

THE CITY OF
MOAB



EST. 1902

City Council

APRIL 14, 2026

Current Code 12.08.060 Sidewalk Curb and Gutter Required at time of construction

- A. Sidewalks, curbs and gutters, and street paving shall be installed along all street frontage of any building lot at the time of construction upon that lot unless an exception is granted by the City Council as established under subsection (D) of this section.
- B. The location and specifications for said sidewalks, curbs and gutters, and streets shall be determined by the City Engineer.
- C. The construction of streets, sidewalks, curbs and gutters will be complete at the time of final inspection by the building inspector unless an exception has been granted by the City Council as established under subsection (D) of this section.
- D. In the event that the lot frontage meets all of the following criteria, the City Council may grant an exception where the property owner shall pay a fee in lieu of construction. Those criteria are:
 - 1. The frontage of the lot exceeds two hundred lineal feet;
 - 2. The lot is intended only for a single-household residence;
 - 3. The construction of the street, curb and gutter, and sidewalks is inconsistent with the street character; and
 - 4. The exception will not create, extend or perpetuate a half-paved street.
- E. The fee in lieu of construction shall be an amount equal to a percentage, as specified in the Master Fee Schedule, Chapter 3.50, of the estimated cost of constructing two hundred lineal feet of the required improvements. Those funds shall be submitted by the property owner to the City for deposit into a street fund for future use to develop and repair sidewalks, curbs and gutters, pedestrian trails, and streets within the City. The City Engineer shall calculate the lineal foot costs for construction of the improvements by consulting licensed contractors in the area.

Proposed Amendment

- 2 tiers of exception
 - Fee in lieu
 - Total exception
- Exceptions to be granted administratively by the City Manager rather than the City Council
- Positive recommendation from the Planning Commission on April 9th
 - With minor amendment

Sidewalk Curb and Gutter Code Amendment

12.08.060 Sidewalks, curbs and gutters required at time of construction.

A. Sidewalks, curbs and gutters, and street paving shall be installed along all street frontage of any building lot at the time of construction upon that lot unless an exception is granted by the City Council as established under subsection (D) of this section. *the City Manager grants an exception under subsection (D) of this section.*

B. The City Engineer shall determine the location and specifications for said sidewalks, curbs and gutters, and streets.

C. The property owner or their agent, servant, contractor, or employee shall complete all construction of streets, sidewalks, curbs and gutters at the time of final inspection by the building inspector unless an exception has been granted by the City Council. *the City Manager grants an exception under subsection (D) of this section.*

D. If the lot frontage meets all the following criteria, the City Manager may grant an exception where the property owner pays a fee in lieu of construction. Those criteria are:

1. The frontage of the lot exceeds two hundred lineal feet;
2. The lot is intended only for a single-household residence;
3. The construction of the street, curb and gutter, and sidewalks is inconsistent with the street character; and
4. The exception will not create, extend or perpetuate a half-paved street.

E. The City Manager shall determine the fee in lieu of construction, which shall be an amount equal to a percentage, as specified in the Master Fee Schedule, Chapter 3.50 of the estimated cost of constructing two hundred lineal feet of the required improvements. Those funds shall be submitted by the property owner to the City for deposit into a street fund for future use to develop and repair sidewalks, curbs and gutters, pedestrian trails, and streets within the City. The City Engineer shall calculate the lineal foot costs for construction of the improvements by consulting licensed contractors in the area.

F. Notwithstanding subsection (D) of this section, the City Manager shall grant an exception to the requirements of this section and shall not require a fee in lieu of construction if the following criteria are satisfied:

- 1. The entire street where the lot or property is located is unpaved in its entirety;*
- 2. The City has not previously collected a fee in lieu or similar fee from other lot or property owners on the street to pay for the construction of sidewalks, curbs, and gutters on the street; and*
- 3. The street where the lot or property is located is not subject to (a) project the City has approved to pave or otherwise improve the street.*

Analysis

- *MMC 17.04.070 It is the burden of the applicant to provide “good cause” to support a proposed text amendment. For the purpose of establishing and maintaining sound, stable and desirable development within the City of Moab, amendments to the Land Use Code are committed to the sound discretion of the City Council based upon the following nonexclusive list of criteria:*
 - *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?*

Motion Options

- Positive: I move that the Moab City Council approve the City Ordinance 2026-07, An Ordinance Amending the text of the Moab Municipal Code Section 17.08.060 To Update the Process by Which the City Grants Exceptions to its Requirements Governing the Construction of Sidewalk, Curbs, and Gutters
- Negative: I move that the Moab City Council deny the City Ordinance 2026-07, An Ordinance Amending the text of the Moab Municipal Code Section 17.08.060 To Update the Process by Which the City Grants Exceptions to its Requirements Governing the Construction of Sidewalk, Curbs, and Gutters