



TOWN COUNCIL MEETING - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Tuesday, February 20, 2024 at 6:00 PM

HEARING NOTICE

Public Notice is given that the Town Council of Apple Valley, Washington County, Utah will hold Public Hearings on **Tuesday, February 20, 2024 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics: New Business

- [1.](#) Adopt Title 16 Administrative Enforcement Program, Ordinance-O-2024-06.
- [2.](#) Amend Title 8.10.010 General Requirements on Burn Permits, Ordinance-O-2024-09.
- [3.](#) Amend Title 5.09.070 Application Review, Approval And Issuance and 5.09.090 Appeal Procedures (Special Event), Ordinance-O-2024-10.

Public Hearing will be held on the following topics: Planning Commission Business

- [4.](#) Amend Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2024-02.
*Planning Commission recommended approval on 1/3/24 and *Planning Commission Agenda 2/7/24.
- [5.](#) Amend Title 10.10.110 Cabins Or Tiny Home Parks Zone, Ordinance-O-2024-03.
*Planning Commission recommended approval on 1/3/24 and *Planning Commission Agenda 2/7/24.
- [6.](#) Amend Title 10.10.030 C Commercial Zones, Ordinance-O-2024-04.
*Planning Commission recommended approval on 1/3/24.
- [7.](#) Amend Title 11.08.040 Street Improvements, Ordinance-O-2024-05.
*Planning Commission recommended approval on 1/3/24.
- [8.](#) Amend Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2024-07.
*Planning Commission Agenda 2/7/24.
- [9.](#) Amend Title 10.10.100 Recreational Vehicle Park Zone, Ordinance-O-2024-08.
*Planning Commission Agenda 2/7/24.

Interested persons are encouraged to attend public hearings to present their views or present their views in writing at least 48 hours prior to the meeting by emailing clerk@applevalleyut.gov.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the 6th day of February, 2024.

Dated this 6th day of February, 2024

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

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

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

**APPLE VALLEY
ORDINANCE O-2024-06**

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

SECTION 1: ADOPTION “16.01.010 Code Enforcement Purpose And Introduction” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.010 Code Enforcement Purpose And Introduction(*Added*)

The Town Council finds that the enforcement of the Apple Valley Municipal Code, AV Ordinances and applicable state codes is an important public activity. Code enforcement is vital to the protection of the public’s health, safety, welfare, and quality of life. The Town Council recognizes that code enforcement is effective only when done fairly and consistently. The Town Council further finds that an enforcement system that allows a combination of judicial, administrative and civil remedies is the most effective way of correcting a Violation, as hereinafter defined.

The Town may enforce a Violation as allowed by law, including, but not limited to, enforcement via two primary methods:

(1) administrative actions, and (2) judicial actions in the form of civil or criminal procedures.

Civil and criminal judicial remedies for code enforcement are characterized by, for example, usage of a judge, attorney, official courtroom and other formal procedures related thereto.

A civil judicial case involves the determination of whether a party was injured/harmed and how much the party should be compensated for the same. General consequences of a civil case are monetary punishments in the form of fines and/or an order to do or cease to do something.

A criminal judicial case involves a government entity or other entity endowed with law enforcement powers arresting and trying someone in a court of law for a crime that was committed. Typical consequences of a criminal case are jail time, monetary punishments in the form of fines and a misdemeanor or felony charge being placed on the guilty party’s permanent record.

SECTION 2: **ADOPTION** “16.01.020 Scope” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.020 Scope(*Added*)

The provisions of this Title may be applied to all – Violations that occur within Apple Valley Town limits and such territory outside Apple Valley Town limits over which the Town has jurisdiction or control by virtue of any constitutional provision or law. This Title establishes an additional remedy – civil code enforcement – that may be used by the Town to achieve compliance with applicable codes. No remedy provided herein is intended to be exclusive and shall be in addition to any other remedy given to the Town here under or now or hereafter existing at law.

While the Town’s population remains relatively small and its administrative staffing resources are limited, it anticipates that most, if not all, of this civil code enforcement program will be reactive in operation – responding to inquiries, complaints, etc. submitted to the Town by citizens and others. As the Town’s population grows and its administrative staffing levels expand, it projects that the operation of this civil code enforcement program may become more proactive in nature – Enforcement Officials (as hereinafter defined) or others patrolling the Town actively identifying Violations and pursuing their correction. The preceding sentences in this paragraph shall not limit the Town’s operation of this civil code enforcement program; it, at its sole discretion, may carry out this civil code enforcement program reactively, proactively or in any and all other manners pursuant to this Title at any and all times. For example, the Town’s operation of this civil code enforcement program primarily in a reactive manner shall not limit or prohibit the Town from proactive civil code enforcement efforts and vice versa.

SECTION 3: **ADOPTION** “16.01.030 Criminal Prosecution Right” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.030 Criminal Prosecution Right(*Added*)

The Town shall have sole discretion in deciding whether to file a civil or criminal judicial case or pursue an administrative enforcement action for a Violation. The enactment of this Title shall not be construed to limit the Town’s right to prosecute Violations as a criminal offense. The Town may use any of the remedies available under the law in both civil and criminal prosecution.

Although most Violations may be enforced through this Title, the following circumstances are examples of when the Town may choose to pursue criminal prosecution. This list provides potentially common situations for criminal prosecution; however, the list is not comprehensive and does not limit in any way the Town’s right to prosecute a Violation as a criminal offense.

1. The Responsible Person, as hereinafter defined, has one prior Violation within the last year.
2. The Violation caused bodily injury, substantial bodily injury, or serious bodily injury to an individual, all of which shall have the same definition as in Utah Code.
3. The Responsible Person, in a single criminal episode, violated one or more provisions of the Utah Criminal Code as well as one or more provisions of the Apple Valley Municipal Code, and all violations are being charged as a single criminal episode as defined in Utah Code.
4. The Responsible Person is being charged with any violation of the Apple Valley Municipal Code.
5. The Violation caused substantial property damage or a significant health or safety risk to the public.
6. The failure of a Responsible Person to comply with the terms, conditions, requirements, deadlines, etc. of an Administrative Notice (as hereinafter defined), Administrative Enforcement Order (as hereinafter defined) or any other order or notice issued pursuant to this Title.

SECTION 4: **ADOPTION** “16.01.040 Definitions Applicable To Title Generally” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.040 Definitions Applicable To Title Generally(*Added*)

In the construction of this Title, the following words and phrases shall be as defined as set forth in this section unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

“Day” refers to calendar days.

“Enforcement Official” means any person authorized by the Mayor to determine and enforce Violations of the Apple Valley Municipal Code or applicable state codes including, but not limited to the Director, zoning officials, police officers, building inspection officials, code enforcement officials, fire marshal, fire officers, and animal control officers. Enforcement individual(s) as designated by the Mayor’s Office.

“Imminent Life Safety Hazard” means any condition that creates a serious and immediate danger or damage to life, property, health, or public safety.

“Mayor” means the mayor of Apple Valley Town.

“Notice of Compliance” means a document or form issued and approved by the Enforcement Official that indicates that a Violation has been corrected.

“Notice of Emergency Abatement” means a Written notice that informs a Responsible Person of emergency abatement actions taken by the Town, and the costs of those actions, and orders payment for those costs.

“Notice of Itemized Bill for Costs” means a Written notice, itemizing the Town’s costs and ordering payment of those costs.

“Notice of Violation” means a Written Notice that informs a Responsible Person of a Violation and orders certain remedial steps to correct said Violations. The order may include an order to abate the Violation, pay civil penalty and administrative costs; or any other action as authorized or required by this Title and applicable state codes.

“Person” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity, including public bodies, that is recognized by law as the subject of rights or duties.

“Personal Service” means the method of service for any notice or document that is performed by, in-person meeting or any other form of in-person or person-to-person communication, including those promulgated by Utah Rules of Civil Procedure Rule 4.

“Property Owner” means the record owner of real property as shown on the records of the Washington County assessor/recorder.

“Responsible Person” means the Person(s) determined by the Town who is responsible for causing or maintaining a Violation. The term Responsible person shall include, but is not limited to, a property owner, agent, tenant, lessee, occupant, architect, builder, contractor, or other Person who individually or together with another Person is responsible for a Violation.

“Town” means the Town of Apple Valley, Utah, including the Mayor, Town Administrator, Enforcement Official and all other employees of the Town.

“Town Council” means the Town Council of Apple Valley Town.

“Violation” means any condition caused, maintained, or permitted to exist in violation of any provision, statute, or requirement of the Apple Valley Municipal Code or applicable state codes.

“Warning Notice” means a Written notice that, on a courtesy basis, informs a Responsible Person of a Violation, requests that the Violation be corrected within a certain time frame, and warns that further enforcement action may be taken if the Violation is not corrected as and when specified in the Warning Notice.

Written” or “Writing” includes handwritten, typewritten, photocopied, computer printed, or facsimile.

SECTION 5: ADOPTION “16.01.050 Notice And Service Requirements” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.050 Notice And Service Requirements(*Added*)

- 1. Notices required to be given under this Title shall be in the English language.
- 2. Whenever-service is required to be given under this Title, service shall be made by any of the methods listed below, unless different provisions are otherwise specifically stated to apply. Personal Services should be tried before serving notice in the other methods indicated below.

0. Personal Service

- 1. Regular or Certified mail, postage prepaid, to the last known address of a Responsible Person.
- 2. Posting the notice conspicuously on or in front of the property. If the property is not inhabited, then the notice must also be mailed. The form of the posted notice shall be approved by the Director.
- 3. Publish in a newspaper of general circulation if and only if: the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence; service is impracticable under the circumstances; or there exists good cause to believe that the Person to be served is avoiding service.

3. Service by regular mail in the manner set forth above shall be deemed served on the seventh day after the date of mailing when mailed in the continental United States. Service by regular mail to all other addresses shall deemed served on the tenth day after the date of mailing.

4. If service complies with the requirements of this section, it shall be deemed a valid service even if a party claims to have not received the service and it shall not affect the validity of any proceedings taken under this Title.

5. The failure of a Person, other than a Responsible Person, to be served in accordance with this section shall not affect the validity of any proceedings here under.

6. Whenever a document is recorded with the county recorder as authorized or required by this Title or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

SECTION 6: ADOPTION “16.01.060 General Enforcement Authority” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.060 General Enforcement Authority(*Added*)

Whenever an Enforcement Official finds that a violation has occurred or continues to exist, he/she may undertake any of the procedures herein. Enforcement Officials have the authority to gain compliance with the provisions of the Apple Valley Municipal Code and applicable state codes subject to the provisions of this Title. Such authority shall include the power to issue Notices of Violation, inspect public and private property, abate public and private property, and to use any remedy available under this Title or law, including, but not limited to, judicial and administrative remedies.

SECTION 7: ADOPTION “16.01.070 Authority To Inspect” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.070 Authority To Inspect(*Added*)

Enforcement Officials are hereby authorized, in accordance with applicable law and with cause, to enter upon any property or premises to ascertain whether the provisions of the Apple Valley Municipal Code or applicable state codes are being obeyed and to make any reasonable, lawful examination or survey necessary in the performance of enforcement duties, including, but not limited to, determining compliance with the Apple Valley Municipal Code or applicable state codes. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If a Property Owner or Responsible Person refuses to allow an Enforcement Official to enter property, the Town shall obtain a search warrant before entering the property.

SECTION 8: ADOPTION “16.01.080 False Information Or Refusal Prohibited” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.01.080 False Information Or Refusal Prohibited(*Added*)

It shall be unlawful for any Person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with an Enforcement Official when in the performance of official duties under the provisions of this Title. A violation of this section is a Class B misdemeanor.

SECTION 9: ADOPTION “16.02.010 Civil Enforcement Purpose And Authority” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.02.010 Civil Enforcement Purpose And Authority(*Added*)

The Town Council finds that there is a need for a method of enforcement for violations that are minor in nature and not initially or generally desirable to be abated by the Town (if such abatement action is or becomes necessary). The Town Council further finds that an appropriate alternative method of enforcement for violations of this nature is by Civil Enforcement. Violations not of this nature may generally be enforced by procedures associated with a Civil Enforcement, which are described in Section 16.02.010 herein. The procedures established in this subsection shall be an alternative and in addition to other administrative enforcement, including, but not limited to, a notice of violation, monetary fines, criminal violations or any other legal remedy established by law that may be pursued to address violations. The utilization of Civil Enforcement is at the sole discretion of the Enforcement Official.

The Enforcement Official may issue a Civil Enforcement Violation to a Responsible Person for a Violation. A civil penalty shall be assessed and shall be payable directly to the Town Treasurer’s Office. Penalties assessed by means of Civil Enforcement shall be collected in accordance with the procedures specified in the remedies section of this Title.

SECTION 10: ADOPTION “16.02.020 Notice Of Violation” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.02.020 Notice Of Violation(*Added*)

The Town may impose civil penalties for the violation of any requirement, regulation, ordinance, or other provision of the Municipal Codes. When imposing a civil penalty for violation of any requirement, regulation, ordinance, or other provision of the Municipal Codes, the Town shall follow the procedure of this section. Civil enforcement of any violation is only one option for enforcement. Nothing in this section limits the Town's ability to use criminal proceedings or other enforcement strategies authorized by state law in the resolution of code violations.

A. Notice of violation. Upon inspection and discovery that any ordinance, requirement, regulation or other provision of the Municipal Code is being violated, the Enforcement Official or other person designated by the Enforcement Official shall provide written notice of the violation to the property owner as identified by the Washington County Recorder's Office. Written notice of the violation may also be provided to any other responsible party, if different from the property owner of record.

- 1. The notice of violation shall:
 - a. Indicate the nature of the violation;

b. Order the necessary action to correct the violation;

c. Establish a reasonable time period for the necessary corrective actions to be completed (the "warning period").

d. State that the property owner and other responsible party (if any) is subject to civil penalties and specify the amount of the civil penalty as well as the date the civil penalties will begin.

B. Referral to Sherriff Department. The Enforcement Official, or other person designated by the Enforcement Official may refer any violation to the Sherriff for an immediate criminal enforcement action, as allowed by state law.

C. Daily violations. If provided in the violation notice, each day a violation is continued or maintained after the date the civil citation is personally delivered or mailed is considered a separate violation and shall give rise to a separate civil penalty for each day of violation. The filing of an appeal does not stop the daily accrual of any penalty unless the Enforcement Official ultimately dismisses the citation.

D. Civil penalties. A violation of any provision of this Code shall result in a civil penalty pursuant to the towns Civil Code Enforcement Fee Schedule.

E. Correction of violation required. The payment of a civil penalty does not relieve the obligation to correct the violation. The property owner or other responsible party is required to correct the violation regardless of whether or not the civil penalty has been paid.

