

**APPLE VALLEY
ORDINANCE O-2019-06**

GARAGE AND ACCESSORY BUILDING LIMITATIONS

WHEREAS, The Planning Commission and Mayor of the Town of Apple Valley felt the current garage size limitations were too restrictive for attached garages and the town code required modification; and

WHEREAS, the Planning Commission of the Town of Apple Valley held a public hearing on May 8th, 2019 to hear public comment about changes to section 10.28.240; and

WHEREAS, the Planning Commission listened to the comments made and recommend that the following amendments be adopted by the Town Council of the Town of Apple Valley; and

WHEREAS, The Town Council has reviewed the Planning Commission's recommendation and has determined that these amendments are in the best interest of the health, safety, and welfare of the citizens of the Town of Apple Valley; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, notice and held on the 5th day of June, 2019, and upon motion duly made and seconded:

NOW THEREFORE, be it ordained by the Town Council of Apple Valley, in the State of Utah, that Land Use Code 10.28.240 is as follows:

SECTION 1: **AMENDMENT** “10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones” of the Apple Valley Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones

In an effort to avoid the appearance of commercial style buildings in residential zones, and to protect the character and stability of residential neighborhoods, the following requirements for garages and other accessory buildings located in residential zones are provided:

A. Maximum Garage Height:

1. No detached garage shall be higher than twenty feet (20'), measured from finish grade to the highest point of its roof, or higher than the highest point of the roof of the primary building, whichever is less. Exception: Detached garages located a minimum of forty feet (40') from the primary building may be twenty feet (20') maximum height regardless of the height of the primary building.
 2. No attached garage shall be higher than the primary building.
- B. Number Of Garages: A maximum of one attached and one detached garage may be allowed on each lot in association with a primary residential dwelling unit.
- C. Maximum Accessory Building Height: No accessory building, with the exception of detached garages, including agricultural use accessory buildings, shall be higher than fifteen feet (15'), measured from average finished grade, unless a higher finished grade is required by the city for proper drainage, in which case, it will be measured from the finished grade.
- D. Size, Location and Construction of Attached and Detached Garages and other Accessory Buildings in Residential Zones:
1. The total square footage of any attached garage and non-living space shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure, excluding the attached garage.
 2. The total square footage of any detached garage or other accessory building, including agricultural use accessory buildings, shall not be greater than fifty percent (50%) of the footprint of the primary structure, including the attached garage. Note: Habitable space located in the attic areas of detached garages shall be included in the total square footage.
 3. The cumulative total square footage of any attached garage, detached garage and all other accessory buildings, including agricultural use accessory buildings, shall not be greater than twenty five percent (25%) of the rear yard. For the purposes of this section, the "rear yard" is defined as the area located behind the rear wall line of the primary structure. Note: Habitable space located in the attic areas of detached garages or other accessory buildings shall be included in the total square footage.
 4. 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.
 5. 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.
 6. No detached garage or other accessory buildings shall be located in any required front yard.

AFTER AMENDMENT

10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones

In an effort to avoid the appearance of commercial style buildings in residential zones, and to protect the character and stability of residential neighborhoods, the following requirements for garages and other accessory buildings located in residential zones are provided:

A. Maximum Garage Height:

1. No detached garage shall be higher than twenty-five feet , measured from finish grade to the highest point of its roof,
2. No attached garage(s) shall be higher than the highest point of the primary building.

B. Number Of Garages: A maximum of two attached and one detached garage may be allowed on each lot in association with a primary residential dwelling unit.

C. Maximum Accessory Building Height: No accessory building, with the exception of detached garages, including agricultural use accessory buildings, shall be higher than fifteen feet (15'), measured from average finished grade, unless a higher finished grade is required by the city for proper drainage, in which case, it will be measured from the finished grade.

D. Size, Location and Construction of Attached and Detached Garages and other Accessory Buildings in Residential Zones:

1. The total square footage of any attached garage(s) and non-living space shall not be greater than one-hundred (100%) of the square footage of the primary structure, excluding the attached garage(s).
2. The total square footage of any detached garage or other accessory building, including agricultural use accessory buildings, shall not be greater than fifty percent (50%) of the square footage of the primary structure, including the attached garage(s). Note: Bonus/loft space located in the attic areas of detached garages shall be included in the total square footage.
3. The cumulative total square footage of any attached garage(s), detached garage and all other accessory buildings, including agricultural use accessory buildings, shall not be greater than fifty percent (50%) of the rear yard. For the purposes of this section, the "rear yard" is defined as the area located behind the rear wall line of the primary structure. Note: Bonus/loft space located in the attic areas of detached garages or other accessory buildings shall be included in the total square footage.
4. 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. These shall architecturally blend with the primary residence and be of similar finish and color
5. No accessory buildings shall be located in any required front yard.

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 6.5.2019 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL JUNE 05, 2019.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Bass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Edwardson	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Councilmember McLaughlin	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Councilmember Kopp	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mayor Lisonbee	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer



Marty Lisonbee, Mayor, Apple Valley

Attest



Michelle Kinney, Town Recorder
Apple Valley

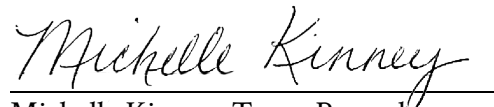
CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §202-212-194 as amended, I hereby certify that the foregoing Ordinance was duly passed and published or posted at:

- 1) *Apple Valley Town Hall*
- 2) *Apple Valley Proper Mailboxes*
- 3) *Cedar Point Mailboxes*

on the above referenced dates.

Attest



Michelle Kinney, Town Recorder,
Apple Valley