

**ORDINANCE NO. 2016-1069-O**

**AN ORDINANCE AMENDING THE WASHINGTON COUNTY SUBDIVISION  
ORDINANCES**

**RECITALS AND LEGISLATIVE FINDINGS**

WHEREAS, under Utah Code Annotated (1953, as amended) § 17-27a-503, the county may amend any regulation within a zoning district or any provision of a land use ordinance; and

WHEREAS, under Utah Code Annotated (1953, as amended) § 17-27a-601, the county may enact a subdivision ordinance or may regulate subdivisions as provided under § 17-27a of the Utah Code; and

WHEREAS, this proposed ordinance amendment modifies Title 10: Zoning Regulations by adding new terms and definitions and modifying existing definitions of certain terms for clarity purposes; and

WHEREAS, this proposed ordinance amendment adds the term “Tourist Home” in Title 10-4 and creates a definition and approval process for tourist homes; and

WHEREAS, this proposed ordinance allows Tourist Homes as a permitted use in open space transition, agriculture, forest residential, seasonal forest residential, residential agriculture, residential estate, single-family residential, and multi-family residential zones; and

WHEREAS, this proposed ordinance amendment adds the terms “managing agent/agency,” “park model recreational vehicle (PMRV),” “rural recreation grounds and facilities,” “temporary structure/enclosure” and redefines the term “recreational vehicle (RV)” for consistency and clarification purposes; and

WHEREAS, this proposed ordinance amendment adds “campgrounds” as a conditional use to several zones: open space transition, agriculture, forest residential, seasonal forest residential, and

WHEREAS, this proposed ordinance amendment strikes the term “private recreation grounds and facilities” and replaces it with “rural recreation grounds and facilities” with its accompanying definition for clarification purposes; and

WHEREAS, this proposed ordinance amendment allows for rural recreation grounds and facilities as a conditional use in the following zones: agriculture, forest residential, seasonal forest residential, residential agriculture, and residential estate; and

WHEREAS, this proposed ordinance moves the definition and regulation of animals from the residential estate zone to the Definitions in Title 10-4 and accordingly references that section through out the Title; and

WHEREAS, this proposed ordinance provides clarification on temporary structures and enclosures and adds them as a conditional use in open space, agriculture, seasonal forest residential, and forest residential zones; and

WHEREAS, this proposed ordinance adds single-family dwelling as a permitted use in agriculture zones; and

WHEREAS, this proposed ordinance allows for cemeteries as a conditional use in agriculture zones; and

WHEREAS, this proposed ordinance omits the term “bed and breakfast” and incorporates such term in the definition of “tourist home”; and

WHEREAS, this proposed ordinance eliminates the minimum square foot requirement for a single family dwelling; and

WHEREAS, this proposed ordinance modifies garbage receptacles in the multi-family residential zone; and

WHEREAS, this proposed ordinance amendment modifies 10-15 WALLS, FENCES AND HEDGES; requirements on street side yards; and

WHEREAS, the Washington County Planning Commission considered ordinance amendments on July 12, 2016, and unanimously recommended its approval; and

WHEREAS, these legislative findings adopt and incorporate the findings of the Planning Commission regarding this ordinance; and

WHEREAS, since the Planning Commission recommended the approval of the ordinance, and in order to clarify certain zone uses and requirement in Title 10, terms and definitions have been added; and

WHEREAS, the best interests of the county and its citizens are served by enacting this proposed ordinance.

NOW, THEREFORE, the County Legislative Body of Washington County ordains as follows:

**Amendment to Washington County Code Title 10, Chapter 4 DEFINITIONS:** (Stricken language is removed. Underlined language is added.)

