

**Moab Planning Commission Agenda Item**  
**Meeting Date: July 8, 2021**  
**Work Session on Amendments to**  
**Section 17.70 Accessory Dwelling Units (ADUs)**

**Staff Presenter:** Nora Shepard, Planning Director  
Cory Shurtleff, Assistant Planner

**Applicant:** City Initiated Code Amendments

**Attachment(s):**

Exhibit A: Summary of potential ADU Amendments required in HB 82

Exhibit B: Moab Municipal Code (MMC) Chapter 17.70

Exhibit C: HB 82 as adopted

**Background:**

The reasons for the City initiating changes to the ADU section of the MMC are two-fold. The Utah State Legislature recently passed HB 82 Single Family Housing Modifications. This legislation addresses zoning and building provisions relating to Internal ADUs. A copy of HB82 is attached (Exhibit C) for your use. The other reason is that it is time we review our current code language and recommend changes to further remove regulatory barriers.

**HB 82**

As mentioned above, the State Legislature adopted HB 82 addressing zoning and building provisions for "Internal ADUs." Amendments must be made to the MMC to be consistent with this legislation. Attached as Exhibit A is a summary of the necessary changes. The legislation does not address separate or exterior ADUs.

In Summary, HB 82

- modifies and defines terms applicable to municipal and county land use development and management;
- allows a municipality or county to punish an individual who lists or offers a certain licensed or permitted accessory dwelling unit as a short-term rental;
- allows municipalities and counties to require specified physical changes to certain accessory dwelling units;
- in any single-family residential land use zone:
  - ✓ requires municipalities and counties to classify certain accessory dwelling units as a permitted land use; and
  - ✓ prohibits municipalities and counties from establishing restrictions or requirements for certain accessory dwelling units with limited exceptions;
- allows a municipality or county to hold a lien against real property containing certain accessory dwelling units in certain circumstances;

- provides for statewide amendments to the International Residential Code related to accessory dwelling units;
- requires the executive director of the Olene Walker Housing Loan Fund to establish a two-year pilot program to provide loan guarantees for certain loans related to accessory dwelling units;
- prevents a homeowners association from prohibiting the construction or rental of certain accessory dwelling units; and
- makes technical and conforming changes.

### **Revisions/Updates to Further Remove Regulatory Barriers**

In 2018, the MMC was amended to better regulate ADUs. This effort was one piece of an on-going effort to encourage employee housing and to remove regulatory barriers to building employee housing. The current regulations allow ADUs as a permitted use (requiring only a building permit) in the R-2, R-3, R-4 and RA-1 Zones. There are standards and criteria that apply to ADUs. The Code Section is attached as Exhibit B. It has been a few years since these provisions have been adopted and it is appropriate to reevaluate them based on the experience over the last 3 years. The most significant barriers relate to external ADUs include 1) adhering to the underlying zone required setbacks; and 2) adhering to the 20 ft maximum building height for ADUs over existing garages.

ADU Code Provisions that the City may want to consider amending include:

#### 17.70.020 General Standards

- The front yard setback for an ADU shall be at least equal to the plane of the front wall of the principal structure – *should we consider eliminating this and allow ADUs in the front yard, as long as they meet the code required setback?*
- An accessory dwelling may be constructed above a garage and consist of the same floor area; provided, that it shall not protrude beyond any ground floor wall and shall not consist of more than one story above the ground floor. The overall structure shall not exceed twenty feet in height. – *Should the allowable height be more than 20 feet? It is difficult to have a garage and an ADU above and meet the building height of 20 feet and conform to the pitched roof standard.*

#### 17.70.030 Criteria for Review

- Size – the new state law does not allow us to regulate the size of an internal ADU. *Do we want to maintain a maximum square footage for external ADUs? Right now, the max is 1000 sf.*
- No more than 1 ADU per lot – *Do we want to consider more than 1 ADU per lot if the lot is of a certain minimum size?*
- Deed Restriction – the current restriction prohibits the use of an ADU as a nightly rental. That provision should be maintained. *Do we want to add an owner occupation requirement and/or no subdivision of land for an ADU?*

### Setbacks

The code requires setbacks consistent with the underlying zoning. *Should we consider reduced side and rear setbacks?*

### **Discussion Items**

At the work session, the staff will briefly go over the required changes to our code because of HB82. The staff also hoped to get feedback on changes to our existing code to further remove regulatory barriers.