

**CITY OF MOAB, UTAH**  
**ORDINANCE NO. 2022-05**  
**AN ORDINANCE AMENDING THE TEXT OF THE MOAB MUNICIPAL CODE (MMC)**  
**SECTIONS 17.48 R-3 MULTI- HOUSEHOLD RESIDENTIAL ZONE, AND 17.51 R-4**  
**MANUFACTURED HOUSING RESIDENTIAL ZONE, TO ADD A USE PARAMETER**  
**REQUIREMENT TO THE MULTI-HOUSEHOLD**  
**PERMITTED USE, SUCH THAT 33% OF UNITS BE DESIGNATED AS ACTIVE**  
**EMPLOYMENT UNITS (AEU) TO BE OCCUPIED BY QUALIFIED ACTIVE**  
**EMPLOYMENT HOUSEHOLDS (AEH)**

**WHEREAS**, the stock of workforce housing in Moab is being replaced by new townhomes and condominiums that are not available for workers employed in and around Moab who need housing; and

**WHEREAS**, the supply of rental units available for workforce housing are at an all-time low; and

**WHEREAS**, persons employed in and around Moab are unable to secure suitable housing given current housing trends; and

**WHEREAS**, the lack of available housing can result in crowding, undesirable living conditions, and a decrease in the quality of life for Moab workers and their families; and

**WHEREAS**, the Moab City Planning Department has received applications or inquiries for numerous multi-household projects on parcels that currently contain workforce housing that will be removed and replaced by second homes, vacation homes, or other units that are then not available for the Moab area workforce; and

**WHEREAS**, employers in and around Moab are unable to hire employees because of the lack of available workforce housing; and

**WHEREAS**, the City Council is in support of eliminating barriers to increasing the inventory of workforce housing; and

**WHEREAS**, from time to time the City undertakes revisions in its zoning ordinances to improve the quality of land development and align the Code with state law and contemporary planning concepts; and

**WHEREAS**, the Moab Municipal Code Chapter 17.04, Zoning Map Amendments and Text Amendments, permits the Zoning Text Amendment process to allow amendments to the use requirements within zoning districts; and

**WHEREAS**, in order to address the lack of available workforce housing, the Moab City Council formally initiated proceedings to amend the Moab Municipal Code Section 17.48 R-3 Multi-Household Residential Zone, and 17.51 R-4 Manufactured Housing Residential Zone, through Resolution #33-2021, approved October 12, 2021, to specifically evaluate the need and the use parameters for requiring a percentage of Active Employment Household Unit occupancy in Multi- Household Developments; and

**WHEREAS**, the R-3 Multi-Household Residential Zone, and R-4 Manufactured Housing Residential Zone have been distinguished as especially susceptible zones to the specific impacts of the inverse development of workforce housing, and because of the Multi-Household Dwelling Permitted Use are situated best to address these problems regarding attainable workforce housing; and

**WHEREAS**, the City has also coordinated and contracted for research by BAE Urban Economics to analyze and determine the need for designated Active Employment Units to be required as a permitted use parameter in the identified zoning districts in order to address the lack of available workforce housing; and

**WHEREAS**, the City finds that there is a compelling need for and public purpose for adopting this Ordinance due to current conditions and factors that are not supplying the needed numbers of workforce housing units for Moab; and

**WHEREAS**, this ordinance shall apply to all properties or developments within the zones affected; and

**WHEREAS**, the purpose of this ordinance is to regulate the uses of properties being developed to address the impacts of development on Moab's need for available workforce housing; and

**WHEREAS**, this ordinance is one of many strategies that have and are being considered by the City of Moab to address Moab's workforce housing need; and

**NOW, THEREFORE BE IT ORDAINED** that the Moab City Council hereby approves the Text Amendments as follows:

**PASSED AND APPROVED** in open Council by a majority vote of the Governing Body of Moab City Council this 3rd day of August 2022.