F. Violation appeal. Any person who has received a Notice of Violation and who wishes to dispute the violation may appeal the citation in writing to the Enforcement Official within 15 calendar days after the citation has been delivered or mailed. If a person who has received a citation does not appeal within 15 days, the right to an appeal is lost. In such case, the person shall be responsible for both correcting the violation and paying all applicable civil penalties.

G. Late fees. A late fee will be assessed for any unpaid civil penalty in instances where daily penalties are not accruing (such as when a violation has been corrected on the property but the civil penalty imposed by a notice of violation for the earlier violation has not been paid, or when the violation was transitory and the unpaid civil penalty was only imposed for the period of time the violation existed). In such cases, a late fee equivalent to 25 percent of the civil penalty will be assessed 30 days after the date the civil citation is issued, or 15 days after the date of the appeal hearing, whichever is later. The property owner shall pay any late fee that is assessed in accordance with this section.

H. Collection of civil penalties. The Town may file a civil action to collect any unpaid amount under this section. The violator and any responsible person shall pay for all costs of collection, including but not limited to attorney's fees and costs.

I. The failure of any Person to pay civil penalties assessed within the specified time may result in the Towns pursuing any legal remedy to collect the civil penalties as provided by law.

SECTION 11: ADOPTION “16.02.030 Civil Enforcement Fee Schedule” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.02.030 Civil Enforcement Fee Schedule(*Added*)



• CIVIL PENALTIES FOR VIOLATON OF ORDIANCES

- 1. First Offense = \$500.00
- 2. Second offense – same within 12 months = \$1,200.00
- 3. Third or more offense – Same within 12 month = \$2,500.00

Civil penalties assessed for multiple offenses for previously cited violations within a 12 month period shall be in addition the civil penalties assessed on the prior violations for the same offense.

• ABATEMENT COST

- 1. Removal of weeds, garbage, refuse, deleterious objects or structures = \$175.00 per hour.

• SHORT-TERM RENTAL CIVIL VIOLATIONS

- 1. Unlicensed Short-Term Rental = \$1,000.00 per day 2. Any Violation of short-term rental ordinance 10.14.020 = \$1,000.00 per day

• REINSPECTION FEE = \$250.00

SECTION 12: ADOPTION “16.02.040 Inspections And Compliance” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.02.040 Inspections And Compliance(*Added*)

It shall be the duty of the Responsible Person to request an inspection to be performed by the Town when a Violation cited by Administrative Notice has been corrected. If no inspection is requested, then it shall be deemed prima facie evidence that the Violation remains uncorrected. If more than one inspection is necessary, a reinspection fee shall be assessed for each subsequent inspection.

A Violation is recognized as corrected and resolved only upon the issuance by the Town of a Notice of Compliance.

SECTION 13: ADOPTION “16.02.050 Failure To Correct” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.02.050 Failure To Correct(*Added*)

It shall be unlawful for any Responsible Person to fail to comply with the terms and deadlines set forth in a Notice of Violation. Failure by a Responsible Person to bring a Violation into compliance as and when specified in the Notice of Violation may result in, but limited to, any of the following:

- 1. The assessment of civil penalties owed to the Town against the Responsible Person for each and every subsequent Day of Violation without additional notice to the Responsible Person required.
- 2. Civil or criminal prosecution actions by the Town against the Responsible Person.

SECTION 14: ADOPTION “16.03.010 Emergency Abatement Authority” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.010 Emergency Abatement Authority(Added)

1. Whenever the Enforcement Official determines that an Imminent Life Safety Hazard exists or any safety hazard that exists in accordance with the International Building Code, International Residential Code, the International Fire Code, and/or the Utah Health Code that requires immediate correction or elimination, the Enforcement Official may exercise any or all of the following powers without prior notice to the Responsible Person:

0. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs and any other necessary remedial actions are completed;

1. Post the premises as unsafe, substandard, or dangerous;

2. Board, fence, or secure the building or site;

3. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;

4. Make any minimal emergency repairs as necessary to eliminate any Imminent Life Safety Hazard; or

5. Take any other action appropriate to eliminate the Imminent Life Safety Hazard.

2. The Enforcement Official may, based on probable cause, enter or otherwise gain necessary access to property without a search warrant or court order to accomplish the above-listed acts to abate the Imminent Life Safety Hazard.

3. The Responsible Person shall be liable for all costs associated with the abatement of the Imminent Life Safety Hazard. Costs may be recovered pursuant to this Title.

SECTION 15: **ADOPTION** “16.03.020 Procedures” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.020 Procedures(Added)

1. The Enforcement Official shall pursue only the minimum level of correction or abatement necessary to eliminate the immediacy of a hazard. Costs incurred by the Town during the Imminent Life Safety Hazard abatement process shall be assessed and recovered against the Responsible Person, including property (real, personal, intangible or otherwise) that is associated with the subject Imminent Life Safety Hazard.

2. The Enforcement Official may also pursue any other administrative or judicial remedy to abate any remaining Violations (i.e. those that are deemed to not be Imminent Life Safety Hazards)

3. Within ten (10) Days of completion of an abatement of an Imminent Life Safety Hazard, the Town shall serve the Property Owner or Responsible Person with a Notice of Emergency Abatement.

0. A Responsible Person has the right to an Administrative Enforcement Hearing concerning the Notice of Emergency Abatement.

SECTION 16: **ADOPTION** “16.03.030 Failure To Comply With Notice Of Violation” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.030 Failure To Comply With Notice Of Violation(*Added*)

It shall be unlawful for any Responsible Person to fail to comply with the terms and deadlines set forth in a Violation Notice. A violation of this section shall be a Class B misdemeanor. The Town may use all appropriate legal means to recover the civil penalties and administrative costs incurred to obtain compliance.

SECTION 17: ADOPTION “16.03.040 Notice Of Compliance” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.040 Notice Of Compliance(*Added*)

When a Violation is purported to be corrected, a Responsible Person shall request an inspection from the Director.

1. When the Enforcement Official receives such request, the Enforcement Official shall inspect the property as soon as practicable to determine whether the Violation has been corrected, and whether all necessary permits have been issued and final inspections have been performed as required by applicable codes.

2. The Enforcement Official shall serve a Notice of Compliance to the Responsible Person or Property Owner in the manner provided in this Title within ten (10) business days of an inspection in which the Enforcement Official finds correction of a Violation and determines that:

0. All Violations listed in the Notice of Violation or Administrative Enforcement Order have been corrected;

1. All necessary permits have been issued and finalized;

2. All assessed civil penalties have been paid; and

3. All assessed costs and administrative fees have been paid.

3. The Town shall record the Notice of Compliance with the Washington County Recorder’s Office, if the related Notice of Violation was recorded. Recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

4. If after inspection, the Enforcement Official determines that the property fails to meet the requirements for a Notice of Compliance, the Enforcement Official shall, upon Written request from the Responsible Person or the Property Owner, provide a Written explanation setting forth the reasons for failure to qualify for a Notice of Compliance. The Written explanation shall be served by any of the methods of service listed in this Title.

5. No delay or omission on the part of the Town to exercise any right or power accruing upon any Violation shall impair any such right or power or shall be construed to be a waiver of any such Violation or acquiescence therein and such right and power may be exercised as often as may be deemed expedient. The Town’s issuing of a Notice of Compliance in any instance shall not constitute continuing consent to subsequent instances and in all cases a Notice of Compliance may be granted or withheld at the sole discretion of the Town. No prior Notice of Compliance shall affect any subsequent Violation or shall impair any of the Town’s rights or remedies on said subsequent Violation. Every substantive right and every remedy conferred upon the Town may be enforced and exercised as often as may be deemed expedient.

