

ORDINANCE NO. 2011-15

**AN ORDINANCE OF IVINS CITY, UTAH, AMENDING
SECTION 16.12.104 OF THE ZONING ORDINANCE REGARDING
GARAGES AND OTHER ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

WHEREAS, an application was filed requesting an amendment to Section 16.12.104 of the Zoning Ordinance regarding garages and other accessory buildings to allow the size of detached garages or other accessory buildings to be increased from fifty percent (50%) of the footprint of the primary structure to up to seventy percent (70%) on lots one acre or larger; and

WHEREAS, the Planning Commission held a public hearing on said application on August 30, 2011 and made a recommendation to the City Council that the application be denied; and

WHEREAS, the City Council held a public hearing on said application and the Planning Commission's recommendation thereon on September 29, 2011 and, after discussion, decided not to follow the Planning Commission's recommendation and to allow an amendment to Section 16.12.104 with certain parameters approved by the City Council; and

WHEREAS, Staff has taken those parameters and drafted this Ordinance to formally amend Section 16.12.104 as directed by the City Council;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH:

SECTION 1. Section 16.12.104 of the Ivins City Zoning Ordinance is hereby amended to now read as follows:

**TITLE 16
ZONING REGULATIONS**

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**CHAPTER 12
SUPPLEMENTARY DEVELOPMENT STANDARDS**

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16.12.104 Limitations on 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:

- (1) Maximum Garage Height.

- (a) No detached garage shall be higher than twenty feet (20'), measured from finish grade to the highest point of its roof, or higher than the highest point of the roof of the primary building, whichever is less. Exception: Detached garages located a minimum of forty feet (40') from the primary building may be twenty feet (20') maximum height regardless of the height of the primary building.
 - (b) No attached garage shall be higher than the primary building.
- (2) Number of Garages. A maximum of one attached and one detached garage may be allowed on each lot in association with a primary residential dwelling unit. All other structures shall be considered accessory buildings.
- (3) Maximum Accessory Building Height. No accessory building, including agricultural use accessory buildings, shall be higher than fifteen feet (15'), measured from average finish 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.
- (4) Size, Location, and Construction of Attached and Detached Garages and Other Accessory Buildings in Residential Zones.
- (a) The total square footage of any attached garage shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure excluding the attached garage.
 - (b) The 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 footprint of the primary structure including the attached garage on lots less than one half acre (1/2) acre, sixty percent (60%) on lots one half (1/2) acre to less than one (1) acre, and seventy percent (70%) on lots one (1) acre or larger. Note: Habitable space located in the attic areas of detached garages shall be included in the total square footage.
 - (c) Agricultural use accessory buildings constructed prior to the primary building as allowed in the agriculture (A) zone and residential agricultural (RA) zone shall be a maximum of two thousand five hundred (2,500) total square footage and shall be constructed of materials and colors that blend with the natural environment.
 - (d) Agricultural use accessory buildings larger than two thousand five hundred (2,500) square feet shall require a class III conditional use permit.

- (e) The cumulative total square footage of all attached garages, detached garages and all other accessory buildings, including agricultural-use accessory buildings, shall not be greater than twenty five percent (25%) of the 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.
- (f) 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.
- (g) All garages and other accessory buildings located ten feet (10’) or more away from the primary building shall have the following setbacks from the rear and side property lines and maximum wall height limitations:

<u>Set Back</u>	<u>Maximum Wall Height</u>	<u>Maximum Building Height</u>
Three feet (3’)	Eight feet (8’)	Twelve feet (12’)
Five feet (5’)	Ten feet (10’)	Fifteen feet (15’)
Ten feet (10’)	Sixteen feet (16’)	Twenty feet (20’)

Note: Accessory buildings located closer than five feet (5’) to the property line shall be one hour fire resistant construction or shall be less than two hundred (200) square feet as required by the International Residential Code.

- (h) No detached garage or other accessory buildings shall be located in any required front yard.

SECTION 2. Severability. If any section, subsection, paragraph or provision of the foregoing is determined to be illegal, invalid or unconstitutional by any court or agency of competent jurisdiction, such determination shall have no effect on the validity of any other section, subsection, paragraph or provision of the foregoing, all of which will remain in full force and effect.

SECTION 3. Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THE 20TH DAY OF OCTOBER, 2011. ALL COUNCIL MEMBERS WERE PRESENT AT THE MEETING. FOUR VOTED IN FAVOR AND ONE OPPOSED.