

ORDINANCE NO. 22-19

Ordinance to amend section 16.21.08(F) of the Wasatch County Code to allow additional flexibility in the location of accessory structures.

RECITALS

WHEREAS, Chapter 16.21.08(F) of the Wasatch County Code outlines the requirements for accessory structures and their location on lots; and

WHEREAS, the current code requires detached structures to be in the rear yard if the lot is smaller than 1.99 acres; and

WHEREAS, many areas of the county with lots around 1-acre have challenging topography that limits locations for accessory structures; and

WHEREAS, the intent of the existing code is to have the dwelling be the prominent part of the property and not accessory structures; and

WHEREAS, to enhance ability of emergency responders to locate primary structures, to maintain a uniform appearance, and to maintain a rural feel; and

WHEREAS, the proposed code would require accessory structures to be behind the front façade of the home and setback a minimum of 50' and;

WHEREAS, also a change to the code section to allow more flexibility on lots between 2-4.99 acres by allowing them to be in front of the main dwelling as long as they are in the side yard; 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 meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

NOW THEREFORE, the County Legislative Body of Wasatch County ordains that the Wasatch County Zoning Map and Land Use and Development Code be amended as follows:

16.21.08(F) Maximum area and location of Accessory Buildings: Accessory Buildings are subject to the following restrictions:

	Maximum square footage of detached accessory structures on lot	Allowed Location <u>(relative to street frontage)</u>	Maximum lot coverage	Maximum building height*
Less than 1 acre	Up to 800 sf. permitted. 801-2,000 sf.	Rear yard only	40% maximum lot coverage including all	20 feet

	conditional. No more than 2,000 sf of all accessory structures on site combined.		other buildings and impervious paving	
1-1.99 acres	Up to 2,000 sf. permitted. 2,001-3,000 sf. conditional. No more than 4,000 sf of all accessory structures on site combined.	Rear yard only <u>Rear or side yard. Accessory structure must be behind the front façade of the main building and have a minimum setback of 50' from the front property line.</u>	40% maximum lot coverage including all other buildings and impervious paving	25 feet
2-4.99 acres	Up to 4,000 sf. permitted. 4,001-5,000 sf. conditional. No more than 8,000 sf of all accessory structures on site combined.	Rear, or side yard. Only <u>Accessory structure must be behind the front façade of the main building and have a minimum setback of 50' from the front property line.</u>	40% maximum lot coverage including all other buildings and impervious paving	25 feet
5-9.99 acres	Up to 4,000 sf. permitted. 4,001-5,000 sf. conditional. No more than 8,000 sf of all accessory structures on site combined.	Rear, or side yard only . <u>May also be located in the front yard in the area between a side property line and a line projecting from the side facade of the home to the front property line and cannot block view of the front door from the street.</u>	40% maximum lot coverage including all other buildings and impervious paving	25 feet
More than 10 acres	Up to 15,000 sf. permitted. Over	Rear or side yard. May also be	10% maximum lot coverage	25 feet

	<p>15,000 sf. conditional. Combined sf of all accessory structures subject to maximum lot coverage.</p>	<p>located in the front yard in the area between a side property line and a line projecting from the side facade of the home to the front property line and cannot block view of the front door from the street.</p>	<p>including all buildings and impervious paving</p>	
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37 SECTION I: **Enactment.** The following amendments, additions, and deletions to Title 16, the Land Use
 38 and Development Code, are hereby enacted: See attached exhibit.

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 40 SECTION II: **Repealer.** If any provisions of the County Code heretofore adopted are wholly
 41 inconsistent with this ordinance, they are hereby repealed.

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 43 SECTION III: **Amendment of Conflicting Ordinances.** To the extent that any ordinances,
 44 resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended
 45 to comply with the provisions hereof.

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

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

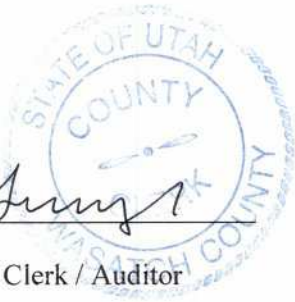
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 55 SECTION VI: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County
 56 Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code
 57 Annotated, 1953, as amended, to do as follows:

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

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 66 **APPROVED** and **PASSED** this 21 day of September, 2022.

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 68 Attest:

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 70 WASATCH COUNTY COUNCIL:



Mark Nelson

Mark Nelson, Chair
Wasatch County Council

Joey Granger
Joey Granger
Wasatch County Clerk / Auditor

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VOTE

Mark Nelson, Chairman	<u>Y</u>
Spencer Park, Vice-Chair	<u>Y</u>
Marilyn Crittenden	<u>N</u>
Jeff Wade	<u>Y</u>
Kendall Crittenden	<u>Y</u>
Steve Farrell	<u>Y</u>
Danny Goode	<u>Y</u>

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
): ss.
 COUNTY OF WASATCH)

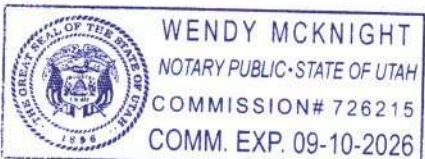
I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements 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 Council of Wasatch County, Utah, this 21 day of September, 2022.

Joey D. Granger
Joey Granger
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 21 day of September, 2022.



Wendy McKnight

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Notary Public

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Residing in: *Wasatch*

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My commission expires *09/10/2026*