



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, August 30, 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, August 30, 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

HEARING ON THE FOLLOWING

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.

DISCUSSION AND POSSIBLE ACTION ITEMS

- [4.](#) Consider Approval of Sign Permit Application for Land Development Solutions, LLC.
- [5.](#) Consider Recommendation of Approval to Amend Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2023-31.
- [6.](#) Consider Recommendation of Approval to Amend Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2023-32.
- [7.](#) Consider Recommendation of Approval to Amend Title 10.02.110 Enforcement, Ordinance-O-2023-33.

APPROVAL OF MINUTES

- [8.](#) Minutes: August 2, 2023.

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.



Planning Commission agenda report: August 30, 2023

Agenda Item: Sign permit request for two freestanding signs along State Hwy 59 in a residential zone.

Applicant: Rainbow Sign and Banner on behalf of Land Development Solutions

Number of signs: 2

Project location: along the south side of State Hwy 59 on property being developed for Mountain Valley Estates subdivision

Request: The applicant proposes two freestanding signs; one as a Permanent sign and the other as a Temporary Sign, per the application. Each sign is 32 sq ft in size (4'x8') and is double faced. The Sign Ordinance allows a Freestanding sign and a Temporary sign to be 32 Sq ft maximum and the total sign area not to exceed 64 sq ft for both signs. The proposed signs are in compliance with this size limitation. The Sign ordinance also allows 1 sign for 100' of street frontage. The proposed sign locations have in excess of 100' frontage. The signs are marketing signs for the new subdivision, and the Temporary sign is only allowed for a period of 6 months. The site plan does not identify which sign is the Permanent and which is the Temporary sign.

The request appears to meet the standards of the Apple Valley Sign Ordinance (10.22.120) Note that "Construction Signs" which do not exceed 8 sq ft are not required to get a sign permit, however because these 2 proposed signs exceed 8 sq ft, the Planning Commission must approve the signs prior to permit approval .



Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

Free Standing Fee: \$100.00
Monument Fee: \$100.00
Temporary Sign: N/A
Wall Sign: N/A

Item 4.

SIGN PERMIT APPLICATION

Applications May Take Up To 45 Days for Approval Process if Planning Commission Decision is Needed

Business Name: LAND DEVELOPMENT SOLUTIONS LLC		Phone: [REDACTED]
Address: [REDACTED]		Email: [REDACTED]
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]
Owner: LAND DEVELOPMENT SOLUTIONS, LLC		Phone: [REDACTED]
Address/Location of Property: Apple Valley, UT		Parcel ID: AV-1378-Q
Zone District:		Business License #:

CONTRACTORS

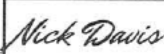
Sign Contractor RAINBOW SIGNS		Utah State Contractor's License #: 290765-5551
Phone #: 435-628-5107	Email:	Utah Municipality Contractor's License #
Mailing Address:	181 Riverside Drive	City/State/Zip St George, UT 84790
Electrical Contractor		Utah State Contractor's License #:
Phone #:	Email:	Utah Municipality Contractor's License #
Mailing Address:		City/State/Zip
Contractor		Utah State Contractor's License #:
Phone #:	Email:	Utah Municipality Contractor's License #
Mailing Address:		City/State/Zip

SIGN(S) TYPE

☐ Temporary ☐ Permanent ☒ Both ☒ New Sign ☐ Free Standing
☐ Modification ☐ Monument ☐ Wall ☐ Other _____

CERTIFICATION

This is to certify that I have read Apple Valley Land Use Code Title 10, Chapter 22 Signs and agree to abide by the rules and regulations set forth in this chapter.

Signature of Applicant Pat Melfi	Date 7/27/23
Name of Applicant (please print) LAND DEVELOPMENT SOLUTIONS LLC 7/25/23	
 Name of Contractor (please print)	Date
Signature of Property Owner (if different than business owner)	Date
Name of Property Owner (please print) LAND DEVELOPMENT SOLUTIONS LLC	

Official Use Only PERMIT #:	Amount Paid: \$100.00	Receipt No: 46267
Date Received: August 8, 2023	Date Application Deemed Complete:	
By:	By:	
Planning Staff Approval	Date	
Building Official Approval	Date	
Additional Staff Comments		

One sign permit application may include multiple signs on the same lot. Detailed drawing(s) to scale of all existing and proposed signs on a lot MUST be attached to the sign permit application for construction, creation, and/or installation of a new sign or for the alteration of an existing sign.

Submittal Requirements: This application must be accompanied by a set of plans which meet the following standards:

- Plans shall be drawn at a scale of no smaller than 1"=100'
- Submit one (1) set of plans on 11 x 17 inch paper.

