



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, April 05, 2023 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, April 05, 2023**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Michael Farrar

Commissioners | Lee Fralish | Richard Palmer | Garth Hood | Bradley Farrar

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/88262735265>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 882 6273 5265

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

APPROVAL OF MINUTES

1. Minutes: March 1, 2023.

HEARING ON THE FOLLOWING | DISCUSSION AND ACTION

2. **Public Hearing:** Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2023-15.
3. **Discussion and Action:** Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2023-15.
4. **Public Hearing:** Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2023-19.
5. **Discussion and Action:** Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2023-19.
6. **Public Hearing:** Update Title 10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones, Ordinance-O-2023-20.
7. **Discussion and Action:** Update Title 10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones, Ordinance-O-2023-20.
8. **Public Hearing:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-21.
9. **Discussion and Action:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-21.

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.



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Chairman | Michael Farrar

Commissioners | Lee Fralish | Richard Palmer | Garth Hood | Bradley Farrar

CALL TO ORDER- Chairman Farrar called the meeting to order at 5:59 p.m.

PLEDGE OF ALLEGIANCE

PRAYER- Prayer was offered by Chairman Farrar.

ROLL CALL

PRESENT

Chairman Michael Farrar

Commissioner Lee Fralish

Commissioner Richard Palmer

Commissioner Garth Hood

Commissioner Bradley Farrar

CONFLICT OF INTEREST DISCLOSURES

None declared.

APPROVAL OF MINUTES

1. Minutes: February 01, 2023.

MOTION: Commissioner Fralish motioned to approve the minutes from February 1, 2023.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Abstain

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was four aye and one abstain and the motion carried 4-1.

Chairman Farrar commented that Commissioner Hood abstained due to being absent.



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HEARING ON THE FOLLOWING | DISCUSSION AND ACTION

- 2. Public Hearing:** Zone Change Application for AV-1351-D (Approx. 199 N Coyote Rd) from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of "We would like to build a single family home on our lot." Applicant: Aaron and Jill Hamblin.

Chairman Farrar opened the public hearing.

Margaret Ososki: 1024 W Little Pinion. Questioning single family home on agricultural as she thought the code was changed that if you are going to do agricultural that you have to do agricultural. Also, lots surrounding are residential.

Chairman Farrar closed the public hearing.

- 3. Discussion and Action:** Zone Change Application for AV-1351-D (Approx. 199 N Coyote Rd) from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of "We would like to build a single family home on our lot." Applicant: Aaron and Jill Hamblin.

Chairman Farrar commented he has done homework on this application and he does not believe this should be an agricultural zone. Recommendation of Rural Estate-5 (RE-5) discussed.

Applicant Jill Hamblin is present, she commented that they own the lot trying to get re-zoned and they agree with the recommendation of rural estate zoning. They are trying to stay as rural as possible.

MOTION: Commissioner Farrar motioned that we recommend approval to the Town Council for the Zone Change Application for AV-1351-D subject to change to Rural Estate 5 acres.

SECOND: The motion was seconded by Commissioner Hood.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

- 4. Public Hearing:** Zone Change Application for AV-2194-D, AV-2194-B, AV-2-2-27-432 (Approx: 1 N. Cinder Hill Road) from Open Space/Open Space Transition Zone (OS/OST) to Planned Development



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Overlay Zone (PD) for the stated purpose of planned development of low density hotel and large ranch lot AG-5 residential. Applicant: Hidden Rock Development Group.

Planning and Zoning Assistant Kyle Layton commented this is not a new application but rather an updated one at the recommendation of the Planning Commission. Also commented, additional parcel has been added due to existing wells on that parcel.

Planning and Zoning Assistant Kyle Layton gave report:

COMMENTS: Applicant is requesting a zone change to agricultural 5 acre and cabin with a planned development overlay. The intent is to develop a horizontal hotel. The property is currently surrounded by C-3 property to the West and North, as well as some BLM property to the East and South. The general plan shows this property as well as all surrounding properties as agricultural land.

This project was presented to the Joint Utility Committee on November 16th, 2022. Several concerns were brought up during this meeting and while the applicants have addressed some, the following are still concerns from staff:

The first concern is access to the property. It is currently accessed through Cinder Hill Road as well as Gouldwash Road. Both roads are not currently roads that have been dedicated to the town and run through multiple private properties. The transportation master plans show only a portion of Gouldwash road to be used for future planning. The master plan shows these roads as a collector street and would require major improvements to bring them up to town standards. Due to the size of the project the applicants would be required to have a primary access as well as a secondary access in case of emergency. Another concern with access would be approval from UDOT for access off highway 59 as far as staff knows there hasn't been any information on whether this would be possible.

The second concern is the site plan that was provided shows quite a bit of development on the hillside. The applicants did a good job of keeping the buildings on relatively flat ground but there are concerns on the road running through their property for emergency vehicle access. Much of their development is on a slope greater than 30% which is not allowed by Apple Valley's hillside ordinance. The hillside ordinance allows slopes up to a maximum of 12% for the road if the road is brought up to full improvements including pavement. It may be difficult to develop roads to meet these requirements.

The last concern is with the water the applicant has added property since their first proposal. The main reason for adding that property is to obtain some existing wells that would be dedicated to the project. It is unknown if the wells are working and could provide the water to the project.

End report.

Planning and Zoning Assistant Kyle Layton discussed a tentative Developer Agreement for this project. Chairman Farrar asked the applicant about the new parcel in escrow and how many acres it was. It was answered 102.50 acres. Planning and Zoning Assistant Kyle Layton commented when doing an



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approval with conditions he strongly recommends to put a timeframe on that approval. It was also discussed that the zone would not be changed until the developer agreement is approved.

Chairman Farrar discussed the safety net with the Planned Development Overlay Zone.

Chairman Farrar opened the public hearing.

Tony Ballard, lives in Hurricane, UT. Owns land next to applicant and they have had serious problems with the wells. He discussed improving Cinder Pit Rd and taking that road off his property. They could do it they just have to remove it off BLM property as well.

Chairman Farrar closed the public hearing.

The applicant was given the opportunity to address the Commissioners and public on the project. Slope analysis, UDOT traffic study, study on water, and public access road discussed. Cinder Hill and BLM road access discussed. Required improvements and dedications discussed. Also commented the current parcel in escrow is C-3 and we are looking to downsize to AG-5.

Chairman Farrar asked about dedicating development to local companies and/or Town citizens as we have general contractors in Town. Commissioner Farrar asked about the 689 acres in horse pasture and barn. The applicant answered that the goal is to keep it open space. Also asked about the 4.7 acres not included. The applicant answered private conversations are currently in discussion with that owner. Commissioner Hood asked about the 250,000-to-500,000-gallon tank. Planning Department Manager Frank Lindhardt commented a Development Agreement with the details will be done separately for the Town and the Big Plains Water Special Service District.

Laron Hall commented on BLM being ok for them to put a water tank on their property they would just have to get a permit. The applicant commented that Laron Hall is the owner of the 17-acre parcel in the project.

Brad Mammen, 1063 E Big Pinion Ln. Asked how big this hotel project and how many home sites there is.

The applicant answered 44 key hotel and there will be 22 residences.

Hiring local was discussed.

Chairman Farrar re-opened the public hearing.

Linda Noyes, 2846 N Purple Sage Rd. Question, when first brought up this project there was no discussion of homes.

Applicant answered owner of parcel reached out that was C-3 zoning and we are now interested in down zoning to agricultural home sites.



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Annie Spendlove, 1260 E 2000 S. Commercial is very good for Towns. Villas are great. Would like to know the density of employee housing. This could bring good things to the community. Tourism keeps transients away from this area. She thinks this is a great thing for the town.

James Tullis, property owner of AV-2194-A. Commented that he clarified that this application does not include his property.

Laron Hall owner of 17-acre parcel in project. He commented that he has been in the area over one hundred years, jokingly. The property belonged to his grandfather. This far exceeds anything that he has seen elsewhere. If nothing else we get a turning lane, he is 100 % in favor of this and appreciates what these guys are doing.

Rich Ososki, 1024 W Little Pinion Way. Asked once you get the stamp approval are the phases and length of time when in approval mode.

The applicant answered this is not a phased plan. From this point forward if approval will be of Developer Agreement coordination. After that the construction period is 2 years. 2.5-3 years before opened if throwing a number out there.

Rich Ososki, 1024 W Little Pinion Way. Commented, this is for the past administrations that have recommended contractors. Hiring local contractors is great but not in favor of recommending contractor's names.

Tony Ballard, lives in Hurricane, UT. Commented on water pipeline that ran through property.

Chairman Farrar closed the public hearing.

- 5. Discussion and Action:** Zone Change Application for AV-2194-D, AV-2194-B, AV-2-27-432 (Approx: 1 N. Cinder Hill Road) from Open Space/Open Space Transition Zone (OS/OST) to Planned Development Overlay Zone (PD) for the stated purpose of planned development of low density hotel and large ranch lot AG-5 residential. Applicant: Hidden Rock Development Group.

Chairman Farrar commented he does not want growth and according to the Town survey many people agree but you can't stop it. Growing responsibly discussed and applicant is willing to cooperate and jump through hoops. Also, keeping an area low density will help water supply.

Commissioner Farrar questioned Planning and Zoning Assistant Kyle Layton the timeframe on Developer Agreement. A reasonable time would be 1-2 years to get the document in place. The applicant would feel comfortable for a year time limit. Commissioner Fralish discussed positive take with residents on this project.

MOTION: Commissioner Farrar motioned that we recommend approval to the Town Council on the zone change application for AV-2194-D, AV-2194-B, AV-2-27-432 from Open Space



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Transition / Open Space to Planned Development Overlay Zone, Cabin Zone for the stated purpose of planned development of low density hotel and large ranch lot AG-5 residential subject to a development agreement with the Town reached within a year.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

6. Public Hearing: Repeal Title 10.28.270 Guesthouses Or Casitas and Replace Title 10.28.270 Accessory Dwelling Unit (ADU), Ordinance-O-2023-15.

Planning Department Manager Frank Lindhardt reported on the Accessory Dwelling Unit (ADU) proposed change. He continued currently we have a guesthouse casita ordinance. We brought Stephen Nelson from Hurricane and he explained the pros and cons of additional dwelling units. The trouble in Southern Utah is related to vacation rentals and the affected rental market. People are having a challenging time finding a place to buy or rent. We want to keep trying to find the balance of letting people do what they want vs controlling, carving a middle road. He reviewed the changes presented in the packet.

Chairman Farrar commented about affordable housing and four hundred sq feet is the average. He continued, the pros of allowing people to make income by renting them out which is the biggest change. With that comes rules, you have to live on the property. This would stop developers and investors from buying houses and weed out the issues with short term rentals.

Chairman Farrar opened the public hearing.

Chairman Farrar read public comment received from Debbie Kopp, 2222 E Ranch Rd. Dear Commissioner and planning members. Let me just start out by saying that I appreciate all the hard work you all put into these meetings. I appreciate your attempt to do a survey in fb - but I wish the town could have done it on more of a wide scale. I am not for the changing of the ADU business- we don't have the water we have subpar roads why don't we try and fix what's wrong with the town that will help all residents - there are fires that are way more important than this- a previous town survey stated the community wanted apple valley to be rural - how does adding more homes to the mix stick



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with that vision. A comment was made to me that if this passes it won't even matter, no one will do it - my question is then why are we doing it. who is the one to benefit from this. I feel we need to enforce the ordinances that we have now before changing and making more/ we have a home in town now with several homes on a lot and nothing is being done about that - I think this change is just opening the door for more people to abuse the codes and not being penalized for it. This topic along with many other is causing great divide in the town. My last question to you as the Chairperson and the rest of the commissioners is do you individually and as a group feel that the people that come to the meetings or participate on zoom do our opinions matter. It's been said that we are a small group and we have our own personal agendas and our opinions really don't matter - this is total disrespect for we the people our opinions do matter. Thank you for your time, Debbie Kopp

Chairman Farrar discussed Facebook and opinions do matter.

Becky Wood, 1331 E Red Sage Ln. Commented the presentation from Hurricane was excellent. They went to a Council meeting in Hurricane as well and were impressed. Wants Apple Valley to stay small. Small taxes that come in from rentals could help the Town and is in favor.

Margaret Ososki, 1024 W Little Pinion Way. This Public Hearing is just a formality and what is said here does not matter. Town wide survey on the back on the water bills would have been nice. Cons is increased density.

Chairman Farrar commented on density, we don't regulate who lives in the house. Density discussed amongst Commissioners.

Rich Ososki, 1024 W Little Pinion. Discussed John Peay's house and stated it is a short-term rental. His property is back in the woods and you can't even tell. Has seen it all, I have lived here through 6 different administrations. ADU issue is by the far worst ever experienced. Mayor has used several scenarios. Discussed state mandates ADU. We are less than nine hundred of us. Why does he keep shoving codes down our throats. Apple Valley does not need more code when we cannot even enforce the code we have. Increasing density is not what we need. The Mayor must have forgotten the survey that the residents want low density. Commented about code enforcement and it being a joke. Apple Valley has the worst reputation in the county.

Chairman Farrar commented about enforcement and this code being less. He continued, the focus seems to be on the Mayo. The Mayor does not have a vote on the Planning Commission and he doesn't have influence on his vote.

Brad Mammen, 1063 Big Pinion. The enforcement being homeowner must be on property.

Annie Spendlove, 1260 E 2000 S. They did lot split and built home right next to theirs. An ordinance on employee housing was mentioned that was previously in the books. Her son is renting a room in Hurricane for \$1000 a month. Income potential vs maybe considering going up to a bigger home to give growth for young family. There is nothing to rent in Apple Valley. Rentals for a young family are beneficial. Smaller subdivisions have CCR's in place for this issue.



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Stewart Riding 1456 N Mt Zion Dr. Just moved a little over a year and half ago. Time in life when the ADU is beneficial to him.

Kyle Layton, commented from the building inspector's point of view. His suggestion is regarding the definition of internal ADUs. He continued, State code defines this and his recommendation is having a good definition. The possible issues with applications with internal ADU and detached ADU can lead to problems with the definition of ADU. Suggested clear definition of internal ADU.

Chairman Farrar closed the public hearing.

7. Discussion and Action: Repeal Title 10.28.270 Guesthouses Or Casitas and Replace Title 10.28.270 Accessory Dwelling Unit (ADU), Ordinance-O-2023-15.

Chairman Farrar commented about the Facebook poll and he received input from the community. He continued this is not a large change from the current ordinance except the change of renting, besides other minor changes. Commissioner Hood voiced concerned about now every landowner is now a landlord.

Chairman Farrar commented on research and his suggestion regarding the number of ADU's per parcel Section B subsection 1.

B. General Provisions:

1. Number of ADU's Per Parcel. An ADU shall only be permitted on a parcel with a single-family dwelling. Only one ADU is permitted on a lot that is zoned less than ten (10) acres. On a lot or parcel that is zoned ten (10) acres or more, one additional accessory dwelling unit may be approved by Town Council. No more than two (2) accessory dwellings shall be allowed on a lot or parcel, except when zoned and approved in a planned development that complies with all applicable town ordinances. Only one ADU on the property may be rented.

Commissioner Fralish agreed with the reasonable compromise.

MOTION: Chairman Farrar motioned that we recommend for approval the new Apple Valley Ordinance, Accessory Dwelling Unit Ordinance O-2023-15 with the corrections made in red that Jenna now has you know we all have before us. Basically, saying that: Only one ADU is permitted on a lot that is zoned less than ten (10) acres. On a lot or parcel that is zoned ten (10) acres or more, one additional accessory dwelling unit may be approved by the Town Council. No more than two (2) accessory dwellings shall be allowed on a lot or parcel.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:



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Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 7:56 p.m.

Date Approved: _____

Approved BY: _____

Chairman | Michael Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

Summary of proposed changes to 10.10.050

The following is a summary of what the proposed changes will do;

1. It allows a property owner to ask for conditional use permit PRIOR to the issuance of a building permit for the following uses:
 - a. Build Accessory buildings
 - b. Plant gardens and trees Raise crops and horticulture
 - c. Have animals and fowls for personal use
 - d. And other conditional uses

Currently no uses are allowed until a building permit is issued.

2. It puts restrictions on the maximum size of an accessory building on a lot, depending upon the size of their lot. The larger the lot, the larger the accessory building can be. This is to prevent a giant accessory building on a small lot, but a giant accessory building will be fine and not look out of place on a 5- or 10-acre lot.
3. It outlines that the maximum sq foot occupied by all building including the primary residence and all accessory buildings on a property owners lot is 50% of the total sq feet of the property. There are currently a lot of restrictions on both number of building and size of building allowed on a lot.

