

ORDINANCE #2019-13

AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL CODE, 17.06 DEFINITIONS, 17.09 SUPPLEMENTARY REQUIREMENTS APPLICABLE WITHIN ZONES, 17.12 GENERAL PROVISIONS, 17.20 C-1 COMMERCIAL-RESIDENTIAL ZONE, 17.24 C-3 CENTRAL COMMERCIAL ZONE, 17.31 RC RESORT COMMERCIAL ZONE, 17.42 R-1 SINGLE-FAMILY RESIDENTIAL ZONE, 17.45 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL ZONE, 17.48 R-3 MULTI-FAMILY RESIDENTIAL ZONE, 17.51 R-4 MANUFACTURED HOUSING RESIDENTIAL ZONE, 17.72 ADMINISTRATION AND ENFORCEMENT, 17.90 HISTORIC PRESERVATION; AND CHANGING ALL REFERENCES FROM FAMILY TO HOUSEHOLD IN TITLES 6, 9, 12, 13 AND 17; AND CHANGING ALL REFERENCES FROM DUPLEX TO TWO-HOUSEHOLD IN TITLES 13, 15 AND 17

The following findings describe the intent and purpose of this ordinance:

- a. The City of Moab (“City”) has enacted Title 17.00, Zoning, of the Moab Municipal Code (“Code”), which governs land use and development within city limits.
- b. From time to time the City undertakes revisions of Title 17.00, along with other sections of the Code, to improve the quality of land development and align the Code with state law and contemporary planning concepts.
- c. The City finds that this ordinance will serve the public health, safety, and welfare, and that adoption is in the best interest of the Moab community.
- d. This ordinance was reviewed by the Planning Commission on May 9, 2019 and in a unanimous vote, the Commission favorably recommended approval of the ordinance to City Council.

Therefore, the City:

1. Amends Chapter 17.06 Definitions, adding:

“Food truck park” means an area on private property designated to accommodate two or more food trucks.

“Twin home” means a two-household dwelling with two individual owners who have rights and responsibilities for their own side and for their own lot. Twin homes have a shared common wall with a lot line landing between the two homes and with their own respective lot.

“Two-household dwelling” means a structure under single ownership and containing two residential dwelling units, other than manufactured homes, within a single building and under a single roof each of which is designed for or occupied by one household.

2. Amends Chapter 17.06 Definitions, deleting:

“Duplex dwelling” means a structure under single ownership and containing two residential dwelling units, other than manufactured homes, within a single building and under a single roof each of which is designed for or occupied by one family.

“Family” means an individual or two or more persons related by blood, marriage, or adoption

living together in a single dwelling unit and maintaining a common household. A family may include two but not more than two nonrelated persons living as guests with the residing family. The term “family” shall not be construed to mean a group of unrelated individuals, a fraternity, club or institutional group.

Height of Buildings. The vertical distance from the determined grade surface to the highest point of the building roof. Antennas, chimneys, flues, vents, or similar structures may exceed up to ten feet above the maximum height limit.

3. Amends Chapter 17.06 Definitions, “Building height”:

[Current] “Building height” means the vertical distance as measured from the average finished grade of the building line to the midpoint of the highest **peak** of the roof.

[New] “Building height” means the vertical distance as measured from the average finished grade of the building line to the midpoint of the highest **plane** of the roof.

4. Amends Section 17.09.220 Off-street parking and loading – Number of spaces by deleting:

(B) Boardinghouses and bachelor dwellings shall have one parking space for each one hundred square feet of floor space devoted to bedrooms or one space for each two persons domiciled in the premises, whichever is greater.

5. Amends Section 17.09.690 Development design standards for all primary residential dwellings:

[Current] All residential single-family dwelling units in all zones where residential dwelling units are allowed shall: Have at a minimum a twenty-four foot horizontal wall and a fourteen foot horizontal wall bisected by an angle on at least two non-opposite sides; i.e., other than directly opposite sides of the structure; **and, the dwelling unit shall have seven hundred square feet of interior floor space.**

[New] All residential single-household dwelling units in all zones where residential dwelling units are allowed shall have at a minimum a twenty-four foot horizontal wall and a fourteen foot horizontal wall bisected by an angle on at least two non-opposite sides; i.e., other than directly opposite sides of the structure.

6. Amends Section 17.12.080 Nonconforming lots:

[Current] (B) *Undivided Lot*. If two or more lots or combinations of contiguous lots in a single ownership (including husband and wife as, in all cases, a single owner) are of record since January 1, 1975, regardless of time of acquisition, on all or parts of the lots which do not meet the requirements established for lot width and area, the lots shall be considered an undivided parcel, and no portion shall be used or occupied which does not meet the width and area requirements of this code. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located, except when granted a variance by the **Board of adjustments.**

[New] (B) *Undivided Lot*. If two or more lots or combinations of contiguous lots in a single ownership (including husband and wife as, in all cases, a single owner) are of record since January 1, 1975, regardless of time of acquisition, on all or parts of the lots which do not meet the requirements established for lot width and area, the lots shall be considered an undivided parcel,

and no portion shall be used or occupied which does not meet the width and area requirements of this code. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located, except when granted a variance by the **Hearing Officer**.

7. Amends Section 17.12.080 Nonconforming lots - (C) Lot reduction:

[Current] (1) No lot or interest therein shall be transferred, conveyed, sold or subdivided so as to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this code, or to leave remaining any lot in violation of the dimensional requirements of this code.

a. Exception. Division of small lots in Section 17.09.531(21).

[New] (1) No lot or interest therein shall be transferred, conveyed, sold or subdivided so as to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this code, or to leave remaining any lot in violation of the dimensional requirements of this code.

8. Amends Section 17.12.180 Height restrictions of buildings:

[Current] (A) No lot or parcel shall have a building or structure which exceeds a height of three stories and is to be no more than forty feet, measured as **in Section 409 of the Utah Building Code**.

[New] (A) No lot or parcel shall have a building or structure which exceeds a height of three stories and is to be no more than forty feet, measured as **defined in Moab Municipal Code Chapter 17.06**.

9. Amends Section 17.20.030 Area, width and location requirements:

[Current] Area, width and location requirements in the C-1 commercial-residential zone for all commercial and residential buildings shall be set back from the front property line a distance of at least twenty-five feet. Minimum side yards shall be at least eight feet with a minimum rear yard setback of fifteen feet. Street-side setbacks for corner lots shall be no less than twenty feet in width. Buffers between residential uses on adjacent lots shall be a minimum of fifteen feet and be included in the setbacks listed above and may be in addition to the landscaping requirements. **Dwellings and apartment houses utilizing the ground floor elevation as a residential use require conditional use approval in accordance with Section 17.09.530, Conditional uses, except that dwellings above the ground floor consisting of commercial uses shall be a permitted use.** The lot coverage of the principal use shall not exceed fifty percent.

[New] Area, width and location requirements in the C-1 commercial-residential zone for all commercial and residential buildings shall be set back from the front property line a distance of at least twenty-five feet. Minimum side yards shall be at least eight feet with a minimum rear yard setback of fifteen feet. Street-side setbacks for corner lots shall be no less than twenty feet in width. Buffers between residential uses on adjacent lots shall be a minimum of fifteen feet and be included in the setbacks listed above and may be in addition to the landscaping requirements. The lot coverage of the principal use shall not exceed fifty percent.

10. Amends Section 17.42.050 Location requirements:

[Current] (D) The minimum side setback for accessory buildings on interior and corner lots is listed in Section 17.09.560, accessory use or structure **and shall be located a distance of at least twelve feet to the rear of any dwelling.**

[New] (D) The minimum side setback for accessory buildings on interior and corner lots is listed in Section 17.09.560, accessory use or structure.

11. Amends Section 17.45.050 Location requirements:

(A) Front Setback. The minimum front setback for main buildings shall be fifteen feet. **The minimum front setback for fences, walls and hedges which do not exceed six feet in height along those properties that front on 3rd South, 4th East, 4th North and 5th West shall be twenty feet.**

(A) Front Setback. The minimum front setback for main buildings shall be fifteen feet.

12. Amends Section 17.48.050 Location requirements:

[Current] (A) Front Setback. The minimum front setback for main buildings shall be fifteen feet. **The minimum setback for accessory buildings shall be at least twelve feet in the rear of the main building.** No accessory building shall be constructed on a lot prior to the main building.

[New] (A) Front Setback. The minimum front setback for main buildings shall be fifteen feet. No accessory building shall be constructed on a lot prior to the main building.

13. Amends Section 17.48.050 Location requirements:

[Current] (D) The minimum side setback for accessory buildings on interior and corner lots is listed in Section 17.09.560, Accessory use or structure, **and shall be located a distance of at least twelve feet to the rear of any dwelling.**

[New] (D) The minimum side setback for accessory buildings on interior and corner lots is listed in Section 17.09.560, Accessory use or structure.

14. Amends Section 17.51.050 Location requirements:

(A) Front Setback. The minimum front setback for main buildings shall be fifteen feet. **The minimum setback for accessory buildings shall be at least twelve feet in the rear of the main building.** No accessory buildings shall be constructed on a lot prior to the main structure.

(A) Front Setback. The minimum front setback for main buildings shall be fifteen feet. No accessory buildings shall be constructed on a lot prior to the main structure.

15. Amends Section 17.51.050 Location requirements:

[Current] (D) The minimum side setback for accessory buildings on interior and corner lots is listed in Section 17.09.560, Accessory use or structure, **and shall be located a distance of at least twelve feet to the rear of any dwelling.**

[New] (D) The minimum side setback for accessory buildings on interior and corner lots is listed in Section 17.09.560, Accessory use or structure.

16. Amends Section 17.72.010 Building permit required-Application:

[Current] No person, firm or corporation shall commence to construct, alter or move a building or structure, or make a change in use of any land within the territory shown on the zone map which has been adopted as a part of this title without first submitting an application and obtaining a permit therefor from the Zoning Administrator or other authorized officer; **provided, however, that permits for the moving of structures shall be granted only after complying with the requirements as set forth in Sections 17.09.530-17.09.640.** A permit shall also be required for the moving and/or improvement of moved-in homes, demountable homes, manufactured homes and similar movable structures.

[New] No person, firm or corporation shall commence to construct, alter or move a building or structure, or make a change in use of any land within the territory shown on the zone map which has been adopted as a part of this title without first submitting an application and obtaining a permit therefor from the Zoning Administrator or other authorized officer. A permit shall also be required for the moving and/or improvement of moved-in homes, demountable homes, manufactured homes and similar movable structures.

17. Amends Section 17.72.090 Zoning Administrator-Powers and duties:

[Current] (B) Upon appeal to the **Board of adjustments** of any matters on which the **Board** is required to pass, the Zoning Administrator shall forthwith transmit all papers, records and other pertinent data pertaining to the appeal to the **Board of adjustments** as required by the terms of this title. The Zoning Administrator shall also refer matters to the Planning Commission and governing body as set forth in this title.

[New] (B) Upon appeal to the **Hearing Officer** of any matters on which the **Hearing Officer** is required to pass, the Zoning Administrator shall forthwith transmit all papers, records and other pertinent data pertaining to the appeal to the **Hearing Officer** as required by the terms of this title. The Zoning Administrator shall also refer matters to the Planning Commission and governing body as set forth in this title.

18. Amends Section 17.90.080 Review of alterations:

[Current] (B) Existing non-conforming single **family** residential uses in buildings located in the C-3 zone that have been granted historic designation as per this chapter, may expand **as allowed through an approved conditional use permit. Approval of the expansion is** contingent upon the applicant receiving approval from both the historic preservation board as well as the Planning Commission and the City Council. **The review process for the conditional use permit shall follow the requirements of Section 17.09.530.** Additional criteria that shall be used to determine appropriateness of the alteration(s) include...

[New] (B) Existing non-conforming single **household** residential uses in buildings located in the C-3 zone that have been granted historic designation as per this chapter, may expand contingent upon the applicant receiving approval from both the historic preservation board as well as the Planning Commission and the City Council. Additional criteria that shall be used to determine appropriateness of the alteration(s) include...

20. Amends Section 17.24.020 Permitted uses and regulations:

[Current] 9. Funeral establishments

[New] **9. Food truck parks**
10. Funeral establishments

19. Amends Section 17.31.020 Permitted uses and regulations:

[Current] 16. Two-household dwelling and accessory units

[New] **16. Single-household dwelling**
17. Two-household dwelling and accessory units

21. Replacing all references to “family” with “household” in the following sections:

6.04.010	13.25.060	17.42	17.48.040
9.12.150	13.28.040	17.42.010	17.51.030
9.16.020	15.36.080	17.42.030	17.52.020
9.36.050	17.06.020	17.45	17.54.030
9.36.070	17.09.220	17.45.010	17.54.060
12.08.060	17.09.270	17.45.030	17.65.060
12.08.070	17.09.690	17.45	17.66.040
13.07.020	17.09.700	17.45.010	17.67.020
13.07.070	17.12.080	17.45.030	17.71
13.16.030	17.15.020	17.45.040	17.71.010
13.20.210	17.15.050	17.48	17.71.020
13.24.001	17.31.030	17.48.010	
13.24.005	17.32.020	17.48.030	

21. Replacing all references to “duplex” with “two-household dwelling” in the following sections:

13.07.070	17.31.030	17.65.060
15.44.080	17.48.030	17.67.020
17.15.050	17.51.030	17.71.010

PASSED AND APPROVED in open Council by a majority vote of the Moab City Council on the ____ day of _____, 2019. This ordinance shall take effect immediately upon passage.

SIGNED:

Emily S. Niehaus, Mayor

ATTEST:

Sommar Johnson, Recorder