- ☐ 1. Site plan including:
- _____ a. The proposed location of the sign, existing and proposed buildings or other structures, & parking areas.
 - _____ b. Elevation drawings of the proposed sign, drawn to scale, showing the type of sign, sign display, sign height and sign area.
 - _____ c. Existing signs on lot.
 - _____ d. Landscaping around sign.
- ☐ 2. Other Requirements:
- _____ a. Design, structure, materials, proposed copy and illumination specifications (see Land Use Code Title 10, Chapter 26) .
 - _____ b. Photograph(s) of the lot.
 - _____ c. The extent to which the sign is proposed to project into or over public property, if any.
 - _____ d. Letters of authorization from property owners, if applicable.
 - _____ e. Samples of the material and lettering to be used in the sign.
 - _____ f. Samples of the colors planned for the sign.

Note: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application could result in a month's delay. Planning Commission meetings are held on the first Wednesday of each month at 6:00 p.m. The deadline to submit an application to be placed on the agenda is no later than 12:00 noon ten (10) full business days before the Planning Commission meeting at which you plan for your application to be heard.

PROCESS

Upon application and payment of applicable fees, the Planning Staff will review the application and prepare a report and recommendation for the Planning Commission, if necessary. This will be reviewed at a public meeting where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public meeting, members of the public may also have questions or comments. At the public meeting the Planning Commission will review the application and Staff's report, and approve, approve with conditions, or deny the sign permit application.

APPEALS

The decision of the Planning Commission is final unless an appeal is made. A timely appeal must be filed with the Town Clerk and heard by the Appeal Authority. The decision of the Appeal Authority is final unless appealed to a court of competent jurisdiction within thirty (30) days from the date of decision of the Appeal Authority.

Item 4.

4' x 8' Development Signs



Custom printed double-sided 4' x 8' development signs
Mounted to (2) 4" x 4" x 8' legs as shown
Legs direct buried 24" deep

COLORS RENDERED HERE MAY NOT REPRESENT THE ACTUAL FINISH - REFER TO COLOR CALL-OUTS FOR APPROVED COLOR SPECIFICATIONS



SALESPERSON:

Nick Davis

PROJECT NAME:

Development Sign Options

 RAINBOW SIGN & BANNER
2020

CUSTOMER
APPROVAL:

DESIGNER:

Nick Davis

COMPANY NAME:

Land Development Solutions

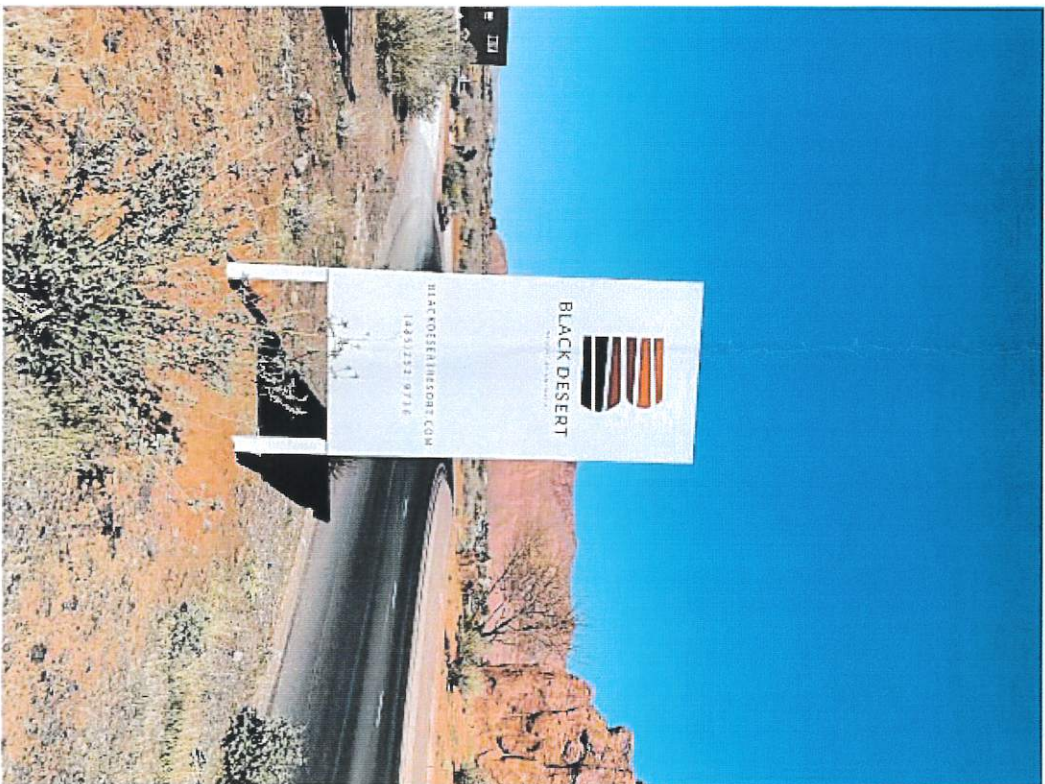
THIS DRAWING WAS COPYRIGHTED AND CREATED BY
RAINBOW SIGN & BANNER. IT MAY NOT BE
REPRODUCED OR TRANSMITTED IN ANY FORM OR
BY ANY MEANS, ELECTRONIC OR MECHANICAL,
INCLUDING PHOTOCOPYING, RECORDING, OR BY
ANY INFORMATION STORAGE AND RETRIEVAL
SYSTEM, WITHOUT PERMISSION IN WRITING
FROM RAINBOW SIGN & BANNER.

LANDLORD
APPROVAL:

UTAH LICENSE #290762-5551 • NEVADA LICENSE #48759 C-6B • ARIZONA LICENSE #00000000 • \$2,000,000 LIABILITY INSURANCE

Item 4.

Examples



COLORS RENDERED HERE MAY NOT REPRESENT THE ACTUAL FINISH - REFER TO COLOR CALL-OUTS FOR APPROVED COLOR SPECIFICATIONS

RAINBOW
SIGN & BANNER

SALESPERSON:

Nick Davis

PROJECT NAME:

Development Sign Options

DESIGNER:

Nick Davis

COMPANY NAME:

Land Development Solutions

RAINBOW SIGN & BANNER
2020

THIS SIGN WAS COMMISSIONED AND CREATED TO
ASSURE YOUR VIZUALIZING OUR PROPOSAL. IT MAY NOT BE
USED FOR THE EXCLUSIVE PROPERTY OF RAINBOW SIGN &
BANNER UNIT, TRANSDERED BY SALE.

CUSTOMER
APPROVAL:

LANDLORD
APPROVAL:

UTAH LICENSE #290762-5551 • NEVADA LICENSE #48759 C-6B • ARIZONA LICENSE #000000000 • \$2,000,000 LIABILITY INSURANCE



Mountain Valley Estates Parcels



Legend

Parcels

Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wild
- National Park Service
- Shiwiwits Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

Notes

Parcel AV 1378 B
Parcel AV 1378 C
Parcel AV 1378 D
Parcel AV 1378 Q

1,504.7 0 752.33 1,504.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

RURAL ESTATES ACCESSORY BUILDINGS

Item 5.

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 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. 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 6.

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



**APPLE VALLEY PLANNING COMMISSION PUBLIC
HEARING AND MEETING**
1777 N Meadowlark Dr, Apple Valley
Wednesday, August 02, 2023 at 6:00 PM

MINUTES

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

ROLL CALL

PRESENT

Chairman Michael Farrar

Commissioner Lee Fralish

Commissioner Richard Palmer

Commissioner Garth Hood

Commissioner Bradley Farrar

CONFLICT OF INTEREST DISCLOSURES

None declared.

HEARING ON THE FOLLOWING | DISCUSSION AND POSSIBLE ACTION

1. **Public Hearing:** Adopt Title 10.40 Private Cemeteries For Human Interment, Ordinance-O-2023-26.

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.

8. **Discussion and Possible Action:** Consider Recommendation of Approval for Adopting Title 10.40 Private Cemeteries For Human Interment, Ordinance-O-2023-26.

MOTION: Commissioner Farrar motioned that we recommend approval for adopting title 10.40 Private Cemeteries For Human Interment, Ordinance-O-2023-26.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

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The vote was unanimous and the motion carried.

2. **Public Hearing:** Zone Change Application for AV-1365-D from Planned Development to RE Rural Estates Zone (RE-5.0), Reason for Request: Ament the current PUD to obtain rural estate large lot zoning. Applicant: Jerry Eves.

Bob Nicholson from Shums Coda Associates reviewed the staff report in the agenda packet.

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.

DISCUSSION AND POSSIBLE ACTION ITEMS

3. **Discussion and Possible Action:** Consider Approval of Zone Change Application for AV-1365-D from Planned Development to RE Rural Estates Zone (RE-5.0), Reason for Request: Ament the current PUD to obtain rural estate large lot zoning. Applicant: Jerry Eves.

Chairman Farrar welcomed growth of over five acres parcels for residential. Commissioner Fralish is in favor of the zone change.

MOTION: Commissioner Hood motioned that we recommend approval to Town Council for item number 3 for the Zone Change for AV-1365-D from Planned Development to RE-5, large lot zoning, motion we recommend approval.

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.



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

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4. **Discussion and Possible Action:** Consider Recommendation of Approval for Preliminary Plat Application for AV-1365-D. Proposed Use: 2 Single Family Lots. Owner: Dean Monson. Agent: Jerry Eves.

Chairman Farrar explained this application was tabled from the June 28, 2023 Planning Commission Hearing/Meeting due to technicality on the previous agenda item, the zone change.

Bob Nicholson with Shums Coda Associates reviewed the staff report in the agenda packet.

Chairman Farrar commented is in favor of the two lots. Commissioners discussed road standards for this application.

MOTION: Commissioner Farrar motioned that we recommend approval for the Preliminary Plat Application for AV-1365-D, the proposed use of two single family lots.

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.

5. **Discussion and Possible Action:** Consider Recommendation of Approval for Zone Change Application for AV-1317-D from Open Space Transition (OST) to SF Single Family Residential Half-acre (SF-.50), Reason for Request: To match zoning to the Crimson Peaks subdivision. Applicant: Travis Holm.

Corey Bundy with Shums Coda Associates reviewed the staff report in the agenda packet. The pending updated affidavit has been received. Chairman Farrar discussed that the requested zone change does not match the general plan and for half an acre a general plan map amendment would possibly be needed.

Karl Rasmussen of ProValue Engineering with the applicant asked about the formality process and if there would be a decision be made with half acre.

Matt Loo, legal representative with the applicant commented on tabling rather than approving or denying with conditions. Chairman Farrar discussed this is a huge project and his opinion is to table for the new application.



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

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Chairman Farrar asked the Planning Commission for their comments. Commissioner Farrar discussed they would recommend for zone change and public hearing for a new application for one acre zone change application. A new application and the fee waived was discussed by Chairman Farrar.

MOTION: Commissioner Hood motioned that we table number five which is AV-1317-D changing from open space transition to single family half acre, to allow a new application and see what happens at the next meeting.

SECOND: The motion was seconded by Commissioner Farrar.

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. **Discussion and Possible Action:** Consider Recommendation of Approval for Preliminary Plat Application for Crimson Peaks subdivision. Proposed Use: Single Family 1/2. Agent: Travis Holm, Scout Holm. *Tabled from June 28, 2023 Planning Commission Hearing/Meeting.

Chairman Farrar commented since the zone change on the previous agenda item was tabled the preliminary plat should also be tabled.

MOTION: Commissioner Farrar motioned that we table the considering recommendation of approval for preliminary plat application for Crimson Peaks subdivision proposed use of single-family half acre.

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



**APPLE VALLEY PLANNING COMMISSION PUBLIC
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The vote was unanimous and the motion carried.

Chairman Farrar commented that his suggestion is to meet with our engineers regarding water commencement, wastewater approval, fire access road, and bridges explanation.

- 7. Discussion and Possible Action:** Consider Recommendation of Approval for Preliminary Plat Application for West Temple Village Subdivision. Purpose of Request: Residential. Owner: Standard Development, Holm House. *Tabled from June 28, 2023 Planning Commission Hearing/Meeting.

Corey Bundy with Shums Coda reviewed the staff review report in the agenda packet.

Chairman Farrar asked about the illegal lot split and until recorded with Washington County as final, this application should be tabled.

MOTION: Commissioner Farrar motioned that we table item number seven considering recommendation of approval for preliminary plat application for West Temple Village subdivision purpose of request, residential.

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.

Chairman Farrar commented on the issues he sees with the plat. The application states residential use but plot has commercial. Approval for commercial lots will require approval from UDOT due to the access and acceleration lanes. Approval from Big Plains Water Special Services District for approval of entire project or eliminate the project and complete one phase application. The plan for the bridge. Water rights need to be dedicated for the entire project unless going to do a phase one application. The application states 528 acres but is 497.25 acres. The application state Holm House and Standard Developments as the owners but Washington County only states Holm House as the owner. Ash Creek has given a conditional will serve requiring a preliminary feasibility study and he would like to see that



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study. Chairman Farrar commented about lots under one acre. He has no problem meeting with anyone if requested.

APPROVAL OF MINUTES

9. Minutes: June 28, 2023.

MOTION: Commissioner Farrar motioned that we approve the minutes from June 28, 2023.

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.

ADJOURNMENT

MOTION: Commissioner Farrar motioned to adjourn the meeting.

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.



**APPLE VALLEY PLANNING COMMISSION PUBLIC
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The meeting was adjourned at 7:02 p.m.

Date Approved: _____

Approved BY: _____

Chairman | Michael Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo