

Chapter 17.70

ACCESSORY DWELLING UNIT (ADU)¹

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17.70.010 Purpose.

Accessory dwelling units are encouraged as dwellings for persons to increase affordable housing opportunities in the R-2, R-3, R-4, and RA-1 residential zones. They shall be allowed in the R-1 zone on lots sufficient in size to allow further subdivision. (Ord. 18-20 (part), 2018; Ord. 18-01 (part), 2018; Ord. 12-05 (part), 2012. Formerly 17.69.010)

17.70.020 General standards.

The following provisions are intended to facilitate accessory dwellings while minimizing land use conflicts and environmental degradation:

- A. Accessory dwellings shall not occupy more than twenty-five percent of any rear or side yard.
- B. The front yard setback for an accessory dwelling shall be at least equal to the plane of the front wall of the principal structure and/or adhere to the required setbacks of the underlying zone.
 - 1. *Exception.* Where pre-existing structures meet the development standards of this chapter, the original structure may be designated as the accessory dwelling.
- C. Any request for accessory living quarters within residential zones shall be reviewed for compliance with the standards in this chapter and approved by city staff. A letter of compliance shall be issued to the applicant by the Zoning Administrator prior to issuance of a building permit.
- D. An accessory dwelling shall not be constructed prior to the principal structure.
- E. 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. (Ord. 18-20 (part), 2018; Ord. 18-01 (part), 2018; Ord. 12-05 (part), 2012. Formerly 17.69.020)

17.70.030 Criteria for approval.

The following criteria must be established prior to building permit issuance:

- A. *Size*. The maximum size for accessory living quarters shall be no more than one thousand square feet with no more than three bedrooms.
- B. *Parking*. One on-site parking space shall be provided in addition to the underlying parking requirement. The parking space may be provided in tandem if the existing driveway length exceeds thirty-five feet as measured from the property line.
- C. *Accessory Dwellings Per Lot*. No more than one accessory dwelling may be located on a lot.
- D. *Property to Remain Undivided*. Properties with accessory dwelling permits shall remain recorded as one lot.
- E. *Subdivision of Property*. The accessory dwelling shall not be sold separately unless the accessory dwelling occupies an area of adequate size to meet the lot area and all other requirements of the zone.
- F. *Deed Restriction*. A deed restriction must be filed with the county recorder which states:

“A permit for an accessory dwelling was issued to _____, the current owner of this property on _____. The owner shall strictly adhere to the prohibition of the use of the accessory dwelling as nightly or short-term rental.”

- G. *Nightly Rentals*. Accessory dwellings are intended for long-term rental of six consecutive months or more, to the same individual, and may not be used for nightly rentals. (Ord. 18-20 (part), 2018; Ord. 18-01 (part), 2018; Ord. 12-05 (part), 2012. Formerly 17.69.030)

17.70.040 Enforcement--Revocation of permit.

The Zoning Administrator may revoke the accessory dwelling permit for noncompliance with the criteria of this chapter. The permittee may appeal the determination to the appeal authority, which will evaluate the Zoning Administrator's determination of noncompliance and decide if the permit revocation should occur. (Ord. 18-20 (part), 2018; Ord. 18-01 (part), 2018; Ord. 12-05 (part), 2012. Formerly 17.69.040)

1 The ADU shall be permitted as an accessory dwelling unit added to, created within, or detached from the original dwelling. The ADU shall be oriented in a way that maintains, to the extent practical, the privacy of residents in adjoining dwellings.

Editor's note: Ord. No. [10-13](#), adopted September 14, 2010, repealed Chapter 17.70, 17.70.010--17.70.090, which pertained to bed and breakfast facilities and derived from Ord. No. [90-06](#); Ord. No. [95-01](#); Ord. No. [99-12](#);

Ord. No. [00-02](#), 2000 and Ord. No. [06-13](#), 2006. Ord. No. [18-20](#), adopted November 13, 2018, renumbered Chapter 17.69 as Chapter 17.70.

The Moab Municipal Code is current through Ordinance 21-10, passed April 27, 2021.

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.

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