

**APPLE VALLEY
ORDINANCE O-2026-08**

WHEREAS,

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1:**AMENDMENT** “10.02.050 Building Permit Required” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.02.050 Building Permit Required

- A. The construction, alteration, repair, removal or moving of any building or structure or any part thereof, as provided or as restricted in this title, shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the building inspector. Buildings under 200 square feet in area, and shipping containers 360 square feet or less, that have no utilities do not require a building permit. Open buildings such as car ports, pergolas, gazebos and pavilions, which have no solid walls, do not require building permits.
- B. In addition to buildings or structures, utility systems and other physical improvements on any lot, such as pools, courts, etc., shall be constructed only after receiving a written permit from the building inspector.
- C. Notwithstanding the foregoing, installation of water meters, water service laterals, and related underground water infrastructure located outside of structures shall not require a building permit, provided such installation complies with Title 7 (Water Department regulations), Town engineering standards, and required inspections. Activation of water service in accordance with Section 1.02.010 shall not, by itself, require issuance of a building permit.
- D. All building permits shall be issued in accordance with the general plan of the town, the road plan, the standards and regulations approved by the Town and all boards, commissions, agencies and officials of the town and all other applicable ordinances of the town, including the town subdivision ordinance.
- E. Distance between Buildings: No two (2) buildings on the same or adjacent properties shall be located closer together than ten feet (10'). No building, structure or run housing animals or fowl shall be constructed closer to a dwelling unit on the same or an adjacent lot than fifty feet (50').
- F. Applicability to Commercial Properties: This Section applies only to residential structures and uses. For commercial buildings and uses, the requirements of the International Building Code (IBC), as adopted by the Town ordinance of Apple

Valley, shall govern the permitting and construction standards.

SECTION 2:**AMENDMENT** “10.10.050 RE Rural Estates Zone” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

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; provided however that installation or activation of water service as permitted under Subsection “Water Service and Utility Connections” below shall not, by itself, constitute establishment of a permitted residential use. ~~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 800 sq. ft. on the main floor, unless otherwise approved with a Conditional Use Permit (CUP);
 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 or fifty (50) points per half-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.
 - 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 AVLU 10.10.050.B.10.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 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.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
1. Accessory use and buildings before a building permit is issued.
 2. Raising of crops, gardens, and horticulture before a building permit is issued.
 3. Single family dwelling less than 800 sq. ft. on the main floor.
 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	Lot Width in Feet	Yard Setbacks in Feet for Primary Residence			Square Feet Maximum Size of	Square Feet Maximum Size of	Maximum Building Coverage
			Front	Side	Rear			
RE-1.0	1.0 acre	100	25	10	10	4,000	700	50%
RE-2.5	2.5 acres	150	25	25	25	4,500	1,000	50%
RE-5.0	5.0 acres	200	25	25	25	5,000	1,500	50%

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

G. Modifying Regulations:

- a. 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.
- b. Any accessory building must not exceed 25 feet in height.
- c. 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).
- d. No accessory building shall be occupied or used as any type of living space.
- e. 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.
- f. 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.~~
- g. Animal enclosures may be located in rear, side, or front yards, provided they: Are securely enclosed to prevent animals from entering public streets; and Comply with all applicable nuisance, sanitation, and animal care standards of this Title.
- h. 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.
- i. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.
- j. 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 permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
- (2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
- k. 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.
- l. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
- m. 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.
- n. On large lots 2.5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.
- o. Water Service and Utility Connections: Notwithstanding any other provision of this Section requiring issuance of a building permit prior to establishment of a permitted use, installation of water meters, water service laterals, and related underground water infrastructure located outside of structures shall not require issuance of a building permit, provided such installation complies with Title 7 (Water Department regulations), Town engineering standards, and required inspections. Activation of water service in accordance with Section 1.02.010 of the Apple Valley Municipal Code shall not constitute establishment of a dwelling, approval of occupancy, or authorization for human habitation. No culinary or residential occupancy use of water shall occur until issuance of a valid building permit and final inspection approval as required by Title 10 and

applicable construction codes.

