

CITY OF MOAB ORDINANCE 2026-16

AN ORDINANCE OF THE MOAB CITY COUNCIL AMENDING, SECTION 2.52.030 (PLANNING COMMISSION), CHAPTER 16.08 (SUBDIVISION PROCEDURE), AND SECTION 17.12.050 (DAMAGED BUILDING RESTORATION) OF THE MOAB MUNICIPAL CODE TO EXTEND THE RECORDING DEADLINES FOR APPROVED FINAL PLATS AND THE RELATED ONE-TIME EXTENSION FOR SUCH PLATS, TO ELIMINATE THE PUBLIC HEARING REQUIREMENT FOR PRELIMINARY PLATS, TO ADJUST PLANNING COMMISSION ATTENDANCE REQUIREMENTS, AND TO AMEND REGULATIONS ON REBUILDING OR RENOVATING NONCONFORMING STRUCTURES AND USES AFTER A FIRE OR CALAMITY

WHEREAS, Moab City is a municipality and has authority to adopt land use regulations pursuant to Utah Code § 10-20-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 20, Utah Code (“LUDMA”); and

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

a. The City has enacted Section 2.52.030 (Planning Commission), Chapter 16.08 (Subdivision Procedure), and Section 17.12.050 (Damaged Building Restoration) of the Moab Municipal Code (“MMC”) to regulate certain aspects of land use and development within the City Limits in accordance with LUDMA, and from time to time the City undertakes revisions of the MMC’s land use provisions to improve the quality and consistency of land development regulations; and

b. The City intends to amend MMC Sections 16.08.010, 16.08.050, 2.52.030, and 17.12.050 to: (i) extend the deadline to record an approved plat to one year; (ii) extend the related one-time extension to one year; (iii) adjust the minimum attendance requirements for the Planning Commission; (iv) eliminate the public hearing requirement for preliminary plats; and (v) amend municipal regulations regarding the reconstruction or restoration of a noncomplying structure and continue the nonconforming use to the same extent and character, if destroyed by a fire or other calamity, respectively; and

c. The City finds that this ordinance, for the purpose of updating the subdivision process, meets the Text Amendment criteria for consideration; and

d. The Moab Planning Commission reviewed the application in a public meeting held on August 13th, 2026, to review the proposed amendments to MMC Sections 16.08.010, 16.08.050, 2.52.030, and 17.12.050, and issued a favorable recommendation to the Moab City Council.

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

1. Amendment. The amendments of MMC Sections 16.08.010, 16.08.050, 2.52.030, and 17.12.050, attached to this ordinance as **Exhibit A**, are APPROVED and ADOPTED into MMC.

2. Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of this ordinance, or specific application of this ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (i) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (ii) to revise the MMC to include the ordinance, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

4. Effective Date. This ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

PASSED AND APPROVED this 25th day of August 2026, by a majority of the Moab City Council.

SIGNED:



Joette Langianese, Mayor

8/25/26

Date

ATTEST:



Sommar Johnson, Recorder

Voting:

Council Member	<u>LOFTIN</u>	voting	<u>AYE</u>
Council Member	<u>KNUTSON-BOND</u>	voting	<u>AYE</u>
Council Member	<u>MYERS</u>	voting	<u>ABSENT</u>
Council Member	<u>TAYLOR</u>	voting	<u>AYE</u>
Council Member	<u>TOPPER</u>	voting	<u>AYE</u>

(Complete as Applicable)

Date ordinance summary was posted to the Moab City website, the Utah Public Notice website, and in a public place within Moab City per Utah Code §10-3-711: 8-26-26

Effective date of ordinance: AUGUST 26, 2026

EXHIBIT A

The following amendments to the MMC, which are indicated in underline and/or strikethrough edits, are adopted.

AMENDMENT TO 16.08.010 Preliminary Procedure – Timelines

Before dividing any tract of land into two or more lots, a subdivider shall contact the Moab City Planning Coordinator to obtain the required application form and the maintained and published list of the items comprising the complete subdivision application.

A. The applicant may request a preapplication meeting which City staff must provide within fifteen business days after the request.

B. At the preapplication meeting, the ALUA and designated City staff shall provide or make available on the City's website the following:

1. Copies of applicable land use regulations and code provisions;
2. A complete list of standards required for the project;
3. Preliminary and final application checklists; and
4. Feedback on the concept plan of the subdivision.

C. Prior to or coincident with the submission of the preliminary subdivision application, the applicant shall file with the Planning Coordinator a completed subdivision information form or forms as furnished by the Planning Coordinator, including:

1. The application;
2. The owner's affidavit;
3. An electronic copy of all plans in PDF format;
4. The preliminary subdivision plat drawings; and
5. A breakdown of fees as established by resolution due upon approval of the application.

D. The applicant shall file eight black and white prints of the preliminary plat prepared in conformance with the provisions of this title with the Planning Coordinator for examination and subsequent approval or disapproval.

~~E. After a public hearing noticed according to Section 10-9a-207, Utah Code Annotated, 1953, as amended, the prints shall be filed at least thirty business days prior to the Planning Coordinator's meeting at which time the plat may be considered, and shall be accompanied by a filing fee.~~

F. No later than fifteen business days after the complete preliminary subdivision application is submitted, the Planning Coordinator shall complete the initial review of a complete preliminary subdivision application submitted for ordinance review.

G. Within one year after receiving approval of the preliminary subdivision plan and plat by the Planning Coordinator, unless such time is extended by the Planning Coordinator, the applicant shall submit the original and three copies of the final plat to the Planning Coordinator for final approval or disapproval.

H. Following final approval by the Planning Coordinator, the final plat bearing all official signatures and/or approvals as herein required shall be submitted to the office of the county recorder for recording by the subdivider. A sepia, autpositive, CD disc or other reproducible copy together with two standard prints of the final plat shall be supplied to the Planning Coordinator.

I. The final plat of a subdivision shall be recorded within a period of ~~one hundred eighty days~~ one year following approval by the Planning Coordinator. A one-time extension of an additional ~~thirty days~~ one year ~~may~~ be granted at the discretion of the Planning Coordinator.

J. Failure on the part of the subdivider to record a final plat of a subdivision within the time period above shall render the plat invalid and require reconsideration by the Planning Coordinator, acting as the ALUA, before its acceptance.

AMENDMENT TO 16.08.050 Vacating or changing a subdivision plat.

Any proposed vacation, alteration, change or amendment to a subdivision plat must comply with the Utah State Code ~~requirements regarding~~ ~~requirements of Section 10-9a-205, Utah Code Annotated, 1953, as amended, and the requirements of and the~~ vacation or change in platted subdivision ~~outlined by Section 10-9a-608, Utah Code Annotated, 1953, as amended.~~

Application/ Action	Administrative Body	Land Use Authority	Appeal Body	Required Public Hearing
Prelim Plat	ALUA	Planning Coordinator	AA	Yes No
Final Plat	ALUA	Planning Coordinator	AA	No
Amend Plat*	ALUA	Planning Coordinator	District Court	No
Amend Plat	ALUA	Planning Coordinator	District Court	Yes ALUA
Modify Lot Lines	ALUA	Planning Coordinator	AA	No
Subd Ord/ Amend	ALUA	Planning Coordinator	District Court	Yes ALUA
Condo. Conversion	Staff	Planning Coordinator	Appeal Authority	No
New Condo. App.	(See procedures for site plan, subdivision, or planned developments, as applicable)			

*If all owners within the plat sign to permit amendment and it does not involve vacation of a public R-O-W, the planning coordinator may approve without public hearings.

Proof of sewer or water availability for non-City authorities. Developer is required to submit a letter from a sewer and water authority stating that the authority can and will provide water or sewer or both, to any subdivision, multi-residential or industrial development located within Moab City where the City is not the provider of such services. The required letter shall be submitted prior to preliminary plat approval and shall provide size, condition and capacity of water and sewer lines that are intended to provide such services to the development. The letter does not suspend the requirement for an applicant to submit a subdivision improvement plan on a final subdivision application.

