

ORDINANCE NO. 2012-03

AN ORDINANCE **AMENDING** TITLE 18 BY ADOPTING SECTION 18.68.135 "GRAZING ANIMALS IN NON-AGRICULTURAL ZONES", AND ADOPTING NEW PERMITTED USES IN SECTIONS 18.28.030 "C-2 COMMERCIAL ZONE"; 18.42.030 "MIXED USE COMMERCIAL ZONE"; 18.46.030 "CORPORATE MEDICAL PARK ZONE"; 18.48.020 "MANUFACTURING AND BUSINESS PARK ZONE"; 18.52.020 "R-1 RESIDENTIAL ZONE"; 18.56.020 "R-2 RESIDENTIAL ZONE"; AND 18.61.030 "PLANNED COMMUNITY ZONE" OF THE HEBER CITY MUNICIPAL CODE, AND AMENDING THE PERMITTED USES IN SECTION 18.64.020 "RESIDENTIAL AGRICULTURAL ZONE".

BE IT ORDAINED by the City Council of Heber City, Utah, that **Sections 18.68.135, 18.28.030 EE., 18.42.030 Y., 18.46.030 T., 18.48.020 A.9., 18.52.020 I., 18.56.020 A.2., and 18.61.030 P.** of the Heber City Municipal Code are **adopted, and Section 18.64.020** is **amended** to read as follows:

Section 18.68.135 Grazing Animals in Non-Agricultural Zones

- A. **Intent.** The intent of this Section is to:
1. Promote well landscaped properties in the city;
 2. Provide an alternative means for owners of larger properties in the city to maintain and control vegetation on their property through the pasturing of grazing animals; and
 3. Promote a green pastoral and rural town lifestyle.
- B. The raising, care and keeping of animals for personal family use and consumption is permitted in all zones. Animals are limited to only those specified:
1. **Large animals:** horses, cows, llamas, alpacas, or ostriches, but not including pigs;
 2. **Medium animals:** sheep and goats, but not including pigs.
- C. Animals shall not be kept within the front yard of any dwelling or main building, and shall be kept at least 20 feet from the rear of the dwelling or main building, and at least 10 feet from the side of the dwelling or main building. Barns and corrals shall be located as per Section 18.68.130. Animals shall not be permitted to wallow within or access a stream or canal.
- D. At least 34,000 square feet of green landscaped pasture area shall be maintained for each large animal, and at least 9,000 square feet of green landscaped pasture area shall be maintained for each medium animal.
- E. The premises upon which animals are kept shall be

maintained in a clean, sanitary, and reasonably odor-free condition, and animals shall be kept controlled on the property at all times.

- F. The property upon which the animals are kept is required to be maintained in a green pastoral condition. In the event a pasture becomes overgrazed, the number of animals on a property will need to be reduced. Overgrazing occurs when animals are permitted to graze vegetative cover excessively to the detriment of the vegetation, often characterized by soil erosion, dusty or muddy conditions, soil compaction, increased water runoff, noxious weed invasion, trampled vegetation, or a lack of grazing (i.e. hay or alfalfa) vegetation. A green pastoral condition exists when the land is not overgrazed, often characterized by the existence of healthy, non-trampled, green and growing vegetation (or dormant vegetation in non-growing months), healthy non-compacted soils, along with minimal dust, mud and weeds.
- G. The provisions of this Section (Section 18.68.135) do not impair, enhance, or otherwise regulate non-conforming animal uses, or the uses of zones which expressly permit the keeping of animals.
- H. Animals which create noise that disturbs neighbors shall be considered a public nuisance pursuant to Chapter 8.04 of this code.

Section 18.64.020 Permitted Uses (RA-2 Zone).

K. The raising, care and keeping of farm animals and fowl for family use and consumption on parcels one-half (1/2) acre and larger. Animals shall be allowed on a point system. Each one-half (1/2) acre shall be allotted 50 points. Animals being kept will be given points as follows:

1. Large animals such as horses, cows, llamas, pigs, or ostriches, but no more than 5 pigs shall be permitted for each parcel of property.--20 points per animal;
2. medium animals such as sheep or goats, but not including pigs--10 points per animal;
3. small animals such as chickens, geese, rabbits, pheasants or pigeons, but not including pigs --2 points.

Section 18.28.030 Permitted Uses.

EE. The keeping of grazing animals as regulated by Section 18.68.135.

Section 18.42.030 Permitted Uses.

Y. The keeping of grazing animals as regulated by Section 18.68.135.

Section 18.46.030 Uses.

T. The keeping of grazing animals as regulated by Section 18.68.135.

Section 18.48.020 Permitted Uses.

A.9. The keeping of grazing animals as regulated by Section 18.68.135.

Section 18.52.020 Permitted Uses.

I. The keeping of grazing animals as regulated by Section 18.68.135.

Section 18.56.020 Permitted Uses (R-2 Residential Zone).

A. 2. Agriculture, and the pasturing only of animals and the keeping of grazing animals as regulated by Section 18.68.135.

Section 18.61.030 Permitted Uses (PC Planned Community Zone).

P. The keeping of grazing animals as regulated by Section 18.68.135.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder and (c) a short summary of it has been published in the Wasatch Wave, but not prior to the 5th day of April, 2012.

ADOPTED and PASSED by the City Council of Heber City, Utah this 5th day of April, 2012, by the following vote:

	AYE	NAY
Councilman Robert L. Patterson	<u>X</u>	_____
Councilman Benny Mergist	<u>X</u>	_____
Councilman Alan W. McDonald	<u>X</u>	_____
Councilman Erik Rowland	<u>X</u>	_____
Councilman Jeffery Bradshaw	<u>X</u>	_____

APPROVED:

David R. Phillips

Mayor David R. Phillips

ATTEST:

Michelle Kellogg

RECORDER

Date of First Publishing:

April 18, 2012