**10-4-1: TERMS DEFINED:**

**ANIMAL SIZE:** The categorizing of animals is based upon a classification of large or small animals. The determination may be made by size of animal, irrespective of species or genetic makeup at the discretion of the planning commission. The keeping of animals and fowl for family food production or personal use, but not for commercial use, if used in connection with a

single-family dwelling in a residential zone. In no event shall the property owner be allowed to keep in excess of the following in a residential estate zone:

- A. One large animal for every twelve thousand five hundred (12,500) square feet of area not to exceed a maximum of four (4) large animals on any residential zoned lot. Large animals may include horses, cattle or other animals judged by the planning commission to be compatible with this category of livestock.
- B. Three (3) medium animals shall equal one large animal. Medium animals shall include goats, sheep, and horses or ponies that are smaller than thirty six inches (36") in height, measured from the withers, or other animal judged by the planning commission to be compatible with this category of livestock and which are indigenous to agricultural area and are not exotic animals.
- C. Not more than eight (8) poultry or rabbits or other small animals for every twelve thousand five hundred (12,500) square feet of area or to exceed thirty (30) poultry or rabbits on any lot.
- D. No pigs, other than weaner pigs, nor any exotic animals shall be kept on any lot within a residential zone.

MANAGING AGENCY OR AGENT: A local person, firm or agency representing a tourist home owner. The responsible party must be available by telephone twenty four (24) hours per day for contact by renter, emergency services and applicable Washington County representatives.

PARK MODEL RECREATIONAL VEHICLES (PMRV): Transportable enclosed structure built on a single chassis, mounted on axel(s) and wheels. Generally designed and constructed as temporary human occupancy housing accommodation for recreation, camping or seasonal use. They do not meet HUD standards for construction and manufacturing. A "Tiny Home", or stick-built structure on a single chassis, mounted on axel(s) and wheels is considered a PMRV. PMRV is not permitted as an accessory dwelling. They may be approved in the Manufactured Housing Park and Recreational Vehicle Park (MH) zone; or as a conditional use permit for campgrounds an in approved rural recreation grounds and facilities.

RECREATIONAL VEHICLE (RV): A transportable factory built housing unit of eight feet (8') or less in body width and forty feet (40') or less in overall length, or when placed on site is three hundred ninety nine (399) or less square feet in size, and which is built on a permanent chassis and is designed to be used as a dwelling unit without a permanent foundation, or without being connected to required utilities. A vehicle, regardless of size, which is not designed to be used as a permanent dwelling, and in which the plumbing, heating and electrical systems contained therein may be operated without connection to outside utilities and which are self-propelled or towed by a light duty vehicle. Designed for recreational use, camping or temporary occupancy.

RECREATION, COMMERCIAL OUTDOOR: Any business, group or individual that receives monetary gain for providing specialized equipment, guided tours, access to private land, and outdoor activities and adventure. Including but not limited to boating, fishing, canoeing, rafting, climbing, canyoneering, horse rides, ATV riding, mountain biking and four wheeling.

RURAL RECREATION GROUNDS AND FACILITIES: Facilities for use by owner, operating organization, members and/ or paying or non-paying guest. Facilities may include amenities such as cabins, lodges, reception centers, social halls, campgrounds, swimming pools, tennis and pickle ball courts, golf course, petting zoos, fishing ponds, recreational vehicle pads, temporary structures or enclosures such as tents, park models, yurts or other facilities designed for short term stays. Facilities may include single-family dwellings if the dwellings are under the same ownership or operating organization.

TEMPORARY STRUCTURE OR ENCLOSURE: Any moveable, tent-like structure or enclosure intended as a temporary dwelling such as a tent, yurt, tepee, RV, trailer, park models; or any moveable structure intended to provide protection from the elements such as a temporary garage or storage unit (?). Such temporary enclosures are considered structures under this definition, and as such are governed by the same setback requirements as other structures. Tent set up for special occasions, screenhouses, and other such seasonal, recreational enclosures are specifically exempted from this definition unless used for storage as listed above. Allowed as a conditional use in Open Space, Agriculture, Seasonal Forest Residential, Forest Residential zones, and in approved campgrounds and where rural recreation grounds and facilities have been approved.

TOURIST HOME: An establishment used for short term dwelling purposes in which the entire dwelling or rooms, with or without meals, are rented or otherwise made available to transient guests for compensation; including establishments listed, or advertised online, or known as bed and breakfasts. All tourist homes shall be required to register with the state, obtain a business license and complete the tourist home rental application. *The licensee for tourist homes shall be the home owner who shall be deemed the responsible party for the tourist home. All tourist homes must have a managing agent who will serve as the primary contact for the tourist home.* All tourist homes shall be properly managed. As a condition to holding a valid business license for a tourist home, or homes, the licensee agrees to provide or arrange for adequate property management services including; housekeeping, yard maintenance, structural maintenance and compliance with general building health and safety requirements, trash collection which insures that trash cans are not left on the street for any period in excess of twenty four (24) hours, and assurance and enforcement of guest meeting the requirements of good neighbor practices. Good neighbor practices includes: no loud music, unruly parties, guest vehicles shall be parked on off street parking and be courteous to neighbors. Failure to comply by the above mentioned rules may result in a citation, fines and/or the business license being revoked.

**Amendment to Washington County Code Title 10, Chapter 6B OST OPEN SPACE TRANSITION ZONE:** (Stricken language is removed. Underlined language is added.)

**10-6B-2: PERMITTED USES:**

Uses permitted in this zone are as follows:

Bona fide farm buildings.

Farming operations

Livestock grazing.

Raising of crops, horticulture and gardening.

Single family dwellings.

Undeveloped private land. (ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)

**10-6B-3: CONDITONAL USES:**

Uses requiring a conditional use permit in this zone are as follows:

Accessory dwelling unit for hired hand or seasonal laborer, temporary guests or family member of main dwelling owner/occupant.

Airports.

Campgrounds.

Cemeteries.

Dog kennels on parcels of ten (10) acres or larger.

Exotic animals on parcels of twenty (20) acres or larger.

Fenced RV storage areas.

Fish Farms.

Golf Course.

Home occupations (County business license required)

Housing of Weaner pigs.

Mining and mineral development.

~~Private recreation grounds and facilities.~~

Public utilities and transmission lines.

Riding stables and training arenas.

Rural recreation grounds and facilities.

~~Single family dwellings used in connection with a permitted use~~

Tourist homes (County business license required)

Trails and trail rides.

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. 2015-1053-O, 9-1-2015)

**Amendment to Washington County Code Title 10, Chapter 7 A AGRICULTURAL ZONE:**  
(Stricken language is removed. Underlined language is added.)

**10-7-2: PERMITTED USES:**

Uses permitted in this zone are as follows:

Crop production, horticulture and gardening

Dairy production.

Farm buildings and uses.

Home occupations (County business license is required).

Household pets.

Livestock feeding in the A-10, A-20 and A-40 districts.

Poultry raising in the A-10, A-20 and A-40 districts.

Single-family dwellings ~~used in connection with a permitted use~~

Tourist homes (County business license required).

(ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)

**10-7-3: CONDITIONAL USES:**

Uses requiring a conditional use permit in this zone are as follows:

Accessory dwelling unit for hired hand or seasonal laborer, temporary guests or family member of main dwelling owner/occupant.

Agricultural businesses

Campgrounds.

Cemeteries.

Exotic animals in the A-20 and A-40 districts.

Fish farms.

Fur farms.

Housing of weaner pigs.

Kennels

Public riding stables.

Public utilities.

Rural recreation grounds and facilities.

Silo (vertical or horizontal).

~~Single family dwellings used in connection with a permitted use~~

~~Stands for sale of produce grown and sold on premises.~~

Veterinarian.

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. 2015-1053-O, 9-1-2015)

**Amendment to Washington County Code Title 10, Chapter 8A FR FOREST**

**RESIDENTIAL ZONE:** (Stricken language is removed. Underlined language is added.)

**10-8A-2: PERMITTED USES:**

Uses permitted in this zone are as follows:

Accessory buildings and uses after a building permit has been issued for a permanent dwelling.