SECTION 18: **ADOPTION** “16.03.050 Prohibition Against Issuance Of Municipal Permits” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.03.050 Prohibition Against Issuance Of Municipal Permits(*Added*)

The Town may withhold or suspend business licenses; permits for kennels; or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on a property on which a Violation exists, or any permits pertaining to the use and development of the real property or the structure where a Violation is located. The Town may withhold such permits until the Director has issued a Notice of Compliance. The Town may not withhold permits necessary to obtain a Notice of Compliance or to correct serious health and safety Violations.

SECTION 19: **ADOPTION** “16.04.010 Authority To Abate” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.04.010 Authority To Abate(*Added*)

Enforcement Officials are hereby authorized, to enter upon any property or premises to abate or cause to be abated a Violation. The town shall assess all costs for abatement to the Responsible Person and may use any remedy available under the law to collect such costs. If additional abatements are necessary within two (2) years, costs may be assessed against the Responsible Person(s) for the actual abatement.

SECTION 20: **ADOPTION** “16.04.020 Procedures For Abatement” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.04.020 Procedures For Abatement(*Added*)

- 1. Violations may be abated by Town personnel or by a private party acting under the direction of the Town.
- 2. Town personnel or a private party may enter upon private property in a reasonable manner to abate a Violation as specified in the Notice of Violation or Administrative Enforcement Order.
- 3. If a Responsible Person abates the Violation before the Town abates the Violation pursuant to a Notice of Violation or Administrative Enforcement Order, the town shall nevertheless assess all costs incurred by the Town against the Responsible Person.
- 4. When abatement is completed, the town shall prepare a Notice of Itemized Bill for Costs.
- 5. The town shall serve the Notice of Itemized Bill for Costs by registered mail to the last known address of the Responsible Person. The Notice of Itemized Bill for Costs shall demand full payment within twenty (20) Days to the Town of Apple Valley.
- 6. The Responsible Person shall have a right to an Administrative Enforcement Hearing to contest the Notice of Itemized Bill for Costs. Such hearing shall be pursuant to an in conformity with this Title.

SECTION 21: **ADOPTION** “16.05.010 Costs And Fees Purpose And Introduction” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.010 Costs And Fees Purpose And Introduction(*Added*)

There are three primary categories of costs and fees associated with this Title, as follows:

1. Costs: These are direct costs the Town incurs in carrying out the abatement of Violations, inspection and re-inspection fees, filing fees, attorney fees, Hearing Officer fees, title search, and any additional actual costs incurred by the Town for each individual case.

0. The Town Council finds that costs incurred by Enforcement Officials and the Town to correct Violations should be recovered from the Responsible Person.

1. The Town Council further finds that the assessment of costs is an appropriate method to recover costs.

2. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil fees, penalties or fines for Violations.

2. Administrative fees: These are expenses incurred in the administration of this Administrative Code Enforcement program, such as, but not limited to, investigation of Violations, preparation for hearings, hearings and the collection process.

3. Administrative civil penalties: These are penalties or fines assessed for a Violation, separate from costs and administrative fees associated with the same.

SECTION 22: ADOPTION “16.05.020 Authority” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.020 Authority(*Added*)

1. Whenever the Town incurs costs to enforce the Town Code and applicable state codes, the Town may assess such costs against the Responsible Person, including property (real, personal, intangible, or otherwise) that is associated with a Violation.

2. If more than one inspection is necessary with respect to a Violation, then an inspection fee may be assessed for each subsequent inspection.

0. Notification of re-inspection fees shall be provided in the Notice of Violation served to the Responsible Person.

1. Re-inspection fees assessed or collected pursuant to this subsection should not be included in any other costs assessed, but should be itemized separately.

2. The failure of any Responsible Person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this subsection.

SECTION 23: **ADOPTION** “16.05.030 Failure To Timely Pay Costs” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.030 Failure To Timely Pay Costs(*Added*)

The failure of any Person to pay assessed costs by the deadline specified in a Notice of Itemized Bill for Costs shall result in a daily late fee calculated on a simple basis (non-compounding) at the rate of one and one-half percent per month on the unpaid balances.

SECTION 24: **ADOPTION** “16.05.040 Administrative Fees” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.040 Administrative Fees(*Added*)

The Enforcement Official is authorized to assess administrative fees for costs incurred in the administration of this Administrative Code Enforcement program, such as investigation of Violations, preparation for hearings, hearings and the collection process. The fees assessed shall be the amount set in the Town fee schedule.

SECTION 25: **ADOPTION** “16.05.050 Injunctions” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.050 Injunctions(*Added*)

As a civil judicial remedy available to the Town in addition to any other remedy provided under the Town Code or state codes, including administrative remedies or criminal prosecution, any provision of the Town Code may be enforced by injunction issued by a court of appropriate jurisdiction upon a suit brought by the Town.

SECTION 26: **ADOPTION** “16.05.060 Recovery Of Administrative Code Enforcement Penalties And Costs” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

16.05.060 Recovery Of Administrative Code Enforcement Penalties And Costs(*Added*)

This subsection (a) identifies various methods the Town may use to recover administrative code enforcement penalties and costs; and (b) details the Town’s allocation of these collected penalties and costs.

1. Code Enforcement Tax Liens

a) **Purpose.** The Town Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs and administrative fees assessed by this Administrative Code Enforcement program or judicial orders. The Town Council further finds that collection of civil penalties, costs, and fees assessed for Violations is important in deterring future Violations and maintaining the integrity of the Town's code enforcement system. The procedures established in this subsection shall be used to complement existing administrative or judicial remedies that may be pursued to address Violations.

b) Procedures For Tax Code Enforcement Tax Lien Without A Judgment. The Enforcement Official shall provide a copy of a Notice of Itemized Bill for Costs to the Town Financial Director. Upon receipt of the Notice of Itemized Bill for Costs, the Town Finance Director shall (i) record a code enforcement tax lien as to the Notice of Itemized Bill for Costs against the property upon which a Violation exists with the Washington County Recorder and (ii) if applicable, file the code enforcement tax lien with the Washington County Treasurer. The Town shall serve a notice of the code enforcement tax lien recordation on the Responsible Person and the Property Owner pursuant to any of the methods of service set forth in this Title. The failure of any Person with a financial interest in the property to receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the amounts associated with the code enforcement tax lien.

c) Procedures For Tax Code Enforcement Tax Lien With A Judgment. Once a judgment has been obtained from the appropriate court assessing costs against the Responsible Person, the Finance Director may record a code enforcement tax lien against any real property owned by the Responsible Person.

2. Writ Of Execution. After obtaining a judgment, the Town may collect the associated obligation by use of all appropriate legal means. This may include the execution on personal property owned by the Responsible Person by filing a writ with the applicable court.

3. Writ Of Garnishment. After obtaining a judgment, the Town may collect the associated obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

4. Allocation Of Civil Penalties. Collected civil penalties shall be deposited in the General Fund of the Town. Civil penalties deposited in this fund may be allocated pursuant to the Town's budget process and as authorized by applicable law. The Town shall establish accounting procedures to ensure proper account identification, credit, and collection.

