Planning Commission Consideration and
Possible recommendation to the City Council on
ORDNANCE 2021-16
An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Revise
Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions

To: Moab City Planning Commission
Staff: Nora Shepard, Planning Director
Date: September 17, 2021
Applicant: City Initiated Code Amendments

Attachments:
Exhibit 1: Ordinance 2021-16 approving text amendments to revise section 17.70
Accessory Dwelling Units and Section 17.06.020 Definitions (TO VIEW THE DRAFT
MORE EASILY, YOU CAN GO INTO YOUR REVIEW SETTINGS, CLICK SHOW
MARKUP AND TURN OFF THE FORMATTING MARKUP.)

Exhibit 2: House Bill 82, as adopted

Public Hearing and Potential Actions:
Exhibit 1 is the draft Ordinance 2021-16 amending the Accessory Dwelling Units (ADUs).
The ordinance breaks ADUs into two types, Internal ADUs (IADUs) and External ADUs
(EADUs). This distinction was made because of the passage of HB 82 by the State
Legislature. HB 82 addresses only IADUs.

The Planning Commission held the public hearing on this item on August 26, 2021. There
were no public comments at the Public Hearing. The Planning Commission is being asked
to make a recommendation to the City Council on Ordinance 2021-16 ADU Amendments.
The options include:
   1. **Forward a Positive Recommendation** to the City Council on Ordinance 2021-16
      without or without changes; or
   2. **Continue** the item with specific direction to staff as to additional information that
      may be needed to make a decision or to make changes to the draft ordinance prior
      to action; or
   3. **Forward a Negative Recommendation** to City Council.

Potential Motion to Forward a Positive Recommendation:
I move to forward a positive recommendation the City Council on Ordinance
2021-16 An Ordinance Amending the Text of the Moab Municipal Code (MMC) to
Revise Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020
Definitions

Updated Ordinance 2021-16:
Based on the discussion with the Planning Commission on August 26, 2021, the draft
code amendments have been amended to include input of the Planning Commission.
The changes made include:
• The deed restriction language has been modified to address retirees. A recital has been added that expresses that the purpose of the units are to fill a need for employee/workforce housing. No nightly rentals are allowed. The City will work to develop the specific language of the deed restriction, beyond what is currently stated in the ordinance.

• The City has the option to require that ADUs are only allowed in association with a primary residential use. In other words, the main home on the property would have to be owner occupied. This provision was eliminated for both Internal ADUs (IADUs) and External ADUs (EADUs). The staff recommends that the owner occupancy requirement apply to IADUs.

• Language has been modified to allow ADUs to be built before the primary dwelling, if the owner plans to occupy the home under construction.

• The current standards state that the front yard setback for an ADU shall be at least equal to the plane of the front wall of the principal structure. The Planning Commission discussed eliminating this and allow ADUs in the front yard, if they meet the code required setback. That modification has been made.

• Building height is also a barrier. The MMC currently states: 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. The current draft allows some additional height if the EADU maintains the zone required setbacks.

• Size – the new state law does not allow us to regulate the size of an internal ADU. The Planning Commission discussed sizes of EADUs. The draft states that an EADU maximum floor area is 1,500 square feet. The staff recommends an 1100 sf maximum, with exceptions (of up to 1500 sf) for lots larger than 20,000 sf.

• Currently, the MMC does not allow more than 1 ADU per lot. The Planning Commission discussed allowing multiple ADUs per lot. The current draft reflects that direction. The Commission may want to consider allowing that in the R-3. Having additional units in the R-2 could result in a significant change in residential character. The staff recommends allowing a maximum of 1 ADU in the R-2 Zone and a maximum of 2 in the R-3.

• Deed Restriction – the current restriction prohibits the use of an ADU as a nightly rental. That provision should be maintained.

• The code requires setbacks consistent with the underlying zoning. The draft ordinance allows for reduced setbacks if an ADU is 20ft in height or under. Language has been added to that requires a 10-foot separation between structures, whether they be on-site or on adjacent property. The Building Official can modify this requirement if it is shown that adequate fire protection can be achieved in some other way.
The staff recommends that the Planning Commission review the revised draft code amendments, make modifications as necessary, and forward a positive recommendation to the City Council.