

ORDINANCE NO. 20-13

Code Amendment to Section 16.21.08 regarding detached accessory structures and their regulation. Also a clarification for the definition of rear yard in 16.04.

WHEREAS, the code requires that all non-agricultural accessory buildings with a footprint over 1,500 square feet get a conditional use permit; and

WHEREAS, The County processes a large amount of these conditional uses which takes a lot of additional time for the applicant as well as the staff to process the application; and

WHEREAS, as part of the application process if there are no responses to a mailed notification within a specified time frame the conditional use can be approved administratively; and

WHEREAS, the majority of these conditional uses do not have objections and get approved administratively; and

WHEREAS, the County would like to make the process easier for the applicant as well as staff and hopefully allow more of these to be processed as permitted uses; and

WHEREAS, the legislative body finds that these amendments are consistent with objectives and purposes of the general plan and the land use and development code; and

NOW THEREFORE, the County Legislative Body of Wasatch County ordains as follows:

Section I. **Enactment**: The following amendments to the Title 16 of the Wasatch County Code are hereby enacted:

16.21.08: ACCESSORY BUILDINGS

- A. ~~Maximum Area of Accessory Agricultural buildings: Any nonagricultural; accessory building shall be regulated as per section G of this section. that has a footprint larger than one thousand five hundred (1,500) square feet, must be approved as a conditional use. Agricultural buildings which are exempt under Utah Code 15A-1-204, as amended, from receiving a building permit are also exempt from this section except they although exempt from receiving a building permit as per state law, would~~ require a site plan approval from the planning department. The site plan must include the following: 1) location of the structure on the property; 2) show setbacks from the property lines; 3) show all existing and proposed structures on the property and adjoining properties.
- B. Accessory Buildings Prohibited as Living Area: Living and sleeping quarters shall not be permitted in any accessory building unless approved as a guest ADU or caretaker ADU.
- C. Accessory Buildings; Time of Construction: No accessory building may be constructed prior to the construction of the main building on the lot.

- D. Location of Detached Accessory Structures and Buildings: All accessory buildings or structures shall be located in either the rear or side yards, unless incorporated into the principal use building or structure as an architectural and integral part thereof or unless more specifically regulated in section G. If accessory buildings are located in the side yard, the required setbacks as stated in the individual zone shall be required. An accessory building may be located ten feet (10') from the rear property line and/or side property line, in the rear yard only if when the following occurs:
- a. All roof drainage is retained on the subject lot or parcel.
 - b. The distance from any accessory building that houses animals shall be one hundred feet (100') from any dwelling on site.

~~if accessory buildings are located in the side yard, the required setbacks as stated in the individual zone shall be required.~~

- E. Accessory Building Permit Requirement: Except for an approved agricultural building exempt under Utah Code 15A-1-204, a building permit shall not be approved for an accessory building, unless there is an existing main structure on the same property or a main structure that has received a building permit. Lots of record may have accessory buildings in accordance with sub section G.
- F. Shipping Containers: Shipping containers are allowed as accessory storage buildings, with the following requirements:
1. Shall be neutral earth tone color.
 2. Shall be on a lot with a minimum lot size of five (5) acres.
 3. Shall meet all setback requirements for accessory structures.
 - 3.4. Shall be in the rear yard.

- G. Maximum area of Accessory Buildings: Accessory Buildings are subject to the following restrictions:

<u>Lot Area</u>	<u>Maximum square footage of detached accessory structures on lot</u>	<u>Permitted/Conditional use</u>	<u>Maximum lot coverage</u>	<u>Maximum building height*</u>
<u>Less than 1 acre</u>	<u>800-2,000 sf. conditional.</u> <u>Less than 800 sf.</u> <u>Permitted.</u> <u>Any accessory building must be in the rear yard.</u>	<u>P/C</u>	<u>40% maximum lot coverage including all other buildings</u>	<u>20 feet</u>
<u>1 – 1.99 acres</u>	<u>Up to 2,000 sf. permitted.</u> <u>2,001-3,000 sf.</u> <u>conditional.</u> <u>Any accessory building must be in the rear yard.</u>	<u>P/C</u>	<u>40% maximum lot coverage including all other buildings</u>	<u>25 feet</u>
<u>2-4.99 acres</u>	<u>Up to 4,000 sf. permitted.</u> <u>4,001-5,000 sf.</u> <u>conditional.</u>	<u>P/C</u>	<u>40% maximum lot coverage including all other buildings</u>	<u>25 feet</u>

<u>5-9.99 acres</u>	<u>Up to 5,000 sf. permitted.</u> <u>5,001-15,000 sf.</u> <u>conditional.</u>	<u>P/C</u>	<u>20% maximum lot</u> <u>coverage including all</u> <u>other buildings</u>	<u>25 feet</u>
<u>More than 10 acres</u>	<u>Up to 15,000 sf.</u> <u>permitted. Over 15,000</u> <u>sf. conditional.</u>	<u>P/C</u>	<u>10% maximum lot</u> <u>coverage including all</u> <u>buildings</u>	<u>25 feet</u>

* Structures can go 1 additional foot in height for every 2 feet of additional setback from the required setbacks for a maximum increase of 10 feet.

16.04 Definitions be amended as follows:

YARD, REAR: A yard between the rear lot line and the rear façade setback line of a main building, extending across the full width of inside lots and, for corner lots, a yard between the rear lot line and the rear façade setback line of the building and extending between the side lot line and the front yard lying opposite.

SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION III: **Effective Date.** This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION IV: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

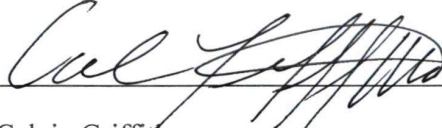
SECTION V: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 7 day of October, 2020.

Attest:

WASATCH COUNTY COUNCIL:



Calvin Griffiths
Wasatch County Clerk / Auditor

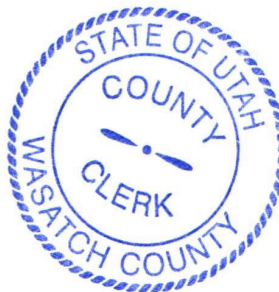


Danny Goode, Chair
Wasatch County Council

VOTE

- Danny Goode, Chairman
- Steve Farrell
- Kendall Crittenden
- Mark Nelson
- Spencer Park
- Marilyn Crittenden
- Jeff Wade

-
-
-
-
-
-
-



ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)

: ss.

COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council, do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- (a) Causing this ordinance to be entered at length in the ordinance book;
- (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in The Wasatch Wave, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Legislative Body of Wasatch County, Utah, this 7 day of October, 2020.



Calvin Griffiths

Calvin Griffiths
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 7 day of October, 2020.

Wendy McKnight
Notary Public

Residing in: Wasatch
My commission expires: 09/10/2022

