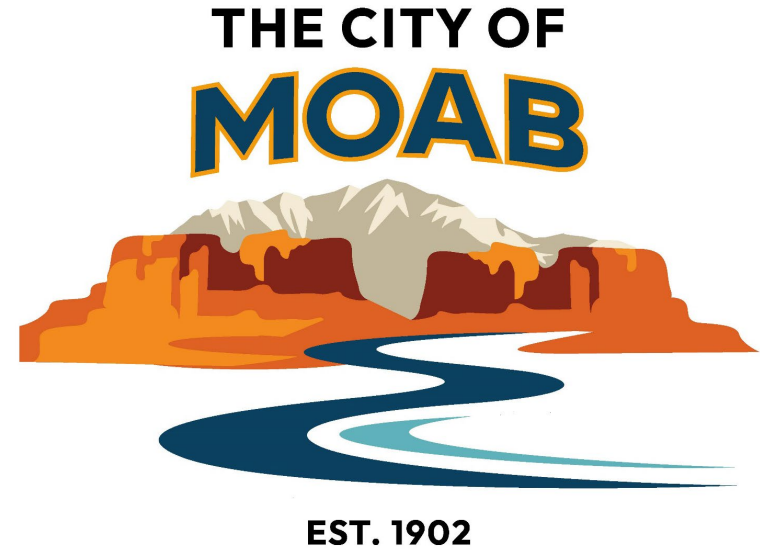


Planning Commission



SEPTEMBER 24, 2026

Amendment of Section 12.08.061 Exceptions to sidewalk, curb, and gutter requirements

- Clarifies existing exception
- Adds 2 new categories of exceptions
- Adds exemption language to an existing section for which a fee is not due

Residential Update

12.08.061 Exceptions to Sidewalk, curb, and gutter requirements.

A. Fee-in-Lieu

1. Residential. 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:

- ~~a.1. The frontage of the lot exceeds two hundred lineal feet;~~
- ~~b2. The lot ~~is intended only for~~ is a single-household ~~residence~~ use;~~
- ~~c3. The construction of the street, curb and gutter, and sidewalks is inconsistent with the street character;~~
- ~~4. The exception will not create, extend or perpetuate a half-paved street.~~
 - i. The fee-in-lieu for a property meeting the above criteria shall be calculated for the frontage length of the property or 200 Linear Feet, whichever is less.

New Exception

2. Commercial, Residential, Industrial. 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:

- a. The frontage of the lot exceeds two hundred lineal feet;
- b. Lot is within an Industrial, Residential, or Commercial Zone
- c. The construction of the street, curb and gutter, and sidewalks is inconsistent with the street character
 - i. The fee-in-lieu for a property meeting the above criteria shall be calculated for the frontage length of the property.

New Exception

3. Highway Commercial

If the lot 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:

- a. The lot has frontage on a highway;
- b. Site constraints limit placement in line with policy or existing sidewalk based on the judgment of the City Engineer.
 - i. The fee-in-lieu for a property meeting the above criteria shall be calculated for the frontage length of the property.

Adjusting the Fee value

BE. 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 as specified in the applicable Fee-in-lieu section. 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 required construction improvements by consulting licensed contractors in the area.

Exemption language added

CF. Exemption. Notwithstanding subsection ~~(D)~~(A) 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. (Ord. 26-07 § 1 (Exh. A), 2026)

Addition of Section 12.08.061 Exceptions to sidewalk, curb, and gutter requirements

12.08.061 Exceptions to Sidewalk, curb, and gutter requirements.

A. Fee-in-Lieu

1. Residential. 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:
 - a. The frontage of the lot exceeds two hundred lineal feet;
 - b. The lot is a single-household use;
 - c. The construction of the street, curb and gutter, and sidewalks is inconsistent with the street character;
 - i. The fee-in-lieu for a property meeting the above criteria shall be calculated for the frontage length of the property or 200 Linear Feet, whichever is less.
2. Commercial, Residential, Industrial. 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:
 - a. The frontage of the lot exceeds two hundred lineal feet;
 - b. Lot is within an Industrial, Residential, or Commercial Zone
 - c. The construction of the street, curb and gutter, and sidewalks is inconsistent with the street character
 - i. The fee-in-lieu for a property meeting the above criteria shall be calculated for the frontage length of the property.
3. Highway Commercial
If the lot 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:
 - a. The lot has frontage on a highway;
 - b. Site constraints limit placement in line with policy or existing sidewalk based on the judgment of the City Engineer.
 - i. The fee-in-lieu for a property meeting the above criteria shall be calculated for the frontage length of the property.

Tex Amendment Criteria

- A. Is the proposed use substantially similar to other authorized uses permitted within the subject zoning district?
No use proposed
- 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? No use proposed
- C. Is the amendment consistent with the policies and goals of the General Plan? Goal 5 of Transportation Element "Promote a creative approach to street and sidewalk design integrating various forms of travel and transportation."
- 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? Less sidewalk may be built at the time of construction.
- E. Is it in the public interest to approve the proposed amendment? Exceptions are made clearer
- F. Is the amendment likely to lead to a positive redevelopment of a specific area or zone? Maybe
- G. Will the amendment provide a variety of options for residents in terms of economic development, affordable housing, or other benefits? Maybe
- 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? Yes, exceptions are adaptable based on use and zone.

Motion Options

Positive Motion: I move that the City of Moab Planning Commission forward a positive recommendation to the Moab City Council for City Ordinance 2026-19, An Ordinance Amending The Text Of The Moab Municipal Code Section 12.08.060 To Update The Process By Which The City Grants Exemptions To Its Requirements Governing The Construction Of Sidewalks, Curbs, And Gutters To Highway Commercial Properties

Negative Motion: I move that the City of Moab Planning Commission forward a negative recommendation to the Moab City Council for City Ordinance 2026-19.