

**APPLE VALLEY
ORDINANCE O-2023-21**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1:**AMENDMENT** “10.28.230 Accessory Buildings And Accessory Uses General Requirements” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.28.230 Accessory Buildings And Accessory Uses General Requirements

- A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
- B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use, unless a conditional use permit is obtained.
- C. An accessory garage may be attached to, or detached from, the primary building.
 - 1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
 - a. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply
 - b. See also AVLU 10.28.240.
- D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
 - 1. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
 - 2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
 - 3. See also AVLU 10.28.240.
- E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
- F. Accessory buildings, except for agricultural use accessory buildings, shall blend with the primary residence and be of similar or contrasting color. ~~be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.~~
- G. Agricultural use accessory buildings, including barns and stables, shall be constructed

of serviceable building materials and be of similar or contrasting color.

- H. Accessory buildings and shipping containers shall comply with the requirements of the adopted building code, as applicable.
- I. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
- J. No shipping container, cargo container, shipping crate, box, trailer or similar piece of equipment or object shall be used as an accessory building, unless said container meets the requirements of this section.

Containers may be used as accessory buildings to a primary residential structure subject to the following requirements;

- 1. Shipping Container is defined as an enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6"-9'6" or 40'x8'x8'6"-9'6" (LxWxH). Also commonly referred to as Intermodal Freight Containers, Conex Boxes, ISO Container or Sea Cans.
 - 2. Shipping Containers may be used as accessory buildings to a primary residential structure subject to the following acreage limitations;
 - a. Lots under two acres are allowed one shipping container not to exceed twenty feet (20') in length.
 - b. Lots two or more acres and less than five acres are allowed either one (1) forty foot (40') container or two (2) twenty-foot (20') containers.
 - c. Lots over five acres but less than twenty acres are allowed sixty feet (60') in total linear length of shipping containers.
 - d. Lots twenty acres and larger are allowed one hundred sixty feet (160') in total linear length of shipping containers.
 - 3. Shipping containers shall be located in side or rear yard, are subject to all property setbacks and shall not be located within ten feet (10') of any primary structure or other accessory building or shipping container.
 - 4. Within one (1) month of delivery, all shipping containers must be painted to either match the primary residential structure or one of the following earth tones; hunter green, brown, beige, tan, gray, copper, earth red or white. Container lettering, names and numbering, must not be visible on the exterior of the structure.
 - 5. All Shipping Containers must be permitted prior to delivery.
 - a. Container installed without utilities require submission of a site plan to include the location of the container, the setbacks to other buildings and property lines, and the color plan.
 - b. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.
 - 6. No more than two (2) shipping containers may be used for storage of construction materials for the duration of a building permit for a residential structure. Said container(s) shall be removed prior to issuance of the Certificate of Occupancy.
- K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
 - L. No accessory buildings shall be rented, leased or sold separately from the rental, lease

or sale of the primary building.

- M. No accessory building shall be used as a permanent dwelling unit, unless a permit is obtained as outlined in Title 10.28.270.
- N. No accessory building shall be located closer than three feet (3') to any side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
- O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
- P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 B.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

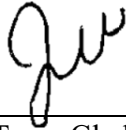
SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from April 19, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL APRIL 19, 2023.

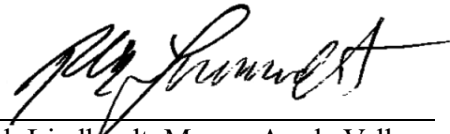
	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Andy McGinnis	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Council Member Barratt Nielson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Kevin Sair	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Robin Whitmore	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Jenna Vizcardo, Town Clerk, Apple Valley



Frank Lindhardt, Mayor, Apple Valley