“Agriculture”, as defined in section 10-4-1 of this title, for personal use only, and subject to the number requirements outlined in that section. ~~of the residential estate zone.~~

Home occupations (County business license required).

Keeping of Animals: The keeping of animals shall be limited to those allowed in 10-4-1 TERMS DEFINED: Animal Size

Residential facility for persons with a disability (see section 10-13-21 of this title for supplementary information).

Single-family dwellings for year round use. (Ord. 2001-815-O, 12-17-2001; eff. 12-17-2001; amd. 2004 Code; Ord. 2014-1042-O, 11-18-2014)

Tourist homes (County business license required).

**10-8A-3: CONDITIONAL USES:**

Uses requiring a conditional use permit in this zone are as follows:

Accessory dwelling unit for temporary guest or family member or main dwelling owner/occupant. Hired hands or seasonal laborers may occupy accessory dwelling on parcels of five (5) acres and larger.

Bed and breakfast inn

Campgrounds.

Lodges and dude ranches in any FR-5 or FR-10 district.

~~Overnight camping facilities.~~

~~Private recreation facilities.~~

Public buildings.

Public utilities.

Rural recreation grounds and facilities.

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. 2015-1053-O, 9-1-2015)

**10-8A-6: ISSUANCE OF BUILDING PERMITS:**

~~Building permits will be issued in the FR districts only in recorded subdivision plats unless otherwise approved by the planning commission. (2004 Code)~~

**Amendment to Washington County Code Title 10, Chapter 8B SFR SEASONAL FOREST RESIDENTIAL ZONE:** (Stricken language is removed. Underlined language is added.)

**10-8B-3: PERMITTED USES:**

Uses permitted in this zone are as follows:

Accessory buildings; allowed after a permit for a dwelling has been issued.

Dwelling for seasonal occupancy.

Fishing; subject to all state and local requirements.

Home occupations (County business license required).

Hunting; subject to all state and local requirements.

Livestock grazing.



Recreational vehicles; permitted May 15 through November 15.

Seasonal residential facilities for persons with a disability (see section 10-13-21 of this title for supplementary information).

Tourist Homes (County business license required).

(Ord. 2011-1006-O, 2-15-2011; amd. Ord. 2014-1042-O, 11-18-2014)

**10-8B-4: CONDITIONAL USES:**

Uses requiring a conditional use permit in this zone are as follows:

Accessory dwelling unit for temporary guest or family member of main dwelling owner/occupant. Hired hands or seasonal laborers may occupy accessory dwelling on parcels of five (5) acres and larger.

Campgrounds.

Commercial lodging.

~~Overnight group camping facilities in approved campgrounds.~~

~~Private lodges and/or private recreation facilities.~~

Public buildings.

Public utilities.

Rural recreation grounds and facilities.

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. 2015-1053-O, 9-1-2015)

**10-8B-7: MODIFYING REGULATIONS:**

~~A. Issuance Of Building Permits: Building permits will be issued in the SFR-1 district only, or in recorded subdivision plats if not located in an SFR-1 zone.~~

~~B. Dwelling Square Footage:~~

~~1. All seasonal recreational buildings used in conjunction with a recreational vehicle shall be the minimum square footage of two hundred twenty (220) square feet of livable space, plus a bathroom which includes a sink, toilet and tub and/or shower facilities.~~

A. Keeping of Animals: The keeping of animals shall be limited to those allowed in 10-4-1 TERMS DEFINED: Animal Size.

**Amendment to Washington County Code Title 10, Chapter 8C RA RESIDENTIAL AGRICULTURAL ZONE:** (Stricken language is removed. Underlined language is added.)

**10-8C-2: PERMITTED USES:**

Uses permitted in this zone are as follows:

Accessory buildings and uses, following issuance of a building permit for a permanent dwelling.

Home occupations (County business license required).

Household pets.

Raising of crops, horticulture and gardening.

