

**APPLE VALLEY
ORDINANCE O-2023-20**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, 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 Land Use is hereby *amended* as follows:

AMENDMENT

10.28.240 Limitations On Lot Use, 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, or a conditional use permit has been obtained.
- D. Size, Lot Coverage, 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 the home, 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 lot 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 April 19, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

| | AYE | NAY | ABSENT | ABSTAIN |
|----------------------------------|-------|-------|--------|---------|
| Mayor Frank Lindhardt | _____ | _____ | _____ | _____ |
| Council Member Andy McGinnis | _____ | _____ | _____ | _____ |
| Council Member Barratt Nielson | _____ | _____ | _____ | _____ |
| Council Member Kevin Sair | _____ | _____ | _____ | _____ |
| Council Member Robin Whitmore | _____ | _____ | _____ | _____ |

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley