

ORDINANCE NO. 2019-__

AN ORDINANCE AMENDING THE WASHINGTON CITY CODE, TITLE 9 ZONING REGULATIONS, AMENDING CHAPTERS 8A-6 AND 8B-6 MODIFYING REGULATIONS.

WHEREAS, Title 9 of the Washington City Code, sets forth the provisions for the Zoning Regulations within the City; and

WHEREAS, the City desires to amend a portion of Title 9, Chapters 8A-6 and 8B-6, titled Modifying Regulations, for the purpose of providing for the public safety, health and general welfare of the citizens of Washington City; and

WHEREAS, the Planning Commission of Washington City, Utah recommended that the amended section of the Zoning Ordinance be approved; and

WHEREAS, a public hearing was held by the Washington City Council after appropriate notice to consider the amendment.

NOW THEREFORE, BE ORDAINED by the City Council of Washington City as follows:

I. Title 9-8A-6(A & B) and 9-8B-6(A & B) Modifying Regulations (Side Yards and Rear Yards) is hereby amended and shall read as follows:

9-8A & B-6(A)(B): MODIFYING REGULATIONS:

A. Side Yards:

1. Detached one-story private garages and other accessory buildings and structures, located at least ten feet (10') away from the main building, may have a side yard setback of three feet (3'), subject to the following conditions and restrictions:

a. Where applicable, a building permit is obtained.

b. The detached accessory building or structure is twenty feet (20') or less in height. Additional height may be acquired by moving the building or structure inward into the lot. For each foot added to the side yard setback (beyond three feet (3')), an additional foot may be added to the height of the structure, but in no case shall the detached accessory building or structure be taller than the main building.

- c. On corner lots, the required twenty foot (20') front yard setback will be maintained on both street frontages;
- d. The detached private garage or other accessory building or structure shall be located at least ten feet (10') behind the nearest corner of the front of the main building in the given side yard.
- e. In no case shall the square footage of the detached accessory building or structure exceed fifty percent (50%) of the square footage of the main building.
- f. The shade structure along with any other accessory structures located in the side yard shall not cover more than fifty percent (50%) of the side yard area.
- g. The provisions of subsection D of this section shall be met for encroachment into the side yard setback.

2. One-story attached accessory shade structures, open on three (3) sides, may be located in the side yard area to within three feet (3') (at the furthest projection) of the side property line, subject to the following conditions and restrictions:

- a. A building permit is required for all attached accessory shade structures
- b. The shade structure roof and support columns must be fire rated and built of fire resistant materials in compliance with the International Residential Code and International Fire Code;
- c. The shade structure shall not be built higher than the existing roof line that it abuts or exceed twelve feet (12') maximum in height, nor shall it exceed twenty feet (20') in width;
- d. A six foot (6') high masonry wall shall be along the side property line adjacent to the shade structure;
- e. Only one side yard area may be covered with an accessory shade structure, the other side yard shall remain open;
- f. On corner lots, the required twenty foot (20') front yard setback will be maintained on both street frontages;
- g. Before installation of any accessory shade structure, a building permit will be

required along with approval by the Community Development Director, or his/her designee will be obtained as to materials, location and attachment to the main building; and

h. The provisions of subsection D of this section shall be met for encroachment into the side yard setback.

B. Rear Yards:

1. Detached one-story private garages and other accessory buildings and structures, located at least ten feet (10') away from the main building, may have a rear yard setback of three feet (3'), subject to the following conditions and restrictions:

a. Where applicable, a building permit is obtained.

b. The detached accessory building or structure is twenty feet (20') or less in height. Additional height may be acquired by moving the building or structure inward into the lot. For each foot added to the side yard setback (beyond three feet (3')), an additional foot may be added to the height of the structure, but in no case shall the detached accessory building or structure be taller than the main building.

c. On corner lots, the required twenty foot (20') front yard setback will be maintained on both street frontages;

d. The detached private garage or other accessory building or structure shall be located at least ten feet (10') behind the nearest corner of the front of the main building in the given side yard.

e. In no case shall the square footage of the detached accessory building or structure exceed fifty percent (50%) of the square footage of the main building.

f. The shade structure along with any other accessory structures located in the rear yard shall not cover more than twenty five percent (25%) of the rear yard area.

g. The provisions of subsection D of this section shall be met for encroachment into the side yard setback.

2. One-story attached accessory shade structures, open on three sides, may be located in the rear yard area to within three feet (3') (at the furthest projection) of the rear property line, subject to the following conditions and restrictions:

- a. A building permit is required for all attached accessory shade structures.
- b. The shade structure roof and support columns must be fire rated and built of fire-resistant materials in compliance with the International Residential Code and the International Fire Code;
- c. The shade structure shall not be built higher than the existing roof line that it abuts, and where there is no existing one-story roof line, it shall not exceed twelve feet (12') in height;
- d. On corner lots, the required twenty foot (20') front yard setback will be maintained on both street frontages;
- e. Where an adjoining lot exist along the rear property line, a six foot (6') high masonry wall shall be required along the rear property line adjacent to the shade structure. Where a setback of at least ten feet (10') will be maintained between the shade structure and the rear property line, no block wall is required;
- f. The shade structure along with any other accessory structures located in the rear yard shall not cover more than twenty five percent (25%) of the rear yard area.

[The rest of the section remains the same as is currently adopted]

II. If any provision or clause of this Ordinance or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications thereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

III. This Ordinance supersedes or repeals the provision(s) of any ordinance(s) or resolution(s) that is (are) inconsistent with the provisions of this Ordinance.

IV. This Ordinance shall take effect immediately upon publication or posting, as required by law.

PASSED AND ORDERED POSTED on this 11th day of December, 2019.

Washington City

Kenneth F. Neilson, Mayor

Attest:

Danice B. Bulloch, CMC
City Recorder