Residential facilities for persons with a disability (RA-1, RA-2.5 and RA-5 districts) (see section 10-13-21 of this title for supplementary information).

Single-family dwellings (~~800 square foot minimum requirement~~) (~~RA-1, RA-2.5 and RA-5 districts~~).

Stabling of livestock.

Tourist homes (County business license required).

**10-8C-3: CONDITIONAL USES:**

Uses requiring a conditional use permit in this zone are as follows:

Accessory dwelling unit for temporary guests or family member of main dwelling owner/occupant. Hired hands or seasonal laborers may occupy accessory dwelling on parcels five (5) acres and larger.

Church.

Dog kennels (RA-10 district only).

Park or playground.

Poultry coops.

~~Private recreation facilities.~~

Public buildings.

Public riding stables.

Public utilities.

Rural recreation grounds and facilities.

School.

~~Single family dwellings (RA-10 district).~~

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. 2015-1053-), 9-1-2015)

**10-8C-6: MODIFYING REGULATIONS:**

- A. Minimum Acreage For Specific Uses: Public riding stables, kennels, private rural recreation grounds and facilities, livestock feeding operations, poultry coops for commercial use, or keeping of exotic animals, may not be approved in districts less than ten (10) acres.
- B. Commercial Uses Within Distance Of Dwelling: No corral, stable, coop or kennel for commercial use may be located within five hundred feet (500') of any dwelling on a residential building lot. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)
- C. Keeping Of Animals: ~~The keeping of animals, both large and small, shall be limited to those allowed in article D, "RE Residential Estate Zone", of this chapter, for all RA-1 districts, which shall be used for family food production or personal use, but not for commercial use. (Ord. 2006-913-O, 7-18-2006)~~ The keeping of animals shall be limited to those allowed in 10-4-1 TERMS DEFINED: Animal Size.
- D. Location Of Corral Or Stable: No corral or stable shall be located closer than one hundred feet (100') from any dwelling unit. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)

**Amendment to Washington County Code Title 10, Chapter 8D RE RESIDENTIAL ESTATE ZONE:** (Stricken language is removed. Underlined language is added.)

**10-8D-2: PERMITTED USES:**

Uses permitted in this zone are as follows:

Accessory buildings and uses, following issuance of a building permit for a permanent dwelling.

Home occupations (County business license required).

Household pets; provided that they are not kept, bred or maintained for any commercial purposes.

Raising of crops, horticulture and gardening.

Residential facilities for persons with a disability (RA-1, RA-2.5 and RA-5 districts) (see section 10-13-21 of this title for supplementary information).

Single-family dwellings (~~800 square feet minimum requirement~~).

Keeping of Animals: The keeping of animals shall be limited to those allowed in 10-4-1 TERMS DEFINED: Animal Size.

~~The keeping of animals and fowl for family food production or personal use, but not for commercial use, if used in connection with a single family dwelling. In no event shall the property owner be allowed to keep in excess of the following:~~

- ~~A. One large animal for every twelve thousand five hundred (12,500) square feet of area not to exceed a maximum of four (4) large animals on any lot. Large animals may not include horses, cattle or other animals judged by the planning commission to be compatible with this category of livestock.~~
- ~~B. Three (3) medium animals shall equal one large animal. Medium animals shall include goats, sheep, and horses or ponies that are smaller than thirty six inches (36") in height, measured from the withers, or other animals judged by the planning commission to be compatible with this category of livestock and which are indigenous to agricultural areas and are not exotic animals.~~
- ~~C. Not more than eight (8) poultry or rabbits or other small animals for every twelve thousand five hundred (12,500) square feet of area not to exceed thirty (30) poultry or rabbits on any lot.~~
- ~~D. No pigs, other than weaner pigs, nor any exotic animals shall be kept on any lot within the residential estate zone. (Ord. 2006 913 O, 7-18-2006)~~

Tourist homes (County business license required).

