

**APPLE VALLEY
ORDINANCE O-2023-01**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: AMENDMENT “10.28.230 Accessory Buildings And Accessory Uses General Requirements” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.230 Accessory Buildings And Accessory Uses General Requirements

- A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
- B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
- C. An accessory garage may be attached to, or detached from, the primary building.
 - 1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
 - a. 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
 - b. See also AVLU 10.28.240.
- D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
 - 1. 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.
 - 2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
 - 3. See also AVLU 10.28.240.
- E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
- F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.

- H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
- I. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
- J. Containers may be used as accessory buildings to a primary residential structure subject to the following requirements;
 - 1. Shipping Container is defined as an enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6"-9'6" or 40'x8'x8'6"-9'6" (LxWxH). Also commonly referred to as Intermodal Freight Containers, Conex Boxes, ISO Container or Sea Cans.
 - 2. Shipping Containers may be used as accessory buildings to a primary residential structure subject to the following acreage limitations;
 - a. Lots under two acres are allowed one shipping container not to exceed twenty feet (20') in length.
 - b. Lots two or more acres and less than five acres are allowed either one (1) forty foot (40') container or two (2) twenty-foot (20') containers.
 - c. Lots over five acres but less than twenty acres are allowed sixty feet (60') in total linear length of shipping containers.
 - d. Lots twenty acres and larger are allowed one hundred sixty feet (160') in total linear length of shipping containers.
 - 3. Shipping containers shall be located in side or rear yard, are subject to all property setbacks and shall not be located within ten feet (10') of any primary structure or other accessory building or shipping container.
 - 4. Within one (1) month of delivery, all shipping containers must be painted to either match the primary residential structure or one of the following earth tones; hunter green, brown, beige, tan, gray, copper, earth red or white. Container lettering, names and numbering, must not be visible on the exterior of the structure.
 - 5. All Shipping Containers must be permitted prior to delivery.
 - a. Container installed without utilities require submission of a site plan to include the location of the container, the setbacks to other buildings and property lines, and the color plan.
 - b. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.
 - 6. No more than two (2) shipping containers may be used for storage of construction materials for the duration of a building permit for a residential structure. Said container(s) shall be removed prior to issuance of the Certificate of Occupancy.
- K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
- L. No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.
- M. No accessory building shall be used as a permanent dwelling unit.
- N. No accessory building shall be located closer than three feet (3') to any 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.

- O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
- P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 B.

AFTER AMENDMENT

10.28.230 Accessory Buildings And Accessory Uses General Requirements

- A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
- B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
- C. An accessory garage may be attached to, or detached from, the primary building.
 - 1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
 - a. 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
 - b. See also AVLU 10.28.240.
- D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
 - 1. 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.
 - 2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
 - 3. See also AVLU 10.28.240.
- E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
- F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.
- H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
- I. No mobile home, ~~travel trailer~~, boat or similar recreational vehicle shall be used as an accessory building. Travel trailers and RV's may be used if all hookups (water, sewer, electricity) are available.

J. Containers may be used as accessory buildings to a primary residential structure subject to the following requirements;

1. Shipping Container is defined as a standardized reusable fully enclosed unit often constructed of corrugated steel, usually rectangle in shape, manufactured for the purpose of intermodal transporting of goods and materials by rail, road, air or sea. ~~an enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6"-9'6" or 40'x8'x8'6"-9'6" (LxWxH).~~ Also commonly referred to as Intermodal Freight Containers, Conex Boxes, cargo container, ISO Container or Sea Cans. The following shall apply to shipping containers:

a. Shipping containers that have transported goods to a site may be used for the temporary storage of such transported goods as an accessory use to a legally established primary use in the I-1 (Industrial) zone and C-1, C-2, C-3 and PDC (Commercial) zones subject to the following conditions:

(1) The location of the temporary storage area shall be noted on the site plan establishing the primary use of the site. If there is not a site plan for an existing use, then a site plan shall be submitted for approval as outlined in each of the applicable zones.

