

**SUMMARY OF**  
**MOAB MUNICIPAL**  
**ORDINANCE NO. 2024-05**

On December 10, 2024, the City Council of Moab, Utah enacted Ordinance No. 2024-05, amending its subdivision application procedures as set forth in Title 16 of the Moab Municipal Code, specifically repealing and reenacting provisions related to compliance with Senate Bill 174 (2023) and House Bill 476 (2024) and other general updates and revisions.

CITY OF MOAB

  
By: Joette Langianese, Mayor

ATTEST

  
Sommar Johnson, Recorder

Voting:

Council Member Kaitlyn Myers	voting <u>N/A - ABSENT</u>
Council Member Colin Topper	voting <u>AYE</u>
Council Member Tawny Knuteson-Boyd	voting <u>AYE</u>
Council Member Jason Taylor	voting <u>AYE</u>
Council Member Luke Wojciechowski	voting <u>AYE</u>

A complete copy of Ordinance No. 2024-05 is available in the Moab City offices located at 217 E. Center Street, Moab, UT 84532.

**CITY OF MOAB**  
**ORDINANCE NO. 2024-05**

**AN ORDINANCE AMENDING TITLE 16, MOAB MUNICIPAL CODE, REGARDING  
SUBDIVISION PROVISIONS AND PROCEDURES**

RECITALS

**WHEREAS**, Moab is a municipality and has authority to regulate subdivisions in general pursuant to Utah Code Ann. Subsection 10-9a-601 et seq.; and

**WHEREAS**, revisions to the existing subdivision and land use ordinances of the City of Moab are required to comply with Senate Bill 174 (2023) and House Bill 476 (2024); and

**WHEREAS**, the City of Moab, through its Council, has authority to adopt subdivision regulations and procedures pursuant to Utah Code Ann. § 10-9a-601 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a, Utah Code, to establish an administrative land use authority for subdivisions and other provisions as necessary and appropriate to comply with Senate Bill 174 (2023) and House Bill 476 (2024); and

**WHEREAS**, the Moab City Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the Moab City Council, Moab, Utah as follows:

1. Title 16, Subdivision Ordinance, of the Moab Municipal Code is repealed and reenacted to read as shown on **Attachment A** to this Ordinance.
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. Staff are authorized and directed to make such non-substantive changes and take other actions required to finalize, post, and publish this Ordinance.
4. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

[execution on following page]

PASSED AND ADOPTED this 10 day of ~~DECEMBER~~ 2024.

CITY OF MOAB

  
By: Joette Langianese, Mayor

ATTEST

  
Sommar Johnson, Recorder

Voting:

Council Member Kaitlyn Myers	voting <u>N/A - ABSENT</u>
Council Member Colin Topper	voting <u>AYE</u>
Council Member Tawny Knuteson-Boyd	voting <u>AYE</u>
Council Member Jason Taylor	voting <u>AYE</u>
Council Member Luke Wojciechowski	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: 12.11.24

Effective date of ordinance: 12/11/24

## **ATTACHMENT A**

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## Title 16 SUBDIVISIONS

Chapters:

- 16.04**      **Definitions**
- 16.08**      **Procedure**
- 16.10**      **Preliminary Subdivision Plan**
- 16.12**      **Preliminary Plat**
- 16.14**      **Final Subdivision Plan**
- 16.16**      **Final Plat**
- 16.20**      **Required Improvements**
- 16.24**      **Design Standards**
- 16.28**      **Administration and Enforcement**

### Chapter 16.04 DEFINITIONS

Sections:

- 16.04.010**    **Definitions.**
- 16.04.010**    **Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Refer to Section [17.06.020](#), definitions, for terms beginning with the letters A through E, except for the following:

"Administrative Land Use Authority" or "ALUA" means the planning coordinator. The planning coordinator shall review the initial subdivision application, subdivision preliminary plan application, subdivision improvement plan, and subdivision final plan application and make the preliminary and final determination to approve, deny, or modify the applications. The ALUA may not include the city council or any member of the city council. The ALUA shall consult with the design review team.

"Applicant" means the developer or subdivider who submits the complete preliminary and final subdivision applications for the subdivision of land.

“Complete Application” means the preliminary or final subdivision application that complies with the City’s code, public work standards and specifications, any other applicable city, local, or state regulations, Utah Code § 10-9a-604.2, the preliminary plan checklist, and the final plan checklist as determined at each stage by the ALUA.

“Design Review Team” means the planning coordinator, designated city staff, and may include designated representatives of city and county departments, including engineering, police, fire, rural water districts, county health, and other persons or agencies as considered necessary by the ALUA.

