

**CITY OF MOAB
PLANNING COMMISSION
PUBLIC HEARING
PROPOSED ORDINANCE 2012-11**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, June 28, 2012 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 2012-11, An Ordinance to Amend Title 17.00 of the Moab Land Use Code, Specifically Chapters 17.15, 17.42, 17.45, 17.48, and 17.51 and Those Sections Dealing Specifically with the Area, Width, and Location Requirements for Residential Uses.

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, June 14, 2012 and June 21, 2012.

ORDINANCE #2012-11

AN ORDINANCE TO AMEND TITLE 17.00 OF THE MOAB LAND USE CODE, SPECIFICALLY CHAPTERS 17.15, 17.42, 17.45, 17.48, and 17.51 AND THOSE SECTIONS DEALING SPECIFICALLY WITH THE AREA, WIDTH, AND LOCATION REQUIREMENTS FOR RESIDENTIAL USES

WHEREAS, the City of Moab (“City”) adopted Chapter 17, Zoning, of the Moab Municipal Code (“Code”) in an effort to promote the health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the city by guiding development within the City of Moab in accordance with the General Plan; and

WHEREAS, it was identified by City Staff (Staff) and the Planning Commission (“Commission”) that specific area, width and location requirements for residential uses in the R-2, R-3, and R-4 zones acted as barriers to affordable housing and contributed to costly sprawl; and

WHEREAS, Staff and the Planning Commission recognize that the residential districts have been established in order to secure for the persons who reside in them a comfortable, healthy, safe, and pleasant environment, sheltered from incompatible and disruptive activities and to encourage a diversity of housing options; and

WHEREAS, Staff and the Planning Commission have requested from Moab City Council (“Council”) amendments to code chapters 17.15, 17.42, 17.45, 17.48, and 17.51 that deal with area, width and location requirements, for the residential zones; and,

WHEREAS, the Moab City Planning Commission held a duly advertised public hearing on _____, 2012, to hear and decide the merits of said amendment; and

WHEREAS, the Commission, after reviewing the public testimony and the recommendation of Staff favorably recommends to Council that the suggested amendment be adopted; and,

WHEREAS, Council held a duly advertised public hearing during a regularly scheduled meeting to hear public evidence and review the recommendations from Staff and the Planning Commission on _____, 2012; and,

WHEREAS, Council desires to encourage affordable housing in our community for all residents regardless of physical or mental health, race, or socio-economic level; and

WHEREAS, Council desires to encourage a compact, more sustainable type of development to reduce sprawl, inefficient use of utilities, and reduced maintenance costs to the city for infrastructure.

NOW, THEREFORE, Council hereby declares and ordains that the following changes are adopted and the specified code chapters and sections are amended as noted below:

CHAPTER 17.15

ESTABLISHMENT OF ZONES

Sections:

- 17.15.010 Scope and applicability.**
- 17.15.020 Districts established.**
- 17.15.030 Official zoning map.**
- 17.15.040 Zone boundaries**
- 17.15.050 Temporary zoning of annexed territory.**
- 17.15.060 Residential area regulations summary.**
- 17.15.010 Scope and applicability.**

The regulations of this chapter shall apply to all lands located within the corporate limits of the city. All land, buildings, structures or appurtenances thereon located within the city that are hereafter occupied, used, erected, altered, removed, placed, demolished or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as provided in this chapter.

17.15.020 Districts established.

In order to implement the general plan and the other purposes and provisions of this title, the city, is divided into residential, commercial, agricultural, industrial, and flood hazard zoning districts. The regulations as set out herein are uniform throughout each district.
 (a) Purpose for Zone Districts.

(1) Residential Districts. In order to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities and to encourage a diversity of housing options, the following residential districts are established.

Residential Zones		
Abbreviated Designation	Zoning District	Code Chapter
R-1	Single- family Residential Zone	17.42
R-2	Two-family Residential Zone	17.45
R-3	Multi-family Residential Zone	17.48
R-4	Manufactured Housing Residential Zone	17.51
RA-1	Residential-Agricultural Zone	17.54
MH/RV-1	Mobile Home/Recreational Vehicle Parks Zone	17.35
Commercial Zones		
C-1	Commercial-Residential Zone	17.20
C-2	Commercial-Residential Zone	17.21
C-3	Central Commercial Zone	17.24
C-4	General Commercial Zone	17.27
C-5	Neighborhood Commercial Zone	17.30
RC	Resort Commercial Zone	17.31
SAR	Sensitive Area Resort Zone	17.32
Agricultural Zones		
A-2	Agricultural Zone	17.18
Industrial		
I-1	Industrial Zone	17.36

Flood Hazard		
FC-1	Flood Channel Zone	17.33

17.15.020 Official zoning map.

A. The location and boundaries of each of the zones are shown on the official zone map of the city, and said map is declared to be an official record and a part of this title.

B. Whenever amendments or changes are made in zone boundaries, such amendments or changes shall be promptly made on the official subsequent to approval by city council. No amendment or change shall become effective until after it has been properly posted and attested to on the official zone map.

C. No changes of any nature shall be made in the official zone map, except in conformity with the procedure set forth in this title. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided in this title.

D. Regardless of the existence of purported copies of the official zone map which may from time to time be made or published, the official zone map, which shall be located in the office of the city recorder, shall be the final authority in determining current zoning status.

17.15.030 Zone boundaries.

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

- A. Where the intended boundaries on the zone map are approximately street or alley lines, said street or alleys shall be construed to be the zone boundaries.
- B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries, unless otherwise indicated.
- C. Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale of measurement shown on the map.
- D. Where other uncertainty exists, the appeal authority shall interpret the map.

(Prior code § 27-5-3)
(Ord. No. 10-06, 11-9-10)

17.15.040 Residential Area regulations summary.

(a) Schedule of Residential Area Regulations. The following residential area regulations schedule summarizes the regulations of this code with regard to minimum lot size, minimum yards, maximum lot coverage, minimum floor area per dwelling unit, and maximum building height of residential uses in the various zoning districts. The standards shown in the following schedule may be modified by additional provisions contained in this section or in the individual district regulations. In the event of any conflict between the text of this section and the schedule of residential area regulations, the text shall control.

Residential Area Regulations						
Development Standard	R-1	R-2	R-3	R-4	RA-1	
Single-family Dwelling						
Minimum Lot Area/unit (sq ft)	10,000	5,000	5,000	5,000	43,560	
Minimum Front Yard (ft)	25*	20	15	15	25*	
Minimum Side Yard, first side (ft)	10 ⁽¹⁾	7	7	7	10	
Minimum Side yard, second side (ft)	14	7	7	7	14	
Minimum Side Yard, Corner	20	15	12	12	25	
Minimum Rear Yard Inter. (ft)	15	12	12	10	25	
Minimum Rear Yard Corner (ft)	25+	15	15	8	20	
Max Lot Coverage (%)	-	60	60	60	-	
Max. Height (ft)	40	30	30	25	40	
Min. Lot Width (ft)	90	50	50	50	125	
Minimum Ground Floor Area/Structure (sq ft)	1,200	500	500	500	1,000	
Duplex or Two-family Dwelling						
Minimum Lot Area/unit (sq ft)	-	3,000 sq ft/dwelling	2,500 sq ft/dwelling	2,500 sq ft/dwelling	-	
Minimum Front Yard (ft)	-	20	15	15	-	
Minimum Side Yard, first side (ft)	-	7	7	7	-	
Minimum Side yard, second side (ft)	-	7	7	7	-	
Minimum Side Yard, Corner	-	15	12	12	-	
Minimum Rear Yard Inter (ft)	-	12	12	10	-	
Minimum Rear Yard Corner (ft)	-	15	15	8	-	

Max Lot Coverage (%)	-	60	60	60	-	
Development Standard	R-1	R-2	R-3	R-4	RA-1	
Duplex or Two-family Dwelling (continued)						
Max. Height (ft)	-	30	30	25	-	
Residential Area Regulations (continued)						
Min. Lot Width (ft)	-	50	50	50	-	
Minimum Ground Floor Area/unit (sq ft)	-	500	500	500	-	
Three, Four, Five or Six-family Dwelling						
Minimum Lot Area/unit (sq ft)	-		2,000 sq ft/dwelling	1800 sq ft/dwelling	-	
Minimum Front Yard (ft)	-		15	15	-	
Minimum Side Yard, first side (ft)	-		7	7	-	
Minimum Side yard, second side (ft)	-		7	7	-	
Minimum Side Yard, Corner			12	12	-	
Minimum Rear Yard Inter (ft)			12	10	-	
Minimum Rear Yard Corner (ft)			15	8	-	
Max Lot Coverage (%)			60	60	-	
Max. Height (ft)			30	25	-	
Min. Lot Width (ft)			50	50	-	
Minimum Ground Floor Area/unit (sq ft)			300	250	-	

* Or fifty-five feet from the centerline of any public street, whichever is greater.

+ For dwellings having an attached garage or carport the setback shall not be less than twenty feet.

- (1) Total of the two side setbacks shall be at least twenty-four feet.
- (2) For the purpose of determining front, side and rear setback requirements any separate building situated within twelve feet from a dwelling or other main building shall be considered as a part of the main building and not as an accessory building.
- (3) 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.

Furthermore, the title for Chapter 17.42, shall be amended to read *R-1 Single-family Residential Zone*.