(2) The temporary storage area shall be screened from view from any public right of way and residential development.

(3) Shipping containers shall not be stacked.

(4) Shipping containers shall not be converted into permanent structures or use for permanent storage without first receiving conditional use approval and a building permit.

2. Shipping Containers used for storage in OST, OS, Agricultural and all Residential zones shall be subject to the following requirements ~~may be used as accessory buildings to a primary residential structure subject to the following acreage limitations;~~

a. ~~Lots under two acres are allowed one shipping container not to exceed twenty feet (20') in length.~~ Shipping containers shall not be stacked.

b. ~~Lots two or more acres and less than five acres are allowed either one (1) forty foot (40') container or two (2) twenty-foot (20') containers.~~ Shipping containers are an accessory building and must comply with the applicable setbacks and all other requirements of this ordinance and applicable town and building code for an accessory building.

c. ~~Lots over five acres but less than twenty acres are allowed sixty feet (60') in total linear length of shipping containers.~~ The temporary storage area shall be screened from view from any public right of way.

d. ~~Lots twenty acres and larger are allowed one hundred sixty feet (160') in total linear length of shipping containers.~~ The exterior of the shipping container shall be maintained and structurally intact.

- e. No more than one (1) shipping container shall be allowed on a residential lot one (1) acre in size or less. Two (2) shipping containers shall be allowed on residential lots greater than one (1) acre in size and up to five (5) acres in size. Residential lots five (5) acres in size or larger shall not have more than five (5) containers.
- 3. Shipping containers shall be located in side or rear yard, are subject to all property setbacks and shall not be located within ten feet (10') of any primary structure or other accessory building or shipping container.
- 4. ~~Within one (1) month of delivery, all shipping containers must be painted to either match the primary residential structure or one of the following earth tones; hunter green, brown, beige, tan, gray, copper, earth red or white. Container lettering, names and numbering, must not be visible on the exterior of the structure.~~ Shipping containers shall be painted one solid, muted color that blends with the surrounding vegetation, natural topography or structures.
- 5. Shipping containers shall not display advertising, company logos, names or other markings painted on, or otherwise attached to the exterior of the shipping container.
- 6. All Shipping Containers must be permitted prior to delivery.
 - a. Container installed without utilities require submission of a site plan to include the location of the container, the setbacks to other buildings and property lines, and the color plan.
 - b. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.
- 7. ~~No more than two (2) shipping containers may be used for storage of construction materials for the duration of a building permit for a residential structure. Said container(s) shall be removed prior to issuance of the Certificate of Occupancy.~~ Shipping containers used for storage during construction shall be subject to the following requirements:
 - a. Shipping containers may be used in all land use zones for temporary storage of construction related materials on a building site for which an active building permit or excavation permit exists.
 - b. Shipping containers must be removed within fourteen (14) days upon final inspection of permit, or comply with the accessory building requirements of this and all other applicable town and building codes.
- 8. The storage of hazardous material is prohibited.
- 9. Modification of shipping containers to create a residential dwelling or commercial structure is permitted subject to all applicable town land use code and adopted building codes.
- 10. Modified shipping containers may be approved as a temporary structure or enclosure in a PD (Planned Development) project.
- 11. The use of box truck cargo container, van body, semi-truck trailer, bus body, camper or RV are not permitted as an accessory structure, shed or storage.
- 12. Shipping containers established as a temporary structure prior to the adoption

of this code are not exempt from the screening requirement and must be permitted and brought into compliance with this ordinance.

13. Shipping containers may not be used as the base to a truss-based roofing structure.

- K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
- L. No accessory buildings shall be ~~rented, leased or~~ sold separately from the ~~rental, lease or~~ sale of the primary building.
- M. No accessory building shall be used as a permanent dwelling unit without conforming with AVLU 10.28.270.
- N. No accessory building shall be located closer than three feet (3') to any 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.
- O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
- P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 ~~BE~~.

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 January 18, 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