**APPLE VALLEY
ORDINANCE O-2023- 15**

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

SECTION 1: **AMENDMENT** “10.10.050 RE Rural Estates Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.050 RE Rural Estates Zone

- A. Purpose: The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use.
- B. Permitted uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
 - 1. Single-family dwellings not less than 1,000 sq. ft. on the main floor;
 - 2. Accessory buildings and uses;
 - 3. Home occupations;
 - 4. Raising of crops, gardens, and horticulture;
 - 5. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information); permanent residence not required.
 - 6. Residential facility for the elderly (see AVLU 10.28 for supplementary information); permanent residence not required.
 - 7. Churches; permanent residence not required.
 - 8. Public park or playgrounds;
 - 9. The keeping of animals and fowl for family food production, but not for commercial use.
 - 10. Animal Allowances/Restrictions:
 - a. The number of domesticated animals which may be maintained on the property shall be determined on the basis of a point system. No lot shall exceed one hundred (100) points per acre. All Lots will be apportioned 25 points in 0.25 acre increments up to 250 points or 2.5 acres. (e.g., a 1.20 acre lot is allocated 100 points. A 1.25 acre lot is allocated 125 points). After 5 acres, 25 points per 0.25 acre increments up to 500 points or 7.5 acres. After 10 acres, 25 points per 0.25 acre increments up to 750 points or 12.5 acres. After 15 acres, 25 points per 0.25 acre increments up to 1000 points or 20 acres. (eg. a 12 acre lot is allocated 250 points for the first 5 acres, 250 points for the 2nd 5 acres, plus 200 points for the next 2 acres for a total of 700 points).
 - b. Type of animal or fowl (number of points per animal), further

restrictions:

- (1) Cow, horse, donkey, mule, or similar large animal, and potbelly pig 25 points each, but not to exceed the maximum of ten (10) large animals per five (5) acres;
- (2) Miniature horses, sheep, goats, or similar medium-size animals, less than 36 inches in height as measured from the withers, (8 points each), but not to exceed the maximum of twenty (20) medium animals per five (5) acres;
- c. Chickens, ducks, pigeons, doves, rabbits, turkeys, geese, pheasants, and similar small and medium-size fowl are not to exceed twenty thirty (30) per One (1) acre;
- d. No rooster is permitted on any lot which is less than one (1) acre. Lots 1 acre or larger may have one (1) rooster per thirty (30) chickens.
- e. Only domestic and farm animals including household dogs and pets shall be kept on any lot with in the Rural Estates Zone.
- f. Other than domesticated potbelly pigs allowed under AVLU 10.10.050.B.11.b(1), the keeping of any pigs is not allowed in the Rural Estates Zone.
- g. The following shall be excluded from consideration for the purpose of determining compliance with this section:
 - (1) The unweaned, offspring of a residing animal or fowl, under six (6) months of age.
 - (2) Residents 18 years or younger participating in a 4-H, FFA or similar youth program raising an animal with the intent to sell the animal at auction within twelve (12) months.
- h. Animals shall be contained in proper pens, coups, corals, pasture, paddock, ~~areana~~ arena, or similar exercise area on owners property. Animal enclosures shall be cleaned regularly, be kept in good repair, give the animals ample room, and offer the animals shelter and shade.
- i. Noise, safety, pests or smell nuisances that result from improper care of animals or property are strictly prohibited. Property owners must implement a fly mitigation program with deployment of fly traps, fly spray chemicals or fly predators and maintain these devices and methods during the fly season for vector control.
- j. Violation of AVLU 10.10.050.B.11 is an infraction punishable by fine up to \$750 if violation is not corrected within thirty (30) days of initial notice of violation.

~~11. Metal building.~~

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

- 1. Assisted living facility (RE-5, RE-10, RE-20, RE-X only)
- 2. Accessory use and buildings before a building permit is issued.
- 3. Raising of crops, gardens, and horticulture before a building permit is issued.
- 4. The keeping of animals and fowl for family food production, but not for commercial use before a building permit is issued.

D. Any use not specifically allowed under permitted uses shall be prohibited unless the

planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.

- E. Height Regulations: No building shall be erected to a height greater than thirty-five (35) feet. No accessory building shall be erected to a height greater than twenty-five (25) feet.

F. Minimum Area, Width, and Yard Regulations

District	Area	<u>Lot Width</u> in Feet	Yard Setbacks in Feet for Primary Residence			<u>Maximum Size of</u>	<u>Maximum Building Coverage</u>
	<u>Minimum</u>	<u>Minimum</u>	Front	Side	Rear	<u>Accessory Building</u>	<u>On lot (see 10.28.240 D)</u>
RE-1.0	1.0 acre	100	25	10	10		<u>50%</u>
RE-2.5	2.5 acres	150	25	25	25		<u>50%</u>
RE-5.0	5.0 acres	200	25	25	25		<u>50%</u>
RE-10.0	10.0 acres	300	25	25	25		<u>50%</u>
Re-20.0	20.0 acres	400	25	25	25		<u>50%</u>
RE-X	**Any Size	400	25	25	25		<u>50%</u>

** No more than one (1) Primary home on a property.

G. 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 (10) feet away from the main building must have a side or rear property setback of at least ten (10) feet on interior lot lines.
- b. Distance Between Buildings: No two (2) buildings on the same property shall be located closer together than ten (10) feet. No building, structure, or pen/corral/coop/ housing animals or fowl shall be constructed closer than fifty (50) feet to a dwelling unit on an adjacent lot, or thirty (30) feet from property line, whichever is further. Animal enclosures shall be behind the main dwelling and shall be no closer than thirty (30) feet to main dwelling.
- c. Prohibited Materials and Storage: 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.
- d. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
- e. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to

permitted and conditional uses in the same zone except as otherwise expressly provided in this title.

- (2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
- f. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
- g. For additional restrictions and clarifications in this zone, see AVL 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
- h. All street, drainage, utility and other public improvements shall be installed as required by the applicable town ordinances, standards and regulations. However, upon recommendation by the Planning Commission and approval of the Town Council based upon good cause shown, the requirements for the installation of dry sewer, curb, gutter and asphalt may be waived or delayed, as the Town Council, in its discretion, may determine.
- i. On large lots 2.5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.

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

Summary of proposed changes to 10.10.060

The following is a summary of what the proposed changes will do;

1. It details that a property owner needs to have issued a building permit, before they can do most of the permitted uses in this zone (as required in other residential zones).
2. It allow a property owner to ask for conditional use permit PRIOR to the issuance of a building permit for the following uses:
 - a. Build Accessory buildings
 - b. Plant gardens and trees
 - c. And other conditional uses

Currently no uses are allowed until a building permit is issued.

3. It allows a property owner to ask for a conditional use permit if they need more building heights than what is allowed in the zone, which is currently not an option.
4. It puts restrictions on the maximum size of an accessory building on a lot, depending upon the size of their lot. The larger the lot, the larger the accessory building can be. This is to prevent a giant accessory building on a small lot, but a giant accessory building will be fine and not look out of place on a 5- or 10-acre lot.
5. It allows for a property owner to request not to install certain lot improvements at the present time and instead sign a delay agreement for the missing improvements to be installed at a later date, however it requires a recommendation from the Planning Commission and approval from the Town Council. This is currently not an option.
6. It outlines that the maximum sq foot occupied by all building including the primary residence and all accessory buildings on a property owners' lot is 50% of the total sq feet of the property. There are currently a lot of restrictions on both number of building and size of building allowed on a lot.

**APPLE VALLEY
ORDINANCE O-2023-19**

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

SECTION 1: AMENDMENT “10.10.060 SF Single Family Residential Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.060 SF Single Family Residential Zone

Purpose: The purpose of this zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also ~~permit~~ permits the establishment, with proper controls, of public and semipublic uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit uses that would be harmful to a single-family residential neighborhood.

- A. Permitted Uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
1. Single Family dwelling with a minimum of 1000 sq ft. on the main level.
 2. Accessory use and buildings; permitted simultaneously or after obtaining a building permit and construction and occupancy of a residential dwelling.
 3. Home gardens and trees, keeping of household dogs, cats and chickens (up to six (6) per lot). No roosters allowed.
 4. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information).
 5. Residential facility for the elderly (see AVLU 10.28 for supplementary information), no permanent residence required., no permanent residence required.
 6. Churches
 7. Group homes, no permanent residence required.
 8. Home occupation
 9. Parks and playground
 10. Metal building
- B. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
1. Assisted living facility (SF-5, SF-10 only)
 2. Accessory use and buildings before a building permit is issued.
- C. Any use not shown in this section shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as

provided in subsection 10-7-180-E4 of this title.

- D. Height Regulations: No building shall be erected to a height greater than thirty five (35'). No accessory building shall be erected to a height greater than twenty five (25') feet, unless a conditional permit has been obtained.

E. Area Width and Yard Regulations:

District	Area	<u>Lot</u> Width in Feet	<u>Setbacks for</u> Yards in Feet			<u>Maximum</u> <u>Size of</u>	<u>Maximum</u> <u>Building</u> <u>Coverage</u>
	Minimum	<u>Minimum</u>	Front	Side	Rear	<u>Accessory</u> <u>Building</u>	<u>On lot (see</u> <u>note 10 &</u> <u>10.28.240D)</u>
SF-.50	20,000 sq. ft.	80	25	10	10		<u>50%</u>
SF-1.0	40,000 sq. ft.	80	25	10	10		<u>50%</u>
SF-2.5	2.5 acres	150	25	25	25		<u>50%</u>
SF-5.0	5.0 acres	200	25	25	25		<u>50%</u>
SF-10.0	10.0 acres	300	25	25	25		<u>50%</u>

F. Modifying Regulations:

1. Side Yards: The side yard setback on a "street side" yard shall be fifteen (15) feet
2. Private Garages and Accessory Buildings: Private garages and accessory buildings located at least 10' behind the main dwelling on lots less than ½ acre may have a side yard of three feet (3'), all others must be ten feet (10'), provided that all corner lots shall maintain fifteen feet (15') on the street side.
3. Prohibited Materials and Storage: 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.
4. Location of Required Parking: Required parking shall not be located in the front yard setback.
5. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
6. For additional restrictions and clarifications in this zone, see AVL 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
7. Permitted and conditional uses set forth in this section shall be deemed to

include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

- a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
- b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
8. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
9. On large lots 5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.
10. Maximum Building Coverage on a lot is defined as: A building or group of buildings including all accessory buildings may not cover more than 50 percent of the area of the lot.
11. All street, drainage, utility and other public improvements shall be installed as required by the applicable town ordinances, standards and regulations. However, upon recommendation by the Planning Commission and approval of the Town Council based upon good cause shown, the requirements for the installation of dry sewer, curb, gutter and asphalt may be waived or delayed, as the Town Council, in its discretion, may determine.

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

Summary of proposed changes to 10.28.240

The following is a summary of what the proposed changes will do;

1. It removes all restrictions on accessory buildings such as how many garages, shops and other buildings a property owner may have on their property, and replaces it with the simple requirement that all of a property owners buildings including their primary residence and all accessory building may not exceed 50% of the sq footage of their lot.
2. It adds that a property owner may ask for a conditional use permit to exceed the maximum height allowed in the zone they live in.

**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

Summary of proposed changes to 10.28.230

The following is a summary of what the proposed changes will do;

1. It will allow for a property owner to obtain a conditional use permit to use their property for certain uses or build accessory building prior to the issuance of a building permit, which the current ordinance does not allow.
2. It removes the requirement that all accessory building must be constructed of similar materials and be of the same architectural style as the primary dwelling.
3. It requires that all accessory building including agricultural buildings must be of similar or contrasting colors to the primary dwelling.
4. It removes all specific restrictions on shipping containers and treats them as any other accessory dwelling that requires the color to be similar or contrasting to the primary dwelling.
5. It outlines that accessory buildings may not be used as permanent dwellings unless a special permit is obtained as outlined in Section 10.28.270 (Guesthouse and Internal Apartment ordinance).

**APPLE VALLEY
ORDINANCE O-2023-21**

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:

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, unless a conditional use permit is obtained.
- 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 blend with the primary residence and be of similar or contrasting color. ~~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 and be of similar or contrasting color.
- 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. No shipping container, cargo container, shipping crate, box, trailer or similar piece of equipment or object shall be used as an accessory building, unless said container meets the requirements of this section.

~~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, unless a permit is obtained as outlined in Title 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 AVL 10.10.050 B.

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