

**APPLE VALLEY
ORDINANCE O-2020-06**

RURAL ESTATES ANIMAL ALLOWANCES

WHEREAS, the Planning Commission of the Town of Apple Valley found it necessary to amend the Rural Estates Zoning; and,

WHEREAS, the Planning Commission held a public hearing on the 22nd day of April, 2020; and,

WHEREAS, the Planning Commission recommended to the Town Council that changes should be made to the Rural Estates Zoning, and,

WHEREAS, the Town Council of the Town of Apple Valley adopted the following changes in a public meeting held on the 6th day of May, 2020.

NOW THEREFORE, be it ordained by the Council of 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 are as follows:
 - 1. Single-family dwellings not less than 1250 sq.ft. on the main floor;
 - 2. Accessory buildings and uses, following issuance of a building permit for a permanent dwelling;
 - 3. Home occupations;
 - 4. T
 - 5. Raising of crops, gardens, and horticulture;
 - 6. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information);
 - 7. Residential facility for the elderly (see AVLU 10.28 for supplementary information);
 - 8. Churches;
 - 9. Park or playgrounds;
 - 10. The keeping of animals and fowl for family food production, but not for

commercial use.

11. 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 three (30) per One (1) acre;
- d.
- e. 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.
- f. Only domestic and farm animals shall be kept on any lot with in the Rural Estates Zone.
- g. 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.
- h. 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.
- i. Animals shall be contained in proper pens, coups, corals, pasture, paddock, areana, 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.
- j. 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.

- k. 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.

12. Any use not specifically allowed under permitted uses shall be prohibited.

- C. 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.
- D. Minimum Area, Width, and Yard Regulations

District	Area	Width in Feet	Yard Setbacks in Feet for Primary Residence		
			Front	Side	Rear
RE-1.0	1.0 acre	100	25	10	10
RE-2.5	2.5 acres	150	25	25	25
RE-5.0	5.0 acres	200	25	25	25
RE-10.0	10.0 acres	300	25	25	25
Re-20.0	20.0 acres	400	25	25	25
RE-X	**Any Size	400	25	25	25

** No more than one (1) home on property

- E. Modifying Regulations:

- a. Side Yards: The side yard setback on a "street side" yard shall be the same as a front yard setback. Accessory buildings located at least ten (10) feet away from the main building must have a side or rear property setback of at least ten (10) feet on interior lot lines.
- b. Distance Between Buildings: No two (2) buildings on the same property shall be located closer together than ten (10) feet. No building, structure, or pen/corral/coop/ housing animals or fowl shall be constructed closer than fifty (50) feet to a dwelling unit on an adjacent lot, or thirty (30) feet from property line, whichever is further. Animal enclosures shall be behind the main dwelling and shall be no closer than thirty (30) feet to main dwelling.
- c. Prohibited Materials and Storage: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
- d. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.
- e. N
- f. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
- g. 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.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL MAY 20, 2020.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Bass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember McLaughlin	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Councilmember Kopp	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mayor Lisonbee	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Edwardsen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Marty Lisonbee, Mayor, Apple Valley



Michelle Kinney, Clerk Apple Valley