

**CITY OF WASHINGTON TERRACE
ORDINANCE 11-03**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING CHAPTER 17.12 OF THE MUNICIPAL CODE RELATING
TO SINGLE-FAMILY RESIDENTIAL ZONES; PROVIDING
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §§10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a of the *Utah Code Annotated* authorizes the City to regulate land use and development;

WHEREAS, the City desires to amend this land use ordinance relating to residential uses in order to respond to development, improve the health and welfare on the community, and respond to socio-economic factors in the community that may benefit residents;

WHEREAS, the City Council desires to enact this Ordinance to regulate land use within residential zones in the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington Terrace, Utah, as follows:

Section 1: Repealer. Any word, sentence, paragraph, or phrase in the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2. Amendment. Chapter 17.12 is hereby amended to read as follows:

**Chapter 17.12
SINGLE-FAMILY RESIDENTIAL ZONES**

17.12.010. Purpose and intent.

The purpose of the R-1-10, R-1-8, and R-1-6 zone classifications is to provide regulated areas for single-family residential uses at three different densities ~~low density levels~~.

17.12.020. Permitted uses.

On developable parcels which meet the site development standards set forth in this chapter, and within the single-family residential zones, no building or structure or land shall be used and no building shall be erected which is arranged, intended, or designed to be used for use, except as follows: other than one or more of the following uses:

1. ~~Accessory uses and buildings customarily and normally incidental and subordinate to the above, and devoted exclusively to the main~~ the primary permitted use of the premises.
2. ~~Name plates and~~ Addresses and any permitted signs that are in accordance with sign regulations set forth in Chapter 17.56, as follows:
 - a. ~~Name plates.~~
 - b. ~~Identification signs.~~
 - c. ~~Property signs.~~
 - d. ~~Service signs.~~
 - e. ~~Business signs.~~
3. Agriculture, nursery or greenhouses where the provided sale of goods or products is limited to plant materials produced on the premises and there is no retail shop operated in connection therewith.
4. Carports subject to any special regulations specified in 17.12.090. Exception: Carports in an R-1-6 zone are defined as a structure, attached to either side of a main dwelling, of which the front and one side must be completely open. The rear of a carport may be closed except for an opening eight feet in width, and from floor to ceiling in height on the portion adjacent to the line of the main dwelling; the side eaves may extend to within one foot of the side property line, providing the structure is no closer than ten feet from a dwelling on any adjacent lot. The rear of the carport may extend up to four feet beyond the rear of the main dwelling. The overall height of a carport shall not exceed twelve feet. The side and rear yard regulations as set forth in this chapter shall be superseded by the above provisions on the same subject only in regard to the construction of a carport.
5. Child day care or nursery.
6. Church, ~~except temporary revival tents or buildings.~~
7. Home occupations with no visiting clientele or not otherwise requiring a conditional use permit.
8. Household pets in quantities limited by law.
9. Library, museum, or art gallery.
10. Patios.
11. Public buildings.
12. Public parks, ~~public~~ recreational grounds and associated buildings.
13. Public ~~schools, or~~ private educational institutions having a curriculum similar to that ordinarily ~~given~~ offered in public schools.
14. Public utilities.
15. Single-family dwelling.
16. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work.

17.12.030. Conditional uses.

The following uses shall be allowed in the single-family residential zones only when authorized by a conditional use permit as ~~provided in Chapter 17.68 of this title:~~

1. Beekeeping of not more than three (3) hives and in accordance with the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended. Beehives are to be kept in side or rear yard and at least ten (10) feet away from any adjoining property line.
2. Home occupation with visiting clientele.
3. Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
4. Public utility substations or water storage facilities developed by a public agency.
5. ~~Planned residential unit developments when developed in accordance with Chapter 17.40 of this title;~~
6. Residential facilities for the elderly or disabled ~~handicapped~~ persons, meeting which conform to the requirements of the applicable state or federal law, UCA 10-9-2.5;
7. ~~Four family dwelling buildings, to be occupied by not more than two persons per dwelling unit, and to be utilized exclusively to provide housing and related facilities for elderly and handicapped persons upon written approval of the city council.~~

17.12.040. Area and density regulations.

Area and density regulations in the single-family residential zones are as follows:

R-1-10	R-1-8	R-1-6
Min. lot area (sq. ft.): 10,000	Min. Lot area (sq. ft.): 8,000	Min. lot area (sq. ft.): 6,000
Min. lot width: 80 feet	Min. lot width: 80 feet	Min. lot width: 60 feet
		Corner lot area (sq. ft.): 7,000
		Corner lot width: 70 feet

17.12.050. Minimum front yard setbacks.

Minimum ~~front~~ yard setback requirements in the single-family residential zones are as follows:

R-1-10	R-1-8	R-1-6
Front Yard Setback: 30 ft. min.	Front Yard Setback: 30 ft. min.	Front Yard Setback: 25 ft. min.
Rear Yard: 30 ft. min.	Rear Yard: 30 ft. min.	Rear Yard: 25 ft. min.
Side Yard Dwelling: 8 ft. min. on one side, with total of 18 ft. min. on both sides.	Side Yard Dwelling: 8 ft. min. on one side, with total of 18 ft. min. on both sides.	Side Yard Dwelling: 5 ft. min. on one side, with total of 13 ft. min. on both sides.
Side Yard for Other Main Building: 20 ft. min.	Side Yard for Other Main Building: 20 ft. min.	Side Yard for Other Main Building: 20 ft. min.

1. ~~Exception. Average of existing buildings where fifty percent of frontage is developed, but~~

- ~~not less than twenty feet in the R-1-10 or R-1-8 zones nor less than fifteen feet in the R-1-6 zone.~~
2. Accessory buildings. The rear and side yard setback for accessory buildings is 1 foot, except where an accessory building rears on side yard of adjacent corner lot the set back in 10 feet in the R-1-10 and R-1-8 Zones, and 5 feet in the R-1-6 Zone.
 3. Side setback for private garage. A private garage and other accessory buildings if located at least 6 ft. to rear of main building shall be set back a minium 1 foot. No private garage to be closer than 10 feet to a dwelling on adjacent lot. ~~1 ft. 1 ft. 1 ft.~~
 4. Corner lots side yard adjacent to street. Dwelling and accessory building shall be set back 20 feet in the R-1-10 and R-1-8 Zones, and 15 feet in the R-1-6 Zone.
 5. ~~Exception. Average of existing building where 50% of frontage is developed but not less than 15 ft.~~

17.12.060. — Rear yard setbacks.

Rear yard setback requirements in the single-family residential zones are as follows:

~~R-1-10 R-1-8 R-1-6~~

~~Dwellings 30 ft. 30 ft. 25 ft.~~

~~Other main building 30 ft. 30 ft. 25 ft.~~

~~Accessory Building 1 ft. 1 ft. 1 ft.~~

~~Except where accessory building rears on side yard of adjacent corner lot 10 ft. 10 ft. 5 ft.~~

17.12.070. — Side yard setbacks.

Side yard setback requirements in the single-family residential zones are as follows:

~~R-1-10 R-1-8 R-1-6~~

~~Dwelling 8 ft. 8 ft. 5 ft.~~

~~Total side yard of not less than 18 ft. 18 ft. 13 ft.~~

~~Other main buildings 20 ft. 20 ft. 20 ft.~~

~~Total side yard of not less than 40 ft. 40 ft. 40 ft.~~

~~Private garage and other accessory buildings if located at least 6 ft. to rear of main building. No private garage to be closer than 10 ft. to a dwelling on adjacent lot. 1 ft. 1 ft. 1 ft.~~

~~Corner lots side yard adjacent to street~~

~~Dwelling and accessory building 20 ft. 20 ft. 15 ft.~~

~~Exception: Average of existing building where 50% of frontage is developed but not less than 15 ft.~~

17.12.080 060. Height regulations.

No building in the single-family residential zones shall be erected to a height greater than two and one-half (2½) stories or thirty-five (35) feet, and no dwelling structure shall be erected to a height of less than one (1) story.

17.12.090 070. Special regulations.

Carports in an R-1-6 zone are defined as a structure, attached to either side of a main dwelling, of

which the front and one side must be completely open. The rear of a carport may be closed except for an opening eight feet in width, and from floor to ceiling in height on the portion adjacent to the line of the main dwelling; the side eaves may extend to within one foot of the side property line, providing the structure is no closer than ten feet from a dwelling on any adjacent lot. The rear of the carport may extend up to four feet beyond the rear of the main dwelling. The overall height of a carport shall not exceed twelve feet. The side and rear yard regulations as set forth in this chapter shall be superseded by the above provisions on the same subject only in regard to the construction of a carport.

Section 3: Severability. If any one or more provision, section, subsection, sentence, clause, phrase or word of this chapter or the application thereof to any person or circumstance is found by a court of competent jurisdiction to be illegal or unconstitutional, the same is hereby declared to be severable and the balance of this chapter shall remain effective notwithstanding such illegality or unconstitutionality.

Section 4: Effective date. This Ordinance shall take effect immediately upon its passage and posting.

PASSED AND ADOPTED by the City Council on this ___ day of _____, 2011.

MARK C.ALLEN, Mayor,
City of Washington Terrace, Utah

ATTEST:

AMY RODRIGUEZ, City Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-711, 1953 as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) _____ 2) _____ and 3) _____ on the above referenced dates.

City Recorder

DATE: _____