SECTION 27: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 28: **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 29: **EFFECTIVE DATE** This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-09**

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

SECTION 1: **AMENDMENT** “8.10.010 General Requirements” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.010 General Requirements

- A. The Apple Valley Fire Chief requires all burn permits to complete the mitigation log.
https://www.applevalleyut.gov/sites/default/files/fileattachments/fire/page/1781/mitigation_log.pdf
- B. The clearing index is 500 or greater. The clearing index is a measure of the atmospheric mixing and wind speed. A clearing index of 500 or less is considered poor atmospheric ventilation.
- C. An open burn permit application must be completed and a valid permit issued by the county or municipal fire authority (Apple Valley Fire) prior to burning. See instructions and a link to the open burn permit application.
- D. Permits may be issued between March 1 and May 30 and between September 15 and November 15 in the counties of Washington, Kane, San Juan, Iron, Garfield, Beaver, Piute, Wayne, Grand, and Emery.
- E. Materials to be burned are thoroughly dry and no trash, rubbish, tires, or oil are included in the material to be burned, used to start fire, or used to keep fires burning.
- F. The Apple Valley Fire Chief must be contacted prior to burning (435-877-1194).



APPLE VALLEY FIRE DEPARTMENT MITIGATION LOG

			Fire Dept Use Only
DATE			
PROPERTY OWNER			
PROPERTY ADDRESS			
MITIGATION WORK PERFORMED			
	TYPE	HOURS	
EQUIPMENT USED			
	NUMBER	HOURS	
PERSONNEL			
Total Number of Hours Spent Burning			

Please turn into Town Office at 1777 N Meadowlark Drive; or,
Email to firedepartment@applevalleyut.gov



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 immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-10**

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

SECTION 1: **AMENDMENT** “5.09.070 Application Review, Approval And Issuance” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.09.070 Application Review, Approval And Issuance

The Mayor Town Administrator, or a designee, shall review and either approve, approve with conditions, or deny the request for a special event permit. The Town Administrator may refer the request for a special event permit to Town Council for approval.

SECTION 2: **AMENDMENT** “5.09.090 Appeal Procedures” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.09.090 Appeal Procedures

Any applicant for a special event permit desiring to appeal an administrative decision concerning the denial or modification of a special event permit may petition the Town Council if the decision was made by the Mayor or Town Administrator. Any decision made by the Town Council is final. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be delivered to the Town recorder within five (5) calendar days after the date the applicant received notice of the denial. An applicant may appeal the Town Council's decision by seeking judicial review with the district court, which review shall be limited to a review of the record. The district court shall presume the Town Council's decision is valid and shall review the record to determine whether or not the decision was arbitrary, capricious or illegal.

SECTION 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

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 be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-02**

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

SECTION 1:**AMENDMENT** “10.10.090 MH Manufactured Housing Park Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.090 MH Manufactured Housing Park Zone

- A. Purpose: The purpose of this zone is to provide for the development of manufactured home parks in a quality environment. Manufactured home 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., and are designed and intended from the beginning of development as manufactured homes only. The minimum zone size shall be approximately ~~fifteen five (15 5)~~ fifteen acres.
- B. Permitted Uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
1. Accessory buildings and uses.
 2. Horticulture and gardening for personal use.
 3. Household pets.
 4. Park or playground.
 5. Manufactured homes at a minimum of 1,000 square feet on main level.
 6. Other uses similar to the above and judged by the planning commission to be in harmony with the intent and character of this zone, which will require a conditional use permit.
 7. Any use not specifically allowed under permitted or conditional uses, shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted use.
- C. Height Regulations: No building shall be erected to a height greater than ~~fifteen thirty five (15 35)~~ fifteen feet. No accessory building shall be erected to a height greater than ~~eighteen twenty five (18 25)~~ eighteen feet.
- D. Manufactured Home Park Development Standards:
1. Density: The maximum density for a manufactured home park shall not exceed ~~four six (4 6)~~ four units per acre.
 2. Access Roads: Each manufactured home park shall be provided with hard surface (concrete or asphalt) roadways of at least twenty five (25) feet in width to serve each manufactured home space and parking area.
 3. Park Access: Access to all manufactured home parks shall be from a dedicated

- and approved public street at an approved access point or points. No manufactured home space shall have direct access from a public street. Any access road connecting two (2) or more public streets shall be arranged to prohibit or discourage through traffic.
4. Off Street Parking: Parking spaces shall be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each manufactured home space.
 5. Recreation Space: Recreation space shall be provided for each manufactured home park. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each manufactured home park having at least ten (10) units and one hundred (100) square feet additional space for each unit above ten (10) units.
 6. Manufactured Home Space: Each manufactured home space shall have a minimum of five thousand (5,000) square feet and a minimum width of fifty (50) feet.
 7. Permanent Foundation: A manufactured home must be put on a permanent foundation and converted to real property.
 8. Minimum Yard Clearances for Manufactured Home Park: Each manufactured home shall have the following minimum yard clearances:
 - a. Front or side yard on a public street, twenty five (25) feet.
 - b. Side yard bordering adjacent property, ten (10) feet.
 - c. Rear yard bordering adjacent property, ten (10) feet.
 - d. A six (6) foot sight obscuring fence shall be erected along all side and rear property lines, unless otherwise approved by the planning commission.
 9. Minimum Yard Clearances for Manufactured Home Space: Each manufactured home shall have the following minimum yard clearance which may also be included in and a part of the setbacks required in subsection H of this section:
 - a. Front yard on a private street or access road, fifteen (15) feet in back of curb.
 - b. Side yard on main door side of manufactured home, fifteen feet (15).
 - c. Side yard on "no access" side of manufactured home, ten (10) feet.
 - d. Rear yard, ten (10) feet.
 - e. No two (2) manufactured homes shall be closer than twenty (20) feet.
 10. Utilities Required: All sewage and water proposals shall be required to have approval from the Utah state department of environmental quality and Ash Creek Special Service District. All buildings, electrical, plumbing and fire protection construction shall comply with state and Town requirements and codes, including applicable standards found in the Town subdivision ordinance (including, but not limited to, fire protection), the building code, and this title.
 11. A dwelling proposed to be moved onto a site in the town shall be less than ten (10) years of age at the time of moving unless otherwise approved by the Planning Commission. Rehabilitation of such dwelling limited to a 6 month

duration.

E. Modifying Regulations:

1. Perimeter Fence: Unless otherwise approved by the planning commission, each manufactured home park shall be fenced at the perimeter with a six (6) foot high sight obscuring fence.
2. Building Code; Permit: Installation of any manufactured unit 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.
3. Street Construction: All streets in a manufactured home park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter approved by the planning commission.
4. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.

F. Subdivision Requirements: Any use approved in the MH zone in which the sale of any lot or parking space is proposed, shall be subject to all applicable requirements of the AVS 11 subdivision ordinance.

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 immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-03**

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

SECTION 1: AMENDMENT “10.10.110 Cabins Or Tiny Home Parks Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.110 Cabins Or Tiny Home Parks Zone

- A. Purpose: The purpose of this zone is to provide for the development of Cabin or Tiny Home Parks (CTP). Cabin or Tiny Home 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.

Cabins or Tiny Homes Parks, are designed and intended from the beginning to serve the transient or traveling public with small cabins or Tiny Homes, placed or built on a permanent foundation with the structure containing sleeping, bathing and kitchen facilities. The Minimum zone size shall be ~~fifteen five (15.5)~~ Acres.