### **10-8D-3: CONDITIONAL USES:**

Uses requiring a conditional use permit in this zone are as follows:

Accessory dwelling unit for temporary guests or family member of main dwelling owner/occupant. Hired hands or seasonal laborers may occupy accessory dwelling on parcels five (5) acres and larger.

~~Bed and breakfast inn; located in a summer recreation area (Pine Valley and Kolob areas only, or as may be approved by the planning commission, but not intended for approval in most subdivision areas, subject to the following: Must be an existing home. Homes may not be constructed for the purpose of creating a bed and breakfast inn. Inspection will be required to determine compliance with building code requirements, and a permit will be required for any changes in the existing building.~~

Church.

Housing of weaner pigs.

Park or playground.

Poultry coops.

~~Private recreation facilities.~~

Public buildings.

Public utilities.

Rural recreation grounds and facilities.

School.

Any uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code; Ord. 2005-868-O, 3-15-2005; Ord. 2010-992-O, 3-16-2010; Ord. 2010-995-O, 6-15-2010; Ord. 2015-1053-O, 9-1-2015)

**10-8D-6: MODIFYING REGULATIONS:**

- A. Side Yards: The side yard setback on a “street side” yard shall be the same as a front yard setback. Accessory buildings located at least ten feet (10’) away from the main building may have three foot (3’) side or rear property setback on interior lot lines. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)
- B. Distance Between Buildings: No building, structure or run housing animals or fowl shall be constructed closer to a dwelling unit on an adjacent lot than fifty feet (50’). (Ord. 2011-1008-O, 4-19-2011)
- C. Combustible Material: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)
- D. Housing Of Weaner Pigs: The housing of weaner pigs may be approved by conditional use permit, subject to the following requirements:
  - 1. “Weaner pigs” shall be defined as pigs that will be one year of age or less and do not weigh more three hundred fifty (350) pounds and the end of the five (5) month period in which the weaner pig is kept.
  - 2. A weaner pig shall be considered a medium animal.
  - 3. Two (2) weaner pigs shall equal one large animal.

4. All weaner pigs shall be kept only during the months of December through April, or for a different five (5) month period of time if approved by the planning commission.
5. Weaner pigs shall only be permitted in one acre parcels or larger.
6. Setbacks for pens for weaner pigs shall be the same as required for other large or medium sized animals.
7. No weaner pig shall be allowed to run loose (not in a restricted environment, such as a pen) unless attended by owner or keeper of the pig.
8. All pens shall be cleaned regularly, a minimum of three (3) times weekly.
9. No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen.
10. Other conditions as may be imposed by the planning commission relative to specific sites and/or conditional use applications. (Ord. 2005-868-O, 3-15-2005)

E. Keeping Of Animals: The keeping of animals shall be limited to those allowed in 10-4-1 TERMS DEFINED: Animal Size.

**Amendment to Washington County Code Title 10, Chapter 8E SF SINGLE-FAMILY RESIDENTIAL ZONE:** (Stricken language is removed. Underlined language is added.)

**10-8E-2: PERMITTED USES:**

Uses permitted in this zone are as follows:

Accessory uses and buildings; permitted after obtaining a building permit for a residential dwelling.

Home gardens and fruit trees, ~~keeping of household pets, etc., but not agricultural industry or business, or the keeping of domestic animals and fowl.~~

Home occupations (County business license required).

Household pets; provided, that they are not kept, bred or maintained for any commercial purposes.

Residential facilities for persons with a disability (see section 10-13-21 of this title for supplementary information).

Single-family dwellings. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code; Ord. 2014-1042-O, 11-18-2014)

Tourist homes (County business license required).

**Amendment to Washington County Code Title 10, Chapter 8F MF MULTIPLE-FAMILY RESIDENTIAL ZONES R-2, R-3:** (Stricken language is removed. Underlined language is added.)

**10-8E-2: PERMITTED USES:**

Uses permitted in this zone are as follows:

Accessory building and uses, following issuance of a building permit for a permanent dwelling.

Home occupations (County business license required).

Horticulture and gardening for personal use.

Household pets; provided, that they are not kept, bred or maintained for any commercial purposes.

Residential facilities for persons with a disability (see section 10-13-21 of this title for supplementary information).

Townhouses or condominiums with a minimum project of four (4) dwelling units. (ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code; Ord. 2014-1042-O, 11-18-

Tourist homes (County business license required).

**10-8F-7: MODIFYING REGULATIONS:**

- A. Side Yard: The side yard setback on a “street” side yard shall be the same as for the front yard setback.
- B. Private Garages And Accessory Buildings: Private garages and accessory buildings located at least ten feet (10’) behind the main dwelling may have a side yard of three feet (3’); provided, that all corner lots shall maintain twenty five feet (25’) on the street side.
- C. Zero Side Yard: A “zero” side yard setback may be used for all two-family lots in a planned subdivision or development. In such cases, the opposite side yard shall not be less than a combination of the side yards otherwise required.
- D. Fractional Square Footage Left Over: Any “fractional” amount of square footage left over in calculating density may not be considered toward an additional dwelling unit unless the full required amount of land is available.
- E. Less Than Required Front Yard Setback: In zoned areas where the front yard setback has been less than twenty five feet (25’) on adjacent property, new construction may be constructed at a lesser front yard setback requirement but in no case shall the setback be less than twenty feet (20’).

- F. Maximum Dwelling Units In R-2 Zone: In the R-2 zone, no multiple-family dwelling shall contain more than two (2) dwelling units. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001)
- G. Location Of Parking: Parking shall not be located in the front yard setback area. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd. 2004 Code)
- H. Garbage Receptacles: If a dumpster is used for garbage collection, the dumpster must be kept in a dumpster surround constructed of masonry and include a site obscuring gate.

**Amendment to Washington County Code Title 10, Chapter 15 WALLS, FENCES AND HEDGES:** (Stricken language is removed. Underlined language is added.)

**10-15-3: CORNER LOT REQUIREMENTS:**

- A. Height: On all corner lots, a fence, not to exceed six feet (6') in height, may be erected along the rear and interior side lot line, but a sight obscuring fence or wall shall not be erected in the front yard ~~or street side yard setback areas to a height in excess of three feet (3')~~. setback area or the portion of the street side yard area that also falls in the front yard setback area. A fence, not to exceed six feet (6') in height, may be erected along the portion of the street side yard that does not also fall in the front yard setback area and the thirty foot (30') Clear View Triangle.
- B. Clear View Triangle: In all zones requiring a front yard setback, no obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property line.
- C. Fence With Nonobstructing View: Notwithstanding any other provisions herein, a fence which does not obstruct view (e.g., chainlink fence) may be erected to a height of six feet (6') in any yard abutting a street within the setback area. The fence shall in no way be closed in with adjacent plant materials or strips of material inserted into the fence so as to obstruct vision.
- D. Exceptions To Corner Lot Requirements: Fences or walls erected along the property line separating two (2) adjacent corner lots shall be allowed to extend beyond the building setback line out to the property line at a maximum height of six feet (6'); provided, that the property line separating the two (2) corner lots represents the rear or side property lines of both lots, and both structures on said lots front in opposite directions; and provided, that no driveway entrance is located within thirty feet (30') of said fence, wall or similar structure. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001; amd 2004 Code)

**Effective Date**



This ordinance shall take effect fifteen (15) days after its passage. Following its passage, but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County.

APPROVED AND ADOPTED this \_\_\_ day of July, 2016.

WASHINGTON COUNTY

\_\_\_\_\_  
ALAN GARDNER, Chair  
Washington County Commission

ATTEST:

\_\_\_\_\_  
Kim M. Hafen  
Washington County Clerk-Auditor

Commissioner Gardner voted \_\_\_\_  
Commissioner Iverson voted \_\_\_\_  
Commissioner Renstrom voted \_\_\_\_

Approved as to Form:

/s/ Natalie Nelson \_\_\_\_\_  
Deputy County Attorney