AND, the title for Chapter 17.45, shall be amended to read *R-2 Two-family Residential Zone*,

AND, Section **17.45.030 Area requirement** shall be amended to read:

“An area of not less than five thousand square feet shall be provided and maintained for each one-family dwelling and uses thereto. For two-family dwellings the lot size shall consist of a minimum of three

thousand square feet per dwelling. For child day care centers and foster family care homes the building site shall contain at least ten thousand square feet. An area of not less than five acres shall be provided and maintained for each planned unit development, except that there shall be no area requirements for additions to an approved planned unit development. All church buildings shall have a building site area in which the area of the building is equal to or less than twenty percent of the total parcel size area.”

AND, Section **17.45.040 Width requirements** shall be amended to read:

“The minimum width of any building site for a one-family dwelling or other building shall be fifty linear feet, measured at a distance of twenty-five feet back from the front lot line. “

AND, Section **17.45.050 Location requirements**, shall be amended to read:

A. Front Setback. The minimum front setback for main buildings shall be twenty 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.

B. Side Setback. The minimum side setback for any dwelling or any other main building shall be seven feet; provided, that the minimum distance between dwellings located on the same or adjoining lots shall be ten feet. On corner lots, the side yard which faces on a street shall be not less than fifteen feet or 75% of the front yard setback.

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

AND, Section **17.45.060 Special provisions, B.** shall be amended to read:

B. The ground floor area of all dwellings shall be at least five hundred square feet.

AND, the title for Chapter **17.48, R-3 RESIDENTIAL ZONE** shall be amended to read *R-3 Multi-family Residential Zone*.

AND, Section 17.48.030 Area requirements, shall be amended to read:

An area of not less than five thousand square feet shall be provided and maintained for each one-family dwelling and duplexes or two-family dwellings. All other multi-family development shall provide a minimum of two thousand square feet per unit for three-family dwellings and above. Schools, churches, boarding houses and other main buildings shall have a building site area in which the area of the building is equal to or less than twenty percent of the total parcel size area.

An area of not less than three acres shall be provided and maintained for each planned unit development, except that there shall be no area requirements for additions to an approved planned unit development.

AND Section 17.48.040 Width requirements, shall be amended to read:

The minimum width of any building site for a one-family dwelling or other buildings shall be fifty linear feet measured at a distance twenty-five feet back from the front lot line.

AND, Section 17.48.050 Location requirements, shall be amended to read:

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.

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

adjoining lots shall be more than ten feet. On corner lots, the side yard that faces on a street shall be not less than twelve feet.

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

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.

AND, the title for Chapter **17.51, R-4 RESIDENTIAL ZONE** shall be amended to read *R-4 Manufactured Housing Residential Zone*.

AND, Section 17.51.030 Area requirements, shall be amended to read:

“An area of not less than five thousand square feet shall be provided and maintained for each one-family dwelling. Two thousand five hundred square feet shall be provided for each unit of a duplex or two-family dwelling and one thousand eight hundred square feet shall be provided for each unit in a tri-plex or three-family or more dwelling. For child day care centers the building site shall contain at least ten thousand square feet.

An area of not less than three acres shall be provided and maintained for each planned unit development, except that there shall be no area requirements for additions to an approved planned unit development. All non-residential uses such as church buildings shall have a building site area in which the area of the building is equal to or less than twenty percent of the total parcel size area. The area required to meet minimum off-street parking requirements shall not be included in the calculation of the total parcel size.

AND, Section 17.51.040 Width requirements, shall be amended to read:

The minimum width of any building site for a dwelling shall be fifty linear feet.

AND, Section 17.51.050 Location requirements, shall be amended to read:

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.

B. Side Setback. The minimum side setback for any dwelling or any other main building shall be seven feet; provided, that the minimum distance between dwellings located on the same or adjoining lots shall be ten feet. On corner lots, the side yard that faces on a street shall be not less than twelve 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 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.

AND, Section 17.51.060 Special provisions, shall be amended to read:

The following special provisions shall apply in this zone in order to protect its essential characteristics and to promote the purposes of this title:

A. For the purposes of determining front, side and rear setback requirements, any separate building situated within twelve feet from a dwelling or other main building shall be

considered as a part of the main building and not as an accessory building.

- B. The ground floor area of all dwellings shall be at least *five hundred* square feet.
- C. The maximum permitted density of planned unit developments shall be eight dwelling units per acre, up to a maximum of ten units per acre utilizing affordable housing density bonuses.
- D. The minimum building site for a mobile home park and mobile home subdivision shall be not less than ten acres.

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 _____, 2012.

SIGNED:

David L. Sakrison, Mayor

ATTEST:

Rachel Stenta, Recorder