SECTION 3: AMENDMENT “10.10.020 A Agricultural Zone” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.10.020 A Agricultural Zone

- A. Purpose: The purpose of this zone is to preserve appropriate areas for permanent agricultural use, actively devoted to agricultural use. Uses normally and necessarily related to agriculture are permitted and uses inimical to the continuance of agricultural activity are not allowed.
- B. Permitted Uses: Uses permitted in this zone are as follows; provided however that installation or activation of water service as permitted under Subsection “Water Service and Utility Connections” below shall not, by itself, constitute establishment of a residential use or approval of occupancy: ~~Uses permitted in this zone are as follows:~~
 - 1. Crop production, horticulture and gardening
 - 2. Farm buildings and uses
 - 3. Household pets
 - 4. Farming livestock
 - 5. Stands for sale of produce grown and sold on premises
 - 6. Veterinarian
 - 7. Pigs - See Ordinance O-2024-88, Title 10.41 Pigs.
 - 8. Residential Dwelling
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
 - 1. Agritourism
 - 2. Agricultural Industry
 - 3. Animal Specialties
 - 4. Kennel, Commercial
 - 5. Metal Building
 - 6. Recreation and Entertainment, Outdoor (A-10, A20, A-40 only)
 - 7. Stable, Public
 - 8. Pigs
- D. Any use not specifically allowed under permitted or conditional uses shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in 10-7-180-E4.
- E. Development Standards in Agricultural Zones:

	Zones
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Development Standard	A-X	A-40	A-20	A-10	A-5
Lot standards					
Minimum lot area	Any Size above 5 acres*	40 acres*	20 acres*	10 acres*	5 acres*
Minimum lot width	400 feet	400 feet	400 feet	300 feet	300 feet
Building standards					
Maximum height, main building ¹	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum height, accessory building	35 feet	35 feet	35 feet	35 feet	35 feet
Setback standards - front yard					
Any building ²	30 feet	30 feet	30 feet	30 feet	30 feet
Setback standards - rear yard					
Main building	30 feet	30 feet	30 feet	30 feet	30 feet
Accessory building	No requirement	No requirement	No requirement	No requirement	No requirement
Setback standards - interior side yard					
Main building	15 feet	15 feet	15 feet	15 feet	
Accessory building of 100 square	No requirement	No requirement	No requirement	No requirement	No requirement

feet or less							
Accessory building greater than 100 square feet	20 feet	20 feet	20 feet	20 feet	20 feet		
Setback standards - street side yard							
Main building		15 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Main building on corner lot with yard that abuts the side yard of another lot	20 feet	20 feet	20 feet	20 feet	20 feet		
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted		
ADD Animals permitted							
<p>*Required minimum size may be calculated prior to a required road dedication.</p> <p>**No more than one (1) primary home on a property.</p>							

Notes:

F. Modifying Regulations:

1. Fur farms, silos, fish farms or the keeping of exotic animals may not be approved in the A-5 district.
2. Location of Corral or Stable: No corral or stable shall be located closer than one hundred feet (100') from any dwelling unit in an adjacent zone..
3. 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.

4. 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. 5. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.6. On large lots 5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.7. For a lot split on zone A-X, the landowner/applicant must apply for a zone change to match the new lot sizes that will be created if the new lots will be smaller than forty (40) acres. If the new lots created from the lot split are above 40 acres, the land may stay zoned A-X.

3. Water Service and Utility Connections: Notwithstanding any provision of this Section, installation of water meters, water service laterals, and related underground water infrastructure located outside of structures shall not require issuance of a building permit, provided such installation complies with Title 7 (Water Department regulations), Town engineering standards, and required inspections. Activation of water service in accordance with Section 1.02.010 of the Apple Valley Municipal Code shall not constitute establishment of a residential dwelling, approval of occupancy, or authorization for human habitation. No culinary or residential occupancy use of water shall occur until issuance of a valid building permit and final inspection approval as required by Title 10 and applicable construction codes.

SECTION 4: 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 5: EFFECTIVE DATE This Ordinance shall take effect upon adoption and publication as required by law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

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	AYE	NAY	ABSENT	ABSTAIN
Mayor Mike Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____
Council Member Richard Palmer	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley