

SUMMARY OF
CITY OF MOAB
ORDINANCE NO. 2024-03

On May 28, 2024, the Moab City Council enacted Ordinance No. 2024-03 to approve a text amendment that revised Sections 17.06.020, 17.09.700, and 17.24.020(A) of the Moab Municipal Code to establish “Adaptive Recreational Service Provider” as a new permitted use and “Accommodations for Qualifying Participants” as a new ancillary use within the C-3 Central Commercial Zone.

PASSED AND APPROVED this 11th day of June 2024, by a majority of the City of Moab City Council.

SIGNED:



Joette Langianese, Mayor

6/11/24

Date

ATTEST:



Sommar Johnson, Recorder

A complete copy of Ordinance No. 2024-03 is available in the office of the Moab City Recorder, 217 E. Center Street, Moab, Utah 84532

CITY OF MOAB ORDINANCE #2024-03

AN ORDINANCE AMENDING THE TEXT OF THE MOAB MUNICIPAL CODE (MMC), SECTION 17.06 DEFINITIONS, AND 17.24.020 C-3 CENTRAL COMMERCIAL ZONE, PERMITTED USES AND REGULATIONS, TO CREATE A NEW PERMITTED USE, ADAPTIVE RECREATIONAL SERVICE PROVIDER, AND ANCILLARY USE, ACCOMMODATIONS FOR QUALIFYING PARTICIPANTS.

WHEREAS, the following findings describe the intent and purpose of this ordinance:

- a. The City has enacted Title 17 Zoning, of the Moab Municipal Code (MMC), that governs land use and development regulations within the City Limits, and from time to time the City undertakes revisions of Title 17 to improve the quality and consistency of land development regulations; and
- b. Any person having a proprietary interest in any real property may submit an application for a zoning map amendment or a zoning text amendment to the Land Use Code; and
- c. The City received an application to amend 17.06 definitions and 17.24.020 permitted use and regulations requirements for the Central Commercial Zone, to create a new permitted use, “Adaptive Recreational Service Provider,” and a new ancillary use, “Accommodations for Qualifying Participants” (collectively, the “Text Amendment”); and
- d. City staff recommended conforming edits to Section 17.09.700, Residential Short-Term Rentals Prohibited (the “Conforming Edits”), to ensure consistency throughout the MMC.
- e. The Moab Planning Commission reviewed the application in a public and noticed meeting held on May 9, 2024, to review the proposed amendments to the MMC; and
- f. The Moab Planning Commission recommended that the Council approve the proposed Text Amendment and the City staff’s proposed Conforming Edits; and
- g. The City of Moab has the authority to adopt this ordinance pursuant to Utah Code Annotated (2010) §§ 10-3-702 and 10-9a-501, and hereby exercises its legislative powers in doing so; and
- h. MMC Chapter 17.04, Zoning Map Amendments and Text Amendments, permits the process to allow amendments to the development standards within zoning districts; and
- i. The Council finds that the application meets the criteria for text amendments found in chapter 17.04.070:

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?

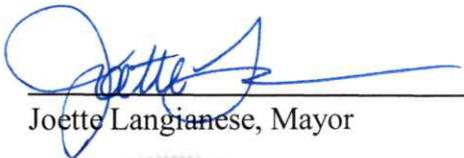
H. Is the amendment appropriate considering the existing conditions in the zoning district, the established relationships between zoning districts, existing land uses and densities, and the scale of both existing and proposed development? (Ord. 08-03 (part), 2008)

NOW, THEREFORE, BE IT ORDAINED by the Moab City Council that:

1. Text Amendment and the Conforming Edits recommended by City staff, as set forth in the attached document, are hereby APPROVED and adopted into the MMC.
2. City staff are authorized and directed to revise the MMC as needed to accommodate the Text Amendment and Conforming Edits, including any renumbering and formatting that may be required.
3. This ordinance shall take effect immediately upon its posting pursuant to U.C.A. 10-3-711 and 63G-30-102.

PASSED AND APPROVED this 11th day of June 2024, by a majority of the City of Moab City Council.

SIGNED:


Joette Langianese, Mayor

6/11/24
Date

ATTEST:


Sommar Johnson, Recorder



(Complete as Applicable)

Summary of ordinance posted to Moab City Website, the Utah Public Notice Website, and in a public location within the City boundaries pursuant to U.C.A. 10-3-711 and 63G-30-102 on:

JUNE 25, 2024

Effective date of ordinance: JUNE 25, 2024

SECTION 1: AMENDMENT TO MMC 17.06 DEFINITIONS.

The following language shall be added to MMC 17.06.020:

“Adaptive Recreational Service Provider” means a business or program who primarily plans, directs, and/or provides professionally guided indoor or outdoor activities to serve people with disabilities through sport, recreation, and/or educational services. Programming provides a therapeutic impact to improve or maintain physical, cognitive, social, behavioral, or emotional well-being for qualifying participants. Specialized curriculum and advanced training for professional staff are required to meet the diverse medical and diagnostic needs of the persons served. A minimum of 75% of the programs provided directly serve qualifying participants..

“Accommodations for Qualifying Participants” means any living or sleeping unit provided by an adaptive recreational service provider which adheres to the following:

1. *The adaptive recreational service provider provides the accommodation(s) on the same parcel as the adaptive recreational service provider’s primary use; and*
2. *Stays do not exceed thirty (30) consecutive calendar days; and*
3. *Persons occupying such accommodations shall meet one of the following criteria:*
 - a. *An individual attending an enrollment-based program provided by the adaptive recreational service provider concurrently with their accommodation;*
 - b. *An immediate family member or caregiver of an individual attending an enrollment-based program of the adaptive recreational service provider;*
 - c. *A trainer, facilitator, or counselor supporting the qualified attendee(s) in their participation in the enrollment-based program provided by the adaptive recreational service provider; or*
 - d. *A full-time or part-time employee of the adaptive recreational service provider.*

SECTION 2: AMENDMENT TO MMC 17.24.020(A). PERMITTED USES AND REGULATIONS IN C3 CENTRAL COMMERCIAL ZONE.

The following language shall be added to the MMC 17.24.020(A):

Adaptive Recreational Service Provider, which use may include “Accommodations for Qualifying Participants”.

The following language shall be removed from MMC 17.24.020(A):

“Lodging.”

SECTION 3: AMENDMENT TO MMC 17.09.700. RESIDENTIAL SHORT-TERM RENTALS PROHIBITED

Section 17.09.700 of the MMC is repealed in its entirety and replaced as follows:

Except for accommodations for qualifying participants under Sections 17.06.020 and 17.24.020(A) and bed and breakfast facilities and guest apartments that comply with Chapter 17.70 or Chapter 17.71 of the Moab Municipal Code, the short-term rental of dwellings is prohibited in the following

zones: A-2, C-1, C-3, C-5, FW, I-1, R&D-1, R-2, R-3, R-4, RA-1, and all other zones where short-term rentals are not listed as a permitted use:

A. For the purposes of this section, "short-term rental" shall be defined as:

1. The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single-household or multihousehold occupancy or of any other residential property for an effective term of thirty consecutive calendar days or less;
2. The commercial use, by any person, of residential property for boarding house, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy for a term of thirty consecutive days or less.

B. For the purposes of this section, "remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property.