AMENDMENT TO 2.52.030 Terms – Minimum attendance – Standards removal – Filling vacancies.

The terms of office of each member of the Planning Commission shall be for three years. ~~Commissioners who fail to attend seventy-five percent of the meetings or have three or more unexcused absences in a calendar year may be removed from the Commission. Planning Commission members must attend a minimum of seventy-five percent of all Planning Commission meetings held during the course of a calendar year in order to remain a member of the Planning Commission.~~ This ongoing determination of attendance shall be conducted by planning department staff and forwarded to the chairperson of the Planning Commission, the City Manager and Mayor and City Council. Vacancies and/or removals occurring

through the expiration of terms shall be filled by appointment by the Mayor with the consent of City Council. Members may be removed, with or without cause, by a majority vote of City Council.

AMENDMENT TO 17.12.050 Damaged Building Restoration.

A. The following changes or alterations may be made to a nonconforming building provided that such changes or alterations do not exceed fifty percent of its assessed valuation, excluding the value of the land, for tax purposes at such date unless such building or structure is changed to a conforming use.

1. Repairs may be made to a non-complying building or to a building housing a nonconforming use that has been officially declared unsafe to restore it to a safe condition. All structural alterations shall be made as required by law or as established by a health or safety official. No further expansion or change in use can be undertaken contrary to the provisions of this title unless a health or safety official, acting in his official capacity, requires such increase or expansion. Such expansions shall be limited to that which is required to comply with the minimum requirements.
2. Maintenance repairs may be made to a non-complying building to maintain an acceptable condition of a building.
3. Any structural alterations that would not increase the degree of nonconformance or which would change the use to a conforming use.

B. If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire ~~or other calamity, the elements or other cause,~~ it may be rebuilt and/or continue the nonconforming use ~~to the same extent and character as documented before the calamity, to conform to the provisions of this code~~ except as follows:

1. The structure or use has been abandoned
 2. The structure has been allowed to deteriorate to a condition that the building official has determined that structure is uninhabitable in accordance with applicable laws and regulations, and is not repaired or restored within six months after the day on which written notice is served to the property owner that the structure is uninhabitable.
 3. The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.
- ~~1. In the case of partial destruction of a structure occupied by a nonconforming use not exceeding fifty percent of its replacement value, reconstruction may be permitted subject to the following standards:~~
- ~~a. The size and function of the noneonforming use shall not be expanded; and~~
 - ~~b. Work on the restoration of the use must begin within twelve months of the time of the calamity;~~
- ~~2. A residential structure that is destroyed fifty percent or more of its replacement value and is nonconforming only because it does not meet the minimum required dwelling unit floor area, may be reconstructed subject to the following standards:~~
- ~~a. The replacement residential structure may be the same size or it may be larger than the destroyed structure provided that the new structure conforms with all other requirements of the zone district; and~~
 - ~~b. The replacement residential structure conforms to all adopted building codes, including but not limited to: currently adopted city construction codes;~~
 - ~~c. All manufactured housing must comply with the requirements of this code. (Ord. 10-15, 2010)~~

**SUMMARY OF
MOAB CITY
ORDINANCE NO. 2026-16**

On August 25, 2026, the Moab City Council enacted Ordinance No.2026-16 to amend Section 2.52.030 (Planning Commission), Chapter 16.08 (Subdivision Procedure), and Section 17.12.050 (Damaged Building Restoration) of the Moab Municipal Code to: (i) extend the recording deadlines for approved final plats and the related one-time extension for such plats; (ii) eliminate the public hearing requirement for preliminary plats; (iii) adjust planning commission attendance requirements; and (iv) to amend regulations on the rebuilding or renovation of non-conforming structures and uses after a fire or calamity.

SIGNED:



Joette Langianese, Mayor

8/25/26

Date

ATTEST:



Sommar Johnson, Recorder

A complete copy of Ordinance No. 2026-16 is available in the Moab City offices located at 217 E. Center Street, Moab, UT 84532.