

NOTICE AND AGENDA
Apple Valley Utah
Planning Commission

Notice is given that a meeting of the Town of Apple Valley Planning Commission will be held on **Wednesday, April 8th, 2020** commencing at 6:00 PM, or shortly thereafter.

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 will be broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting <https://zoom.us/j/459319911>

To call into meeting, dial (253) 215-8782 and use Meeting ID 459 319 911

The Agenda for the meeting is as follows:

Call to Order/ Pledge of Allegiance/ Roll Call
Declaration of Conflicts of Interest

DISCUSSION AND ACTION

1. Introduction and **Public Hearing** on amendments to 10.10.050 RE Rural Estates Zone
2. Discussion and possible recommendation on 10.10.050 RE Rural Estates Zone
3. Introduction and **Public Hearing** on amendments to 10.10.100 Recreational Vehicle Park Zone
4. Discussion and possible recommendation on 10.10.100 Recreational Vehicle Park Zone
5. Introduction and **Public Hearing** on amendments to the Apple Valley General Plan Map
6. Discussion and possible recommendation on amendments to the Apple Valley General Plan Map
7. Discussion and possible recommendation on 10.28.235 Accessory Buildings and Accessory Uses General Requirements and addition of 10.28.235 Shipping Containers (Public Hearing 9/25/19)
8. Approval of minutes for March 11, 2020.

ADJOURNMENT

CERTIFICATE OF POSTING: I, Ben Billingsley, as duly appointed Deputy Clerk for the Town of Apple Valley, hereby certify that this notice was posted on the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the **6th day of April, 2020**.

Dated this 6th day of April, 2020

Ben Billingsley
Town of Apple Valley

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

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

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. Traditional household pets (dogs, cats), provided they are not kept, bred, or maintained for any commercial purposes. Pets are expected to be fenced/ leashed, sheltered from the weather, and trained to not be a noise nuisance;
 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 parcel of property shall exceed one hundred (100) points per acre. Lots of less than or greater than one (1) acre will be apportioned 25 points in 0.25 acre increments (e.g., a 1.20 acre lot is allocated 100 points. A 1.25 acre lot is allocated 125 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 (5025 points each), but not to exceed the maximum of ten (10) large animals on any lot 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, (258 points each), but not to exceed the maximum of twenty (20) medium animals on any lot per five (5) acres;
 - c. Turkeys, geese, pheasants, and similar medium-size fowl (15 points each), but are not to exceed the maximum of twenty (20) medium fowl on any lot per five (5) acres;
 - d. Chickens, ducks, pigeons, doves, rabbits, or similar small fowl/animal (5 points each), but are not to exceed thirty thirty (30) small fowl/animals per five (5) acres.

- e. No rooster is permitted on any lot which is less than ~~five (acres) one (1) acre~~, and then, only one (1) rooster is allowed per ~~thirty thirty~~ (30) chickens.
- f. No exotic 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~~ 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 unweaned, offspring of a residing animal or fowl, under six (6) months of age;~~ 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) School-aged Apple Valley Residents 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 should be contained on resident's property. Animal enclosures should be cleaned regularly, be in good repair, give the animals ample room, and offer the animals shelter and shade.
- j. Animals must not be allowed to become a noise or smell nuisance.
- k. For the convenience and use of town residents only, the Town of Apple Valley has provided a location for the disposal of animal waste at a designated area behind the Town Hall located at 1777 N Meadowlark Dr.
- l. Violation of this AVLU 10.10.050.B.11 is considered an infraction, and punishable by fine up to \$750.

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 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/kennel 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~~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. No industrial-looking building such as pre-engineered steel or pole barns are allowed, unless specifically approved by the planning commission.
- 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.

SECTION 1: AMENDMENT “10.10.100 Recreational Vehicle Park Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.100 Recreational Vehicle Park Zone

- A. Purpose: The purpose of this zone is to provide for the development of a Recreational Vehicle Park (RVP) in a quality environment. Recreational Vehicle Parks are not intended for the isolated lot. But shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc.

