



INTERLAKEN TOWN PROPOSED CODE CHANGES

Prepared by Interlaken Town Planning Commission

5/28/2020

BACKGROUND/CONCERNS REGARDING ACCESSORY BUILDINGS

- The current requirements for accessory buildings less than 200 square feet in area are not sufficient and require better definition. Specifically, the Planning Commission proposes new language to better define how to assess square footage for accessory building structures.
- Currently, a 200-square ft accessory building can be built (and was recently built) with a very large roof overhang that exceeded the square footage of the building. The current Interlaken town code language does not support town engineering review or building permit for this construction scenario. Constructing an excessively large roof or roof overhang over an accessory building without town engineering review could pose a hazard to the public and to private property if they are not properly designed and constructed to withstand wind loads observed in the town of Interlaken.
- The current code only provides requirements for building height. Although the current building height code requirement can be applied to accessory buildings, many Utah communities include a maximum height for accessory buildings. The Interlaken Town planning Commission propose to establish:
 - a maximum height requirement of 28 feet for accessory buildings > 200 sq-ft,
 - a maximum height requirement of 16 feet for accessory buildings ≤ 200 sq-ft, and
 - a requirement for the accessory building to not exceed the height of the primary residence on the property.

A summary of the Maximum Building Height, square foot area maximum limitation, and under what conditions accessory building are required to obtain a building permit for several communities in Utah (that were surveyed by the Planning Commission) are presented below:

UT Town	Current Maximum Height Requirement (for Accessory Buildings)	Current Size (Area) Limitation for Accessory Buildings	Building Permit Required for Accessory Buildings?
Interlaken	No specific Limitation (other than 35 feet limit that applies to all buildings)	No Limitation	Yes, if > 200 sq-ft
Midway	1 story	200 sq-ft	No (because only 200 sq-ft structures are allowed)
Wallsburg	No Requirement	No Requirement	Yes, if > 200 sq-ft
Riverton	20 feet (lots < 1 acre) 25 feet (lots > 1 acre)	Shall not exceed: <ul style="list-style-type: none"> • 30% of the entire lot area; and • 25% of the rear yard area. 	Yes, if > 200 sq-ft
S. Ogden City	19 feet (measured from finished floor to midway of roof); and Walls may exceed 10 feet (measured from finished floor).	No Requirement	Yes, if > 200 sq-ft
Enoch	20 feet	Shall not exceeds 20% of the land area	Yes, if > 200 sq-ft
Clinton	16 feet, 1 story.	No Requirement	Yes, if > 200 sq-ft



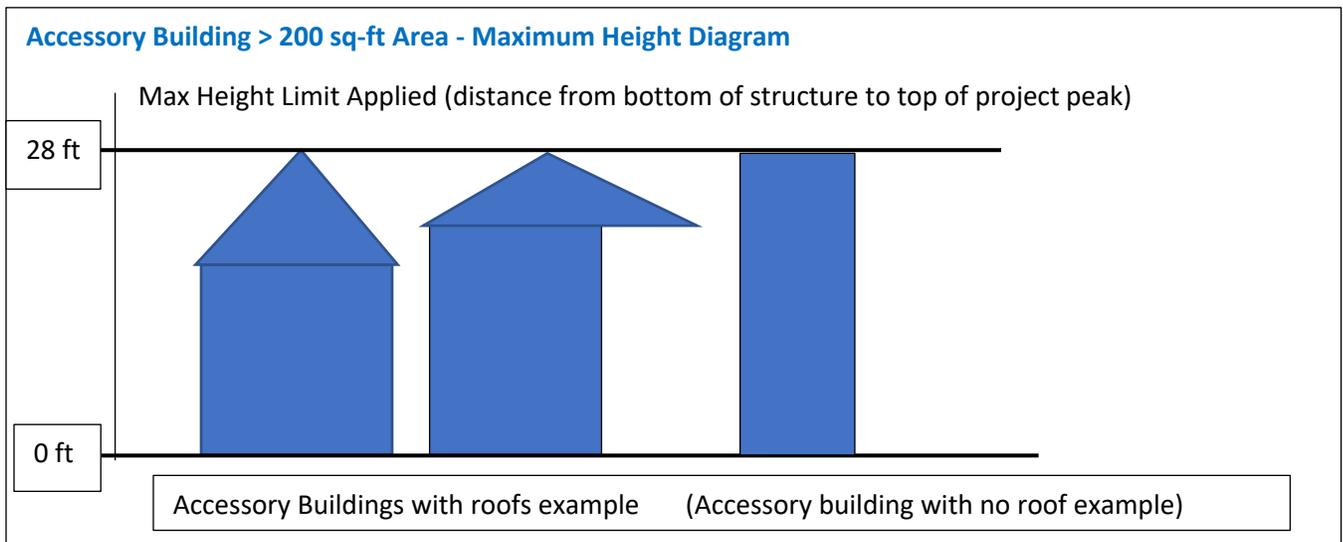
PROPOSED CODE CHANGES FOR TITLE 11

I. Proposed New Code language is also proposed to Title 11.06.070, (Item D.) to better define an accessory building, as follows:

D. Accessory Buildings: An Accessory Building is any structure that is detached from the primary residence.

D. Accessory Buildings with a footprint of over 200 square feet require a building permit to construct. They include garages, carports, covered patios, greenhouses, gazebos and sheds. The following provisions apply for accessory buildings under this category:

- 1. All accessory buildings (in this category) with a footprint larger than 200 square feet require a building permit.**
- 2. Accessory buildings are not to exceed 28 feet in height at the peak and may not exceed the height in elevation of the primary residence.**



- 3. An accessory building footprint may not exceed 50 percent of the size of the primary residence footprint, with a maximum of 720 square feet.**
- 4. An accessory building should not block the primary view of an existing primary residence.**
- 5. Plumbing is not allowed in accessory buildings.**

II. Proposed New Code language is also proposed to better define when and what exemptions apply to accessory buildings. Proposed Code change will add a new section to Title 11.06.070, (Item E.):

E. Small accessory buildings with a footprint of 200 square feet or less. A building permit is not required for an accessory building of 200 square feet or less. The following provisions apply for accessory buildings under this category:

- 1. Roof area: is not to exceed 175 percent of the accessory building footprint without a building permit or approval by the town engineer.**

For example, accessory buildings < 200 sq-ft footprint, the Roof Area is limited to 175% of the building or structure footprint's square footage, and would be calculated as so:

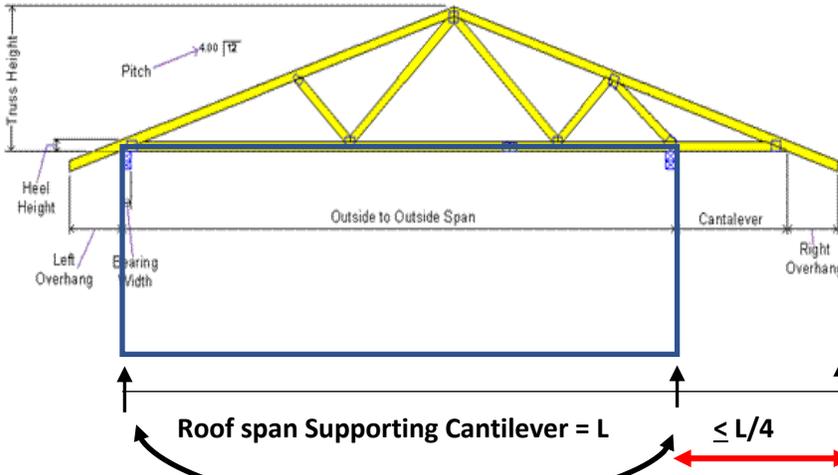


For a 200 sq-ft building: Roof Area = $200 \times 1.75 = 350$ sq-ft.
For a 100 sq-ft building, Roof Area = $100 \times 1.75 = 175$ sq-ft.

E.1. Continued...

Cantilevered overhangs may not exceed $\frac{1}{4}$ the length of the back span of that structural roof member. Cantilever overhangs that exceed $\frac{1}{4}$ the length of the back span of that structural roof member requires a building permit or approval by the town engineer. For example: if the building is 12 feet long, the overhang may not exceed 3 feet past the exterior wall). Roof overhangs (with or without support) over 3 feet from the exterior frame or wall requires a building permit or approval by the town engineer.

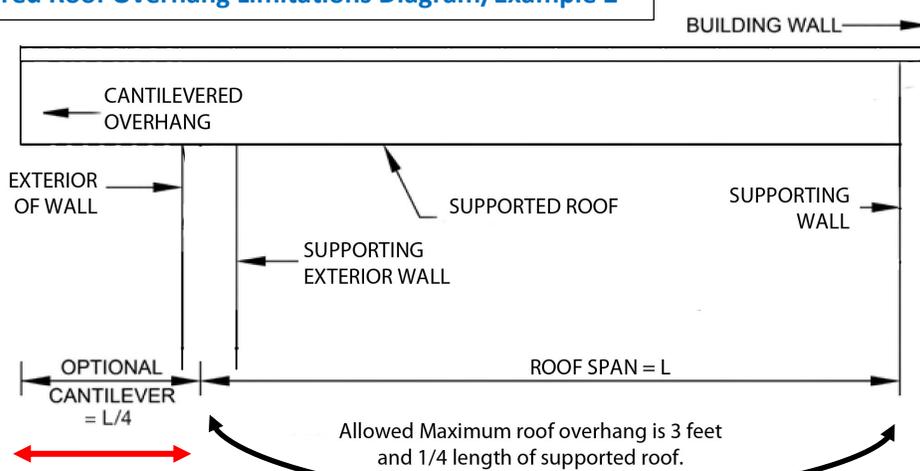
Cantilevered Roof Overhang Limitations Diagram/Example 1



Cantilevered overhang cannot exceed 25 % of this Supported Roof Section

Cantilevered area to be limited in Accessory Buildings < 200 sq-ft without a Building Permit or Town Engineer Approval

Cantilevered Roof Overhang Limitations Diagram/Example 2

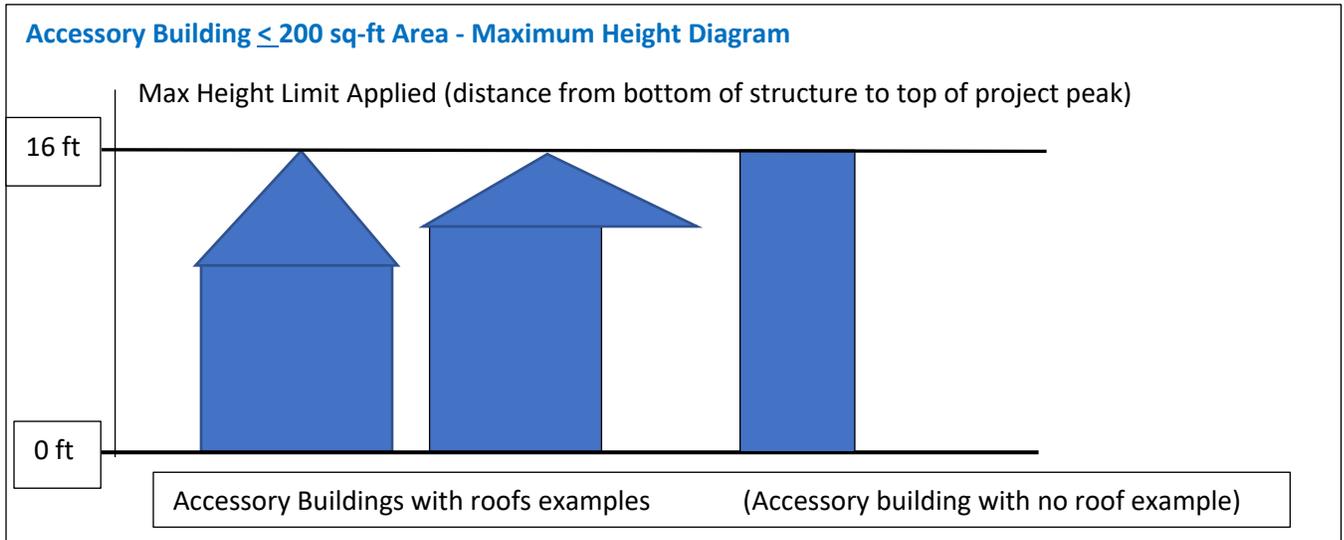


Cantilevered area to be limited in Accessory Buildings < 200 sq-ft without a Building Permit or Town Engineer Approval

Cantilevered overhang cannot exceed 25 % of this Supported Roof Section



2. **Height: accessory building height shall not exceed 16 feet at the peak and may not exceed the height in elevation of the primary residence.**



III. Proposed Code Changes for Title 9, Section 9.05.020 (B.)(3) Exemptions to building permit requirements for Accessory Buildings:

Title 9.05.020(B.)(3) Currently provides an exemption from being required to obtain a Building Permit for Construction Activities disturbing 200 square feet of land surface area. Since the planning commission has encountered accessory building projects with very large roof overhangs, we are proposing additional code language to better define what shall be included in the square footage calculation, as follows:

3. Construction activities disturbing 200 square feet or less of land and surface area. For accessory buildings, the 200 square footage area or less shall include the areas of the associated roof, excluding roof overhangs that extend 3 feet or less from the edge of the building wall or frame;

IV. Proposed Code Changes for Title 9, Section 9.05.020 (B.4) Exemptions to building permit requirements for Landscaping and Gardening activities:

1. The Landscaping and gardening activities disturbing less than 100 square feet of land surface area are currently exempt from building permit requirements or submitting a Landscaping Plan. The Planning Commission has been approached on many occasions by residents that have indicated this is very restrictive. The Planning Commission is now proposing a code revision to:
 - expand the minimum square footage from 100 sq-ft to 500 sq-ft, and
 - add additional language to make it clear that the exemption does not apply if the project is required to obtain a Site Disturbance Permit under Title 9.05.020 (A). To clarify, under Title 9.05.020 (A), Permit Required. A Town of Interlaken Site Disturbance Permit is required before any person or entity may landscape, excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape or increase impervious surfaces upon any parcel of property located in the Town. No excavating shall be done further than is necessary to place the lot on grade or for building a dwelling and /or garage.



The proposed code language change is then proposed to address these 2 concerns:

Title 9, Section 9.05.020 (B.) Exemptions (4.) Residential landscaping and gardening activities disturbing less than ~~100~~ 500 square feet of land surface area and does not conflict with Section A of 09.05.020;

V. Proposed Code Changes for Title 9, Section 9.05.060 (Addition of Subsection A.4.): “Timeline Requirements for Construction Progress Relating to Building Permits”

1. The current code language does not adequately address the situation where building permits go on for many months or even years without significant construction progress. This results in significant impact on the residents and the community, which include impacts on our town roads, dust and mud migrating off site, flying debris and other construction related nuisances ongoing for extended periods of time. To better address this issue, the Planning Commission proposes the following minimum construction activity milestones be achieved, and the following procedures to be followed by the project to maintain project compliance:

Section 9.05.060 Site Disturbance Permit – Revocation or Suspension

A. Revocation or Suspension. A Site Disturbance Permit may be revoked or suspended by the Town upon the occurrence of any one of the following events:

1. Failure of a Permittee to comply with the Plan or any condition of the Permit; or
2. Failure of a Permittee to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation related to site disturbance; or
3. A determination by the Town that the site disturbance measures implemented by a Permittee pursuant to the Plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, dust, debris or other pollutants from the construction site by storm water or wind.

4. Failure of project progression within any contiguous six (6) month period.

Any project that has not received an inspection for a six (6) month period will be determined to have not progressed within that period.

The permittee may submit a written request for a permit extension. This extension must be received by the Town Clerk within thirty (30) days of first notification of term violation.

Permit extension requests must contain a proposed project construction schedule for the following (6) six month period. Construction activities must progress sufficiently to result in a minimum of one (1) inspection within that six (6) month period. Inspection need not be passed.

The Town Council must approve permit extension requests.

If approval is not given by Town Council, then the permit will be revoked and all applicable, outstanding deposits will be remitted to permittee.

For the project to resume, a new permit application and all applicable fees must be submitted by the permittee and approved by the Town Council pursuant to all applicable procedures described in Title 9.

NOTE: All new Code language is presented as underlined text highlighted in yellow. A

NOTE: All omitted Code language text is presented as strike-through text that is also highlighted in yellow.