“Development Agreement” means an agreement between a developer and the City that the City considers necessary or appropriate for a subdivision project to accomplish the purposes of this Title in compliance with Utah Code § 10-9a-532.

“Development application” means an application for a preliminary or final plat for a subdivision, a planned unit development, or any other similar land use designation that is used in this code, any application for zoning, rezoning, general development plans, and special use permits where such applications are in anticipation of new surface development, but does not include building permit applications.

“Final approval” means the approval granted by the ALUA to a final subdivision plan and plat by the planning coordinator and provides the necessary authority to proceed with the subdivision.

“Final plat” means a map or chart of a subdivision which has been accurately surveyed by a registered surveyor and such survey is marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

“Lot” means a portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership.

“Lot width” is the width of the lot measured along the minimum building setback line.

“Major street” means one of the principal thoroughfares, as shown or designated on the master street plan.

“Marginal access street” means a minor street which is parallel to and adjacent to a major street and which provides access to abutting properties and protection from through traffic.

“Master street plan” means a plan labeled “Master Street Plan of Moab City,” including maps or reports or both, which have been approved by the Planning Commission and City Council as required by law.

“Minor streets” means any dedicate street serving as the principal means of access to property, which street is not shown on the master street plan as a principal thoroughfare.

“Official map” means any map adopted by the City Council under the provisions of Title [10](#), Chapter 9, Section [7](#), Utah Code Annotated, 1953, as amended.

“Other public dedication” means parks, playgrounds, drainage channels or other areas of land to be dedicated to public use.

“Planning Coordinator” means the city planner’s designee to act as the ALUA for preliminary and final subdivision applications with final approval authority.

“Preliminary approval” means an approval, with or without recommended alterations, given to a preliminary subdivision plan and preliminary plat by the planning coordinator, and provides the necessary authority to proceed with the preparations of the final subdivision plan and final plat.

“Preliminary plat” means a map or chart of a proposed subdivision.

“Review cycle” means the occurrence of the applicant’s submittal of a complete subdivision application to the planning coordinator; the planning coordinator’s review of the subdivision application; the planning coordinator’s response to that subdivision application, in accordance with Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2; and the applicant’s reply to the planning coordinator’s response that addresses each of the required modifications or requests for additional information. Review cycle restrictions and requirements apply to subdivision improvement plans but do not apply to the review of subdivision applications affecting property within identified geologic hazard areas.

“Setback lines” means the shortest distance between the property line of a lot or parcel and the location where the structure is allowed to be placed, including the foundation, wall or main frame of the building, under an adopted land use regulations.

“Subdivider” means any person laying out or making subdivision for the purposes of first sale, offering for sale or first selling for himself or others of the subdivision or any part thereof.

“Subdivision” means a described tract of land which has been divided into three or more lots, tracts or parcels of five acres or less in area. (Ord. 11-07, 2011; Ord. 13-81 (part), 1981: prior code § 22-1-1)

“Subdivision application” means the complete preliminary and final subdivision application for the subdivision of land.

“Subdivision improvement plans” means the civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a final subdivision application.

“Subdivision ordinance review” means review by the City to verify that the subdivision application meets the criteria of the City’s ordinances.

“Subdivision plan review” means a review of the applicant’s subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with City ordinances, applicable installation standards, and inspection specifications for infrastructure improvements.

## **Chapter 16.08 PROCEDURE**

Sections:

- 16.08.010 Preliminary procedure. Timelines.**
- 16.08.020 Exceptions--Final plat.**
- 16.08.030 Exceptions--Exceptional conditions.**
- 16.08.040 One main dwelling structure to a lot.**
- 16.08.050 Vacating or changing a subdivision plat.**

### **16.08.010 Preliminary procedure.**

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 pre-application meeting which city staff must provide within 15 business days after the request.

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- B. At the pre-application 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 Utah State Code [10-9a-207](#), , 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 in conformance with the following schedule:
- F. No later than 15 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 following approval by the planning coordinator. A one-time extension of an additional thirty days 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. (Ord. 13-12, 2013; Ord. 06-11 (part), 2006; Ord. 06-01 (part), 2006; Ord. 13-81 (part), 1981; prior code §22-2-1)

### **16.08.020 Exceptions--Final plat.**

In subdivisions of less than five lots, land may be sold after recording of a plat, if all the following conditions are met:

- A. The subdivision plan shall have been approved by the planning coordinator, the City Engineer, the City Attorney, and other agencies the city planner deems necessary.;
- B. The subdivision is not traversed by lines of a proposed street, and does not require the dedication of any land for street or other purposes;
- C. Each lot within the subdivision meets the frontage width and area requirements of the zoning title or has been granted a variance from such requirements by the appeal authority;
- D. All final plat requirements shall be complied with;
- E. All provisions of Chapter [16.20](#) of this title shall be complied with; and
- F. The water supply and sewage disposal shall have been approved by the utility supervisor. (Ord. 10-06, 2010; Ord. 13-81 (part), 1981; prior code §22-2-2)

### **16.08.030 Exceptions--Exceptional conditions.**

In cases where unusual topographic or other exceptional conditions exist, variations and exceptions from this title may be made by the planning coordinator, after the approval of the

planning coordinator, provided that such variation and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title. (Ord. 13-81 (part), 1981: prior code §22-2-3)

#### **16.08.040 One main dwelling structure to a lot.**

Except for a guest house or group dwelling permitted in the zoning title, not more than one main dwelling structure shall occupy any one lot. (Ord. 13-81 (part), 1981: prior code §22-2-4)

#### **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 noticing requirements of 10-9a-205 and the requirements of vacation or change in platted subdivision outlined by the Utah State Code [10-9a-608](#).

<b>Application/Action</b>	<b>Administrative Body</b>	<b>Land Use Authority</b>	<b>Appeal Body</b>	<b>Required Public Hearing</b>
Prelim Plat	ALUA	Planning Coordinator	AA	Yes
Final Plat	ALUA	Planning Coordinator	AA	No
Amend Plat*	ALUA	Planning Coordinator I	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

Application/Action	Administrative Body	Land Use Authority	Appeal Body	Required Public Hearing
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 can approve without public hearings.

Proof of sewer or water availability for noncity 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 the 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. (Ord. 10-06, 2010; Ord. 06-10 (part), 2006; Ord. 06-01 (part), 2006; Ord. 92-04, 1992)

## Chapter 16.10 PRELIMINARY SUBDIVISION PLAN

Sections:

### 16.10.010 Proposed subdivision plan.

- A. [The planning coordinator shall conduct the preliminary subdivision plan review in collaboration with the design team. Only one public hearing may be required for the opportunity for public comment.](#)
- B. [If the preliminary subdivision application complies with the applicable ordinances and the requirements of Utah Code § 10-9a-604.1, the planning coordinator shall approve the preliminary subdivision application.](#)
- C. [The planning coordinator has final authority to approve the preliminary subdivision plan which may be appealed as provided in MCC 17.72.130.](#)

### 16.10.020 Preliminary plan approval.

A. In reviewing a preliminary subdivision application, the planning coordinator may require:

1. additional information or modifications to plans to ensure compliance with city ordinances and approved standards and specifications for construction of public improvements; and
2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
3. any additional information or modifications requested shall be specific and include citations to ordinances, standards, or specifications that require the modifications to preliminary subdivision plans, and the request shall be logged in an index.

B. The planning coordinator may not, outside the review cycle, engage in substantive review of required infrastructure improvements or a municipally-controlled utility until final subdivision plan review.

C. The planning coordinator may receive public comment and hold no more than one public hearing for the preliminary subdivision application.

## **Chapter 16.12 PRELIMINARY PLAT**

Sections:

- 16.12.010** Preparation--Generally.
- 16.12.020** Description and delineation.
- 16.12.030** Existing conditions.
- 16.12.040** Proposed subdivision plan.
- 16.12.050** Preliminary plan approval.

### **16.12.010 Preparation--Generally.**

The preliminary plat, prepared on tracing paper twenty-four inches by thirty inches, shall contain the information herein specified and comply with the requirements set out in Sections [16.12.020](#) through [16.12.040](#). (Ord. 13-81 (part), 1981: prior code §22-3-1 (part))

### **16.12.020 Description and delineation.**

In a title block located in the lower right-hand corner the following shall appear:

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- A. The proposed name of the subdivision;
  - B. The location of the subdivision, including:
    - 1. Address,
    - 2. Section, township and range;
  - C. The names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision;
  - D. The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point. (Ord. 13-81 (part), 1981: prior code §22-3-1(1))

### **16.12.030 Existing conditions.**

The preliminary plat shall show:

- A. The location of and dimensions to the nearest benchmark or monument;
- B. The boundary line of the proposed subdivision indicated by a solid heavy line and the total acreage encompassed thereby;
- C. All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system shall be considered in the light of existing master street plans or other Planning Commission studies;
- D. The location, width and names of all existing streets within two hundred feet of the subdivision and of all prior platted streets or other public ways, utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, within and adjacent to the tract;
- E. The location of all wells, proposed or active and abandoned within the tract and to a distance of at least one hundred feet beyond the tract boundaries;
- F. Existing sewers, water mains, culverts or other underground facilities within the tract and the distance of at least one hundred feet beyond the tract boundaries including pipe sizes, grades, manholes and their exact location;