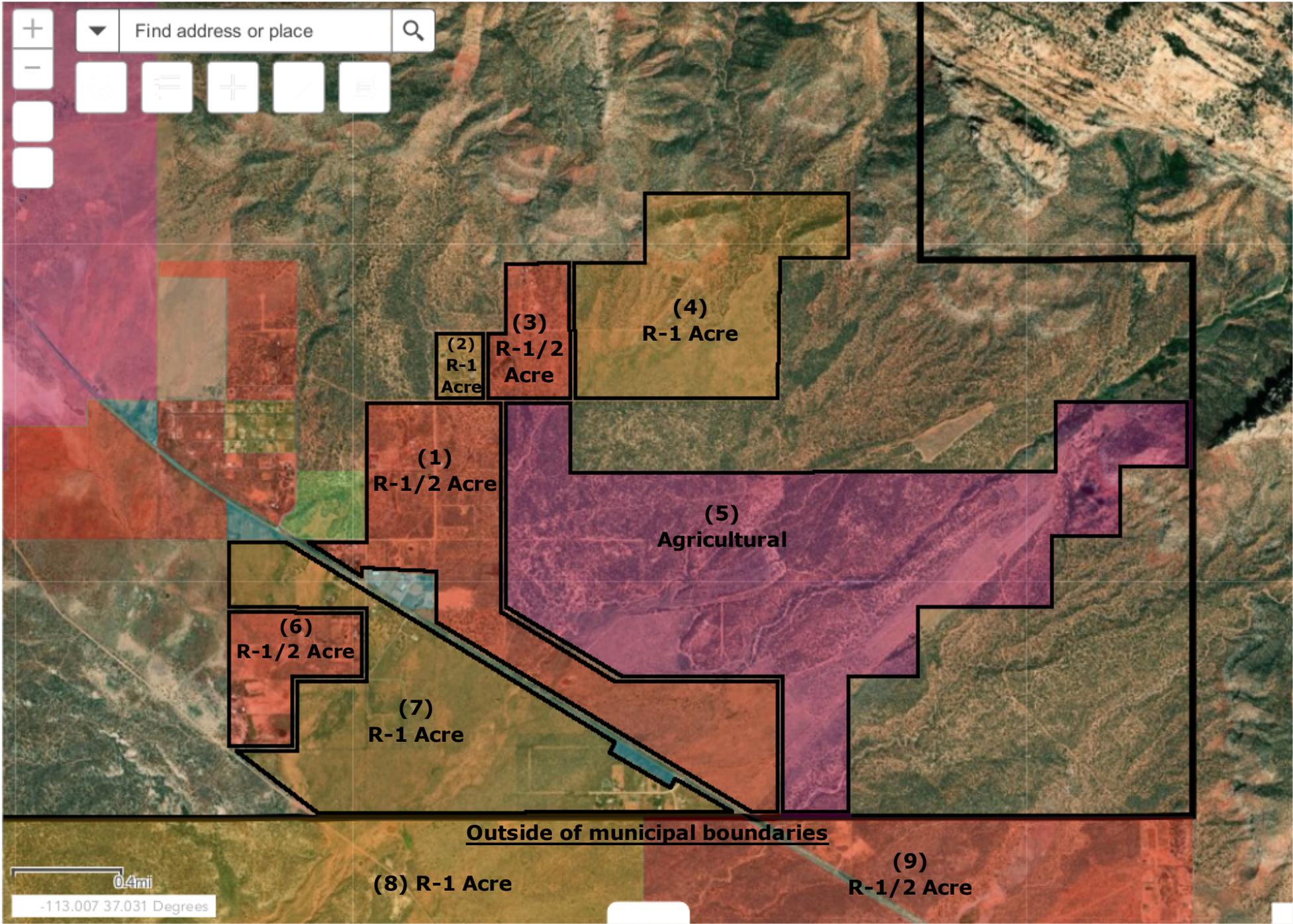
The Recreational Vehicle Parks are designed and intended from the beginning to serve the transient or traveling public that travels with their own recreational vehicles, needing a place to hook-up their own recreational vehicles to utilities and services. The Minimum zone size shall be ~~ten (10)~~ eight (8) Acres.

The primary location for a Recreational Vehicle Park is close to Highway 59 or other major roadways and should not be located immediately next to a residential neighborhood.

- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Accessory buildings and uses
 2. Household pets
 3. Recreational Vehicle rental spaces
 4. Park, playground, Swimming Pool and Tennis courts or alike
 5. Other uses similar to the above and judged by the Planning Commission to be in harmony with the intent and character of this zone.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
1. Clubhouse, sales or registration office, or on-site manager dwelling
 2. Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses such as a convenience store or restaurant.
- D. Height Regulations: No building shall be erected to a height greater than twenty five (25'). No accessory building shall be erected to a height greater than fifteen (15') feet.
- E. Recreational Vehicle Park Development Standards:
1. Minimum Size: Each recreational vehicle park shall have a minimum size of ~~ten (10)~~ eight (8) acres.
 2. Roads:
 - a. Width: Each recreational vehicle park shall be provided with roadways of at least twenty five feet (25') in width.
 - b. Construction Specifications: All recreational vehicle parks shall be served by paved roads constructed to Town standards and bounded by curb and gutter approved by the Town.
 3. Park Access: Access to all recreational vehicle parks shall be from a dedicated and approved public street at an approved point or points. No RV space shall have direct access from a public street nor may they exit or enter through a residential neighborhood.

4. Off Street Parking: Hard surface (concrete or Paved) parking spaces shall be provided for the parking of each recreational vehicle, and two (2) additional spaces for vehicles.
 5. Recreation Space: Recreation space shall be provided for each recreational vehicle park having ten (10) or more units and shall be maintained for such use. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each such park and an additional one hundred (100) square feet shall be provided for each unit above ten (10) units.
 6. Density: The maximum density for a recreational vehicle park shall not exceed ~~ten (10)~~ seven (7) units per gross acre. The total units shall not exceed one hundred forty (140).
 7. Space Width: Each recreational vehicle space shall have a minimum width of thirty feet (30') and all recreational vehicles shall be able to park in designated spaces and no portion of a driveway or roadway may be used for recreational vehicle parking.
 8. Distance of Units: No RV space shall be designed to allow RV units to be parked closer than twenty feet (20'). This requirement shall apply to overnight, extended stay and park model units. No unit in an RV park shall be located closer than the distance required herein.
 9. Minimum Yard Clearances for Recreational Vehicle Park:
 - a. Front or side yard on a public street, twenty five feet (25').
 - b. Side yard bordering adjacent property, ten feet (10').
 - c. Rear yard bordering adjacent property, ten feet (10').
 - d. A six foot (6') ~~block-wall~~ fence which adheres to Town standards shall be erected along all side and rear property lines unless otherwise approved by the Planning Commission.
 10. Utilities Required: Each recreational vehicle parking space shall have connections available for water, sewer and electricity. All utility connections shall be located underground. Water and sewer plans shall be approved by the Big Plains Water and Sewer Special Service District and the Town's Public Works Department.
 11. Outdoor Living Space: Each recreational vehicle parking space shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to the vehicle parking space. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from garbage or debris of any kind.
 12. Landscape Plan: A detailed landscape plan shall be submitted for each recreational vehicle park, and shall be approved by the Planning Commission. The landscape plan shall be designed for low water consumption.
- F. Other Requirements:
1. Perimeter Fence: Each Recreational Vehicle Park shall be fenced at the perimeter with a six foot (6') ~~high-block wall~~ fence which adheres to Town standards unless approved by Planning Commission.
 2. Building Code; Permit: Installation of infrastructure and any Recreational Vehicle Park structures shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building ~~permit~~ permit.
 3. Street Construction: All streets in a Recreational Vehicle Park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter.

