

**CITY OF MOAB  
PLANNING COMMISSION  
PUBLIC HEARING  
PROPOSED ORDINANCE 2013-08**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, August 8, 2013 at approximately 7:00 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 2013-08, an ordinance amending the City of Moab Municipal Code, Section 17.72.070, Certificate of Zoning Compliance Required, Subsections A and B, amending the issuance of a Certificate of Occupancy and Certificates of Zoning Compliance with an approved bond.

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](http://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, July 25, 2013 and August 1, 2013.

**ORDINANCE #2013-08**

**AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL CODE, SECTION 17.72.070, CERTIFICATE OF ZONING COMPLIANCE REQUIRED, SUBSECTIONS A AND B, AMENDING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AND CERTIFICATES OF ZONING COMPLIANCE WITH AN APPROVED BOND**

**WHEREAS**, the City Council (“Council”) adopted the Moab Municipal Code (“Code”) and especially Title 17.00 also known as The Zoning Ordinance of Moab City, Utah” in an effort to encourage and facilitate orderly growth and development in the City of Moab (“City”) as well as to promote a more attractive and wholesome environment; and

**WHEREAS**, from time to time the City has determined that there is a need to amend the Code in order to make the text more contemporary, align the language with Utah State Code, and provide for a use that was not anticipated at the time of adoption; and

**WHEREAS**, the City has found that from time to time, it is desirable to issue Certificates of Occupancy even when minor improvements on a project are not yet complete; and

**WHEREAS**, the City of Moab Planning Commission (“Commission”) in a duly advertised public hearing held on \_\_\_\_\_, 2013, met to hear testimony and determine the merits of the changes to Chapter 17.72.070 of the Moab Municipal Code; and

**WHEREAS** the Commission unanimously voted to recommend that Council adopt the amended language and that adoption of Ordinance #2013-08 is in the best interests of the citizens of Moab; and,

**WHEREAS**, the Commission found that the proposed changes to said code chapter would benefit the public at large and the City to insure that appropriate detailed site plans are submitted with a development application; and

**WHEREAS**, Council agrees with the Planning Commission and found that the amendments to the code are in the best interests of the City and residents.

**NOW, THEREFORE**, the Moab City Council hereby ordains that Ordinance #2013-08 is hereby adopted to amend the Municipal Code as follows:

**17.72.070 Certificate of zoning compliance required.**

A. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or to change the occupancy of any building or premises until a certificate of zoning compliance is issued by the zoning administrator, stating that the proposed use of the building or land conforms to the requirements of this title. No nonconforming structure or use shall be changed or extended until a certificate of zoning compliance has been issued by the zoning administrator. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs with the provisions of this title.

B. The zoning administrator may permit the occupancy of a building prior to the completion of all required work, provided a cash-only bond is posted with the city recorder in an amount equal to the cost of completing such required work plus fifty percent and all administrative costs as determined by the governing body.

1. The construction costs for the completion of the remaining improvements shall be less than \$10,000.00 and shall not include ADA accessibility requirements, potable water and sanitary sewer, or health and safety requirements found in the building code or other ordinances adopted

by the city.

2. Types of improvements that may be bonded under this section include but are not limited to: building trim, landscaping, curb, gutter and sidewalk, or replacement of concrete that was damaged during construction.

3. The estimated cost of the remaining improvements and a schedule for completion shall be established in an Improvements Agreement that must be approved by City Council.

4. The agreement must contain at a minimum:

- i. A description of the work to be completed
- ii. Reasons for the incompleteness of items
- iii. Estimates of the construction costs and the additional costs listed above
- iv. Contain a reference to the building permit number
- v. An expected date of completion
- vi. Actions to be taken or penalties for failure to complete the improvements on time

5. If necessary items remain unfinished at the end of the agreed time period, the city manager may grant an extension. The extension shall not exceed a reasonable period of time to allow the contractor/developer to complete those remaining items listed in the Improvements Agreement.

6. The city manager shall have the authority to release the bond if the improvements are satisfactorily completed. All public improvements shall be warranted by the developer/contractor for a period of one year from the date of final inspection by city staff. If the improvements are not completed to the satisfaction of the city or incomplete at the time of expiration of the agreement, the city manager shall cause the work to be completed and use the bond to satisfy the incurred costs.

The zoning administrator shall maintain a record of all certificates of zoning compliance for a period of five years and a copy shall be furnished upon request to any applicant.

Passed and adopted by action of the Governing Body of the City of Moab in open session this \_\_\_\_ day of \_\_\_\_\_, 2013.

City of Moab

\_\_\_\_\_  
Mayor David L. Sakrison

Attest:

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Rachel Stenta  
City Recorder