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- G. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments;
  - H. Boundary lines of adjacent tracts or unsubdivided land, showing ownership where possible;
  - I. Contours at vertical intervals of not more than two feet, high water levels of all watercourses, if any, shall be indicated in the same datum for contour elevations and, without exception, shall be shown in the most current North American Vertical Datum (NAVD) available. (Ord. 13-02, 2013; Ord. 13-81 (part), 1981: prior code §22-3-1(2))

#### **16.12.040 Proposed preliminary subdivision plan.**

The preliminary subdivision plan shall show:

- A. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements;
- B. The layout, numbers and typical dimensions of lots;
- C. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision; and
- D. A tentative plan or method by which the subdivider proposes to handle storm drainage for the subdivision, but not including the subdivision improvement plan. (Ord. 13-81 (part), 1981: prior code §22-3-1(3))

#### **16.12.050 Preliminary plan approval by Administrative Land Use Authority.**

- A. Following a review of the preliminary plan and plat by the planning coordinator, acting as the ALUA along with the City Engineer, the utility supervisor, the utility companies and other agencies as required by the city planner, shall hold a public hearing before acting on the plan and plat as submitted or modified.
- B. If the planning coordinator approves the plan and plat, the planning coordinator shall issue its written approval with whatever conditions are attached, by returning one copy of the preliminary plan and plat, signed by the planning coordinator to the subdivider. One signed copy shall be given to the City Engineer and one copy retained by the planning coordinator; with other copies to be distributed as determined by the planning coordinator.

C. If the planning coordinator disapproves the preliminary plan and plat, the planning coordinator shall indicate its disapproval in writing and give reason for such disapproval by means of signed copies.

D. The planning coordinator's action may be appealed to the appeal authority within thirty days of written notice to the subdivider as provided in Title 17.

E. The receipt of a signed copy of the approved preliminary plat shall be authorization for the subdivider to proceed with the preparation of the final plan and plat.

F. No construction of the subdivision shall commence until final approval has been given and the plat recorded. (Ord. 10-06, 2010; Ord. 06-01 (part), 2006; Ord. 13-81 (part), 1981; prior code §22-3-2)

## **Chapter 16.14**

### **FINAL SUBDIVISION PLAN**

Sections:

**16.14.010**      **Final Subdivision Plan Application Requirements.**

**16.14.020**      **Subdivision Improvement Plan Review.**

**16.14.030.**      **Final Subdivision Plan Approval.**

**16.14.040.**      **Development Agreements.**

#### **16.14.010. Final Subdivision Plan Application Requirements.**

A. In reviewing a final subdivision plan application, the planning coordinator may require:

1. additional information or modifications to plans to ensure compliance with city ordinances and approved standards and specifications for construction of public improvements;

2. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information;

3. additional information or modifications to plans which shall be specific and include citations to ordinances, standards, or specifications that require the modifications to final subdivision improvement plans, and logged in an index; and

4. the subdivision improvement plan which shall include the civil engineering plans associated with the required infrastructure improvements and municipally controlled utilities required for a subdivision.

B. The planning coordinator may not require more than four review cycles for a subdivision improvement plan review.

### **16.14.020. Subdivision Improvement Plan Review.**

A. Within 20 business days after the complete final subdivision application is submitted with the subdivision improvement plan, the planning coordinator, acting as the ALUA, shall complete the final subdivision plan review.

B. Subject to Subsection 16.14.020(1), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the subdivision improvement plan is waived by the planning coordinator.

1. Any modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

2. If the applicant makes a material change to a subdivision improvement plan, the planning coordinator has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.

3. If an applicant does not submit a revised subdivision improvement plan within 40 business days after the modification or correction is required, the planning coordinator has an additional 20 business days after the 20 days specified in Subsection 16.14.020.A. to respond to the revised subdivision improvement plan.

4. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the planning coordinator's previous

review cycle, the planning coordinator may not require additional revisions if the applicant has not materially changed the plan, other than responsive changes to the planning coordinator's requested modifications or corrections.

5. In addition to revised subdivision improvement plans, the applicant shall provide a written explanation, that is comprehensive, specific, including citations to applicable standards and ordinances for the design, and indexed, that identifies and explains each of the applicant's revisions or declined revisions.

6. If an applicant fails or refuses to address a review comment in the response, the review cycle is considered incomplete and the subsequent review cycle may not begin until all comments are addressed.

7. If on the fourth and final review, the planning coordinator fails to respond within 20 business days, and the applicant requests a review, the City shall within 10 days of the request:

a. assemble an appeal panel for a dispute arising from the subdivision improvement plans to review and approve or deny the final revised set of plans; or

b. advise the applicant in writing of the deficiency of the application upon subdivision ordinance review and the applicant's right to appeal the determination to the designated appeal authority.

8. Any other appeals of decisions interpreting Title 16 shall be before a hearing officer as provided in MCC 17.72.130.

### **16.14.030. Final Subdivision Approval.**

If a final subdivision application complies with the requirements of this section, the applicable municipal ordinances, and the preliminary subdivision approved granted in compliance with Utah Code §10-9a-604.1, the planning coordinator shall approve the final subdivision application.

### **16.14.040. Development Agreements.**

- A. If any requirement of this Title or the applicable standards is proposed to be satisfied by relation to or incorporation of components of another phase or related development, the applicant shall enter into a development agreement with Moab City governing the applicable phases and related development or modify the application to satisfy all requirements.
- B. Any development agreement between the applicant and Moab City shall comply with Utah Code §10-9a-532.

## **Chapter 16.16 FINAL PLAT**

Sections:

- 16.16.010**    **Preparation-Generally.**
- 16.16.020**    **Description and delineation.**
- 16.16.030**    **Standard forms to be included.**
- 16.16.040**    **Reserved.**

### **16.16.010**    **Preparation-Generally.**

The final plat, which must be prepared by a licensed land surveyor on a sheet of tracing linen twenty-four inches by thirty inches and made with approved waterproof black drawing ink, shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best and shall comply with the provisions set out in Sections [16.16.020](#) through [16.16.040](#). (Ord. 13-81 (part), 1981: prior code § 22-4-1 (part))

### **16.16.020**    **Description and delineation.**

The final plat shall show the following:

- A. The name of the subdivision;
- B. Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and any other important features;
- C. An identification system for all lots and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths. Actual house numbers, as assigned by the City Engineer, shall be shown;

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- D. True angles and distances to the nearest established street lines or official monuments, which shall be accurately described on the final plat and shown by appropriate symbols;
  - E. Radii, internal angles, points and curvatures, tangent bearings and the length of all curves;
  - F. The accurate location of all monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, city or other official benchmarks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position;
  - G. Dedicate to the City all streets, highways, and other public lands included in the proposed subdivision;
  - H. Pipes or other such physical monuments as shall be placed at each lot corner;
  - I. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets be obtained from the public agency or utility company and entered on the final plat in a form approved by the City Attorney. (Ord. 13-81 (part), 1981: prior code § 22-4-1(1))

### **16.16.030 Standard forms to be included.**

The final plat shall contain the following:

- A. A registered professional engineer or land surveyors' "Certificate of Survey";
- B. The owners' "Certificate of Dedication";
- C. A notary public's "Acknowledgement";
- D. The City Planning Commission's "Certificate of Approval";
- E. The City Engineers' "Certificate of Approval";
- F. The utility supervisors' "Certificate of Approval";
- G. The City Attorney's "Certificate of Approval";
- H. The City Council's "Certificate of Approval";
- I. Certificate of filing to be completed by county recorder;
- J. The planning coordinator's "Certificate of Approval." (Ord. 13-81 (part), 1981: prior code § 22-4-1(2))

**16.16.040 Reserved.**

**Editor's note:** Ord. No. [17-11](#), adopted May 9, 2017, repealed § 16.16.040, which pertained to the time limit for final plat recordation and derived from prior code § 22-4-1(3) and Ord. No. [13-81](#), 1981.

## **Chapter 16.20 REQUIRED IMPROVEMENTS**

Sections:

- 16.20.010 Certification required.**
- 16.20.020 Sewers and sewerage facilities.**
- 16.20.030 Stormwater drainage.**
- 16.20.040 Storm drainage.**
- 16.20.050 Street improvements.**
- 16.20.060 Performance bonds.**

**16.20.010 Certification required.**

No final plat of a subdivision of land shall be recorded, except as provided in Section [16.08.020](#), without receiving a statement signed by the planning coordinator, certifying that the improvements described in the subdivider's plans and specifications meet the minimum requirements of all ordinances of the City, that they comply with the recommendations of the City Engineer, the planning coordinator, the fire department, the utility supervisor, and other applicable agencies. The City Engineer may require the subdivider to submit as-built plans for public utilities. (Ord. 13-81 (part), 1981; prior code § 22-55-1 (part))

**16.20.020 Sewers and sewerage facilities.**

Where a public sanitary sewer is reasonably accessible (within two hundred feet from the outside boundary of a subdivision), the subdivider shall connect with such sanitary sewer and provide adequate sewer lines accessible to the property line of each lot. The subdivider shall install a wye connection for each lot in the subdivision at the time the sewer main is laid. The sewer line will be stubbed in to all lots of record fronting the street before any paving is installed. When a subdivider is required to make connections to lots not in his subdivisions, the City shall credit the subdivider one hundred fifty dollars per lot. When service is late requested for said lots, the property owner will pay fees as stipulated in Section [13.08.070](#), Fees. Sewer connections and subdivision sewer systems shall be installed in accordance with the City specifications under the direction of the City Engineer. Where a public sewer is not reasonably

accessible, the subdivider, upon approval of the planning coordinator, may either install individual sewer facilities at his expense or require that builders provide such facilities as part of the construction of buildings or structures. Where individual sewerage facilities are to be installed, the City Council shall be assured that the sanitary condition of the land will be fully safeguarded. (Ord. 13-81 (part), 1981: prior code § 22-5-1(1))

### **16.20.030 Stormwater drainage.**

A stormwater drainage system subject to review by the City Engineer and the approval of the public works director and city planner, shall be required by the City and the responsibility of the project applicant. The system shall be separate and independent of the sanitary sewer system. The plans for the drainage system shall be prepared by a licensed engineer. The costs associated for this study shall be the sole responsibility of the project applicant. (Ord. 95-20 (part), 1995: Ord. 13-81 (part), 1981: prior code § 22-5-1(2))

### **16.20.040 Storm drainage.**

No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff, and other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within properly dedicated or to be dedicated for public use. (Ord. 13-81 (part), 1981: prior code § 22-5-1(3))

### **16.20.050 Street improvements.**

At least ten days prior to the commencement of construction, the subdivider shall furnish to the City Engineer a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. The City Engineer shall, within a reasonable time not to exceed thirty days from the receipt of the plans, notify the subdivider of approval or disapproval, and in case of disapproval of the reasons therefor. Such plans and profiles shall include:

- A. The designation of limits of work to be done;
- B. The location of the benchmark and its true elevation according to city datum, all profiles to be referred to that datum;

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- C. *Profiles which indicate the finished and existing grades for each side of the street. Separate profiles, clearly designated, shall be made for each side of the street;*
- D. Construction plans which include the details of curb and gutter and street cross-sections, location and elevation of manholes, catchbasins and storm sewers, elevations and location of fire hydrants and any other detail necessary to simplify construction;
- E. Complete data for field layout and office checking;
- F. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to ensure drainage at intersections;
- G. The street address of the project;
- H. Grades of streets shall be as follows:
1. Arterial street: minimum grade 0.5%, maximum grade 5.0%,
  2. Collector street: minimum grade 0.5%, maximum grade 7.0%,
  3. Minor street: minimum grade 0.5%, maximum grade 12.0%;
- I. All streets within the City shall be improved with pavements bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules and regulations adopted by the City Council;
- J. Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the City Council;
- K. All curbs and gutters on all streets shall be concrete of the standard high-back-type unit, not less than two feet, six inches in overall width, and not less than seven inches thick where the curb abuts the street pavement;
- L. Stormwater inlets and catchbasins shall be provided within the roadway improvements at points specified by the City Engineer;
- M. All curb corners shall have a radius of not less than twenty-four feet and at intersections involving collector or major streets of not less than twenty-five feet. However, if in the opinion of the City Engineer, a smaller radius would suffice, he may grant an exception therefrom;

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N. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission. New streets must connect with existing public streets;

O. Minor streets shall approach the arterial or collector streets at an angle of not less than eighty degrees;

P. Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the fire department;

Q. Street lights shall be installed in all subdivisions in the number and location specified by the City. Installation shall be in accordance with the regulations of the power company;

R. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with the irrigation, drainage or ditch companies as to:

1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision,
2. The size of pipe and culverts required,
3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the City Engineer.

S. The subdivider shall install a six-foot, nonclimbable chain-link fence, or its equivalent along all open ditches, canals or waterways, nonaccess streets, open reservoirs or bodies of water, and other such features of potentially hazardous nature, on crossing or contiguous to the property being subdivided, except on those features which the Planning Commission shall determine would not be a hazard to life, or where the conforming structure would not create a hazard to the safety of the public;

T. The subdivider shall install curbs, gutter, and sidewalks on existing and proposed streets in all subdivisions, including on the rear of such lots as back on arterial streets when the Planning Commission determines that pedestrian access along said arterial street is necessary;

U. Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the City, shall be provided by the developer at all street intersections. Installation shall be made by the developer and inspected by the City. (Ord. 13-81 (part), 1981: prior code § 22-5-1(4))

V. The City may not deny building permits or certificates of occupancy based upon the applicant's lack of completion of a nonpublic landscaping improvement or a portion of a public sidewalk . If an improvement completion assurance has been posted for the incomplete portion of the public sidewalk, the City may not withhold the building permit subject to the provisions of Utah Code §10-9a-802 or MCC 17.72.010.

### **16.20.060 Performance bonds.**

A. After final approval but before recordation of the final plat, the developer must complete all improvements required in the subdivision agreement with the City or in lieu thereof, the subdivider may guarantee the installation thereof with a bond and sureties guaranteeing the standards of improvements. The bond shall be approved by the City Council and the City Attorney.

1. The subdivider may furnish and file with the City Council a bond in an amount equal to a percentage, as specified in the Master Fee Schedule, Chapter [3.50](#), of the cost of the improvements not previously installed as determined by the City Engineer to assure the installation of such improvements within a two-year period. The bond will be guaranteed by a collateral pledge of property, tangible or intangible, satisfactory to the City Council and the City Attorney.

2. The subdivider may deposit in escrow with an escrow holder approved by the City Council an amount of money equal to a percentage, as specified in the Master Fee Schedule, Chapter [3.50](#), of the cost of the improvements not previously installed as determined by the City Engineer to assure the installation of such improvements within a two-year period or, if otherwise provided by the City Council, a shorter or longer period. The escrow agreement aforesaid shall be approved by the City Council and the City Attorney.

B. Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the improvements will be made available for the full, effective and practical use and

enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinbefore specified. (Ord. 19-29 (part), 2019; Ord. 13-81 (part), 1981: prior code § 22-5-2)

C. A performance bond may not dictate who installs or is responsible for the cost of landscaping of residential lots or the equivalent space surrounding residential subdivisions, whether platted as lots or common area.

## **Chapter 16.24**

### **DESIGN STANDARDS**

Sections:

- 16.24.010** **Departmental standards.**
- 16.24.020** **Design standards specified.**
- 16.24.030** ***Reserved.***

#### **16.24.010 Departmental standards.**

Standards for design, construction, specification, and inspections of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities and street lighting shall be prepared by the City Engineer, Highway Department and the Building Inspector; standards for water distribution and sewage disposal by the Water and Sewer Departments; and similar standards for fire hydrants by the Fire Department. All subdividers shall comply with the standards established by such departments and agencies of the City; provided, that such standards shall be approved by the City Council. All outdoor lighting shall comply with the requirements of Sections [17.09.060](#) through [17.09.069](#). (Ord. 19-03 Att. 1 (part), 2019; Ord. 13-81 (part), 1981: prior code § 22-6-1)

#### **16.24.020 Design standards specified.**

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the Planning Commission, the highway department and other departments and agencies of city government. Design standards shall be approved by the City Council and shall include provisions as follows:

- A. Blocks shall not exceed one thousand feet in length;
- B. Blocks shall be wide enough to adequately accommodate two tiers of lots;

C. Dedicated easements for non-motorized trails throughout a development are required to provide access to existing trails and future trails indicated on the Grand County non-motorized master trails plan as adopted by council.

1. Specific trail alignments shall be negotiated and as individual properties develop, proposed trail routes shown in the plan may be reconfigured to the proposed or greater level of connectivity to adjacent properties.
2. Such easements shall be a minimum of ten feet in width, but may be required to be wider for slopes in areas requiring fill as determined necessary by the Planning Commission with the recommendation of the City Engineer.
3. The subdivider shall provide, at a minimum, a compacted road base surface of four inches in thickness and spanning the full width of the trail in accordance with the design standards for trails as established by the community development director.
4. The finish surface material shall include but not be limited to asphalt concrete, pavers, or cobbles as recommended by the community development director and approved by council.
5. Design and construction shall be approved, in writing, by the community development director, public works director, and the City Engineer.
6. Appropriate barriers shall be installed at each walkway entrance to prevent the use of the walkway by any motor vehicle or by any non-motorized vehicle wider than three feet;

D. Side lines of lots shall be approximately at right angles, or radial to the street lines. However, if energy design conditions dictate otherwise, the Planning Commission may permit exemptions;

E. All remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels;

F. Minimum street widths shall be as follows:

1. Arterial streets shall be eighty feet wide; sixty-six feet curb to curb;
2. Secondary streets shall be sixty feet wide; forty feet curb to curb;
3. Minor streets shall be fifty feet wide; thirty feet curb to curb;

G. Dead end streets shall not exceed four hundred feet in length and must have a cul-de-sac with a minimum radius of fifty feet and a diameter of eighty feet curb to curb;

H. The subdivider shall install the following improvements in all streets within the subdivision in accordance with the construction design standards as established by the public works director and the City Engineer:

1. Street grading and surfacing;
2. Curbs and gutters;
3. Street lighting;
4. Drive approaches;
5. Fire hydrants;
6. Sidewalks.

All sidewalks shall be constructed with the widths indicated in the table below along both sides of public streets in accordance with the City construction standards for public works projects. Other standards exist for sidewalks and trails in specific types of developments as found elsewhere in this code and in the construction standards.

Zoning District	Minimum Width*
R-1, R-2, R-3, R-4	5 feet (wider if schools present)
C-1, C-2, C-5	9 feet
C-3	9 feet
C-4	6 feet
I	6 feet
MH/RV-1	5 feet

Zoning District	Minimum Width*
A-2	N/A
RA-1	5 feet
Resort Commercial (RC)**	Refer to Chapter <a href="#">17.31</a> .
Sensitive Area Resort Zone (SAR)**	Refer to Chapter <a href="#">17.32</a> .
Master Planned Developments**	Refer to Chapter <a href="#">17.65</a> .
Planned Unit Developments**	Refer to Chapter <a href="#">17.66</a> .

\* The minimum width of any sidewalk shall be approved by the public works director.

\*\* Upon the recommendation by the Planning Commission and the discretionary approval by council, sidewalks may be eliminated if a comprehensive trail plan providing access to and from all structures and adjacent properties is proposed.

(Ord. 13-10, 2013; Ord. 13-81 (part), 1981; prior code § 22-6-2)

### **16.24.030 Reserved.**

**Editor's note:** Ord. No. [17-15](#), adopted May 9, 2017, repealed § 16.24.030, which pertained to subdivision protection strips and derived from prior code § 22-6-3 and Ord. No. [13-81](#), 1981.

## **Chapter 16.28 ADMINISTRATION AND ENFORCEMENT**

Sections:

- 16.28.010 Enforcement authority.**
- 16.28.020 Inspection.**
- 16.28.030 Permits.**
- 16.28.040 Weed and debris abatement.**
- 16.28.050 Compliance required.**
- 16.28.060 Violation-Penalty.**

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**16.28.010 Enforcement authority.**

The fire department, the highway department, the Planning Commission, the City Engineer and the building inspector and such other departments and agencies of city government as are specified under the provisions of this title are designated and authorized as the agencies charged with the enforcement of the provisions of this title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions. (Ord. 13-81 (part), 1981: prior code § 22-7-1)

**16.28.020 Inspection.**

Appropriate agencies and departments of the City shall inspect or cause to be inspected all buildings, fire hydrants, water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the City Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector. (Ord. 13-81 (part), 1981: prior code § 22-7-2)

**16.28.030 Permits.**

From the time of the effective date of the ordinance codified in this title, the building inspector shall not grant a permit, nor shall any city officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this title until a subdivision plat therefor has been recorded or approved as herein required. Any license or permit issued in conflict with such provisions shall be void. (Ord. 13-81 (part), 1981: prior code § 22-7-3)

**16.28.040 Weed and debris abatement.**

No owner of any property within an approved or proposed subdivision shall allow or maintain weeds, rank vegetable growth or debris to accumulate on the property. The owner of any property shall, at his own expense, immediately destroy the weeds or vegetable growth and clear his property of any debris. (Ord. 13-81 (part), 1981: prior code § 22-7-6)

**16.28.050 Compliance required.**

No person shall sub--divide any tract or parcel of land located wholly or in part in the City except in compliance with the provisions of this title. No person shall purchase, sell or exchange

any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Planning Commission, nor offer for recording in the office of the county recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title. (Ord. 13-81 (part), 1981: prior code § 22-7-4)

### **16.28.060 Violation-Penalty.**

Whoever shall violate any of the provisions of this title shall be guilty of a class B misdemeanor and, upon conviction of any violation, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment, or by the penalty provided in Section [10-9-30](#), Utah Code Annotated, 1953, as amended, except that in all cases where a corporation would be punishable as for a misdemeanor, and there is not other punishment prescribed by ordinance, such corporation is punishable by a fine not exceeding one thousand dollars. (Ord. 86-06 § 16, 1986; Ord. 13-81 (part), 1981: prior code § 22-7-5)

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### **The Moab Municipal Code is current through Ordinance 24-03, passed June 11, 2024.**

Disclaimer: The City Recorder's Office has the official version of the Moab Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: moabcity.org](http://moabcity.org)

[City Telephone: \(435\) 259-5121](tel:(435)259-5121)

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