4. All lighting shall comply with AVU 10.26 Outdoor Lighting Ordinance.
 5. No tents of any kind may be used in this zone, unless included in a planned development agreement.
 6. All Recreational Vehicle Parks shall require a full time (24/7) on-site manager, who shall be responsible for ensuring compliance with the rules and regulations of the Town and safety of the property.
 7. The maximum stay allowed per Recreational Vehicle is sixty (60) days. Following a stay of at least seven (7) days, the same Recreational Vehicle may not return to the park for a minimum of thirty (30) days.
 8. A Recreational Vehicle Park and Tiny Home or Cabin Park may be combined in one park, ~~and the minimum size of park may be smaller than 10 acres~~ with details of such mixed zoning ~~and park size variations~~ being outlined in a Development Agreement.
 9. Park must have sufficient area for check-in which does not block the normal flow of traffic through the park. The minimum required temporary parking area is twelve (12) feet per total units in the park.
- G. Subdivision Requirements: If the Recreational Vehicle Park is not intended to be in a single ownership, rather intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.



SECTION 1:**AMENDMENT** “10.28.230 Accessory Buildings And Accessory Uses General Requirements” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.28.230 Accessory Buildings And Accessory Uses General Requirements

- A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
- B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
- C. An accessory garage may be attached to, or detached from, the primary building.
 - 1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
 - a. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply
 - b. See also AVLU 10.28.240.
- D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
 - 1. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
 - 2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
 - 3. See also AVLU 10.28.240.
- E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
- F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.
- H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
- I. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
- J. ~~No shipping container, cargo container, shipping crate, box, trailer or similar piece of equipment or object shall be used as an accessory building, unless said container meets the requirements of this section.~~ Shipping containers must conform to requirements established in AVLU 10.28.235.
- K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
- L. No accessory buildings shall be rented, leased or sold separately from the rental, lease or

- sale of the primary building.
- M. No accessory building shall be used as a permanent dwelling unit.
 - N. No accessory building shall be located closer than three feet (3') to any side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
 - O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
 - P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 B.

SECTION 2: AMENDMENT “10.28.235 Shipping Containers” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.28.235 Shipping Containers

- A. Shipping Containers may be used as accessory buildings in rear or side yards, within property setbacks, and subject to the following acreage requirements.
 - 1. Lots under one acre are allowed one shipping container not to exceed twenty-feet (20') in length.
 - 2. Lots between one and five acres are allowed either one (1) forty-foot (40') container or two (2) twenty-foot (20') containers.
 - 3. The number of shipping containers on a parcel over five acres is not restricted.
- B. Within one (1) month of delivery, all shipping containers must be painted to either match the natural surroundings or the primary residential structure. Letters and Numbers may not be visible on the structure.
- C. All Shipping Containers must be permitted prior to delivery.
 - 1. If utilities such as power or water will not be connected, a permit may be obtained at no cost on the Town website. Required submittals include site plan location and color plan.
 - 2. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.
 - 3. Shipping containers may be used as a primary residential structure or guesthouse subject to zoning requirements and standard permitting requirements. Stamped engineered structural drawings and other submittals may be required subject to requirements set forth by the building inspector and other staff.
- D. Shipping Containers may not be used as living space except as provided for under AVLU 10.25.235.C.3

SECTION 3: AMENDMENT “10.04.010 Terms Defined” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.04.010 Terms Defined

For the purpose of this title, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; words not included herein but defined in the building code shall be construed as defined therein.

ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty four (24) hours per day.

AGRICULTURE: Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including, forage and sod crops, grain and feed crops, nut and fruit crops, vegetables, nursery, floral and ornamental stock, livestock animals, including domestic animals, poultry and honeybees. "Agricultural land" also includes land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop land retirement program with an agency of the state or federal government.

ANIMAL NUMBERS: The number of animals does not include newborn animals under the age of six (6) months, or newborn animals that are dependent upon their mother for sustenance of life, whichever is greater, that were born by animals kept on the property by the owner of the property, or a tenant of the property.

