

Planning Commission Recommendation on April 5, 2023

10.10.050 RE Rural Estates Zone, Ordinance-O-2023-15

Chairman Farrar proposed on page 2 item 10 b. (c.) delete the word twenty, should be 30 (thirty) as already in ordinance. Number 11. metal building should not be eliminated. On page 3 proposed maximum size accessory building total maximum size of all accessory buildings. 10,000 square feet for one acre, 20,000 for two and a half, 40,000 for five and if you have 10, 20 or x amount of acres or more we don't need to regulate that. Also add total max for all shipping containers, 1 acre is 1,500 square feet, 2.5 acres is 2,000 square feet, 5 acres is 3,500 square feet, and if you have 10 acres or more, we don't need to be involved in any of that. Proposed changes. (Attachment A)

MOTION: Commissioner Hood motioned that we recommend implementation for the changes listed here that we talked about, so we implement those changes on 10.10.050 that would 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.

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; → OMIT
- 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 AVLU 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~~ 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 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.

~~11. Metal building.~~

SHOULD NOT BE ELIMINATED.

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

District	Area	<u>Lot</u> Width in Feet	Yard Setbacks in Feet for Primary Residence			<u>TOTAL</u> <u>Maximum</u> <u>Size of</u>	<u>Maximum</u> <u>Building</u> <u>Coverage</u>	<u>TOTAL</u> <u>MAX</u> <u>SIZE</u> <u>FOR ALL</u> <u>SHIPPING</u> <u>CONTAINERS</u>
	<u>Minimum</u>	<u>Minimum</u>	Front	Side	Rear	<u>ALL</u> <u>Accessory</u> <u>Building</u>	<u>On lot (see</u> <u>10.28.240</u> <u>D)</u>	
RE-1.0	1.0 acre	100	25	10	10	10,000	50%	1,500
RE-2.5	2.5 acres	150	25	25	25	20,000	50%	2,000
RE-5.0	5.0 acres	200	25	25	25	40,000	50%	3,500
RE-10.0	10.0 acres	300	25	25	25	—	50%	—
Re-20.0	20.0 acres	400	25	25	25	—	50%	—
RE-X	**Any Size	400	25	25	25	—	50%	—

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

G. Modifying Regulations:

- 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.
- 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.
- 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.
- All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
- Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to