

**CITY OF MOAB
PLANNING COMMISSION
PUBLIC HEARING
PROPOSED ORDINANCE 2009-11**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, September 10, 2009 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 2009-11, an ordinance amending the City of Moab Land Use Code Chapter 17.55, Hillside Developments as Applied in All Zones.

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, August 27 and September 3, 2009.

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ORDINANCE # 2009-11

AN ORDINANCE AMENDING THE CITY OF MOAB LAND USE CODE CHAPTER 17.55, HILLSIDE DEVELOPMENTS AS APPLIED IN ALL ZONES

WHEREAS, the *City of Moab General Plan* (“*General Plan*”) was adopted by the Moab City Council on January 8, 2002, with Resolution # 01-2002, to serve as the guide for land development decisions; and

WHEREAS, Titles 15, *Buildings and Construction*, 16, *Subdivisions*, and Title 17, *Zoning*, of the Moab Municipal Code were adopted to implement the General Plan with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city; and

WHEREAS, the City of Moab (“City”) from time to time has found it necessary to amend the Code to provide contemporary planning concepts and terminology and to correct language that is outdated or was adopted in error in an effort to make the code more usable by the general public for development within the incorporated city limits; and

WHEREAS, City Staff has identified issues with the adopted code that must be addressed by this amendment of Chapter 17.55, Hillside Developments; and,

WHEREAS, the City of Moab Planning Commission (the “Commission”) reviewed ordinance #2009-XX during a public hearing held on June XX, 2009, and subsequently recommended to Council, adoption of said ordinance; and

WHEREAS, due notice was given that the Moab City Council (“Council”) would meet to hear and consider this ordinance on XXXXXXXXXXXX XX, 2009, to decide the merits of the proposed ordinance; and

WHEREAS, the City Council has heard and considered all evidence and testimony presented with respect to the amendments and has determined, subsequent to said public hearing that the adoption of this ordinance is in the best interests of the citizens of the City of Moab, Utah.

NOW, THEREFORE BE IT ORDAINED BY THE MOAB CITY COUNCIL THAT Title 17, specifically, Chapter 17.55, Hillside Developments, is hereby amended to read as follows:

Chapter 17.55.060 subsection B is hereby repealed and replaced with the following language to read:

- B. All minor development on slopes greater than fifteen (15) percent shall first be reviewed by the Moab Planning Commission. The planning commission shall then make a recommendation to the city council for review and approval. Prior to any excavation or construction activity, a grading permit must be obtained from city staff.

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AND, FURTHERMORE, Chapter 17.55.060, *Hillside development permit required*, shall be repealed and replaced with:

17.55.060 Hillside development permit required.

A. All major development on slopes in excess of fifteen percent shall require a hillside development permit granted by the city council prior to any excavation or construction activity. The planning commission shall first review proposed development and make a recommendation to the city council.

B. All minor development on slopes greater than fifteen percent shall require a grading permit granted by the city council prior to any excavation or construction activity. The planning commission shall first review the proposed development and make a recommendation to the city council.

C. Proposed development by the City of Moab and other government agencies, shall require the appropriate documentation as required in Chapter 17.55.070. The application shall be submitted to city staff for review and recommendation to Council. Subsequent to review of the proposed project by staff, City Council shall review the project at the next available meeting. This process applies to necessary development of various public works and community development projects including, but not limited to, flood control structures such as dams and retaining walls, water tanks and water conveyance systems, and structures such as bridges, parking areas, and roadways for transportation projects. In the application of this section, Council shall have the authority to grant variances to any of the requirements of this chapter.

D. Permit approval under this section shall not be required for preliminary plats which have been approved by the city council prior to the adoption of the ordinance codified in this chapter.

E. Upon review of a permit application for either major or minor development the planning commission may, in addition to recommending approval or denial of the application, submit to the city council recommendations as to conditions to be attached to the permit to mitigate specific adverse impacts associated with the application.

F. The city council may approve the application as submitted; approve subject to conditions; or deny the permit in full where the development does not meet the standards of this chapter or other provisions of the Municipal Code. (Ord. 97-12 (part), 1997: Ord. 96-18 § 2 (part), 1996)

AND, Chapter 17.55.090, subsection B is hereby repealed and amended to read:

B. All buildings constructed upon lands subject to this chapter shall be one story only, or twenty feet maximum, in height. Height shall be measured as *described in Chapter 17.55.020, Definitions*.

AND, FURTHER THAT the term “adjunct” in the definitions of “Major development” and “Minor development” in Chapter 17.55.020, Definitions, shall be replaced with the term “related”.

IN EFFECT IMMEDIATELY UPON PASSAGE.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on _____, 2009.

SIGNED:

David L. Sakrison, Mayor

ATTEST:

Rachel Ellison, Recorder