ANIMAL SIZE: The categorizing of animals based upon a classification of large or small animals. The determination may be made by size of animal, irrespective of species or genetic makeup at the discretion of the planning commission.

ASSISTED LIVING FACILITY: A residential facility, licensed by the state of Utah, with a home like setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under rules of the Utah department of health or the Utah department of human services to need any of these services. Each resident shall have a service plan based on the assessment, which may include: a) specified services of intermittent nursing care; b) administration of medication; and c) support services promoting resident's independence and self-sufficiency. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

BASEMENT: A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (1/2) or more above grade.

BED AND BREAKFAST, HOME: A limited commercial activity within an owner occupied residential structure where not more than four (4) sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal, if provided, must be provided for in the rental rate. All parking must be off-street. The total number of occupants, including the owners, owner's family, and guests shall not exceed ten (10) people.

BOARDER: A person living in a rented room in a boarding house. The boarding house operator or a member of his or her immediate family who resides on the premises with the operator shall not be considered to be a "boarder".

BOARDING HOUSE: A building or portion thereof where, for compensation, rooms are rented, together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of a "boarding house". The word "compensation" shall include compensation in money, services or other things of value. A "boarding house" does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

BUILDING, ACCESSORY: A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. There shall be a "main" building on the lot before a permit may be issued for any other building to be "accessory".

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the height of the highest peak of a pitched or hipped roof. The reference datum shall be selected by one of the following, whichever yields the greatest height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five foot (5') horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet (10') above the lowest grade.
- B. An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface described in subsection A of this definition is more than ten feet (10') above grade.
- C. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by the public agency of the United States of America, of the state of Utah, or any of its subdivisions.

BUILDING, FARM, BONA FIDE: A building used for farming operations only.

CABIN: A cabin is a small stick-built or small manufactured home, built or placed on a permanent foundation, and shall be less than 400 sq feet in size. Any cabin that has wheels or skids and not placed on a permanent foundation shall be considered a Recreational Vehicle and may only be placed in a Recreational Vehicle Park Zone.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

CHILD NURSERY: An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.

CLUB, PRIVATE: An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests, but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.

COMMUNITY CORRECTIONAL FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement rehabilitation, or treatment in a correctional institution.

CONDITIONAL USE: A use of land for which specific conditions of approval are recommended by the planning commission and approved by the Town Council prior to authorizing a permit.

CONDOMINIUM OR TOWNHOUSE PROJECT: A development where there is ownership of a single unit in a multiple-family development, together with an undivided interest in the common area and facilities, and such project meets all requirements of the condominium ownership act of the state of Utah.

CORRECTIONAL INSTITUTION: A prison, jail, juvenile detention facility or juvenile secure facility.

DAIRY: A commercial establishment for manufacture or processing of dairy products.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of Drugs, or addiction to any illegal drugs, any federally controlled substance, as defined in section 102 of the controlled substances act, 21 USC, or successor law.

DOMESTIC ANIMALS:

- A. Animals historically found on farms in Washington County. "Domestic animals" shall not include animals commonly found in zoos and animal preserves and which animals are not historically endemic to the Washington County area.
- B. Exception: Llamas may be considered as domestic animals, subject to the number limitations of the residential estate zone.

DWELLING: Any building or portion thereof containing one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families.

DWELLING, GROUP: Two (2) or more dwellings located in more than one building placed upon a single lot.

DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by more than two (2) families.

DWELLING, SINGLE-FAMILY: A building arranged or designed to include only one dwelling unit.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING UNIT: Any building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY: An accessory building, as defined herein, containing one or more rooms with private bath and/or kitchen facilities for residential use, (i.e. Casitas, Mother-in-law apartments, Guest houses,) which is:

- A. Used for housing of guests without compensation, and
- B. Not rented, leased or sold separately from the rental, lease or sale of the main dwelling unit(s) on the lot and encumbered by a recorded agreement which provides notice of these conditions.

ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

EXOTIC ANIMALS: Animals not historically found on farms in Washington County. "Exotic animals" shall include animals commonly found in zoos and animal preserves and which animals are not historically endemic to the Washington County area.

FAMILY: One or more persons related by blood, marriage, adoption or guardianship, or a group of not more than five (5) unrelated persons living together as a single nonprofit housekeeping unit, together with any incidental domestic staff who may or may not reside on the premises. "Family" does not exclude the care of foster children.

FENCE (SOLID): A fence of a material that is sight obscuring and made of a solid material such as wood, vinyl or masonry, but not including a chain-link fence with slats inserted into the chain-links or solid corrugated metal roofing or the like. Any questionable material shall be reviewed by the planning commission for determination.

GARAGE, PRIVATE: An accessory building, or space attached to the main building, designed or used for the storage of automobiles owned and used by the occupants of the main building.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

HOME OCCUPATION: Any use conducted entirely within a single-family dwelling and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is not display, nor stock in trade. Only legal permanent occupants of the residence may work in or on the residential property. All business related uses and storage shall be limited to the interior of the dwelling unit or accessory building. There shall be no sign advertising of any kind in connection with the home occupation. Up to 100% of the accessory building may be devoted to the home occupation. There shall be no perceivable increase in local traffic. Not more than twenty five percent (25%) of the dwelling unit shall be devoted to the home occupation.

HOSPITAL: An institution licensed by the state of Utah which provides diagnostic, therapeutic and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a "hospital". A "hospital" may include integral support services facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for personal use, such as dogs and cats, but not kept for commercial purposes, as defined in this title.

JAIL: A place of incarceration owned and operated by the county.

JUNK: Any or all worn out, cast off, destroyed or discarded article or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered, unchanged and without further recondition, can be used for its original purpose as readily as when new and shall not be considered "junk".

JUNK CARS: Any used car or motor vehicle not in the process of reconditioning, which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days; or portions of junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, etc., not being immediately utilized in the repair of a motor vehicle.

JUNKYARD: Any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage and sanitary fills.

JUVENILE DETENTION FACILITY: A place of temporary detention for delinquent juveniles, which either is owned and operated by the state of Utah or is under contract with the state of Utah.

JUVENILE SECURE FACILITY: A place of incarceration for delinquent juveniles, which either is owned and operated by the state of Utah or is under contract with the state of Utah.

KENNEL: The land or building used for the keeping of five (5) or more dogs at least six (6) months old and/or eight (8) or more cats at least six (6) months old, which may also be referred to as a "cattery".

LIVESTOCK FEED YARD: A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

LOT: A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a dedicated and improved town road. Except for multiple-family dwellings, not more than one dwelling structure shall occupy any one lot.

LOT, CORNER: A lot having frontage on two (2) or more improved and dedicated county roads.

MANUFACTURED HOME: A transportable factory built housing unit constructed on or after June 15, 1976, according to the federal home construction and safety standards act of 1974 (HUD code) in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

MANUFACTURED HOME PARK: Any area or tract of land used or designed to accommodate two (2) or more manufactured homes for permanent living purposes as opposed to a recreational vehicle park where campers or travel trailers are parked for overnight or short periods of time.

MOBILE HOME: A transportable factory built housing unit built prior to June 15, 1976, in accordance with the state mobile home code which existed prior to the federal manufactured housing and standards act (HUD code).

MOBILE HOME PARK: A parcel of land, approved prior to May 27, 1997, which was planned and improved for the placement of mobile homes for residential use.

MOTEL: Any building or group of buildings containing sleeping rooms, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the building inspector, in which areas no buildings shall be constructed.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all regulations herein prescribed in the zone in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

NURSING HOME: An institution providing residence and care for the aged or infirm.

PARKING LOT: An open area other than a street, used for parking.

PARKING SPACE: Space within a building, lot or parking lot for the parking or storage of one automobile.

PLANNED DEVELOPMENT (PD): A development in which the regulations of the zone in which the development is situated are modified to allow flexibility and initiative in site and building design and location in accordance with an approved plan.

PRIVATE ROAD: A privately owned road leading to one (1) home or with Town approval can have up to five (5) homes located on said road, if the required improvements are installed and a maintenance agreement, approved by the town, is created between the home owners and recorded at the Washington County Recorder's Office.

PRIVATE STREET: A private street leading to more than five (5) homes as approved by the Town, and improved to the required town standards and a maintenance agreement, approved by the town, is created between the home owners and recorded at the Washington County Recorder's Office.

PROTECTIVE HOUSING FACILITY: A facility either:

- A. Operated, licensed or contracted by a governmental entity; or
- B. Operated by a charitable, nonprofit organization, where, for no compensation, temporary, protected housing is provided to:
 - 1. Abused or neglected children awaiting placement in foster care;
 - 2. Pregnant or parenting teens;
 - 3. Victims of sexual abuse; or
 - 4. Victims of domestic abuse.

RECREATIONAL VEHICLE: A transportable factory built housing unit of eight feet (8') or less in body width and forty feet (40') or less in overall length, or when placed on site is three hundred ninety nine (399) or less square feet in size, and which is built on a permanent chassis and is designed to be used as a dwelling unit without a permanent foundation, or without being connected to required utilities.

REHABILITATION/TREATMENT FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health. Associated educational services may also be provided to juvenile occupants.

RESIDENCE, RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS:

- A. A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement.
- B. A "residential facility for elderly persons" shall not include any facility:
 - 1. Which is operated as a business; provided, that such facility may not be

- considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
2. Where persons being treated for alcoholism or drug abuse are placed;
 3. Where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
 4. Which is a healthcare facility as defined in Utah Code § 26-21-2; or
 5. Which is a residential facility for persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:

- A. Licensed or certified by the department of human services under Utah Code 62A-2, licensure of programs and facilities; or
- B. Licensed or certified by the department of health under Utah Code 26-21, healthcare facility.

SEXUALLY ORIENTED BUSINESSES: An inclusive term used to describe collectively those businesses for which a sexually oriented business license is required, pursuant to the sexually oriented business license chapter set forth in this code, which types of businesses include, for purposes of this title, adult arcade, adult book store, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort, escort agency, massage parlor, semi-nude modeling studio, sexual encounter establishment, and any other business not described that has a dominant or principal theme that is sexually oriented.

SHIPPING CONTAINER: An enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6"-9'6" or 40'x8'x8'6"-9'6" (LxWxH). Also commonly referred to as Intermodal Freight Containers, Conex Boxes, ISO Container or Sea Cans.

SHORT TERM VACATION RENTAL: A residential unit that is rented, leased, loaned, let or otherwise hired out for a period of thirty (30) days or less.

SITE DEVELOPMENT STANDARDS: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title.

STABLE, PRIVATE: A detached accessory building for the keeping of the livestock animals owned by the occupants of the premises and not kept for commercial purposes.

STABLE, PUBLIC: A stable other than a private stable.

STORY: The space within a building included between the surface of any floor and the surface of the ceiling next above.

STORY, HALF: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

STREET: A public thoroughfare which affords principal means of access to abutting property and is dedicated and improved to town standards.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

SWIMMING POOL, PRIVATE: Any structure intended for swimming, recreational bathing or wading that contains water over twenty four inches (24") (610 mm) deep. This includes in ground, aboveground and on ground pools; hot tubs; spas and fixed in place wading pools for three (3) homes or less.

TENT OR TEEPEE: A collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building.

TINY HOME: A Tiny Home is a stick built or small manufactured home with the structure, built or placed on a permanent foundation, and shall be less than 400 sq. feet in size. Any Tiny home that has wheels or skids and are not placed on a permanent foundation shall be considered a Recreational Vehicle and may only be placed in a Recreational Vehicle Park zone.

UNLICENSED REHABILITATION/TREATMENT FACILITY: A facility providing temporary occupancy for individuals (adult/juvenile) in order to provide rehabilitation, treatment or counseling services, which facility either does not require licensure by the state of Utah or does not operate under contract with the state of Utah. Without limitation, such services may include rehabilitation, treatment or counseling services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health.

USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

WIDTH OF LOT: The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

YARD, FRONT: A space on the same lot with a building between the front line of the building and the front lot line, and extending across the full width of the lot.

YARD, REAR: A space on the same lot with a building, between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: A space on the same lot with a building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.

OPENING

Chairperson Prentice brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Prentice
Commissioner Jorgensen
Commissioner Zaharias
Commissioner Fralish
Commissioner Angell

Deputy Clerk Ben Billingsley

Declaration of Conflicts of Interest

DISCUSSION AND ACTION

- 1. Discussion and possible action on zone change application for AV-1379-A-1 from Rural Estates RE-2.5 to Commercial C-2. Applicant My Living LLC, Qaiser and Mary Yusuf.**

Ben mentions the Agent Authorization needs to be corrected before any final action takes place.

The final plan would be for 41 cottages. They discuss whether this would work better as a planned development.

MOTION: Commissioner Fralish moves to accept the zone change for AV-1379-A-1 from RE-2.5 to Commercial C-2, conditional on receiving a new, corrected, Agent Authorization form for the application.

SECOND: Co-Chairperson Allen

VOTE: Chairperson called for a vote:

| | |
|------------------------|-----|
| Commissioner Prentice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Zaharias | Aye |
| Commissioner Fralish | Aye |
| Commissioner Angell | Aye |

WORK MEETING DISCUSSION

- 2. Survey Results for Rural Estates Point System and discussion**

Co-Chair Angell discusses a draft he has been working on for the point system. He discusses some of his ideas. Exceptions for 4H are mentioned. Perhaps the town can find locations people can place manure. They discuss whether small animals should be included in the point system.

3. General Plan Map

The commission discusses the map and the minimum size for lots. They discuss if it is necessary to include some portion of the area for commercial near the highway. They discuss the options for making changes to the entire map, do they do it all at once or piece by piece. They also bring up the option of taking a field trip through town to discuss the map and different options.

4. RV Park Zone 10.10.100

Commissioner Zaharias has been working on this, he shares his feelings about the current code and what changes he feels would be appropriate. He feels a 10 acre minimum is too large because that would only allow for more trailers. He suggests that be a maximum. He would like to see something in the code considering the approach for check in being elongated and within the property to keep trailers off the highway. Asphalt and grass is what you usually see in RV parks, not curb and gutter. He suggests adding a length of stay clause to the code. Commissioner Angell likes the 10 acre minimum so the commission will work together to create design standards that will address any concerns including the number of units that would be allowable.

5. Shipping Containers (Public Hearing held 9/25/2019)

The commission discusses options for shipping containers, including the size of container in relation to the size of lot. They discuss the importance of containers being placed in locations that meet minimum setback requirements, as established. Commissioner Allen asks for the results of the survey. They discuss the logistics of permitting when electricity is run to a container with the associated cost of application. Ben mentions the minimum fee for a building permit is \$375.00. Having a permit requirement for all containers (possibly at no cost when electricity is not being brought) would allow the town to verify setbacks are followed. They discuss what uses are appropriate. This includes not being used as living space. They would like to make clear within the code that the color must blend well with the landscape and/or the home. No limit on size or number of units on parcels over 5 acres. Ben will write these items up into a formal proposal for the code.

ADJOURNMENT

| | |
|----------------|---|
| MOTION: | Commissioner Jorgensen moves to adjourn |
| SECOND: | Commissioner Zaharias |
| VOTE: | Chairperson called for a vote: |
| | Commissioner Prentice Aye |
| | Commissioner Jorgensen Aye |
| | Commissioner Zaharias Aye |
| | Commissioner Fralish Aye |
| | Commissioner Angell Aye |

The vote was unanimous and the motion carried

Meeting adjourned at 7:57 pm.

Date approved: _____

Chairperson

ATTEST BY: _____
Ben Billingsley, Deputy Clerk