Moab City Council Agenda Item  
Meeting Date: December 14, 2021

Title: 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

Presenter: Cory Shurtleff, Assistant Planner

Attachment(s):
Exhibit 1: Revised Draft Ordinance 2021-16 as of 11.30.2021 clean
Exhibit 2: Revised Draft Ordinance 2021-16 as of 11.22.2021 redline
Exhibit 3: HB 82
Exhibit 4: ADU Matrix Building Code Regulations

Recommended Motion:
The City Council is being asked to discuss and consider approving Ordinance 2021-16
The options for action include:

1. **Approve** 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. **Deny** Ordinance 2021-16

Potential Motion to Approve the Ordinance:
I move to approve Ordinance 2021-16 An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Allow ADUs in all Residential Zone Districts and to Revise Section 17.70 Accessory Dwelling Units (ADUs) and Section 17.06.020 Definitions

Background/Summary:
The City Council reviewed a draft of Ordinance 2021-16 at the meetings on October 12, October 26, and November 9, 2021. During the November 9, 2021 meeting, direction was given to staff to have the proposed changes of the current draft reviewed by contracted Land Use Attorney Snow Christensen & Martineau. Planning Department Staff met with Legal Review to discuss the proposed changes and incorporation of suggestions. The nature of the currently proposed ordinance, with incorporated changes, is to best conform with the requirements of State Statute H.B. 82, and clearly identify the separate types of ADUs with the resulting individual regulations determined by type. In summary, the changes made include:
1. Legal Review of Draft Ordinance for Conformity with State Statute H.B. 82.

2. Redefining Types of ADUs from EADUs, Not Owner-Occupied IADUs and Owner-Occupied IADUs, to Type 1, Type 2, and Type 3 ADUs with supporting definitions for EADUs and IADUs.

3. Created Permitted-Use sections for Type 1, Type 2, and Type 3 ADUs

4. Included requirement for Deed Note that states type of ADU construction with property.

5. Amended Enforcement-Revocation of Permit section to match directly with State Statute language.

As a result, the draft ordinance includes incorporated suggestions from legal review with resulting collated amendments throughout the rest of the document.

Type of ADU Summary:

Resulting as a recommendation from legal review of the draft ordinance, to better identify and independently regulate the existing types of ADUs, the three types of ADUs were categorized and defined in the proposed ordinance; broken-out by Type 1, Type 2, and Type 3. The Types of ADUs, and supporting categories of ADUs, are defined as follows:

A. “Accessory dwelling unit” (ADU, granny-flat, mother-in-law-apartment) means a habitable living unit added to, created within, or detached from a single-household dwelling and, in some cases duplexes, and includes separate cooking, sleeping, and bathroom facilities. A Single ADU does not constitute a two-household dwelling.

B. “Accessory Dwelling Unit, Internal (IADU)” means an accessory dwelling unit created:
   1. within an existing single household dwelling; and
   2. within the footprint of the main dwelling; and
   3. The intent of ADUs is not to provide additional second home opportunities.

C. “Accessory Dwelling Unit, External (EADU)” means an accessory dwelling unit created:
   1. on the same parcel or lot that contains the main dwelling structure; and
   2. physically separate from the main dwelling structure; and
   3. The intent of ADUs is not to provide additional second home opportunities.

D. “Accessory Dwelling Unit, Type 1”, means an External Accessory Dwelling Unit (EADU) that shall meet the International Residential Code for Single-Family Dwelling requirements; and for the purpose of offering a long-term rental for Active Employment Households. The main dwelling unit or accessory dwelling unit may be Owner-Occupied, or both the main
dwelling unit and the Accessory Dwelling Unit may be rented out as Rental Dwellings.

E. “Accessory Dwelling Unit, Type 2”, means an Internal Accessory Dwelling Unit (IADU) that shall be constructed as a “Two-Family Dwelling”, as referenced and required by the International Residential Code; and for the purpose of offering a long-term rental for Active Employment Households. The main dwelling unit or accessory dwelling unit may be Owner-Occupied, or both the main dwelling unit and the Accessory Dwelling Unit may be rented out as Rental Dwellings.

F. “Accessory Dwelling Unit, Type 3”, means an Internal Accessory Dwelling Unit (IADU) that may be constructed with the appropriate International Residential Code regulations determined by state statute for “ADUs”. The Primary Dwelling shall be Owner-Occupied, and the accessory dwelling unit may be rented as a Rental Dwelling.

The most recent draft (as of 11.30.2021) is attached as Exhibit 1. With the State Statute H.B. 82 attached as Exhibit 2, and the updated ADU Matrix Building Code Regulations attached as Exhibit 3.