The primary location for a Cabin or Tiny Home Park is close to Highway 59 or other major roadway or may be located more remotely if utilities and proper road access is available or will be available. It shall not be located immediately next to a residential zone.

- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Accessory buildings and uses
 2. Household pets
 3. Cabins or Tiny Homes as defined in AVLU 10.04 or subsection E below
 4. Park, playground, swimming pool and tennis courts or alike
 5. Other uses similar to the above and approved by the Planning Commission to be in harmony with the intent and character of this zone.
 6. Clubhouse, sales or registration office, or on-site managers dwelling.
- C. Conditional Uses:
1. Restaurant
 2. Coffee Shop
 3. Rental Shop
 4. Tour Guide Business
 5. Higher Density of Cabins
 6. Size of Cabins

7. Other businesses in support of this zone

- D. Height Regulations: No cabins/tiny home shall be erected to a height greater than ~~fifteen~~ eighteen (~~15~~ 18) feet.

No accessory building shall be erected to a height greater than eighteen ~~fifteen~~ (~~18~~ 15) feet.

No club house/office or other approved buildings, may be erected to a height greater than fifteen ~~twenty-five~~ (15') feet.

- E. Cabins or Tiny Home Park Development Standards: Definitions:

A Cabin is a small stick built or small manufactured home, built or placed on a permanent foundation and is less than 600 Sq Feet of living space.

A Tiny Home is a stick built or small manufactured home, built or placed on a permanent foundation, and is less than 600 Sq. Feet of living space.

Any Cabin or Tiny Home that has wheels or skids and not placed on a permanent foundation shall be considered a Recreational Vehicle and may not be placed or used in this zone. But it shall be placed in a Recreational Vehicle Park zone.

1. Minimum Size: Each Cabin or Tiny Home Park shall have a minimum size of five (5) acres
2. Roads:
 - a. Width: All roads shall be constructed to meet fire code.
 - b. Construction Specifications: All Units shall be served by roads constructed to meet the fire code and approved by the Town.
3. Park Access: Access to all Cabin or Tiny Home Parks shall be from a dedicated and approved public street at an approved point or points. No units shall have direct access from a public street nor may traffic enter or exit through a residential neighborhood.
4. Off Street Parking: Parking spaces that meet fire code standards for roads shall be provided for the minimum parking of two (2) vehicles for each unit.
5. Recreation Space: Recreation space shall be provided for each Cabin or Tiny Home 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. This is in addition to the outdoor living space mentioned in AVLU 10C-6-G. This recreation space is not the open space behind or between units or streets. It is a separate facility common to all units in the development, such as a clubhouse.
6. Density: The maximum density for a Cabin or Tiny Home Park shall not exceed four ~~six~~ (~~4~~ 6) units per gross acre.
7. Distance of Units: No unit shall be closer than twenty feet (20'). No unit in a Cabin or Tiny Home Park shall be located closer than the distance required herein.

8. Minimum Yard Clearances for each unit:
 - a. Front or side yard on a public street, fifty feet (50').
 - b. Side yard bordering adjacent property, fifty feet (50').
 - c. Rear yard bordering adjacent property, fifty feet (50').

F. Other Requirements:

1. Perimeter Fence: A Cabin or Tiny Home park shall provide a minimum fifty-foot (50') setback/landscaped buffer along any property boundary including a public right-of-way. Decorative fencing is preferred, such as split rail or ranch style wood fencing, though six foot high privacy fencing or block wall may be more appropriate and required in some applications. The project's topography may always be considered in perimeter fencing requirements. For example, a property with a cliff at it's rear or sides may not require any fencing for that area. A property with a wash along it's rear or side property line may require a solid fence installed to provide greater safety to guests. A lower profile fence may also be used to provide better views as long as this does not pose a safety hazard to guests. All structures of fencing proposed within washes or the 100-year flood plain are discouraged and must be designed to meet current and applicable town and state standards.
 2. Building Code; Permit: Installation of infrastructure and any Cabin or Tiny Home Park structures shall be done in conformance with the requirements of the current edition of the building code and with approval of the building department, and the issuance of a building permit.
 3. Utilities Required: Each unit shall be connected to water, sewer and electricity. All utility connections shall be located underground. Water plans shall be approved by the Big Plains Water Special Service District and the Town's Public Works Department, and sewer plans shall be approved by Ash Creek Special Service District.
 4. Street Construction: All streets in a Cabin and Tiny Home Park shall meet road standards in the fire code.
 5. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.
 6. Landscape Plan: A detailed landscape plan shall be submitted for each Cabin or Tiny Home Park, and shall be approved by the Planning Commission.
 7. Outdoor Living Space: Each Cabin or Tiny Home Park unit shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to each unit. 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.
 8. No tents of any kind may be used in this zone.
 9. All Cabin or Tiny Home 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.
- G. Subdivision Requirements: If the Cabin or Tiny Home Park is not intended to be in a single ownership, rather is intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.
- H. Site Plan: A site plan shall be required:

1. The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted.
2. Site plans must meet all of the requirements for site plan review submittal, including all the Town Standards. Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot. Site plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals must also contain the following items:
 - a. Provide a landscaping plan;
 - b. Provide a plan showing how the lot relates to the approved Phase Plan including previously developed sites in the project, the location, required open space, ingress and egress to the lot from the rest of the phase and other adjacent land;
 - c. Location of building(s); and
 - d. Typical elevations.

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.

EFFECTIVE DATE This Ordinance shall be in full force and effect immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-04**

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

SECTION 1: **AMENDMENT** “10.10.030 C Commercial Zones” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.10.030 C Commercial Zones

A. Purpose:

1. C-1 Convenience Commercial Zone:

- a. The C-1 convenience commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the town, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods" such as groceries, drugs, personal services such as hair cutting and hair dressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone.
- b. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained as much as possible. Stores, shops or businesses shall be retail establishments only and shall be permitted only under the following conditions:
 - (1) Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.
 - (2) No entertainment except music shall be permitted in any C-1 zone.
 - (3) All uses must be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.

2. C-2 Highway Commercial Zone:

- a. The principal objective in establishing the C-2 highway commercial zone is to provide areas within the town where facilities that serve the traveling public can be most appropriately located.
- b. Other purposes for establishing the C-2 highway commercial zone are

to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of intersections and interchanges in the town and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public. In general, this zone is located close to freeway interchanges and at the intersections of important transportation routes.

3. C-3 General Commercial Zone:

- a. The objective of the C-3 general commercial zone is to provide space within the town where nearly all types of commercial goods and services may be provided.

Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.

- b. The C-3 general commercial zones should be located principally in existing communities and not along major highways. To maximize traffic safety, property owners should shall provide access in a manner that will minimize the hazard of traffic leaving and entering roadways.

To maximize traffic safety, a traffic impact study must be performed.

As this zone primarily serves the traveling public, all traffic should enter and exit any commercial property in this zone from the highway, major and arterial roads, and not through residential roads if located adjacent to residential areas.

B. Permitted Uses: In the following list of possible uses, those designated as being permitted and conditional in a zone will be identified unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in 10-7-180-E4 with the letter "P" or "C" respectively. Uses designated with the letter "N" will not be allowed in that zone. The following list is not intended to be all inclusive, but rather, indicative of uses permitted in the zone. Any uses not specified as permitted shall be prohibited.

