

ORDINANCE NO. 22-04

AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE 10-12-5: ACCESSORY BUILDING REGULATIONS: CORRECTION OF SCRIVENOR'S ERRORS, SEVERABILITY, AND PROVIDING AS AFFECTIVE DATE.

WHEREAS, the City of Elk Ridge has adopted the Elk Ridge City Development Code 10-12-5: Accessory Building Regulations to clarify that an accessory building is for supplementary use and it may not be a standalone dwelling unit,

WHEREAS, the Elk Ridge City held a public meeting on _____, 2022 at 7:00pm, for the purpose of the proposed amendment to Development Code 10-12-5: Accessory Building Regulations, and

WHEREAS, the public meeting was preceded by the posting of a notice of public meeting in at least three places 1) Elk Ridge City website elkridgcity.org 2) Utah Public Notice Website <https://www.utah.gov/pmn/> 3) 80 E. Park Dr. Elk Ridge City, UT 84651 along with notification to the Daily Herald Newspaper, a newspaper of general circulation within the city, at least 24 hours prior to the Public Meeting; and

WHEREAS, the notice of the meeting, which was posted and published, by the City Council contains specific advance notice that the proposed ordinance amendment, as set forth herein, would be considered and that copies thereof were available for inspection in the city offices; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH AS FOLLOWS: (red text is added test, ~~strikeout~~ text is deleted text)

10-12-5: ACCESSORY BUILDING REGULATIONS:

A. Definitions: For the purpose of this section, the following shall be used as definitions:

ACCESSORY APARTMENT: A dwelling unit containing separate cooking, sleeping and sanitary facilities, and occupied or intended for occupancy as a separate but subordinate dwelling unit to the primary dwelling or place of residence.

ACCESSORY BUILDING: An accessory building for both residential and nonresidential development is defined as a building that:

1. Is detached from the principal building and is more than six feet (6') away from the principal building.
2. Is clearly a supplementary use to the principal building. **It may not be a standalone dwelling unit.**
3. Is not used as the primary dwelling or place of residence.

ACCESSORY STRUCTURE: A structure that does not provide shelter from elements. Examples may include swimming pools, pool screening and decking, waterfalls, fountains and barbecue pits with concrete foundations, decorative ponds, or decks. Not included in this section are driveways, fences, walls, curbing, portable fountains, birdbaths, benches, or mobile barbecue pits.

BUILDING: A permanent or semipermanent structure with a roof and walls usually used as a place for people to live, work, play, do activities, or store things.

GARAGE, DETACHED: A permanent building with footings that is enclosed on all sides by walls and/or doors and designed primarily for the shelter of motor vehicles. A detached garage is an accessory building.

PORTABLE ACCESSORY BUILDING: 1. A building that is two hundred (200) square feet or less.

2. A semipermanent structure with no concrete footings or concrete floor and is on skids or some type of device that will allow for easy relocation.

3. Does not exceed twelve feet (12') in height from the lowest part of the structure to the top.

PRINCIPAL BUILDING: Also known as the main building or dwelling on a lot where most of the activity on that lot is performed. Garages, carports or other buildings attached to the principal building or that are within six feet (6') of the principal building shall be considered as part of that principal building.

ROOF ONLY BUILDING: Consists of a roof and roof support structure. Up to three (3) sides may be covered but the sides must not be part of the support structures for the roof. A roof only building is an accessory building. A conditional use permit is required if a roof only building is larger than seven hundred (700) square feet.

SIDE YARD FOR DETERMINING ANY ACCESSORY BUILDING COVERED AREA: The area between the front wall plane of the principal building and the rear wall plane of the principal building and the area between the side wall plane of the principal building and the side yard property line.

B. Prohibited Accessory Building Uses:

1. The primary dwelling or place of residence.
2. Hazardous chemical storage unless specifically permitted by the city.
3. Sleeping quarters or housing used for short term rentals.

C. Prohibited Accessory Buildings And Structures: The following are prohibited:

1. Tents (when used more than 2 weeks in a 2 month period).
2. Trailers and mobile homes (when used as an accessory building).
3. Cargo containers, reefer containers, semitrailers of any type.
4. Any other object or enclosed space which its intended primary function as constructed or manufactured differs from its proposed purpose as an accessory building.
5. A prohibited item may be approved for use as an accessory building by the planning commission if the item is modified in such a way that the planning commission determines that the item is aesthetically consistent with the principal building and surroundings and will continue to maintained as such.
6. In a residential only zone, where no principal building exists on a lot, an accessory building or roof only building is prohibited.

D. Accessory Building Coverage Area: Accessory buildings may not cover more than fifteen percent (15%) of the combined total area of the rear and side yards nor more than eight percent (8%) of the total area, whichever is less.

E. Accessory Building or Structure Setbacks: All accessory buildings or structures shall be located in accordance with the following:

1. Front Setback:

a. Any accessory building portable or otherwise shall be placed behind the front setback as defined for primary buildings in Chapter 10 of this code.

b. Any accessory structure except for waterfalls, fountains, or decorative ponds shall be placed behind the front setback as defined for primary buildings in Chapter 10 of this code.

2. Side Setback; Corner Lot, Side Abutting Street:

a. Any accessory building portable or otherwise shall be placed behind the side setback or the side yard street abutting setback if a corner lot. Line of sight shall be maintained at all intersections in accordance with section 10-12-9 of this chapter.

b. Any accessory structure except for waterfalls, fountains, or decorative ponds shall be placed behind the side setback or the side yard street abutting setback if a corner lot.

3. Side and Rear Setback; Interior Lot Line:

a. Any accessory building or an accessory structure shall be located a minimum of eight feet (8') from the property line and not located on a public utility easement.

b. Portable accessory buildings may be placed on a public utility easement; but the owner or successor in interest shall be responsible for moving and for any associated costs for moving the building in the event public utilities need to do work within the public utility easement.

4. Setback From Principal Building: Accessory buildings which are located six feet (6') or less from the principal building shall be considered part of the main building. Setbacks shall be the same as those for the principal building, and all current building codes shall apply.

F. Accessory Building Maximum Height: An accessory building is not to exceed thirty feet (30') in height from the lowest part of the structure, which is the bottom of the lowest sill plate or top of main floor (nearest ground level), whichever is lower, to the highest point on the roof. Maximum portable accessory building height is per subsection 3 of the definition of "portable accessory building" of this section.

G. Building Permit Required:

1. Any accessory building or accessory structure not meeting the definition of a "portable accessory building" as defined in this section shall have a building permit issued before work commences.

2. A portable accessory building shall require a permit and inspection if one or more of the following applies:

a. Solar panels are permanently installed.

b. One hundred twenty (120) volt or greater electrical system is permanently installed.

c. Connected to any utility such as electric, natural gas, telephone, cable, city culinary water or sanitary sewer system. The addition of utilities may change the building status from portable accessory building to accessory building and will depend on the utilities connected. The determination of the building status will be made by Elk Ridge City staff.

H. Conditional Use Permit Required: A roof only building exceeding seven hundred (700) square feet may be permitted following conditional use approval by the Planning Commission in accordance with section 10-12-33 of this chapter. (In no case, shall the roof only building area exceed the allowable areas in subsection D of this section.) The roof only building shall conform to the setbacks found in the applicable building zone where it will be located.

I. Drainage: No drainage from the roof of any accessory building or roof only building may be discharged onto an adjacent lot, public street, or right-of-way.

J. Nonconforming Uses: All accessory buildings not in compliance at the time of adoption hereof are hereby grandfathered and are allowed to continue undisturbed. Any subsequent modification to an accessory building or to the use of that building shall require the prevailing code to be followed. (Ord. 16-5, 9-27-2016; amd. Ord. 20-01, 1-14-2020; Ord. 21-01, 2-9-2021)

Passed and duly adopted this ____ day of _____, 2022.

Mayor Robert Haddock

Councilmember Nelson Abbott	Voted ____
Councilmember Tricia Thomas	Voted ____
Councilmember Jared Peterson	Voted ____
Councilmember Cory Thompson	Voted ____
Councilmember Tanya Willis	Voted ____

ATTEST:

ROYCE SWENSEN
Elk Ridge City Recorder

STATE OF UTAH)

) ss.

COUNTY OF UTAH)

I, ROYCE SWENSEN, City Recorder of Elk Ridge City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of Ordinance #22-04, passed by the City Council of Elk Ridge City, Utah, on the ____ day of _____, 2022, entitled

AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE 10-12-5: ACCESSORY BUILDING REGULATIONS,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this ____ day of _____, 2022.

ROYCE SWENSEN
Elk Ridge City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)

) ss.

COUNTY OF UTAH)

I, ROYCE SWENSEN, City Recorder of Elk Ridge City, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance #22-04, which is attached hereto on the ____ day of _____, 2022.

The three places are as follows:

1. Elk Ridge City website elkridgecity.org
2. Utah Public Notice Website <https://www.utah.gov/pmn/>
3. 80 E Park Dr. Elk Ridge City, UT 84651

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

ROYCE SWENSEN
Elk Ridge City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by ROYCE SWENSEN.

My Commission Expires:

Notary Public

Residing at: Utah County