

ORDINANCE NO. 2017-20

AN ORDINANCE AMENDING SECTIONS 18.52.050 SETBACKS IN CHAPTER 18.52 R-1 RESIDENTIAL ZONE, 18.56.050 SETBACKS IN CHAPTER 18.56 R-2 RESIDENTIAL ZONE, 18.60.050 SETBACK REQUIREMENTS IN CHAPTER 18.60 R-3 RESIDENTIAL ZONE, 18.64.050 SETBACKS IN CHAPTER 18.64 RA-2 RESIDENTIAL-AGRICULTURAL ZONE, 18.68.060 ACCESSORY BUILDING – LOT COVERAGE RESTRICTED AND 18.68.070 ACCESSORY BUILDING – HABITATION PROHIBITED IN CHAPTER 18.68 SUPPLEMENTARY ZONING REGULATION OF THE HEBER CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Heber City, Utah, Sections 18.52.050, 18.56.050, 18.60.050, 18.64.050, 18.68.060, and 18.68.070 of the Heber City Municipal Code are **amended** to read as follows:

18.52.050 Setbacks

In the R-1 zone, the following setback requirements shall apply:

- A. Front Setback. All buildings and structures shall be set back at least thirty feet from the front property line with the exception that attached front yard alfresco porches shall be allowed to protrude up to ten feet into the front yard setback space.
- B. Side Setback. All dwellings shall be set back a minimum of ten feet from each side property line, except on corner lots. On corner lots, the side setback from any street shall not be less than thirty feet for main buildings.
- C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty feet.
- D. Accessory Building Setbacks. Accessory buildings shall follow the setbacks and requirements outlined in Section 18.68.060 Accessory Buildings.
 - ~~1. Front Setback. No accessory buildings shall be placed or constructed within the area defined as front yard.~~
 - ~~2. Side Setback. Accessory buildings shall be setback not less than three feet from the side property line, except that no side setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform Building Code. On corner lots, the setback from the side street shall not be less than 45 feet from the street property line.~~
 - ~~3. Rear Setback. Accessory buildings shall be setback not less than three feet from the rear property line, except that no rear setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform Building Code.~~
 - ~~4. Separation from other Structures. Accessory buildings shall be a minimum of twelve feet from any dwelling or other main building and not less than eight feet from any other building. The separation applies to structures on this or any~~

adjacent property, except if the accessory building is located in the rear yard and the "other building" is in a separate yard, then the accessory building may be placed within three feet of the property line.

- ~~5. Accessory Building over Easements. Accessory buildings may be constructed over utility easements provided that all applicable public utility companies have in writing released the easement for such a purpose. These releases must accompany the building permit application.~~
- ~~6. Accessory Buildings in Side Yards. Accessory buildings other than garages may not be placed in a side yard unless approved by the Board of Adjustment which consent may be given after notice has been given to the adjoining property owner and the Board has determined that the same will not adversely affect the market value of the adjoining lot and will not be materially detrimental to the aesthetics of the neighborhood. The Board of Adjustment may attach such conditions to its consent as is deemed appropriate to preserve the market and aesthetic value.~~
- ~~7. Provisions for Roof Drainage. No roof eave shall extend over any property line and any roof that drains toward the adjoining property shall be set back at least three feet from the property line.~~

18.56.050 Setbacks

In the R-2 zone, the following setback requirements are applicable:

- A. Front Setback. All buildings and structures shall be set back at least thirty feet from the front property line with the exception that attached front yard alfresco porches shall be allowed to protrude up to ten feet into the front yard setback space.
- B. Side Setback. All dwellings shall be set back so that the total of both side setbacks is not less than fourteen feet, with no side being closer than six feet, except on corner lots. On corner lots, the side setback from any street shall not be less than twenty feet for both main buildings;
- C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at ~~lest~~least twenty-five feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty feet;
- D. Accessory Building Setbacks. Accessory buildings shall follow the setbacks and requirements outlined in Section 18.68.060 Accessory Buildings.
 - ~~1. Front Setback. No accessory buildings shall be placed or constructed within the area defined as front yard.~~
 - ~~2. Side Setback. Accessory buildings shall be setback not less than three feet from the side property line, except that no side setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform Building Code. On corner lots, the setback from the side street shall not be less than 45 feet from the street property line.~~
 - ~~3. Rear Setback. Accessory buildings shall be setback not less than three feet from the rear property line, except that no rear setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform Building Code.~~
 - ~~4. Separation from other Structures. Accessory buildings shall be a minimum of twelve feet from any dwelling or other main building and not less than eight feet~~