Art Gallery, Bicycle sales and service, Bowling alley, Coal and fuel sales office store, Egg and poultry store (retail sales only), no live bird slaughtering permitted, Farm implement sales, Fence sales and service, Interior decorating and designing establishment, Library Lumber yard, Museum Photographic supplies, Pool hall, Popcorn or nut shop, Radio and television sales and service, Reception center or wedding chapel, Rental agency for home and garden equipment store, Trailer sales and service

	C-1	C-2	C-3
Air conditioning,			

sales and service	N	N	P			
Altering, pressing and repairing of wearing apparel	P	P	P			
Amusement	N	P	P			
Animal hospital	N	P	P			
Antique, import or souvenir shop	N	P	P			
Arcade	N	P	P			
Assisted living facility	C	N	N			
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P			
Athletic club	P	P	P			
Auction establishment (retail goods only)	N	N	P			
Automobile, new or used sales and service	N	P	P			
Automobile parts sales (new)	N	P	P			
Automobile rental	N	P	P	N	P	P
Automobile repair including paint, body, fender, brake,						

muffler, upholstery or transmission (completely enclosed building)	N	N	P			
Bakery manufacture limited to foods retailed on premises	P	P	P			
Bank or financial institution	P	P	P			
Barber shop	P	P	P			
Beauty shop	P	P	P			
Bed and breakfast inn	P	P	P			
Bar Pub, Tavern	N	P	P			
Billiard parlor	N	P	P	N	P	P
Boat sales and service	N	N	P			
Bookbinding	P	P	P			
retail	P	P	P	N	P	P
Building materials sales	N	N	P			
Bus terminal	N	P	P			
Cabinet shop	N	N	P			
Cabins	N	N	N			
Cafe or cafeteria	P	P	P			
Camera store	P	P	P			
Candy store, confectionery	P	P	P			

Campgrounds	N	N	N				
Car wash	N	P	P				
Caretakers dwelling, incidental to a commercial use	N	P	P				
Carpet and rug cleaning	N	N	P				
Catering establishment	N	P	P				
Child nursery	P	N	P				
Clinics, medical or dental	N	P	P				
Clothing and accessory store	N	P	P	N	N	P	
Convenience markets (including sale of gasoline)	P	P	P				
Crematorium	N	N	P				
Dairy product store	P	P	P				
Department	Dance hall	N	P	P			
Delicatessen	P	P	P				
N	P	P					
Drapery and curtain store	N	P	P				
	N	P	P				
Department	Educational institutions	N	P	P	P	P	P
Electrical and heating appliances and fixtures sales and	N	N	P				

services									
Electronic equipment sales and service	N	P	P						
Employment agency	N	P	P						
Fabric and textile store	N	P	P	N	P	P	N	N	P
Florist shop	P	P	P						
Fruit store (enclosed)	P	P	P						
Furniture sales and repair	N	P	P						
Garden supplies and plant material sales	N	P	P						
	P	P	P						
Government buildings or uses, no industrial	N	P	P						
Gas and Fuel, Storage and Sales	N	N	C						
Greenhouse and nursery, soil and lawn service	N	P	P						
Grocery store	P	P	P						
Gunsmith	N	P	P						
Gift store Hardware stores	N	P	P						
Gift store Gift store Health club	P	P	P						
Health food store	P	P	P						

Hobby and crafts store	N	P	P	N	P	P
Hospitals						
Hotel	N	P	P			
Household appliance sales and service	N	P	P			
Ice cream parlor	P	P	P			
manufacture and storage	N	N	P			
Ice store or vending station	P	P	P			
Health	N	P	P	N	P	P
Janitor						
service and supply	N	N	P			
Jewelry store sales and service	N	P	P			
Laboratory, dental or medical	N	P	P			
Laundry or dry cleaners, Laundromat	P	P	P			
Kennel, Commercial	C	N	C			
Legal office	N	P	P	N	P	P
Liquor store	N	P	P			
Locksmith	N	P	P			
Lodge or social hall	N	P	P			
Lodging Hotel, Motel	N	P	P			
	N	P	P			
Metal Building	C	C	C	N	N	P

Manufactured home sales lot and service	N	P	P			
Medical office	N	P	P			
Monument works and sales	N	N	P			
Mortuary	N	P	P	N	P	P
Music store	N	P	P			
Needlework, embroidery or knitting store	N	P	P			
Newsstand	P	P	P			
Nursery school	P	N	P			
Office supply, office machines sales and service	N	P	P			
Optometrist, optician or oculist	N	P	P			
Paint or wallpaper store	N	P	P			
Park and playground	P	P	P			
Pawnshop	N	P	P			
Pet and pet supply store	N	P	P			
Pharmacy	N	P	P	N	P	P
or surgeon office clinic	N	P	P			

Plumbing shop	N	P	P	N	P	P	N	P	P
Professional office	N	P	P						
Printing, lithographing, publishing or reproduction sales and service	N	P	P						
Professional office	N	P	P	N	P	P			
Real estate agency	N	P	P	N	P	P			
Recreation center	N	P	P	N	P	P			
Restaurant	P	P	P						
Restaurant, drive-in	P	P	P						
Roller skating rink	N	P	P						
Shoe	Secondhand store	N	P	P					
Service station, handi-mart	P	P	P						
Shoe repair and shoe shine shop	N	P	P						
N	P	P							
Sign painting	N	P	P						
Travel sales	N	P	P						
Storage rental units	N	P	P						
Supermarket	N	N	P						
Theater, indoor	N	P	P						
Theater, outdoor	N	P	P						

Tire recapping or retreading	N	P	P			
Tire sales and service	N	N	P			
Toy store, retail	N	P	P	N	P	P
Travel agency	N	P	P			
Tourist Tours Operations	P	P	P			
Used car lot	N	P	P			
Variety store	N	P	P			
Vegetable stand	P	P	P			
Winery	P	P	P			

C. General Requirements:

Rear Minimum

	C-1	C-2	C-3			
Minimum lot area	None	None	None			
Maximum zone area	None	None	None			
Minimum yard setbacks from property line (in feet)						
Front	25	25	25			
Side	10	10	10			
Side facing a street on a corner lot	25	25	25	10	10	10
Building heights (in feet)				8	8	8
Maximum	35 15	35 15	35 15			
Minimum distance between buildings	10	10	10			

1. Site Plan Approval:

- a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas and such other improvements as may be required relating to the specific use proposed.
- b. The site plan, or an additional plan drawn to the same scale, shall show utility locations, including water, power, drainage, telephone; cable TV, sewer or septic tank location, fire hydrants, street improvements and such other public improvements as may be required.
- c. Planning commission review and Town Council approval shall precede the issuance of any permit for site improvement, or construction permit for utility systems. No building permits shall be issued until all underground site improvements have been installed and construction authorized by the building inspector.

D. Special Provisions:

1. Storage Of Materials And Merchandise: All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six (6') feet in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Trash, Combustible Materials, Junk and Debris: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, or similar material shall be stored or allowed to remain on any lot in any commercial zone.
3. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Protection Of Adjoining Residential Property: Where a commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight obscuring fence, or a ten (10') foot wide planting strip, or any combination of fencing and landscaping which adequately protects the adjoining residential property.
5. Residential Dwellings: No residential dwelling of any kind is permitted in any commercial zoning district.
6. Lighting: all lighting shall be directed away from any residential use to protect neighboring properties from light pollution, and shielded from the night sky with no light emitted above a horizontal plane. Reference AVLU 10.26.
7. All lodging located in a commercial zone, shall require an on-site manager.
8. 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.
- 9. 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.
- E. Abandoned, Wrecked, or Junk Vehicles:
 - 1. Abandoned Vehicles Prohibited: It shall be unlawful to park or permit the parking of any licensed or unlicensed motor vehicle or parts thereof in an abandoned condition upon any public or private property within the Town for longer than seventy two (72) hours, except as follows:
 - a. In a commercial or industrial zone, the number of such vehicles is determined by permit, and:
 - (1) Such use is authorized in the zone where the use is located, and
 - (2) Vehicles and parts thereof are stored within a building or are completely screened by a six (6) foot high, opaque, sight obscuring fence.
 - b. Nuisance: The accumulation and storage of more than the permitted number of vehicles or parts thereof on private or public property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the Town. It shall be the duty of the owner of such vehicle or parts thereof, or lessee, or other person in possession of private property upon which such vehicle or parts thereof is located, to remove the same from such property.

