



PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Wednesday, December 04, 2024 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, December 04, 2024 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Adopt Title 10.41 Pigs, Ordinance O-2024-88.
2. Amend Title 10.10.020 A Agricultural Zone, Ordinance O-2024-85.
3. Amend Title 10.10.050 RE Rural Estates Zone, Ordinance O-2024-86.
4. Amend Title 10.07.090 Conditional Use Permit, Ordinance O-2024-87.

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 14th day of November, 2024.

Dated this 14th day of November, 2024

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.

**APPLE VALLEY
ORDINANCE O-2024-88**

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

SECTION 1: **ADOPTION** “10.41 Pigs” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.41 Pigs(*Added*)

AN ORDINANCE REGULATING THE KEEPING OF PIGS WITHIN THE TOWN OF APPLE VALLEY, UTAH

WHEREAS, the Town of Apple Valley, Utah, desires to protect public health, safety, and welfare through the regulation of animals within its jurisdiction; and

WHEREAS, the keeping of pigs within residential or agricultural zones can affect the community in terms of waste disposal, odors, noise, and potential health risks, while still recognizing the agricultural value and cultural practices associated with animal husbandry; and

WHEREAS, the Town Council of Apple Valley believes it is necessary to establish reasonable regulations for the keeping of pigs to ensure the proper care of animals and the protection of the community.

NOW, THEREFORE, be it ordained by the Town Council of Apple Valley, Utah:

SECTION 1: DEFINITIONS

For purposes of this ordinance, the following definitions shall apply:

- **Pig(s): A domesticated swine of any breed, gender, or age.**
- **Residential Area: Any area within Apple Valley that is zoned for single-family residential or multi-family residential use.**
- **Agricultural Area: Any area within Apple Valley that is zoned for agricultural or farming use.**
- **Pen: An enclosed area designated for the confinement of pigs.**

SECTION 2: GENERAL REGULATIONS

1. Permitting Requirement:

- o The keeping of pigs in Apple Valley is prohibited in residential areas.
- o Pigs may only be kept in agricultural areas on lots of 10 acres or more without a conditional use permit, subject to the regulations specified herein.

2. Number of Pigs:

- o In agricultural areas, no more than one (1) pig may be kept per acre, or a number deemed appropriate by the Planning Commission via a conditional use permit based on parcel size and zoning regulations.
- o More than 40 pigs are not allowed on any property regardless of property acreage size unless approved by the Planning Commission via a conditional use permit based on factors such as parcel size, parcel location and zoning regulations.

3. Zoning Compliance:

- o All pigs must be kept in accordance with the zoning regulations of the Town of Apple Valley. If the property is zoned for agricultural use, it must also comply with all other agricultural and livestock regulations set by the Town.

SECTION 3: CARE AND MAINTENANCE OF PIGS

1. Proper Housing:

- o Pigs must be kept in a safe and sanitary environment. The pen must be enclosed by a secure fence that prevents the pigs from escaping.
- o Pens shall be kept clean, and waste must be disposed of in a manner that prevents odor or contamination of surrounding property.
- o No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen.
- o Pens must have drainage to prevent water from pooling.
- o No pen shall be located closer than five hundred feet (500') from any dwelling unit in an adjacent property.

2. Health and Welfare:

- o Pigs must be provided with adequate food, water, shelter, and medical care as necessary to ensure their health and well-being.
- o Pigs shall not be kept in a manner that constitutes a nuisance, including excessive noise or the creation of harmful odors.

3. Waste Disposal:

o Owners are responsible for the proper disposal of all waste generated by their pigs. Waste must be stored and disposed of in a sanitary manner, and must not pose a health hazard to humans or other animals.

o No waste shall be allowed to accumulate on the property or be disposed of in a manner that negatively impacts surrounding properties or the environment.

SECTION 4: NUISANCE PROVISIONS

1. Noise:

o Pigs shall not cause a nuisance due to noise, such as excessive grunting or squealing, that disturbs the peace and quiet of neighboring properties, particularly properties boarding residential areas.

o If noise complaints are received, the Town may take action to investigate and require corrective measures.

2. Odor:

o Pigs shall not emit offensive odors that unreasonably disturb neighbors or the surrounding community. If such odors are found to exist, the Town may require corrective actions, including but not limited to improving waste disposal methods or relocating the pigs.

3. Prohibited Acts:

o It shall be unlawful to allow pigs to roam freely on public or private property outside of the designated pen or enclosure.

SECTION 5: ENFORCEMENT AND PENALTIES

1. Violations:

o Any person found in violation of this ordinance may be subject to a fine of up to \$1,000 per violation, and may be required to remove the pigs from the property until compliance is achieved.

o Violators may also be subject to additional penalties as provided in the Apple Valley Civil Code Enforcement Section 16.02.010.

2. Inspection:

o Town officials may, upon receiving a complaint or as part of a regular inspection, enter the property where pigs are kept to ensure compliance with this ordinance.

Access shall be granted by the property owner or tenant for inspection purposes.

3. Revocation of Permit:

o If a conditional use permit holder violates any provision of this ordinance, the Code Enforcement Official may revoke the permit and require the immediate removal of the pigs from the property.

SECTION 6: EXEMPTIONS

- Exemptions may be granted by the Planning Commission on a case-by-case basis via a conditional use permit if special circumstances or practices are involved.

SECTION 7: SEVERABILITY

If any section, clause, sentence, or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication as required by law.

ADOPTED this _____ day of _____, 20.

BY ORDER OF THE TOWN COUNCIL OF APPLE VALLEY, UTAH

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-85**

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

SECTION 1: **AMENDMENT** “10.10.020 A Agricultural Zone” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.10.020 A Agricultural Zone

- A. Purpose: The purpose of this zone is to preserve appropriate areas for permanent agricultural use, actively devoted to agricultural use. Uses normally and necessarily related to agriculture are permitted and uses inimical to the continuance of agricultural activity are not allowed.
- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Crop production, horticulture and gardening
 2. Farm buildings and uses
 3. Household pets
 4. Farming livestock
 5. Stands for sale of produce grown and sold on premises
 6. Veterinarian
 7. ~~Weaner~~ Pigs - See Ordinance O-2024-88, Title 10.41 Pigs.
 8. Residential Dwelling
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
1. Agritourism
 2. Agricultural Industry
 3. Animal Specialties
 4. Kennel, Commercial
 5. Metal Building
 6. Recreation and Entertainment, Outdoor (A-10, A20, A-40 only)
 7. Stable, Public
 8. Pigs
- D. Any use not specifically allowed under permitted or conditional uses shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in 10-7-180-E4.
- E. Development Standards in Agricultural Zones:

	Zones				

Development Standard	A-X	A-40	A-20	A-10	A-5		
Lot standards							
Minimum lot area	Any Size above 5 acres*	40 acres*	20 acres*	10 acres*	5 acres*		
Minimum lot width	400 feet	400 feet	400 feet	300 feet	300 feet		
Building standards							
Maximum height, main building ¹	35 feet	35 feet	35 feet	35 feet	35 feet		
Maximum height, accessory building	35 feet	35 feet	35 feet	35 feet	35 feet		
Setback standards - front yard							
Any building ²	30 feet	30 feet	30 feet	30 feet	30 feet		
Setback standards - rear yard							
Main building	30 feet	30 feet	30 feet	30 feet	30 feet		
Accessory building	No requirement	No requirement	No requirement	No requirement	No requirement		
Setback standards - interior side yard							
Main building	15 feet	15 feet	15 feet	15 feet			
Accessory building of 100 square feet or less	No requirement	No requirement	No requirement	No requirement	No requirement		
Accessory building greater than 100 square feet	20 feet	20 feet	20 feet	20 feet	20 feet		
Setback standards - street side yard							
Main building		15 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Main building on corner lot with yard that abuts the side yard of another lot	20 feet	20 feet	20 feet	20 feet	20 feet		

Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
ADD Animals permitted					
*Required minimum size may be calculated prior to a required road dedication. **No more than one (1) primary home on a property.					

Notes:

F. Modifying Regulations:

1. Fur farms, silos, fish farms or the keeping of exotic animals may not be approved in the A-5 district.
2. Location of Corral or Stable: No corral or stable shall be located closer than one hundred feet (100') from any dwelling unit in an adjacent zone.
3. ~~The housing of weaner pigs is subject to the following requirements:~~
 - a. ~~"Weaner pigs" shall be defined as pigs that will be one year of age or less and do not weigh more than three hundred fifty (350) pounds at the end of the five (5) month period in which the weaner pig is kept.~~
 - b. ~~Agricultural parcels adjacent to residential zoned parcels are not eligible for the raising of weaner pigs.~~
 - c. ~~All weaner pigs shall be kept only during the months of December through April.~~
 - d. ~~Setbacks for pens for weaner pigs shall be the same as required for other animals.~~
 - e. ~~No weaner pig shall be allowed to run loose (not in a restricted environment, such as a pen) unless attended by the owner or keeper of the pig.~~
 - f. ~~All pens shall be cleaned regularly, a minimum of three (3) times weekly.~~
 - g. ~~No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen.~~
4. ~~3.~~ 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.
5. ~~4.~~ 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.

6.

5.

For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
7.

6.

On large lots 5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.
8.

7.

For a lot split on zone A-X, the landowner/applicant must apply for a zone change to match the new lot sizes that will be created if the new lots will be smaller than forty (40) acres. If the new lots created from the lot split are above 40 acres, the land may stay zoned A-X.

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 effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-86**

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 800 ~~1,000~~ sq. ft. on the main floor, unless otherwise approved with a Conditional Use Permit (CUP);
 - 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.
 - 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 AVL 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 AVL 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. Accessory use and buildings before a building permit is issued.
 - 2. Raising of crops, gardens, and horticulture before a building permit is issued.
 - 3. The keeping of animals and fowl for family food production, but not for commercial use before a building permit is issued.
 - 4. Single family dwelling less than 800 sq. ft. on the main floor.
- 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	Lot Width in Feet	Yard Setbacks in Feet for Primary Residence			Square Feet Maximum Size of	Square Feet Maximum Size of	Maximum Building Coverage
			Front	Side	Rear			
	Minimum	Minimum				Accessory Building	Accessory Building	On lot (see 10.28.240 D)
RE-1.0	1.0 acre	100	25	10	10	4,000	700	50%
RE-2.5	2.5 acres	150	25	25	25	4,500	1,000	50%
RE-5.0	5.0 acres	200	25	25	25	5,000	1,500	50%

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

G. Modifying Regulations:

- a. 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.
- b. Any accessory building must not exceed 25 feet in height.
- c. 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).
- d. No accessory building shall be occupied or used as any type of living space.
- e. 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.
- f. 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.
- g. 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.
 - h. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.
 - i. 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.
 - j. 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.
 - k. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
 - l. 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.
 - m. 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 effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-87**

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

SECTION 1: **AMENDMENT** “10.07.090 Conditional Use Permit” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.07.090 Conditional Use Permit

A. *Purpose.* The purpose of this chapter is to establish standards for certain land uses which, because of their unique characteristics or potential impacts on the town, surrounding residential neighborhoods, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts. The standards for the issuance of a conditional use permit are established to ensure compatibility with surrounding land uses, conformity with the Apple Valley general plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

B. *Authority.*

1. The Planning Commission is authorized to issue conditional use permits for the following uses :

Animal specialties.

Animals and fowl for recreation and family food production.

Clubhouse.

Sales or registration office.

On-site manager dwelling.

Kennel.

Assisted living facility.

Greater heights than permitted by this Code.

Greater or smaller size than permitted by this Code.

Greater heights accessory buildings than permitted by this Code.

Greater size accessory buildings than permitted by this Code.

Metal building in commercial and residential zones.

Public stable.

Reception center.

Recreation and entertainment, outdoor.

Short Term Vacation Rental Business License.

Pigs may only be kept in agricultural areas on lots of 10 acres or more without a conditional use permit, subject to the regulations specified herein.

Number of Pigs in agricultural areas.

In agricultural areas, no more than one (1) pig may be kept per acre, or a number deemed appropriate by the Planning Commission via a conditional use permit based on parcel size and zoning regulations.

More than 40 pigs are not allowed on any property regardless of property acreage size unless approved by the Planning Commission via a conditional use permit based on factors such as parcel size, parcel location and zoning regulations.

C. Permit Required. An approved conditional use permit shall be required for each conditional use listed in this title. No building permit or other permit or license shall be issued for a use requiring conditional use approval until a conditional use permit shall first have been approved by the planning commission.

D. Initiation. A property owner, or the owner's agent, may request a conditional use permit as provided in subsection E 1 of this section.

E. Procedure. An application for a conditional use permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the

applicant's agent, if any;

b. The address and parcel identification of the subject property;

c. The zone, zone boundaries and present use of the subject property;

d. A description of the proposed conditional use;

e. A plot plan showing the following:

(1) Applicant's name;

(2) Site address;

(3) Property boundaries and dimensions;

(4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and

(5) Adjoining property lines and uses within 100 feet of the subject property;

f. Traffic impact analysis, if required by the Town Engineer or the Planning Commission;

g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and

h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.

2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in [section 10.07.040](#) of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.

3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.

4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection F of this section. A conditional use

shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.

F. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.

2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2h of this section:

a. *Standards for a reception center.*

(1) Hours of operation must be compatible with adjoining uses and comply with Town noise regulations.

(2) Parking must be provided.

(3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.

(4) The center must have an approved site plan.

(5) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.

b. *Standards for an agricultural industry.*

(1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.

(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.

(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.

(4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.

G. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.

H. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.

I. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.

1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.

2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.

J. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

K. *Revocation.* A conditional use permit may be revoked as provided in [section 10.20.100](#) of this title.

1. In addition to the grounds set forth in [section 10.20.100](#) of this title, any of the following shall be grounds for revocation:

a. The use for which a permit was granted has ceased for one year or more;

- b. The holder or user of a permit has failed to comply with the conditions of approval or any Town, state, or federal law governing the conduct of the use;
- c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
- d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the Town's ability to initiate or complete other legal proceedings against the holder or user of the permit.

L. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

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 effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley