

**CITY OF MOAB
PLANNING COMMISSION
PUBLIC HEARING
PROPOSED ORDINANCE 2010-14**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, August 26, 2010 at approximately 7:00 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 2010-14, an ordinance amending the City of Moab Municipal Code, with the addition of section 17.09.560, Accessory Use or Structure.

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. 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, August 12 and August 19, 2010.

ORDINANCE #2010-14

AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL CODE, WITH THE ADDITION OF SECTION 17.09.560, ACCESSORY USE OR STRUCTURE

WHEREAS, the City Council (“Council”) adopted the Moab Municipal Code (“Code”) and especially Chapter 17.00.00, also known as “The Zoning Ordinance of Moab City, Utah” in an effort to encourage and facilitate orderly growth and development in the City of Moab (“City”) as well as to promote a more attractive and wholesome environment; and

WHEREAS, from time to time the City has noticed that there is a need to amend the Code in an effort to modernize the language and provide clarity so that the Code is more easily understood; and

WHEREAS, the City of Moab Planning Commission (“Commission”) in a duly advertised public hearing held on _____, 2010, to hear testimony and determine the merits of the changes to the Code; and

WHEREAS, the Commission found that the proposed changes would benefit Planning Staff in the day to day administration of the Code and be more easily understood by the general public; and

WHEREAS the Commission unanimously voted to recommend to Council that adoption of the new language was in the best interests of the citizens of Moab; and,

WHEREAS, Council reviewed Ordinance #2010-14 in a regularly scheduled public meeting held on _____, 2010, to hear and decide the merits of the proposed change to Chapter 17.09, Supplementary Requirements and Procedures Applicable Within Zones, of the Moab Municipal Code; and,

WHEREAS, Council found that the amendments to the code are in the best interests of the City.

NOW, THEREFORE, the Moab City Council hereby ordains that Ordinance #2010-14 is adopted to amend Chapter 17.09.560 of the Moab Municipal Code to read:

17.09.560 Accessory Use or Structure.

- A. Accessory uses or structures as defined in Chapter 17. 07.020 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 25% of any rear [or side] yard of a principal structure be utilized.
 - b. The maximum height of accessory structures shall not exceed 20 feet or the height of the principal structure, whichever is less; provided, however, that carports may not exceed a height of 16 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 (e) of this section may be approved through a conditional use permit as established in Chapter 17.09.530.
8. In no case shall an accessory structure or use be constructed or established prior to the principal use.
9. Carports with three sides open may be constructed in conjunction with an allowed residential structure to within ten (10) feet of the front property line. However, no carport shall be constructed to encroach over any recorded easement, public right-of-way or other private property. If a property owner desires to construct a carport closer than ten feet to the front property line a variance is required from the Appeals Authority as per Chapter 17.72 of this code.
10. An accessory carport that is attached to the principal structure may be allowed to extend into the front yard setback when all of the following standards can be met:
 - a. The carport roof must be constructed in such a manner to appear as a part of the original construction of the principal structure.
 - b. The materials used in construction of the accessory use are compatible with the materials used in the principal use.
 - c. The carport meets side yard setback standards for the underlying zone.
 - d. The carport does not extend into or over any easement or any city right-of-way.
 - e. The carport roof slope shall comply with the requirements of garages in Section (c) above, and have no less than a 4:12 pitch or match the roof pitch of the existing principal structure. A carport in conjunction with a Southwestern style house shall have no less than a 2:12 roof pitch.
 - f. Staff is authorized to review the proposal for compliance with the above standards and approve the building materials for the project.
 - g. All attached carports shall meet the requirements of the adopted building codes of the city.
11. Residential front porches attached to the principal use and having three sides open may be constructed in conjunction with an allowed residential structure to extend a distance of ten (10) feet into the front yard setback. However, in no case shall a residential porch extend to less than five (5) feet from a street right-of-way or be constructed on or encroach over any recorded easement, public right-of-way or other

private property. Such porches shall not be converted to living space or be enclosed with solid walls.

(B) Setbacks. Detached accessory buildings shall be constructed to the established setbacks as illustrated in the following table.

Setbacks for Accessory Structures*		
Detached accessory structures		Attached accessory structures
Side Yard	More than 5 feet	Must meet the established setbacks for the principal structure if located within 12 feet of the principal structure.
Rear Yard	More than 5 feet	
From other accessory structures on the same property	10 feet	
Corner lot (side street)	10 feet	

*As measured from any side lot line, alley right-of-way or easement line.

AND FURTHERMORE, Council amends the following Code chapters to read as noted below:

17.18.050 LOCATION REQUIREMENTS, SUBSECTION B AND C THAT READS,

“B. Side Setback. All dwellings shall be set back from the side property line a distance of at least ten feet and the total distance of the two side setbacks shall be at least twenty-four feet. The minimum side setback for accessory buildings shall be the same as for main buildings, except that a three-foot side setback shall be required for accessory buildings which are located more than one hundred feet from the front lot line and at least twelve feet in the rear of any dwelling. On corner lots, the side setback from any street shall not be less than twenty-five feet for both main and accessory buildings.

C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty-five feet. Accessory buildings on interior lots shall be set back not less than ten feet from the rear property line, except that no rear setback shall be required for corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty-five feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty feet. Accessory buildings on corner lots shall be set back from the rear property line a distance of not less than ten feet.”

SHALL NOW READ:

17.18.050 Location requirements.

B. Side Setback. All dwellings shall be set back from the side property line a distance of at least ten feet and the total distance of the two side setbacks shall be at least twenty-four feet. On corner lots, the side setback from any street shall not be less than twenty-five feet for the main building.

C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty-five feet. When located on a corner lot, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty(20) feet.

D. The minimum side setback for accessory buildings on interior and corner lots is listed in Code Chapter 17.09.560 Accessory Use or Structure and shall be located a distance of at least twelve feet to the rear of any dwelling.

AND THAT, CHAPTER 17.42.050 LOCATION REQUIREMENTS, SUBSECTION B AND C THAT READS,

“B. Side Setback. All dwellings shall be set back from the side property line a distance of at least ten feet and the total distance of the two side setbacks shall be at least twenty-four feet. The minimum side setback for accessory buildings shall be the same as for main buildings, except that a three-foot side setback shall be required for accessory buildings which are located more than one hundred feet from the front lot line and at least twelve feet in the rear of any dwelling. On corner lots, the side setback from any street shall not be less than twenty feet from both main and accessory buildings.

C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least fifteen feet. Accessory buildings on interior lots shall be set back not less than ten feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two hours or more. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty-five feet, except that for dwellings having an attached garage or carport the setback shall not be less than twenty feet. Accessory buildings on corner lots shall be set back from the rear property line a distance of not less than three feet. “

SHALL NOW READ:

17.42.050 Location requirements.

B. Side Setback. All dwellings shall be set back from the side property line a distance of at least ten feet and the total distance of the two side setbacks shall be at least twenty-four feet. On corner lots, the side setback from any street shall not be less than twenty feet from the property line.

C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least fifteen feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty (20) feet.

D.

D. The minimum side setback for accessory buildings on interior and corner lots is listed in Code Chapter 17.09.560 Accessory Use or Structure and shall be located a distance of at least twelve feet to the rear of any dwelling.

AND THAT, CHAPTER 17.45.050 LOCATION REQUIREMENTS, SUBSECTION B AND C THAT READS,

17.45.050 Location requirements.

“B. Side Setback. The minimum side setback for any dwelling or any other main building shall be eight feet; provided, that the minimum distance between dwellings located on the same or adjoining lots shall be sixteen feet and that the total width of the two side yards shall be not less than one-third of the frontage of the dwelling or other main building. On corner lots, the side yard which faces on a street shall be not less than twenty feet for both main and accessory buildings.

C. The minimum rear setback for any main building shall be fifteen feet. “

SHALL NOW READ:

17.45.050 Location requirements.

B. Side Setback. The minimum side setback for any dwelling or any other main building shall be eight feet; provided, that the minimum distance between dwellings located on

the same or adjoining lots shall be sixteen feet and that the total width of the two side yards shall be not less than one-third of the frontage of the dwelling or other main building. On corner lots, the side yard which faces on a street shall be not less than twenty feet.

C. Rear setback. The minimum rear setback for any main building shall be fifteen feet.

D. The minimum side setback for accessory buildings on interior and corner lots is listed in Code Chapter 17.09.560 Accessory Use or Structure and shall be located a distance of at least twelve feet to the rear of any dwelling.

AND THAT, CHAPTER 17.48.050 LOCATION REQUIREMENTS, SUBSECTION B AND C THAT READS,

“B. Side Setback. The minimum side setback for any dwelling or any other main building shall be eight feet; provided, that the minimum distance between dwellings located on the same or adjoining lots shall be sixteen feet and that the total width of the two side yards shall be not less than one-third of the frontage of the dwelling or other main building. On corner lots, the side yard which faces on a street shall be not less than twenty feet for both main and accessory buildings.

C. Rear Setback. The minimum rear setback for any main building shall be fifteen feet.”

**SHALL NOW READ:
17.48.050 Location requirements.**

B. Side Setback. The minimum side setback for any dwelling or any other main building shall be eight feet; provided, that the minimum distance between dwellings located on the same or adjoining lots shall be sixteen feet and that the total width of the two side yards shall be not less than one-third of the frontage of the dwelling or other main building. On corner lots, the side yard that faces on a street shall be not less than twenty feet.

C. Rear Setback. The minimum rear setback for any main building shall be fifteen feet.

D. The minimum side setback for accessory buildings on interior and corner lots is listed in Code Chapter 17.09.560 Accessory Use or Structure and shall be located a distance of at least twelve feet to the rear of any dwelling.

AND THAT, CHAPTER 17.51.050 LOCATION REQUIREMENTS, SUBSECTION B AND C THAT READS,

“B. Side Setback. The minimum side setback for any dwelling or any other main building shall be eight feet; provided, that the minimum distance between dwellings located on the same or adjoining lots shall be sixteen feet and the total width of the two side yards shall be not less than one-third of the frontage of the dwelling or other main building. On corner lots, the side yard which faces on a street shall be not less than fifteen feet for both main and accessory buildings.

C. Rear Setback. The minimum rear setback for any main building shall be ten feet. On corner lots, the rear setback shall be not less than eight feet.”

SHALL NOW READ:

B. Side Setback. The minimum side setback for any dwelling or any other main building shall be eight feet; provided, that the minimum distance between dwellings located on the same or adjoining lots shall be sixteen feet and the total width of the two side yards shall be not less than

one-third of the frontage of the dwelling or other main building. On corner lots, the side yard which faces on a street shall be not less than fifteen feet.

C. Rear Setback. The minimum rear setback for any main building shall be ten feet. On corner lots, the rear setback shall be not less than eight feet.

D. The minimum side setback for accessory buildings on interior and corner lots is listed in Code Chapter 17.09.560 Accessory Use or Structure and shall be located a distance of at least twelve feet to the rear of any dwelling.

AND THAT, CHAPTER 17.54.050 LOCATION REQUIREMENTS, SUBSECTION B AND C THAT READS,

“B. Side Setback. All dwellings shall be set back from the side property line a distance of at least ten feet and the total distance of the two side setbacks shall be at least twenty-four feet. The minimum side setback for accessory buildings shall be the same as for main building, except that a three-foot side setback shall be required for accessory buildings which are located more than one hundred feet from the front lot line and at least twelve feet in the rear of any dwelling. On corner lots, the side setback from any street shall not be less than twenty-five feet for main and accessory buildings.

A. C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty-five feet. Accessory buildings on interior lots shall be set back not less than ten feet from the rear property line, except that no rear setback shall be required for accessory buildings having fire-resistive walls of two hours or more. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty (20) feet. Accessory buildings on corner lots shall be setback from the rear property line a distance of not less than ten feet.”

**SHALL NOW READ:
17.54.050 Location requirements.**

B Side Setback. All dwellings shall be set back from the side property line a distance of at least ten feet and the total distance of the two side setbacks shall be at least twenty-four feet. On corner lots, the side setback from any street shall not be less than twenty-five feet for main buildings.

B. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty-five feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty (20) feet.

C. The minimum side setback for accessory buildings on interior and corner lots is listed in Code Chapter 17.09.560 Accessory Use or Structure and shall be located a distance of at least twelve feet to the rear of any dwelling.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on _____, 2010.

SIGNED:

David L. Sakrison, Mayor

ATTEST:

Rachel Ellison, Recorder