



PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Wednesday, August 30, 2023 at 6:00 PM

HEARING NOTICE

Public Notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, August 30, 2023 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Consider Recommendation of Approval to Amend Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2023-31.
2. Consider Recommendation of Approval to Amend Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2023-32.
3. Consider Recommendation of Approval to Amend Title 10.02.110 Enforcement, Ordinance-O-2023-33.

Interested persons are encouraged to attend public hearings to present their views or present their views in writing at least 48 hours prior to the meeting by emailing clerk@applevalleyut.gov.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice 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 on the 16th day of August, 2023.

Dated this 16th day of August, 2023

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

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.

RURAL ESTATES ACCESSORY BUILDINGS

Item 1.

District	Area	Lot Width in Feet	Yard Setbacks in Feet for Primary Residence			Square Feet Maximum Size of	Square Feet Maximum Size of	Maximum Total Combined Building Coverage Of Lot	Maximum Accessory Building SF Coverage Of Lot
			Front	Side	Rear	Accessory Building	Shipping Container	On lot (see 10.28.240D)	Accessory Building
RE-1.0	1.0 acre	100	25	10	10	4,000	700	50%	10,000
RE-2.5	2.5 acres	150	25	25	25	4,500	1,000	50%	15,000
RE-5.0	5.0 acres	200	25	25	25	5,000	1,500	50%	25,000
RE-10.0	10.0 acres	300	25	25	25	6,000	1,800	50%	50,000
RE-20.0	20.0 acres	400	25	25	25	8,000	2,500	50%	100,000
RE-X	**Any Size	400	25	25	25	10,000	3,000	50%	200,000

1. Shipping containers shall not be stacked unless they are used for an accessory building structure or primary dwelling structure and the exterior is completely covered by an exterior siding that must meet all visual and structural requirements set forth by the building and safety ordinances.

2. Any accessory building must not exceed 25 feet in height.

3. All accessory building permits must be accompanied by a building permit for a primary dwelling or be used in conjunction with an existing primary dwelling. An accessory building permit may be issued without a primary dwelling being on the property with a CUP.

4. No accessory building shall be occupied or used as any type of living space.

**APPLE VALLEY
ORDINANCE O-2023-31**

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, 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.
- 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

Dis trict	Are a	Lot Width in Feet	Yard Setbacks in Feet for Primary Residence			<u>Square Feet Maximu m Size of</u>	<u>Square Feet Maximu m Size of</u>	Maximum <u>Total Combined Building Coverage of Lot</u>	<u>Maximum Accessory Building SF Coverage of Lot</u>
	Min imu m	Mini mum	Fron t	Si de	<u>Rea r</u>	<u>Accesso ry Building</u>	<u>Shipping Containe r</u>	On lot (see 10.28.240 D)	<u>Accessory Building</u>
RE - 1.0	1.0 acre	100	25	10	<u>10</u>	<u>4,000</u>	<u>700</u>	50%	<u>10,000</u>
RE - 2.5	2.5 acre s	150	25	25	<u>25</u>	<u>4,500</u>	<u>1,000</u>	50%	<u>15,000</u>
RE - 5.0	5.0 acre s	200	25	25	<u>25</u>	<u>5,000</u>	<u>1,500</u>	50%	<u>25,000</u>
RE - 10. 0	10.0 acre s	300	25	25	<u>25</u>	<u>6,000</u>	<u>1,800</u>	50%	<u>50,000</u>
Re- 20. 0	20.0 acre s	400	25	25	<u>25</u>	<u>8,000</u>	<u>2,500</u>	50%	<u>100,000</u>
RE -X	**A ny Size	400	25	25	<u>25</u>	<u>10,000</u>	<u>3,000</u>	50%	<u>200,000</u>

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

1. Shipping containers shall not be stacked unless they are used for an accessory building structure or primary dwelling structure and the exterior is completely covered by an exterior siding that must meet all visual and structural requirements set forth by the building and safety ordinances.
2. Any accessory building must not exceed 25 feet in height.
- 3.

All accessory building permits must be accompanied by a building permit for a primary dwelling or be used in conjunction with an existing primary dwelling. An accessory building permit may be issued without a primary dwelling being on the property with a Conditional Use Permit (CUP).

4. No accessory building shall be occupied or used as any type of living space.

G. Modifying Regulations:

1. 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.
2. 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.
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. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
5. 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.
6. 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.
7. For additional restrictions and clarifications in this zone, see AVL 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
8. 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.
9. 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 September 20, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Jarry Zaharias	_____	_____	_____	_____
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

SINGLE FAMILY ACCESSORY BUILDINGS

Item 2.

District	Area	Lot Width in Feet	Yard Setbacks in Feet for Primary Residence			Square Feet Maximum Size of	Square Feet Maximum Size of	Maximum Total Combined Building Coverage of Lot	Maximum Accessory Building Coverage of Lot
			Front	Side	Rear	Accessory Building	Shipping Container	On lot (see 10.28.240D)	Accessory Building
SF-.50	20,000 sq. ft.	80	25	10	10	2,000	400	50%	4,500
SF-1.0	40,000 sq. ft.	80	25	10	10	2,500	700	50%	6,000
SF-2.5	2.5 acres	150	25	25	25	3,000	1,000	50%	10,000
SF-5.0	5.0 acres	200	25	25	25	3,500	1,200	50%	16,000
SF-10.0	10.0 acres	300	25	25	25	4,000	1,500	50%	25,000

1. Shipping containers shall not be stacked unless they are used for an accessory building structure or primary dwelling structure and the exterior is completely covered by an exterior siding that must meet all visual and structural requirements set forth by the building and safety ordinances.

2. Any accessory building must not exceed 25 feet in height.

3. All accessory building permits must be accompanied by a building permit for a primary dwelling or be used in conjunction with an existing primary dwelling. An accessory building permit may be issued without a primary dwelling being on the property with a CUP.

4. No accessory building shall be occupied or used as any type of living space.

**APPLE VALLEY
ORDINANCE O-2023-32**

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 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:

Dist rict	Area	Lot Widt h in Feet	<u>Yard Setbacks</u> for Yards in Feet <u>for</u> <u>Primary</u> <u>Residence</u>			<u>Square</u> <u>Feet</u> Maxim um Size of	<u>Square</u> <u>Feet</u> <u>Maximum</u> <u>Size of</u>	Maxim um <u>Access</u> <u>ory</u> Buildin g Covera ge <u>of</u> <u>Lot</u>	<u>Maximum</u> <u>Accessory</u> <u>Building</u> <u>Coverage of</u> <u>Lot</u>
	Mini mum	Mini mum	Fro nt	Side	<u>Rear</u>	Access ory Buildin g	<u>Shipping</u> <u>Container</u>	On lot (see note 10 & 10.28.2 40D)	<u>Accessory</u> <u>Building</u>
-	-	-	-	-	-	-		-	
SF- 50	20,00 0 sq. ft.	80	25	10	<u>10</u>	<u>2,000</u>	<u>400</u>	50%	<u>4,500</u>
SF- 1.0	40,00 0 sq. ft.	80	25	10	<u>10</u>	<u>2,500</u>	<u>700</u>	50%	<u>6,000</u>
SF- 2.5	2.5 acres	150	25	25	<u>25</u>	<u>3,000</u>	<u>1,000</u>	50%	<u>10,000</u>
SF- 5.0	5.0 acres	200	25	25	<u>25</u>	<u>3,500</u>	<u>1,200</u>	50%	<u>16,000</u>
SF- 10. 0	10.0 acres	300	25	25	<u>25</u>	<u>4,000</u>	<u>1,500</u>	50%	<u>25,000</u>

1. Shipping containers shall not be stacked unless they are used for an accessory building structure or primary dwelling structure and the exterior is completely covered by an exterior siding that must meet all visual and structural requirements set forth by the building and safety ordinances.
2. Any accessory building must not exceed 25 feet in height.
3. All accessory building permits must be accompanied by a building permit for

a primary dwelling or be used in conjunction with an existing primary dwelling. An accessory building permit may be issued without a primary dwelling being on the property with a Conditional Use Permit (CUP).

4. No accessory building shall be occupied or used as any type of living space.

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 September 20, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Jarry Zaharias	_____	_____	_____	_____
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

10-9a-303 Entrance upon land.

The municipality may enter upon any land at reasonable times to make examinations and surveys pertinent to the:

- (1) preparation of its general plan; or
- (2) preparation or enforcement of its land use ordinances.

Renumbered and Amended by Chapter 254, 2005 General Session

**APPLE VALLEY
ORDINANCE O-2023-33**

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

SECTION 1: **AMENDMENT** “10.02.110 Enforcement” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.02.110 Enforcement

1. As per Utah code 10-9a-303 Entrance upon land. The municipality may enter upon any land at reasonable times to make examinations and surveys pertinent to the:
 - A. preparation of its general plan; or
 - B. preparation or enforcement of its land use ordinances.
2. The building inspector is hereby designated and authorized as the official charged with the enforcement of this title, but the town council may from time to time entrust such administration, in whole or in part, to any other employee of the Town without amendment to this title.

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 September 20, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Jarry Zaharias	_____	_____	_____	_____
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