

# Mapleton City Planning Commission Staff Report

Meeting Date: January 27, 2011

**Item:** 3

**Applicants:** James and Melody Ashman

**Prepared by:** Matt Brady

**Public Hearing Item:** Yes

## **REQUEST**

James and Melody Ashman requests to amend Mapleton City Code Title 18, Development Code, Part III, Zoning, Section 18.28.040: Conditional Uses, in order to allow for a equine arena as a conditional use within an A-2 Zone.

## **FINDINGS OF FACT:**

1. The Applicants are proposing an ordinance amendment to add a new conditional use (equine arenas) to the list of conditional uses allowed in the A-2 Zone. See attachment #1 for the current A-2 Zone ordinance. See attachment #2 for the information submitted by the Applicant. See attachment #3 for Staff's recommended version of the ordinance.
2. The Applicants are currently in the process of constructing a riding arena on their property at 1903 East 400 North, which is currently approved only for noncommercial use. It is the desire of the Applicants to obtain approval to convert their arena and yard areas into a commercial equine arena. If this ordinance amendment is approved, the Applicants would need to apply for a conditional use permit. This would be public noticed and heard by the Planning Commission on a later date.

## **STAFF ANALYSIS:**

1. It is the opinion of Staff that the use the Applicants are proposing (equine arenas) is in harmony with the purpose and objectives of the A-2 Zone, as it is related to agricultural uses (see attachment #1 for the A-2 Zone ordinance). However, it is the opinion of Staff that as a commercial use in a primarily agricultural and residential zone, the proposed use should be conditional. Staff has drafted an ordinance with standards intended to minimize any possible disturbances to surrounding properties.

## **STAFF RECCOMENDATION:**

Staff recommends approval of the staff version of the proposed ordinance amendment (attachment #3).

## **ALTERNATIVE ACTIONS:**

1. The Planning Commission may Deny the proposed ordinance amendment. Reasons for denial should be stated in the motion.
2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

## **ATTACHMENTS:**

1. Mapleton City Code Chapter 18.28: A-2 AGRICULTURAL-RESIDENTIAL ZONE, ONE DWELLING UNIT PER TWO ACRES.
2. Information submitted by the Applicants
3. Proposed Ordinance (Staff version)

*Attachment #1*

## Chapter 18.28

### A-2 AGRICULTURAL-RESIDENTIAL ZONE, ONE DWELLING UNIT PER TWO ACRES

**18.28.010: PURPOSE AND OBJECTIVES:****18.28.020: GENERAL OBJECTIVES AND CHARACTERISTICS:****18.28.030: PERMITTED USES:****18.28.035: PERMITTED ACCESSORY USES:****18.28.040: CONDITIONAL USES:****18.28.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:****18.28.060: PARKING AND DRIVEWAY REQUIREMENTS:****18.28.010: PURPOSE AND OBJECTIVES:**

The A-2 zone is established to provide areas in which agricultural pursuits can be encouraged and supported within the municipality. The A-2 zone is designed and intended to protect agricultural uses from encroachment of typical urban development. Uses permitted in the A-2 zone, in addition to agricultural and residential uses, must be incidental thereto and should not change the basic agricultural character of the zone. Development within the A-2 zone should be accomplished in an orderly and progressive manner, and to discourage "leapfrog" encroachments of such uses or developments into the agricultural area. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

**18.28.020: GENERAL OBJECTIVES AND CHARACTERISTICS:**

- A. The A-2 agricultural-residential zone has been established as a zone in which the primary use of the land is for agricultural and livestock raising purposes. Land within this zone is characterized by residential estates, open fields, ranches, and farms devoted to the production of food, fiber, animals, and general agricultural uses.
- B. Representative of the use within this zone are large residential estates, barns, corrals, row crops, and the raising of livestock.
- C. The objectives in establishing the A-2 agricultural-residential zone are:
1. To protect and encourage the continued use of agricultural land within the zone for agricultural purposes and to discourage the preemption of agricultural land for nonagricultural purposes;
  2. To discourage commercial and industrial uses, and any other use which tends to thwart or mitigate the use of the land for agricultural purposes;
  3. To prevent the soil from becoming polluted. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

**18.28.030: PERMITTED USES:**

The following uses shall be permitted in the A-2 zone:

Agricultural buildings for the storage of farm equipment, animals, grains, hay and other agricultural products. Buildings for the storage of other equipment, such as construction related materials, not related to the production of agriculture, shall be prohibited except as allowed as an accessory use in section 18.28.035 of this chapter.

Agriculture (the science and art of farming; work of cultivating the soil, production of crops, and the raising of livestock).

Animal rights.

A. Acreage 5.25 Acres And Over: The raising, care and keeping of livestock, fowl, feed and produce, barns, corrals, pens, coops and other structures, including educational animal laboratories, for the care and keeping of domestic livestock and fowl. Provided, however, that no structure or corral for the housing of the livestock and fowl or no corral for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') from an existing dwelling on the same lot.

B. Acreage Under 5.25 Acres: The raising, care and keeping of livestock and fowl will be limited to one animal unit and their seasonal offspring for each twenty thousand (20,000) square feet.

Beehives (must comply with the minimum distances specified for barns, corrals, etc., as stated in this section).

Customary residential household pets as defined in section 18.08.345 of this title.

Fences, walls subject to section 18.84.130 of this title, and subject to the approval by the planning and zoning director.

Home occupations, subject to the provisions of section 18.84.380 of this title.

Noncommercial plant nurseries and private greenhouses.

One single-family dwelling unit per legally created lot.

Public utility buildings and facilities and other public buildings.

Temporary and seasonal fruit and vegetable stands for the sale of produce raised on the premises, that do not exceed two hundred (200) square feet, and are maintained in an orderly manner.

Temporary office building used as an office in connection with the sale of property within a subdivision under construction, provided that the temporary office is located on the same tract of land as the subdivision. A permit therefor shall be valid for not more than one year, at the expiration of which time the use shall be discontinued. This use subject to subsection 18.84.200B of this title (temporary building construction).

Water reservoirs and water facilities. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

**18.28.035: PERMITTED ACCESSORY USES:**

Accessory uses and structures are permitted in the A-2 zone, provided they are incidental to the main residential dwelling unit, and do not alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

Accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.

Swimming pools and incidental cabanas subject to any and all requirements of the international residential code (IRC). (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

#### **18.28.040: CONDITIONAL USES:**

The uses listed below may be approved by issuance of a conditional use permit from the planning commission. Uses not specified herein as "permitted" or "conditional" shall be considered prohibited. The following is a list of possible conditional uses within the A-2 zone:

Agribusiness including commercial fruit and vegetable packing plants located on parcels of land with ten (10) acres or more, and agriculture/commercial structures that comply with city regulations and are in harmony with the objective and characteristics of the zone only located on parcels of ten (10) acres or greater.

Conditional use agriculture such as commercial greenhouses.

Exotic pets. Sufficient evidence shall be provided that such pets will be prevented from causing damage to property of others; endangering the health, safety and welfare of other persons; or otherwise creating a public nuisance.

Places of worship, public schools, public parks and playgrounds, subject to section 18.84.320, "Site Plan Review Process And Bonding", of this title.

Residential healthcare facilities (nursing homes, including skilled nursing and intermediate healthcare facilities, and residential care housing facilities as defined in section 18.84.370 of this title), subject to compliance with the standards for such uses as set forth in this code and the approval of site plan. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

#### **18.28.050: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:**

Each lot or parcel of property in the A-2 zone shall meet all of the following requirements:

A. Lot Size And Area Per Dwelling: The minimum lot size in the A-2 zone shall be not less than two (2) acres or eighty seven thousand one hundred twenty (87,120) square feet. Not more than one single-family dwelling may be placed upon a legally created lot or parcel of land in the A-2 zone.

B. Lot Width: Each lot or parcel of land in the A-2 zone shall have a minimum width of at least two hundred feet (200').

- C. Front Yard Requirements: No home shall have a front yard setback of less than thirty feet (30') measured from the front property line or the right of way edge to the foundation of the home.
- D. Side Yard: Each lot or parcel of land in the A-2 zone shall have a side yard of not less than ten feet (10').
- E. Side Yard; Corner Lots: Lots having frontage contiguous to a street shall not be less than thirty feet (30') as measured for the front yard setback.
- F. Accessory Buildings: Accessory buildings may be located no closer than within three feet (3') of a property line. Buildings with fire rated walls, built to the standards outlined in the international building code (IBC) may be placed up to the property line. However, in no case shall an accessory building exceed twelve feet (12') in height within ten feet (10') of the required setback area. All roof drainage shall be directed away from any adjacent property lines and shall be drained to the property wherein the building is located. Accessory buildings shall not exceed thirty five feet (35') in height.
- G. Projections Into Yards: The following structures may be erected on or projected into any required yard:
1. Fences and walls in conformance with this code and approval by the planning and zoning director. Other city codes or ordinances also apply.
  2. Landscape elements including trees, shrubs, agricultural crops and other plants.
  3. Necessary appurtenances for utility service.
  4. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'):
    - a. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
    - b. Fireplace structures and bays, provided that they are not wider than eight feet (8') measured generally parallel to the wall of which they are a part.
    - c. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty four inches (24") in height.
    - d. Porte cochere over a driveway in a side yard, providing such structure is not more than one story in height and twenty four feet (24') in length, and is entirely open on at least three (3) sides except for necessary supporting columns and customary architectural features.
- H. Building Height: No lot or parcel of land in the A-2 zone shall have a building or structure used for dwelling or public assembly which exceeds a height of two (2) stories with a maximum of thirty feet (30') measured from the finished grade of the lot to the midpoint of the roof pitch. Measurement shall be taken on three (3) sides of the home. Finished grade shall be established thirty feet (30') away from the front of the home, top of the curb (if present), or the middle point of the street directly in front of the home. If the home is located more than thirty feet (30') from a city street, then the measurement shall be taken off of the established grade ten feet (10') from the home. Finished grade shall be established two feet (2') above the top of the curb or sidewalk if present, otherwise, established grade will be the existing street in front of the lot or two feet (2') above the grade or whatever is less.

I. Permissible Lot Coverage: All buildings, including accessory buildings and structures, shall cover not more than thirty percent (30%) of the area of the lot or parcel of land. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

**18.28.060: PARKING AND DRIVEWAY REQUIREMENTS:**

A. Each home located on a lot or parcel in the A-2 zone shall have on the same lot or parcel two (2) off street enclosed parking spaces.

B. Each home shall also have a driveway that leads from a public street to the required enclosed parking spaces. Said driveway shall have a width of at least twelve feet (12'), and constructed with a hard surface material. (Ord. 2004-10, 6-16-2004, eff. 7-13-2004)

Mapleton Planning Commission:

We are applying for a business license to operate a recently approved building permit for an equine arena. Mapleton City does not have an ordinance that covers such a business. We were asked to explore the ordinances in surrounding cities to find possible ordinances that would cover such licensure. The following proposed amendment could easily be attached to the Home Occupation requirements.

Proposed amendment:

The purpose and intent of this section of the Mapleton City is to allow occupations, professions, activities, or uses that are clearly customary, incidental, and secondary to the residential or agricultural use of the property and which do not alter the exterior of the property or affect in any way the residential character of the A2 neighborhood. A business permit and a business license must be acquired pursuant to the acquired pursuant to the Mapleton City Code regulating business.

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PLANNING COMMISSION INFORMATION

MAPLETON CITY

Mountain Ridge Equestrian is applying for a conditional use in the A2 zone.

What we will do:

Preserve the residential integrity to our neighborhood.

Continue on a limited basis our Welsh Pony Breeding program which has been in existence for 25 years.

Institute a teaching forum for "natural horsemanship" for area youth and adults.

Teach equitation which promotes love, leadership, and the language of natural horsemanship.

Hours of operation: Monday - Saturday 10 AM – 8 PM (Note these are the hours available for instruction. We do not plan on working all of these hours)

Number of students: Maximum of 10 students per hour.

Parking: No street parking allowed. A gravel surface of 130'x80' to be provided. A maximum of two visitor horse trailers at any given time.

(Note: Students will be using resident horses. Outside horses will be allowed on a limited basis.)

Number of employees: Two part time employees.

Lighting: Exterior lighting will be limited to security motion deflection lighting.

**18.28.040: CONDITIONAL USES:**

The uses listed below may be approved by issuance of a conditional use permit from the planning commission. Uses not specified herein as "permitted" or "conditional" shall be considered prohibited. The following is a list of possible conditional uses within the A-2 zone:

Agribusiness including commercial fruit and vegetable packing plants located on parcels of land with ten (10) acres or more, and agriculture/commercial structures that comply with city regulations and are in harmony with the objective and characteristics of the zone only located on parcels of ten (10) acres or greater.

Commercial equestrian riding arenas and stables, subject to the following minimum standards:

- a. A minimum lot size of two (2) acres, with 200 feet of frontage is required. The lot shall be a legally created lot as determined by Mapleton City.
- b. The use shall be allowed only if a single family home is present on the lot. The activities of the business shall be conducted by members of the residing family. Provided that not more than one outside employee, not a member of the residing family, may be employed in the business.
- c. The number of horses and other animals on the lot shall not exceed the number of animal units allowed for the lot as permitted in the A-2 zone. In addition, only 1 horse at a time may be brought to the lot by clients for instruction.
- d. Not more than 8 clients or guests per day shall be permitted.
- e. The business shall not operate between the hours of 8:00 p.m. and 7:00 a.m.
- f. In addition to any required parking spaces for the single family home, gravel or hard surface off-street parking shall be provided for the commercial use. A minimum of two (2) parking spaces is required for the business, and a maximum of 6 spaces is permitted. No parking shall be permitted along City streets. The driveway for the commercial use shall be a minimum of sixteen feet (16') in width. The first thirty feet (30') of the driveway from the street shall be constructed of a hard surface material to avoid the tracking of gravel onto city streets.
- g. The property owner shall obtain a building permit for each structure associated with the commercial use, which shall comply with all applicable zoning requirements for the A-2 zone, and shall also conform to the commercial building standards in the current version of the International Building Code. Existing buildings proposed for the commercial use must also conform to the commercial building standards in the current version of the International Building Code.
- h. Permanent restroom facilities shall be provided for the commercial use, which shall conform to the commercial requirements in current version of the International Building Code. Restrooms in the home shall not count toward this requirement.
- i. To avoid nuisance conditions, manure shall not be allowed to accumulate. Dust shall be controlled by watering or sprinkling. No outdoor lighting for the business shall be permitted.
- j. No arena, stable, barn, structure or corral for the housing of the livestock and fowl or no corral for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') from an existing dwelling on the same lot.
- k. Signs shall be limited to one nonilluminated sign not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. The sign must be attached to the home or building where the home business is to take place.
- l. All commercial equestrian activity shall be confined to the lot. Horses shall not be ridden off-site along City streets.

- m. The business owner shall maintain a current business license with Mapleton City.
- n. The Planning Commission may attach additional conditions related to health, safety, and welfare to mitigate any possible disturbances to surrounding properties or any hazardous conditions.

Conditional use agriculture such as commercial greenhouses.

Exotic pets. Sufficient evidence shall be provided that such pets will be prevented from causing damage to property of others; endangering the health, safety and welfare of other persons; or otherwise creating a public nuisance.

Places of worship, public schools, public parks and playgrounds, subject to section [18.84.320](#), "Site Plan Review Process And Bonding", of this title.

Residential healthcare facilities (nursing homes, including skilled nursing and intermediate healthcare facilities, and residential care housing facilities as defined in section [18.84.370](#) of this title), subject to compliance with the standards for such uses as set forth in this code and the approval of site plan.