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**SECTION 1. AMENDMENTS TO MMC CHAPTER 17.06 DEFINITIONS ADDING OR MODIFYING DEFINITIONS OF:**

- A. "Active employment household" or "actively employed household" or "AEH", means a household with at least one adult who meets one of the following criteria; provided, however, where there are unrelated individuals living together in one household, at least 50 percent of all the adults comprising the household shall meet one of the following criteria:
1. A full-time (average of at least 30 hours of employment per week for a minimum of nine months per calendar year) employee of a business, or entity, or entities located within Grand County or the Spanish Valley portion of San Juan County, zip code 84532; or
  2. An owner of a business or entity with a primary place of business within Grand County; or
  3. A full-time (average of 30 hours of employment per week for a minimum of nine months out of each calendar year) worker who is self-employed or works out of their home must provide their entire list of clients/workload so that it can be verified that a minimum of 75 percent of their billable hours are for clients or projects located within Grand County or the Spanish Valley portion of San Juan County, zip code 84532; or
  4. A person who is unable to work or does not have a work history required under subsections (1) through (3) of this section due to a disability as defined by the state and federal Fair Housing Acts, the Americans with Disabilities Act, or other applicable state or federal law; or any person who has attained a reasonable accommodation from this requirement under the Fair Housing Acts, Americans with Disabilities Act, or other applicable state or federal law; or
  5. A family member of the owner of the property; or
  6. A retiree with a work history required under subsection 1 through 4 of this section for the five years prior to retirement;
- B. "Active Employment Unit" or "AEU", means a dwelling unit that is required to be occupied by a qualified Active Employment Household.
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**SECTION 2. AMEND CHAPTER 17.48 R-3 MULTI-HOUSEHOLD RESIDENTIAL ZONE SECTION 17.48.020. PERMITTED USES AND REGULATIONS, AS FOLLOWS:**

#### 17.48.10. Objectives and characteristics

The objective in establishing the R-3 residential zone is to provide appropriate locations within the City for high density development, primarily occupied by full-time residents, and employees and owners of local businesses. In general, this zone is located in the central part of the City, adjacent to commercial areas where the impact of vehicular travel and parking is consonant with adjacent use of land, and where multiple dwellings can best be supplied with necessary public facilities. This zone is characterized by more compact development and somewhat higher volumes of traffic than is characteristic of the R-1 and R-2 zones.

#### 17.48.020.

##### 7. Multi-Household Dwellings.

Developments consisting of three or more multi-household units shall be subject to the following requirements; In the event that the requirements of this chapter conflict with the requirements of the same or similar terms presented elsewhere in the Moab Municipal Code, or in a model code that has been adopted by the City (e.g., International Building Code), the definition contained in this chapter shall prevail:

- i. 33% of the units in a multi-household development shall be designated as Active Employment Units, as defined by MMC Chapter 17.06. definitions, and regulated per MMC Chapter 17.64. Active Employment Households. The provisions of this use parameter requirement shall be reviewed on a recurring interval of two years from date of adoption, for assessment of continued need and inclusion in the underlying zone.
  - ii. Buildings or structures shall not exceed three stories with a maximum building height of thirty-five feet.
  - iii. One parking space shall be required for each dwelling unit containing a studio or one bedroom dwelling, and one and one-half parking spaces shall be required for each dwelling unit containing a two or more-bedroom dwelling.
- b. Developments consisting of seven or more multi-household units shall be subject to the following additional requirements:
- i. Access. Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets
  - ii. Parking. Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.
  - iii. Garages or Carports. If provided, garages and carports shall not be located in the front yard and shall be set back from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.
  - iv. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.
  - v. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.
  - vi. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room

("rec room") or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation.

- vii. The allowed number of multi-household units shall be determined by Section 17.48.030.

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**SECTION 3. AMEND CHAPTER 17.51 R-4 MANUFACTURED HOUSING RESIDENTIAL ZONE  
SECTION 17.51.020. PERMITTED USES AND REGULATIONS, AS FOLLOWS:**

17.51.10 Objectives and characteristics.

The objective in establishing the R-4 residential zone is to provide the most appropriate locations for mobile home parks, mobile home subdivisions, and conventional dwellings of other construction. The zone is characterized by open fields interspersed by well-maintained mobile home parks, mobile home subdivisions, and other dwellings, all primarily occupied by full-time residents, and employees and owners of local businesses.

17.70.020.

8. Multi-Household Dwellings.

- a. Developments consisting of three or more multi-household units shall be subject to the following requirements; In the event that the requirements of this chapter conflict with the requirements of the same or similar terms presented elsewhere in the Moab Municipal Code, or in a model code that has been adopted by the City (e.g., International Building Code), the definition contained in this chapter shall prevail:
  - i. 33% of the units in a multi-household development shall be designated as Active Employment Units, as defined by MMC Chapter 17.06. definitions, and regulated per MMC Chapter 17.64. Active Employment Households. The provisions of this use parameter requirement shall be reviewed on a recurring interval of two years from date of adoption, for assessment of continued need and inclusion in the underlying zone.
  - ii. Buildings or structures shall not exceed three stories with a maximum building height of thirty-five feet.
  - iii. One parking space shall be required for each dwelling unit containing a studio or one bedroom dwelling, and one and one-half parking spaces shall be required for each dwelling unit containing a two or more-bedroom dwelling.
- b. Developments consisting of seven or more multi-household units shall be subject to the following additional requirements:
  - i. Access. Vehicular access shall be provided to the property in such a way that it does not impede traffic patterns on adjacent streets.
  - ii. Parking. Off-street parking shall be designed in such a way as to allow vehicles to pull forward into the on-street traffic flow.
  - iii. Garages or Carports. If provided, garages and carports shall not be located in the front yard and shall be set back from the front wall of the principal structure at least fifteen feet or be accessed from the rear or side of the property.
  - iv. Landscaping. All off-street parking shall be landscaped and buffered from adjacent uses. A minimum of fifteen percent of the interior of the parking area shall be landscaped to provide shade and break up the expanse of asphalt.

- v. Buffering. All adjacent uses shall be buffered by a distance of not less than fifteen feet and contain berms, shrubs, and other plantings. Buffering may be combined with screens, fences and hedges.
  - vi. Apartments and court apartments shall designate an open space/recreation area that is a minimum of two hundred square feet in size to be developed into recreation, play or landscaped areas. The requirement can be met with the construction of a recreation room ("rec room") or club house of a similarly sized area that can be used for residents and their guests for recreation/social activities and/or relaxation.
  - vii. The allowed number of multi-household units shall be determined by Section 17.51.030.
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#### **SECTION 4. ADD CHAPTER 17.64 ACTIVE EMPLOYMENT HOUSEHOLDS, AS FOLLOWS:**

##### **17.64.010. Purpose.**

Active Employment Household is a defined use parameter, meant to identify qualified workforce residents, whereby the permitted uses in zoning districts shall include a required designation for Active Employment Units as a part of a development or qualified occupancy of dwelling property.

##### **17.64.020. General Standards.**

- 1) Active Employment Households shall be regulated by this Chapter 17.64, in addition to the requirements defined in MMC Chapter 17.06 Definitions, for "Accessory Dwelling Unit, Type 1", and "Accessory Dwelling Unit, Type 2".
- 2) The provisions of this chapter and use parameter requirement shall be reviewed on a recurring interval of two years from date of adoption, for assessment of continued need and inclusion in the underlying zones in which it is required.
- 3) Active Employment Households and Active Employment Units required as a use parameter for the permitted use of Multi-Household Dwelling developments shall be regulated as follows:
  - a) Not less than 33% of the number of dwellings approved for multi-household dwelling developments in the R-3 Multi-Household Residential Zone and R-4 Manufactured Housing Residential Zone shall be designated or deed restricted to be Active Employment Units.
    - i. Where the percentage of any required Active Employment Units in a multi-household dwelling development, as applied to the total number of units, results in a decimal, the number of required AEU's shall be rounded down if the remainder is less than .90; and rounded up if greater than .90.
  - b) Active Employment Units shall be roughly equivalent by number in type (e.g. studio, one bedroom, two bedroom...) and size (square footage) to the non-Active Employment Units within the development.
  - c) The Active Employment Units shall be ready for occupancy no later than the date of the initial, or temporary occupancy of any non-Active Employment Units within the project or applicable phases thereof. If the non-Active Employment Units are developed in phases, then the Active Employment Units may be developed in proportion to the phasing of the non-Active Employment Units (e.g. not less than 33% of the units developed for occupancy in any phase shall be Active Employment Units).

- d) Active Employment Units shall only be occupied by households who qualify as Active Employment Households.
- e) Active Employment Units shall be occupied by Active Employment Households a minimum of nine (9) months per calendar year, of which do not need to be consecutive or held by the same occupant.
- f) Active Employment Units shall not be occupied, rented, or leased by Active Employment Households for less than ninety (90) consecutive days.

17.64.030 Submittal requirements and approval criteria.

1. Active Employment Unit Designation

a. Active Employment Units shall be designated through one or more of the following:

- i. AEU's shall be designated on Townhome or Condominium Plat for Multi-Household Developments in the R3 Multi-Household Residential Zone and R4 Manufactured Housing Residential Zone that require Townhome or Condominium Plat Approval.
- ii. AEU's shall be designation on Site Plan Approval materials for Multi- Household Developments in the R3 Multi-Household Residential Zone and R4 Manufactured Housing Residential Zone that require Site Plan Approval.
- iii. AEU's shall be designated on Building Permit Plan Approval for Multi- Household Developments in the R3 Multi-Household Residential Zone and R4 Manufactured Housing Residential Zone that require Building Permit Plan Approval.
- iv. AEU's shall be designated by Deed Restriction for Type 1 and Type 2 ADUs per MMC Chapter 17.70 Accessory Dwelling Units.

b. Deed Restriction

i. A deed restriction must be filed with the Grand County Recorder's Office, which states:

- 1. *"An approval for an Active Employment Unit was issued to \_\_\_\_\_, the current owner of this property on \_\_\_\_\_. The owner shall strictly adhere to the prohibition of the use of the Active Employment Unit as nightly or short-term rental. The lease period for an Active Employment Unit shall be a minimum of ninety (90) days." Modified deed restriction language may be proposed by the City. In the occurrence that the MMC requirements and regulations change regarding this restriction, a Release of Deed Restriction, signed by the City, may remove this restriction.*
- 2. *"An approval for an Active Employment Unit was issued to \_\_\_\_\_, the current owner of this property on \_\_\_\_\_. The owner, and or, occupant, shall strictly adhere to the Moab Municipal Code requirements and regulations for Active Employment Units and Active Employment Households" Modified deed restriction language may be proposed by the City. In the occurrence that the MMC requirements and regulations change regarding this restriction, a Release of Deed Restriction, signed by the City, may remove this restriction.*
- 3. *"The term of this deed restriction shall be 50 years from the date of its recording with the Grand County Recorder's Office. This deed restriction shall automatically expire on the completion of the term and shall have no further effect thereafter."*

- ii. The City shall remove the Deed Restriction for a designated AEU if the City receives a written request from the owner of record of a designated AEU to remove the Deed Restriction showing that one of the following conditions are satisfied:
  - 1. The City approves the designated AEU for re-designation with a qualifying unit, within the same development, through MMC 17.64.020.2.b.; or
  - 2. The designated AEU is unable to be rented to a qualified AEH after an active listing (on market) period of one hundred twenty days at standard thirty percent (30%) dedicated gross rent rate (gross rent rate includes rent paid to owner, utilities including electricity, gas, water, and sewer, and property fees including HOA or CC&R fees) of the current one hundred percent (100%) Area Median Income (AMI), set annually by the U.S. Department of Housing and Urban Development (HUD), based on the standard household size of 1 occupant per studio, and 1.5 occupants per one bedroom and each additional bedroom.
    - a. Studio-unit based on AMI of 1 person-household
    - b. 1-bedroom based on AMI of 1.5 person-household
    - c. 2-bedroom based on AMI of 3 person-household
    - d. 3-bedroom based on AMI of 4.5 person-household
    - e. 4-bedroom based on AMI of 6 person-household
  - 3. A lender forecloses and subsequently acquires a designated AEU or an apartment building with one or more designated AEU's

2. Active Employment Household Qualification

- a. Active Employment Households shall meet the criteria defined in the MMC 17.06.020. Definitions. "Active Employment Household".
- b. Active Employment Households shall verify qualifications through staff review and approval as part of applicable approval process; verification submittals may include:
  - i. Verification of Occupancy
    - 1. Grand County Tax Roll Master Record of Ownership and Primary Residency
    - 2. Occupant Rent/Lease Agreement of not less than ninety (90) days.
  - ii. Verification of qualified Active Employment Household
    - 1. Employee Verification Form
    - 2. Home Occupation Business License

17.64.040. Review procedures.

- 1. The Land Use Authority responsible for the type and process of development (e.g. Building Permit Approval, Site Plan Approval, Townhome Plat or Condominium Plat Approval), shall review and approve the congruity requirement for Active Employment Units with non-Active Employment Units referenced in MMC 17.64.020.2.b.
- 2. Prior to the preliminary or final plan or plat approvals for any project or phase of project, the Active Employment Units shall be identified and designated on the preliminary and final plan or plat for such projects or phases.
- 3. Waiver of Building Permit and Planning Fees
  - a. Thirty-three percent of the Building Permit Fee and Site Plan Application Fee, as applicable, shall be waived for project submittals complying with the standards of this chapter MMC 17.64.

17.70.050 Enforcement.

In addition to any other legal or equitable remedies available to a municipality, the City may pursue enforcement and compliance for Active Employment Household Units in violation, or if the owner of the property violates any of the provisions of this section.

1. Violation

a. The requirements and regulations set forth herein regulating the use and occupancy of the Active Employment Units shall run with the portion of land or designation of units constituting the required percentage or dedication of Active Employment Units of a Multi-Household development or Accessory Dwelling Unit:

i. The required designation of Active Employment Units shall extend for as long as the use parameter remains a requirement of the permitted use for compliance within the zone. The following conditions of violation shall impose the following penalty:

(1) The designated property or property containing the Active Employment Unit will be in violation if the Active Employment Unit is occupied by any household that is not a qualified AEH, if, 30 days after written notice from the City, the AEU is not occupied by and AEH.

(2) The designated property or property containing the Active Employment Unit will be in violation if the AEU is not occupied by an AEH for a minimum of nine (9) months in any calendar year, allowing the AEU to be unoccupied for ninety (90) days, if, 30 days after notice from the City, the AEU is not occupied by an AEH.

(3) The designated property or property containing the Active Employment Unit will be in violation if the AEU is occupied, rented or leased, by an AEH, less than ninety (90) consecutive days, if, 30 days after notice from the City, the AEU is not occupied by an AEH.

(4) In the event of violation, penalties may be assessed by the City against the Active Employment Unit owner, as determined by the Moab Municipal Code Chapter 17.78. Zoning Violations--Penalties.

1) Process of Violation

a) If the owner of the property violates any of the provisions of this Chapter, the City may peruse the violation for noncompliance in accordance with established processes outlined by Moab Municipal Code Chapter 17.78. Zoning Violations-- Penalties.

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**PASSED** by the City Council in a public meeting on August 3, 2022, by the following vote:

**MOAB CITY COUNCIL:**

*Those voting aye: Jones, Knuteson-Boyd, Wojciechowski, Taylor*

*Those voting nay: N/A*

*Those abstaining: N/A*

*Those absent: Derasary*

  
\_\_\_\_\_  
Joette Langianese, Mayor

8/3/22  
\_\_\_\_\_  
Date

**ATTEST:**   
\_\_\_\_\_  
Sommar Johnson, Clerk/Recorder