~~from any other building. The separation applies to structures on this or any adjacent property, except if the accessory building is located in the rear yard and the "other building" is in a separate yard, then the accessory building may be placed within three feet of the property line.~~

- ~~5. Accessory Building over Easements. Accessory buildings may be constructed over utility easements provided that all applicable public utility companies have in writing released the easement for such a purpose. These releases must accompany the building permit application.~~
- ~~6. Accessory Buildings in Side Yards. Accessory buildings other than garages may not be placed in a side yard unless approved by the Board of Adjustment which consent may be given after notice has been given to the adjoining property owner and the Board has determined that the same will not adversely affect the market value of the adjoining lot and will not be materially detrimental to the aesthetics of the neighborhood. The Board of Adjustment may attach such conditions to its consent as is deemed appropriate to preserve the market and aesthetic value.~~
- ~~7. Provisions for Roof Drainage. No roof eave shall extend over any property line and any roof that drains toward the adjoining property shall be set back at least three feet from the property line.~~

18.60.050 Setback Requirements

In the R-3 zone, the following setback requirements are applicable:

- A. Front Setback. All buildings and structures shall be set back at least thirty feet from the front property line with the exception that attached front yard alfresco porches shall be allowed to protrude up to ten feet into the front yard setback space.
- B. Side Setback. All dwellings shall be set back so that the total of both side setbacks is not less than ten feet, with no side being closer than four feet, except on corner lots. On corner lots, the side setback from any street shall not be less than twenty feet for main buildings;
- C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least twenty feet;
- D. Accessory Building Setbacks. Accessory buildings shall follow the setbacks and requirements outlined in Section 18.68.060 Accessory Buildings.
 - ~~1. Front Setback. No accessory buildings shall be placed or constructed within the area defined as front yard.~~
 - ~~2. Side Setback. Accessory buildings shall be setback not less than three feet from the side property line, except that no side setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform Building Code. On corner lots, the setback from the side street shall not be less than 45 feet from the street property line.~~
 - ~~3. Rear Setback. Accessory buildings shall be setback not less than three feet from the rear property line, except that no rear setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform Building Code.~~
 - ~~4. Separation from other Structures. Accessory buildings shall be a minimum of~~

~~twelve feet from any dwelling or other main building and not less than eight feet from any other building. The separation applies to structures on this or any adjacent property, except if the accessory building is located in the rear yard and the "other building" is in a separate yard, then the accessory building may be placed within three feet of the property line.~~

- ~~5. Accessory Building over Easements. Accessory buildings may be constructed over utility easements provided that all applicable public utility companies have in writing released the easement for such a purpose. These releases must accompany the building permit application.~~
- ~~6. Accessory Buildings in Side Yards. Accessory buildings other than garages may not be placed in a side yard unless approved by the Board of Adjustment which consent may be given after notice has been given to the adjoining property owner and the Board has determined that the same will not adversely affect the market value of the adjoining lot and will not be materially detrimental to the aesthetics of the neighborhood. The Board of Adjustment may attach such conditions to its consent as is deemed appropriate to preserve the market and aesthetic value.~~
- ~~7. Provisions for Roof Drainage. No roof eave shall extend over any property line and any roof that drains toward the adjoining property shall be set back at least three feet from the property line.~~

18.64.050 Setbacks

In the RA-2 zone, the following setback requirements are applicable:

- A. Front Setback. All buildings and structures shall be set back at least thirty feet from the front property line with the exception that attached front yard alfresco porches shall be allowed to protrude up to ten feet into the front yard setback space.
- B. Side Setback. All dwellings shall be set back a minimum of ten feet from each side property line, except on corner lots. On corner lots, the side setback from any street shall not be less than thirty feet for main buildings;
- C. Rear Setback. For interior lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty feet. For corner lots, all dwellings and other main buildings shall be set back from the rear property line a distance of at least thirty feet, except that for dwellings having an attached garage or carport, the setback shall not be less than twenty feet;
- D. Accessory Building Setbacks. Accessory buildings shall follow the setbacks and requirements outlined in Section 18.68.060 Accessory Buildings.

- ~~1. Front Setback. No accessory buildings shall be placed or constructed within the area defined as front yard.~~
- ~~2. Side Setback. Accessory buildings shall be setback not less than three feet from the side property line, except that no side setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform Building Code. On corner lots, the setback from the side street shall not be less than 45 feet from the street property line.~~
- ~~3. Rear Setback. Accessory buildings shall be setback not less than three feet from the rear property line, except that no rear setback shall be required if the accessory building meets the fire resistive requirements as set forth in the current Uniform~~

~~Building Code.~~

- ~~4. Separation from other Structures. Accessory buildings shall be a minimum of twelve feet from any dwelling or other main buildings, and not less than eight feet from any other building. The separation applies to structures on this or any adjacent property, except if the accessory building is located in the rear yard and the "other building" is in a separate yard, then the accessory building may be placed within three feet of the property line.~~
- ~~5. Accessory Building over Easements. Accessory buildings may be constructed over utility easements provided that all applicable public utility companies have in writing released the easement for such a purpose. These releases must accompany the building permit application.~~
- ~~6. Accessory Buildings in Side Yards. Accessory buildings other than garages may not be placed in a side yard unless approved by the Board of Adjustment which consent may be given after notice has been given to the adjoining property owner and the Board has determined that the same will not adversely affect the market value of the adjoining lot and will not be materially detrimental to the aesthetics of the neighborhood. The Board of Adjustment may attach such conditions to its consent as is deemed appropriate to preserve the market and aesthetic value.~~
- ~~7. Provisions for Roof Drainage. No roof eave shall extend over any property line and any roof that drains toward the adjoining property shall be set back at least three feet from the property line.~~

18.68.060 Accessory Buildings—Lot Coverage Restricted

Accessory buildings in residential zones are subject to the following:

- A. No accessory buildings shall be located in the front yard.
- B. No accessory buildings shall be located between the street and the main building.
- C. Accessory Building Setbacks:
 - i. Rear: 5 feet from property line
 - ii. Side: 5 feet from property line
 - iii. Street Corner Side: 10 feet from property line
- D. Accessory Buildings over 200 total square feet shall require a building permit and:
 1. Shall meet all setbacks for accessory buildings.
 2. Shall not be taller than the main structure.
 3. Shall be placed in the rear yard.
 - i. Exception – A garage may be placed within the side yard if all requirements of this ordinance are met.
- E. Accessory Buildings less than 200 total square feet:
 1. May encroach within the required accessory building setbacks if:
 - i. The building is no larger than 120 total square feet.
 - ii. The building is no taller than 8 feet.
 - iii. The building is movable, except as permitted in 18.68.060(I).
 - iv. The building complies with 18.68.060(J).
 2. No building shall be taller than 12 feet.
- F. Accessory Buildings less than 50 total square feet and no taller than 6 feet are exempt from all requirements other than 18.68.060(A).
- G. Square footage is calculated to the outside of the structure.

- H. Accessory buildings in any residential zone shall cover not more than twenty-five percent of the rear yard.
- I. Separation from other Structures. Accessory buildings shall be a minimum of 12 feet from any dwelling or other main building and not less than 8 feet from any other building. The separation applies to structures on this or any adjacent property, except if the accessory building is located in the rear yard and the "other building" is in a separate yard, then the accessory building may be placed within 5 feet of the property line.
- J. Accessory Building over Easements. Accessory buildings may be constructed (attached to a foundation as required by the building code) over utility easements provided that all applicable public utility companies have in writing released the easement for such a purpose. These releases must accompany the building permit application.
- K. Provisions for Roof Drainage. No roof eave shall extend over any property line and any roof that drains toward the adjoining property shall be set back at least 5 feet from the property line.

18.68.070 Accessory Building -- Habitation Prohibited

Living and sleeping quarters in any building other than the main residential building is prohibited without an approved Owner Occupied Accessory Apartment.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder and (c) a short summary of it has been published in the Wasatch Wave, but not prior to the 1st day of June, 2017.

ADOPTED and PASSED by the City Council of Heber City, Utah this 1st day of June, 2017, by the following vote:

	AYE	NAY
Council Member Jeffery M. Bradshaw	<u>X</u>	_____
Council Member Heidi Franco	<u>X</u>	_____
Council Member Kelleen L. Potter	<u>X</u>	_____
Council Member Jeffrey Smith	<u>X</u>	_____
Council Member Ronald R. Crittenden	<u>Abstained</u>	



APPROVED:

Alan McDonald
Mayor Alan McDonald

ATTEST:

Michael Y. Vest Date: *6-13-2017*
RECORDER

Date of First Recording: *JUNE 7, 2017*