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 February 20, 2024.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-05**

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

SECTION 1: **AMENDMENT** “11.08.040 Street Improvements” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.08.040 Street Improvements

- A. Prior to start of any work on a subdivision the sub divider shall furnish to the Town Engineer, a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed Engineer and shall be accompanied by the final plat. If the plans are not approved, they shall be returned to the sub divider with the reasons for non-approval, and upon correction, shall be re-submitted in the same manner as required herein. Such plans and profiles shall include but are not limited to the following; (see Town Subdivision Design Standards):
 - 1. The designation of limits of work to be done.
 - 2. The location of the benchmark and its true elevation according to County datum, all profiles to be referred to that datum.
 - 3. Construction plans which include the details of curb and gutter (if applicable) and street cross sections, locations and elevations of manholes, catch basins and storm sewers, elevations and locations of fire hydrants and any other details necessary to simplify construction.
 - 4. Adequate horizontal and vertical survey control shall be established as required by the engineer; sufficient survey monuments shall be permanently set so that lot boundaries can be established from points within the subdivision.
 - 5. Complete data for field layouts and office checking.
 - 6. On curb returns, at least two additional controls points of curvature. Control points shall be staked in the fields to insure drainage of intersections.
- B. Grades of all streets shall not be in excess of eight percent on major collector’s streets or in excess of ten (10) percent on all other streets.
- C. All streets within the town shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Examples of such plans and profiles shall include but are not limited to Exhibit A, B & C. (see Town Subdivision Design Standards), The Design Standards shall prevail, if any of the example in Exhibit A, B, & C conflicts with the Design Standards.:

EXHIBIT A. TABLE 1 MINOR, MAJOR & ARTERIAL STREET DESIGN STANDARDS

Street Type	Maximum	Right of way	Pavement Widths	Number of lanes	Lane Widths	Shoulder Widths	Borrow Ditch
Minor Collector (100-200 Units)	10%	60'	34'	2	11'	2'	5'
Major Collector (201-600 Units)	10%	70'	44'	2	12'	2'	5'
Minor Arterial (6,000-20,000)	8%	90'	64'	5	11'	5'	5'
Major Arterial (20,000 Plus)	8%	106'	80'	5	12'	5'	5'

D. All roads shall be constructed as per the Town Design Standards and the actual road profiles to be used in a subdivision shall be determined by the Town Engineer. Curb, Gutter and Sidewalks shall be required in all zones, except in Agricultural zones, where the Rural Road Standards may be applied if recommended by the Town Engineer and approved by the Town Council.

Sidewalks, Curb, and Gutter may be required instead of Borrow Ditches as required by the Town Council.

EXHIBIT B. Table 1A RESIDENTIAL STREET STANDARDS

Street Type	Maximum Grade	Right of way	Pavement Widths	Number of lanes	Land Widths	Shoulder Widths	Borrow Ditch
Residential Minimum (10 or less Units)	10%	41'	26'	2	11'	2'	5'

Residential Minimum Alternate	10%	49'	26'	2	11'	2'	5'
Residential Local (11-50 Units)	10%	45'	30'	2	10'	5'	5'
Residential Local Alternate	10%	53'	30'	2	10'	5'	5'
Residential Standard (51+ Units)	10%	52'	37'	2	11'	7.5	5'
Residential Standard Alternate	10%	60'	37'	2	11'	7.5	5'

In subdivision with 1 acre or larger lots, sidewalks, curb and gutter may be replaced by borrow ditches, as required by the Town Council.

In subdivision with less than 1 acre lots and in all commercially zoned areas of town and roads bordering such areas, sidewalk, curb & gutter shall be installed instead of borrow ditches and pavement shall be required.

- A.
 - 1. No intersections shall be closer than 150 feet, unless otherwise noted in the standards of the American Association of state highway and transportation official’s manual for street and intersection design.
 - 2. If curbs and gutters are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
 - 3. If sidewalks are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
 - 4. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the engineer.
 - 5. All curb corners shall have a radius of not less than 15 feet and at intersections involving collector or major streets, of not less than 25 feet.
 - 6. Local streets shall approach collector or arterial streets at as near ninety degrees as possible, not to exceed a fifteen degree variance.
- B. Street name signs, conforming to the design and specifications, and in the number

necessary for proper identification of all streets, shall be provided for and installed by the developer.

- C. Traffic control signs including stop or yield right of way sign, shall be installed to ensure a smooth flow of traffic through the town.
- D. No subdivision shall be approved unless the area to be subdivided shall have frontage, with a width as required by the land use code, on a dedicated street, improved to town standards, unless otherwise approved by the Town Council. On cul-de-sac street, the required width of any lot in the cul-de-sac shall be measured at the setback line instead of the street lot line.
- E. Access to a major arterial street may be limited by one of the following means:
 - 1. No lot access shall be provided from the arterial directly to any lot in the subdivision, and screening or fencing may be required in a landscaped strip along or side property line of said lots.
 - 2. A series of cul-de-sacs of U shaped streets sharing access to such street.
 - 3. A service road separated from the primary arterial by a planting strip and having access thereto a suitable point.
- F. The arrangement of streets shall provide for continuation of principal streets between adjacent properties when such continuation is in accordance with the master plan of streets. If the adjacent property is undeveloped and the street must be a temporarily a dead end street, the right of way shall be extended to the property line, and a temporary turnaround shall be provided. Dead end streets shall be avoided, and dead-end streets of more than eight hundred (800) feet shall require town approval.
- G. The inspection and written recommendations for approval of streets shall be done by the town engineer. Final acceptance for dedication after (2) years of maintenance shall be accepted by the Town Council following a favorable recommendation from the engineer.

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 February 20, 2024.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-07**

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:

District	Area	Lot Width in Feet	Setbacks for Yards in Feet			Maximum Size of Accessory Building	Maximum Building Coverage
			Front	Side	Rear		
SF-0.5	20,000 sq. ft.	80	25	10	10		50%
SF-1.0	sq. ft.	80	25	10	10		50%
SF-2.5	2.5 acres	150	25	25	25		50%
SF-5.0	5.0 acres	200	25	25	25		50%
SF-10.0	10.0 acres	300	25	25	25		50%

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 1/2 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 AVLU 10.26 Outdoor Lighting Ordinance.
6. For additional restrictions and clarifications in this zone, see AVLU 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 immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-08**

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

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 twenty ~~ten~~ (20 ~~10~~) 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
- D. Height Regulations: No building shall be erected to a height greater than fifteen ~~twenty five~~ (15 ~~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) 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 ~~eight ten~~ (8 +10) units per gross acre.
 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 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.

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.
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.
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. 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.

- 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 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 immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley