- i. The United States Geological Survey is finalizing a draft report that includes findings from a recent multi-year study of the Moab area watershed. The study found that: a) safe yield of groundwater removal (the amount of water that can be removed without depleting aquifers) is less than previously estimated (11,000 to 13,000 acre/feet per year);
- j. This ordinance is consistent with the City’s General Plan, which expresses a desire to preserve the quality of life in Moab, the availability of affordable housing, and a diverse, resilient local economy.
- k. This ordinance is the product of a substantial public process and public outreach, including public hearings and forums facilitated by Landmark Design in conjunction with Grand County, and public hearing held before the City of Moab Planning Commission on June 27, 2019 at which members of the public expressed a desire that the City curtail Overnight Lodging growth.
- l. On July 23, 2019, the City Council adopted Ordinance 2019-018, removing Overnight Accommodations as a permitted use in the C-1, C-2, C-3, C-4, RC and SAR Zones and recognized Established Overnight Accommodations as legal uses.
- m. Development Standards are being proposed to better regulate new Overnight Accommodations in the C-2 and RC Zones.

THEREFORE, LET IT BE ORDAINED THAT THE FOLLOWING AMENDMENTS BE ADOPTED:

SECTION 1: Amend Section 17.06.020 Definitions to add definitions for

“Civic Space” refers to the places in which a community performs or engages in some part of its political or social life. More broadly, civic space can include spaces used for community activities, including open-air environments where public activities such as assemblies or speeches occur. Because most civic spaces are intentionally designed for use by the public, they express the values and culture of a community, and they have the potential to shape how individuals behave, what they perceive, and how institutions perform.

“Usable Open Space” means any space on a lot not enclosed within a building which is designed for specific recreational purposes, including active and passive recreational activities. Usable open space includes yards (except the required front yard setback), courtyards, balconies, decks, porches, roof decks and patios. Usable open space does not include driveways, aisles, parking spaces or side or rear yards less than eight feet (8') in width

SECTION 23: Allow New Overnight Accommodations in the RC Resort Commercial Zone subject to new Development Standards by amending the following Code Sections:

SSECTION 2.1 Amend Permitted Uses to include Overnight Accommodations, New as follows:

17.31.020 Permitted uses and regulations.

A. *Permitted Uses.* The following uses shall be permitted-by-right. If a use is not listed it is prohibited.

1. Accessory buildings and uses;
2. Bars;
3. Caretaker or guard residence, accessory;
4. Custom personal services;
5. Eating establishments;
6. Established Overnight Accommodations. Established Overnight Accommodations, as defined in this Code and as indicated on the Established Overnight Accommodations Map, shall be considered legal, conforming uses.
 - a. Established Overnight Accommodations will be allowed to make improvements to the property, so long as no new Overnight Accommodation units are proposed.
7. Gasoline service station, subject to the supplementary regulations of Section [17.31.050\(B\)](#);
8. General retail (indoors);
9. Multi-household dwellings;
10. Municipal facilities and services;
11. Office, business or professional;
12. One-household dwelling and accessory uses;
13. Outdoor recreational uses, commercial;
14. Outfitters and guide services and facilities;

15. Overnight Accommodations, New – New Overnight Accommodations may be approved

subject to the Development Standards outlined in 17.31.060.

~~165~~. No New Recreational vehicle/travel trailer parks are allowed. Established recreational vehicle/travel trailer parks as identified on the Existing Overnight Accommodations Map are considered legal conforming uses and shall be subject to the supplementary regulations of Section 17.31.050(C)

~~176~~. Single-household dwelling.

~~187~~. Two-household dwelling and accessory units.

SECTION 2.2: Add Development Standards to the RC Zone by adding Section 17.31.060:

17.31.060 Development Standards for Overnight Accommodations.

Notwithstanding other provisions of this title to the contrary, the following supplementary regulations shall apply to new overnight accommodations in the RC, Resort Commercial District:

17.31.060 Development Standards for Overnight Accommodations

Notwithstanding other provisions of this title to the contrary, the following supplementary regulations shall apply to new Overnight Accommodations in the RC, Resort Commercial District:

A. Energy:

1. OA Developments shall produce eighty percent (80%) of their energy needs on-site through solar, geothermal, or other renewable energy sources.
2. OA Developments are encouraged to purchase their remaining energy needs through renewable energy credits.
3. OA Development may meet this energy requirements by submitting a certification through the Green Building Challenge (Leed Gold or above), Living Building Challenge, Net Zero Building Certification, or other established industry standard.

B. Water

1. OA developments shall install the maximum feasible rainwater catchment system and use the water for beneficial on-site uses, such as reducing the use of culinary water for landscaping irrigation.
2. OA developments shall have a maximum of 10% of their landscaped area covered in turf grass; OA Developments shall utilize water-wise and xeriscape landscaping design standards.
3. To the maximum extent possible, OA Developments shall utilize bio-retention and bio-infiltration systems to manage storm water runoff, as soil conditions allow.

C. Transportation

1. OA Developments shall incorporate into their subdivision plat or site plan the following transportation infrastructure:

- Space to accommodate a transit or shuttle stop
 - Covered, lockable bike storage at a rate of 1 space per 2 lodging units
 - Active transportation and non-motorized trail easements dedicated to the public when identified in the Grand County Non-motorized Trails Master Plan or Moab City Trails Plan
 - Oversized Parking
2. As an alternative, OA developments could be required to provide a narrative and transportation solutions that will reduce projected vehicle trips below the ITE Trip Generation Manual by 20%.

D. Mixed Use, Civic Space, and Open Space Amenities

1. All new overnight accommodations projects are required to provide (amount) of Civic Space, Usable Open Space, Public Art, additional commercial uses that serve the public or the visitors in the north end of the City, space for outdoor markets, community gardens.

E. Building Height

1. The maximum building height for Overnight accommodations shall be 2 stories and a maximum of 30 feet.
2. An additional story (3 stories and a maximum of 40 feet) of overnight accommodation uses may be allowed if the developer is willing to provide the following:
- a. Additional affordable/employee/workforce housing above and beyond the amount required for Assured Workforce Housing. This would not replace the Assured Workforce Housing requirement but would be in addition to that. The additional units could be placed anywhere on the site; or
 - b. Dedication of land to the City or other qualified entity for the purposes of building affordable/employee/workforce housing
 - c. Submit a master plan for the site that includes the overnight accommodation use as well as at least 20,000 square feet of commercial uses that provide goods or services for the community and open to the public. Examples include Day Care Centers, Drug Stores and Pharmacies, Grocery Stores, Open Markets and similar uses. This would be above and beyond the requirement for Civic Space and Open Space. The commercial uses will not be counted toward the maximum square footage allowable for the Overnight Accommodation uses and may be in a separate structure.

F. Maximum Building and Project Size

1. The maximum gross square footage of any building housing overnight accommodations shall be 20,000.
2. The maximum gross square footage of an overnight accommodation project shall be 60,000.

3. If the developer chooses to develop commercial uses (over 5% of gross floor area) within a building or project, that project size could be increased by the gross square footage of the commercial use.

G. Site Configuration Will have examples

1. All development must fit the property – no mass grading or grading of a flat building envelope (building must step with terrain);
2. Stay out of wetlands, protect major vegetation (existing trees). Primary Uses must face the fronting roadway;
3. Primary uses must face the fronting street with a defined entrance fronting the roadway;
4. Ensure building scale, orientation, and design relates to the surrounding uses and streets;
5. Creates a cohesive visual identity and an attractive street scene;
6. Ensure site design for efficient pedestrian, bicycle, transit, and vehicular circulation patterns;
7. Create a high-quality pedestrian environment;
8. Promote design environments built to human scale;.
9. Ensure delivery, trash, and loading facilities are located so as not to impede regular vehicular and pedestrian circulation and access routes; and
10. Ensure safe and efficient access between buildings and parking areas.

H. Building Design Will have examples

1. All multifamily residential buildings or structures 2,500 square feet or greater in gross floor area shall be composed of at least three visual building masses of differing heights and planes;
2. No façade or building wall shall exceed 60 linear feet. More than 5 ft shift in vertical and horizontal façade is required for each 30 linear feet;
3. Building design shall vary between vertical facade divisions and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material;
4. All properties along Hwy 191 will include a single story element along the roadway. The second story must be set back at least 15 feet from the first story plane;
5. For uses located on the ground floor facing the primary fronting street, at least 30% of Ground Story Transparency is required measured floor to floor. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance;
6. No rectangular area greater than 30% of a story's facade, as measured from floor to floor may be windowless, and no horizontal segment of a story's facade shall be greater than 15 feet in width can be windowless. An exception may be considered if the wall area is to be used as a mural (not a sign);
7. All facades of the proposed building must comply with the building design standards;
8. A mix of entrance types may be utilized, aligned with the overarching architectural theme or concept. All buildings must have an easily-discernable Principal Entrance located on the primary street side of the principal building or buildings;

9. Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully-screened from view when unavoidable. Parking shall be located to the side or rear of buildings;
10. Plastic or vinyl awnings are not permitted. Awning types and colors for each building face shall be coordinated
11. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood or other durable material.

I. Materials and Colors

1. Permitted primary building materials will include high quality, durable, natural materials such as stone, brick and adobe-type materials; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass, architectural metal panels and cladding.
Other high quality synthetic materials may be approved as details or accents for a unified theme or design concept. Other durable materials will be considered as technologic improvements are made. Aside from solar panels or other infrastructure related to energy efficiency and water use/reuse, OA Developments shall utilize non-reflective materials.
2. OA Developments shall utilize earthtone colors that are complementary to the surrounding landscape and visual backdrops. Exceptions can be made for public art (not signs).

SECTION 4: Severability Clause: This ordinance shall be construed so as to be harmonious with Utah law. If any term, requirement, or provision of this ordinance shall be found to be invalid under applicable law it shall be stricken and the remainder of the ordinance shall be enforced without the offending term, requirement, or provision.

PASSED AND APPROVED by a majority of the City of Moab City Council. This ordinance shall take effect immediately upon passage.

SIGNED:

Emily S. Niehaus, Mayor

Date

ATTEST:

Sommar Johnson, City Recorder