

**CITY OF MOAB  
PLANNING COMMISSION  
PUBLIC HEARING  
PROPOSED ORDINANCE 2017-28**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, June 22, 2017 at approximately 6:00 p.m. in the Council Chambers of the Moab City Offices at 217 East Center Street, Moab, Utah.

The purpose of this Public Hearing is to solicit public input on proposed Ordinance 2017-28, an ordinance to amend Chapter 17.09.560.A. of the Moab Municipal Code, by increasing the maximum lot coverage for all buildings on a lot, in the chapter regarding accessory structures

The proposed ordinance is available for public review at the Moab City Planning Office located at 217 East Center Street and on the website at [www.moabcity.org](http://www.moabcity.org). Written public comment may be directed to the Planning Department at the listed address. To ensure that the Planning Commission has the opportunity to review written comments prior to the meeting, written comments will only be accepted until 5 pm the day prior to the public hearing.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Planning Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5129 at least three (3) working days prior to the meeting.

/s/ Sommar Johnson  
Zoning Administrator

Published in the Times Independent, June 8, 2017 and June 15, 2017.

**ORDINANCE #2017-\_\_\_\_**  
**AN ORDINANCE TO AMEND CHAPTER 17.09.560.A.**  
**BY INCREASING THE MAXIMUM LOT COVERAGE FOR ALL BUILDINGS ON A LOT, IN**  
**THE CHAPTER REGARDING ACCESSORY STRUCTURES**

**WHEREAS**, the Moab City Council (“Council”) adopted the Moab Municipal Code (“Code”) and especially Title 17, also known as “The Zoning Ordinance of Moab City, Utah” in an effort to encourage and facilitate orderly growth and development in the City as well as to promote a more attractive and wholesome community environment; and,

**WHEREAS**, from time to time Council has found it necessary to amend Title 17 to better enable the public’s compliance with and the City’s enforcement of the provisions of the land use ordinances; and,

**WHEREAS**, the City advised that allowing accessory structures to cover only twenty-five percent of the rear or side yard was too strict a restraint on property owners, and limited their ability to develop their property; and,

**WHEREAS**, the City appraised the amount of lot coverage allowed for accessory structures, found in Section 17.09.560A, and determined that increasing that amount of lot coverage would promote a more fair and accessible use of our land use code; and,

**WHEREAS**, the City determined that the language in A.6.b. of this Section was awkward and somewhat confusing, and is easily remedied; and,

**WHEREAS**, the City determined that the language in Section A.7. was problematic, in that a conditional use permit is not an appropriate venue for a citizen who wishes to build an accessory structure that exceeds the dimensional requirements, and in any case, the City did not want the Code to appear to be encouraging individuals to seek conditional use permits; and,

**WHEREAS**, the City determined that Section 17.09.560.A.8. is already outlined in Section A.5., and was therefore unnecessary; and,

**WHEREAS**, the City desires to remove parts of another Section of the Code, Section 17.09.680 (Carports in side setbacks), pursuant to a separate Ordinance submitted simultaneously with Ordinance #2017-\_\_\_\_, and therefore the City needed to move the desired portions of Section 17.09.680 (relating to site plans and a building permit) to another Section relating to accessory structures, which this Section 17.09.560 is; and,

**WHEREAS**, the amendments would be useful in aiding the Planning Staff in the day to day administration of the Code; and,

**WHEREAS**, the Moab City Planning Commission (“Commission”) held a duly advertised public hearing on \_\_\_\_\_, 2017, to hear and decide the merits of said amendments; and,

**WHEREAS**, the Commission, after reviewing the public testimony and the recommendation of Staff, determined that these amendments would provide more clarity in the code, and would also facilitate fair and orderly building in the City, and subsequently adopted Planning Resolution #2017-\_\_\_\_, that favorably recommended Ordinance #2017-\_\_\_\_ to the City Council for approval; and,

**WHEREAS**, Council reviewed Ordinance #2017-\_\_\_\_ in a regularly scheduled meeting held on \_\_\_\_\_, 2017, to hear and decide the merits of the proposed changes to Section 17.09.560.A.; and,

**WHEREAS**, Council found the changes to be in the best interests of the City of Moab.

**NOW, THEREFORE**, the Moab City Council hereby amends the language of Section 17.09.560.A., as it currently reads to be revised by the changes below:

**Items in yellow shall be deleted from the code. Items in blue shall be added to the code:**

**17.09.560 Accessory use or structure, that now reads:**

A. Accessory uses or structures as defined in Section 17.06.020 may be permitted subject to the following conditions:

1. Such accessory uses shall be limited to those customarily associated with and appropriate, incidental and subordinate to the principal use.
2. Such accessory uses shall be located on the same lot or tract as the associated principal use.
3. Detached garages and attached carports located in the front yard setback, shall be controlled in the same manner as the associated principal use, except as otherwise expressly provided in this code. Carports located in the rear one-half of the building lot and all non-garage accessory structures shall be required to have a minimum 2:12 roof pitch.
4. Such accessory uses shall not be located on the lot so that storm water drainage is allowed to drain directly onto neighboring private property or public property including easements, alleys, and rights-of-way.
5. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located, and in no event shall an accessory use or structure be established prior to the principal use or structure to which it is accessory.
6. Dimensional requirements for accessory structures in the RA-1, A-2, C-1, C-2, C-4, C-5, R-1, R-2, R-3, R-4, and MH/RV-1 zone districts:

a. **In no case shall a single accessory structure or in the case of multiple structures, shall an area in excess of twenty-five percent of any rear [or side] yard of a principal structure be utilized.**

b. The maximum height of accessory structures shall not exceed twenty feet or the height of the principal structure, whichever is less; provided, however, that carports may not exceed a height of sixteen feet **or be equal to** the height of a single story principal structure if located in the front yard and attached to the principal residential structure.

**7. Accessory structures exceeding the dimensional requirements listed in subsection (A)(6) of this section may be approved through a conditional use permit as established in Section 17.09.530**

**8. In no case shall an accessory structure or use be constructed or established prior to the principal use.**

**Shall be amended to read:**

5. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located, and in no event shall an accessory use or structure be **constructed or** established prior to the principal use or structure to which it is accessory.
6. Dimensional requirements for accessory structures in the RA-1, A-2, C-1, C-2, C-4, C-5, R-1, R-2, R-3, R-4, and MH/RV-1 zone districts:
  - a. **The combined total area of all primary, secondary, and accessory buildings on a lot may cover not more than seventy-five percent of the lot area.**
  - b. The maximum height of accessory structures shall not exceed twenty feet or the height of the principal structure, whichever is less; provided, however, that carports may not exceed a height of sixteen feet, **and must be less than or equal to** the height of a single story principal structure if located in the front yard and attached to the principal residential structure.
7. **Individuals who desire to construct accessory buildings and carports are required to obtain a building permit and to submit site plans that accurately describe the dimensions of the proposed structure and the required setbacks.**

In effect on the day of passage;

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on the \_\_\_ day of \_\_\_\_\_, 2017.

SIGNED:

\_\_\_\_\_  
David L. Sakrison, Mayor

ATTEST:

\_\_\_\_\_  
Rachel Stenta, Recorder