

**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