

ORDINANCE NO. 21-08

AN ORDINANCE AMENDING THE WASATCH COUNTY CODE SECTIONS 16.21.08, 16.21.24, AND 16.21.29 REGARDING STANDARDS FOR ACCESSORY BUILDINGS.

WHEREAS, the County Council, as the legislative body, desires to add clarity for interpretation of regulations regarding accessory buildings; and

WHEREAS, the County Council desires to clean up redundant standards regarding accessory buildings; and

WHEREAS, the Planning Commission and County Council have met and discussed the proposal; and

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearing as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meeting and public hearings related to this ordinance as required, and the planning commission held a public hearing on June 10, 2021 and June 16, 2021; and

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

SECTION I: Repealer. If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed and replaced with the following language:

SECTION II: Enactment. The following changes to the Wasatch County Code are hereby adopted:

SEE EXHIBIT A

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.

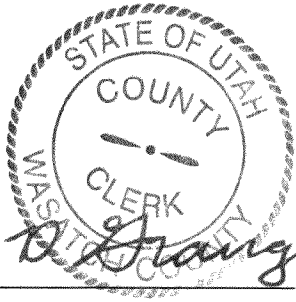
SECTION V: Public Notice. The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- 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 16 day of June, 2021.

Attest:



WASATCH COUNTY COUNCIL:

Joey Granger *Mark Nelson*

Joey Granger
Wasatch County Clerk / Auditor

Mark Nelson, Chair
Wasatch County Council

VOTE

Mark Nelson, Chairman

✓

Spencer Park

✓

Kendall Crittenden

✓

Jeff Wade

✓

Marilyn Crittenden

✓

Steve Farrell

✓

Danny Goode

✓

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)

: ss.

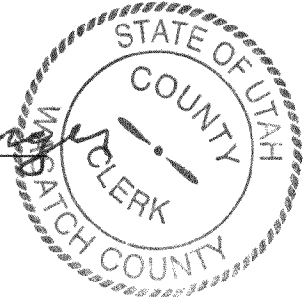
COUNTY OF WASATCH)

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 16 day of June, 2020.

Joey D. Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 16 day of June, 2021.

Wendy McKnight
Notary Public

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

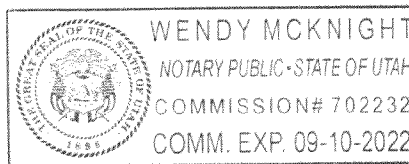


EXHIBIT A

16.21.08: ACCESSORY BUILDINGS

A. Accessory Building Permit Requirement: Accessory buildings (regardless of their use) over two hundred (200) square feet, must apply for a building permit, except as provided below: Agricultural Buildings:

A.1. 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 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. location of the structure on the property including dimension to all property lines and 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 until a main dwelling, or primary structure in the case of a commercially zoned property, has been constructed thereon or a main structure that has received a building permit.

D. Location Of Detached Accessory Structures and Buildings Setbacks: 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 front or side yard, the required setbacks as stated in the individual zone shall be required. An accessory building located in a rear yard may be located ten feet (10') from the rear property line and/or side property line, in the rear yard only if the following occurs: all roof drainage is retained on the subject lot or parcel.

1. All roof drainage is retained on the subject lot or parcel.

2. Structures Housing Animals: The distance from any accessory building that houses animals shall be a minimum of one hundred feet (100') from a road right of way, fifty (50') from all other property lines not adjacent to a road, and one hundred feet (100') from any existing dwelling on or off site.

~~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.E. 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.
4. Shall be in the rear yard.

G.F. Maximum area and location of Accessory Buildings: Accessory Buildings are subject to the following restrictions:

Lot Area	Maximum square footage of	Permitted/Conditional use <u>Allowed Location</u>	Maximum lot coverage	Maximum building height*

	detached accessory structures on lot			
Less than 1 acre	<p><u>Up to 800 sf. permitted.</u></p> <p>801-2,000 sf. conditional. Less than 800 sf. permitted. Any accessory building must be in the rear yard.</p> <p><u>No more than 2,000 sf of all accessory structures on site combined.</u></p>	<u>P/C Rear yard only</u>	40% maximum lot coverage including all other buildings <u>and impervious paving</u>	20 feet
1-1.99 acres	<p><u>Up to 2,000 sf. permitted.</u></p> <p>2,001-3,000 sf. conditional. Any accessory building must be in the rear yard.</p> <p><u>No more than 4,000 sf of all accessory structures on site combined.</u></p>	<u>P/C Rear yard only</u>	40% maximum lot coverage including all other buildings <u>and impervious paving</u>	25 feet
2-4.99 acres	<p><u>Up to 4,000 sf. permitted.</u></p> <p>4,001-5,000 sf. conditional.</p> <p><u>No more than 8,000 sf of all accessory structures on site combined.</u></p>	<u>P/C Rear or side yard only</u>	40% maximum lot coverage including all other buildings <u>and impervious paving</u>	25 feet

<p>5-9.99 acres</p>	<p>Up to 5,000 sf. permitted. 5,001-15,000 sf. conditional. <u>No more than 25,000 sf of all accessory structures on site combined.</u></p>	<p><u>P/C Rear or side yard only</u></p>	<p>20% maximum lot coverage including all other buildings and <u>impervious paving</u></p>	<p>25 feet</p>
<p>More than 10 acres</p>	<p>Up to 15,000 sf. permitted. Over 15,000 sf. conditional. <u>Combined sf of all accessory structures subject to maximum lot coverage.</u></p>	<p><u>P/C Rear or side yard. May also be located in the front yard in the area between a side property line and a line projecting from the side façade of the home to the front property line and cannot block view of the front door from the street.</u></p>	<p>10% maximum lot coverage including all buildings and <u>impervious paving</u></p>	<p>25 feet</p>

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

44 ...

45 **16.21.24: ACCESSORY BUILDINGS PROHIBITED ON LOTS WITHOUT A**
46 **DWELLING RESERVED**

47 If a nonconforming lot of record or approved subdivision lot does not have a dwelling thereon, then
48 accessory buildings may not be placed on such lot until a dwelling unit has been constructed thereon and
49 received a valid certificate of occupancy.

50 ...

51 **16.21.29: STANDARDS FOR DETACHED ACCESSORY STRUCTURES RESERVED**

52 A. ~~Accessory buildings (regardless of their use) over two hundred (200) square feet, must~~
53 ~~apply for a building permit. If the structure is determined to be an agricultural use, no fees will be~~
54 ~~charged for the building permit, unless inspections are necessary.~~

55 B. ~~Any accessory building over two thousand five hundred (2,500) square feet must have~~
56 ~~restroom facilities, unless the accessory structure is within three hundred feet (300') of the main~~
57 ~~dwelling. If the structure is determined to be an agricultural use, such as a hay barn, lounging~~
58 ~~shed, stable etc., restroom facilities are not required.~~