

**BALLARD CITY
ORDINANCE 202110-001**

**ACCESSORY BUILDINGS SETBACKS UPDATE FOR RESIDENTIAL
AGRICULTURAL AND AGRICULTURAL ZONES**

WHEREAS, The city desires to make accessory buildings more conducive to Agricultural Residential and Agricultural Zone property owners.

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

SECTION 1: **AMENDMENT** “15.06.080 Agricultural Zones (A-20, A-10, A-5)” of the Ballard Land Use Ordinances is hereby *amended* as follows:

A M E N D M E N T

15.06.080 Agricultural Zones (A-20, A-10, A-5)

- A. **Purpose.** The establishment of an agricultural zone is intended to allow and protect agricultural uses within the City by controlling density and land coverage, and providing for compatible land uses. Its formulation is further intended to protect nearby residential uses from objectionable effects of certain agricultural operations.
- B. **Permitted Uses.** The following uses are permitted:
1. Accessory buildings clearly incidental to and commonly associated with the operation of permitted uses.
 2. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
 3. Commercial kennels for the raising, boarding and training of small animals; given, that no portion of any structure or outdoor run or pen will be located closer than one hundred feet (100') to any dwelling.
 4. Commercial or noncommercial agriculture, dairying, poultry, feeder pigs, not to exceed twelve (12) feeder pigs per acre, and livestock raising and feeding; given, that buildings and corrals used for housing fowl or animals, storing grain, feed or processing products will not be located closer than one hundred feet (100') to any dwelling (except for RA-5 districts where the distance is 50 feet).
 5. Greenhouses or plant nurseries for growing purposes, but not including retail sales.
 6. Home occupations
 7. Household pets
 8. Neighborhood / City park
 9. Private country clubs, golf courses and parks.
 10. Riding stables; provided, that any structure or corral housing animals will not be closer than one hundred feet (100') to any dwelling.

11. School, public or charter.
12. Second residences for hired help (A-20 only).
13. Signs
14. Single-family dwellings
15. Small animals, more than otherwise allowed in the RA-5 zone, given that they are kept constantly indoors in a fully enclosed building constructed with soundproofing measures and containing adequate sanitary measures, and are raised for live resale or reproduction purposes and not for food purposes.
16. Veterinary clinics, including observation or holding pens (including large animal hospitals); provided that no part of any structure will be closer than one hundred feet (100') to any dwelling.
17. Other uses determined by the planning commission to be in harmony with the intent and purpose of the zone.

C. Conditional Uses. The following uses are conditional and subject to the requirements of BMC 15.08:

1. Businesses directly related to some form of commercial agriculture.
2. Child nursery
3. Public utilities and facilities.
4. Radio and TV transmission lines and/or substations.
5. Residential treatment facility in the A-5, A-10, A-20 zones only
6. Utility transmission lines and/or substations.
7. Cluster subdivision
8. Other uses determined by the planning commission to be in harmony with the intent and purpose of the zone.

D. Height Regulations. Building: No building will be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35').

E. Area, Width and Yard Requirements

District	Area Minimum	Minimum Lot Width	Minimum Yard Setbacks Front	Minimum Yard Setbacks Side	Minimum Yard Setbacks Rear	Minimum Accessory Building Setbacks Side	Minimum Accessory Building Setbacks Rear
A-5	5 acres	100 feet	40 feet	25 feet	25 feet	10 feet	10 feet
A-10	10 acres	500 feet	40 feet	25 feet	25 feet	10 feet	10 feet
A-20	20 acres	500 feet	40 feet	25 feet	25 feet	10 feet	10 feet

F. Walls and Fencing. Properties within agricultural zones will comply with BMC 15.06.160, "Walls and Fences".

G. Off Street Parking. Properties within agricultural zones will comply with BMC 15.06.170, "Off Street Parking Requirements".

H. Modifying Regulations

1. **Other Requirements Applicable.** Requirements of all other chapters of this title will apply as applicable.
2. **Conditional Uses on Smaller Parcels.** Conditional uses may be approved on parcels of property less than the size required by the zone, but meeting all other requirements of this chapter and all other applicable requirements of this title.
3. **Livestock.** In the agricultural district, the number of animals permitted for each forty thousand (40,000) square feet or proportionate number of animals for a lot more than forty thousand (40,000) square feet will be as follows:
 - a. Twelve (12) large animals which may include horses, cattle, goats, sheep, feeder pigs or other animals judged by the planning commission to be compatible with this category of livestock animals.
 - b. Not more than thirty (30) poultry or rabbits or other small animals on any lot (30 total small animals).
 - c. No enclosure, pen or structure for raising of poultry, rabbits or livestock will be located within fifty feet (50') of any dwelling on the same or an adjacent lot.

SECTION 2: AMENDMENT “15.06.090 Residential Agricultural Zones (RA-1/2, RA-1, RA-2, RA-5)” of the Ballard Land Use Ordinances is hereby *amended* as follows:

AMENDMENT

15.06.090 Residential Agricultural Zones (RA-1/2, RA-1, RA-2, RA-5)

- A. **Purpose.** The purpose of these zones is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use in connection with a residential dwelling. Agricultural development and keeping of animals will be for the exclusive use and benefit of the family residing on the subject property. The RA-5 zoning district and cluster housing provisions can be used to protect environmentally sensitive areas such as steep hillsides and floodplain areas while still allowing for residential development on the least sensitive land.
- B. **Permitted Uses.** The following uses are permitted:
 1. Church; will be new construction and shown on a recorded subdivision plat, or be outside of a recorded subdivision plat.
 2. Guesthouses.
 3. Home occupations
 4. Household pets; provided that they are not kept, bred or maintained for any commercial purpose.
 5. Keeping of animals and fowl, as an accessory use to a single-family dwelling, to produce food for the family residing on the subject property, but limited in any event to the following:

- a. One large animal for a minimum lot area of twelve thousand five hundred (12,500) square feet; two (2) large animals for a minimum lot area of twenty thousand (20,000) square feet; and one additional large animal for each ten thousand (10,000) square feet of lot area over twenty thousand (20,000) square feet. Large animals may include horses, cattle, goats, sheep or other animals judged by the planning commission to be compatible with this category of livestock.
 - b. Not more than eight (8) poultry or rabbits or other small animals for every twelve thousand five hundred (12,500) square feet of area, not to exceed thirty (30) poultry or rabbits on any lot.
 - c. No pigs will be kept on any lot within the RA zones.
6. Neighborhood / City Park.
 7. Raising of crops, gardens and horticulture. Schools, public or charter.
 8. Single-family dwellings.
- C. **Conditional Uses.** The following uses are conditional and subject to the requirements of BMC 15.08
1. Caretaker dwelling, provided the unit is not rented out and is used solely for full time paid employees who work at the premises.
 2. Child nursery
 3. Cluster development
 4. Community park
 5. Public utilities and facilities.
 6. Any use similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.
- D. **Height Regulations.** No building will be erected to a height greater than two and one-half (2 1/2) stories or thirty five feet (35'), whichever is less, unless reviewed by the planning commission and approved by the City Council as a conditional use permit.

No accessory building will be erected to a height greater than fifteen feet (15') unless reviewed by the planning commission and approved by the City Council as a conditional use permit.

E. **Area, Width and Yard Requirements**

District	Area Minimum	Minimum Lot Width	Minimum yard Setbacks Front	Minimum yard Setbacks Side	Minimum yard Setbacks Rear	<u>Minimum Accessory Building Setbacks Side</u>	<u>Minimum Accessory Building Setbacks Rear</u>
RA-5	5 acres	120 feet	40 feet	15 feet	30 feet	<u>10 feet</u>	<u>10 feet</u>
RA-2	2 acres	110 feet	35 feet	12 feet	30 feet	<u>5 feet</u>	<u>5 feet</u>
RA-1	40,000 square feet	100 feet	35 feet	12 feet	20 feet	<u>5 feet</u>	<u>5 feet</u>
RA-1/2	20,000 square feet	100 feet	30 feet	10 feet	10 feet	<u>5 feet</u>	<u>5 feet</u>

F. **Walls and Fencing.** Properties within residential agricultural zones will comply with BMC 15.06.160, "Walls and Fences".

G. **Off Street Parking.** Properties within residential agricultural zones will comply with BMC 15.06.170, "Off Street Parking Requirements".

H. **Modifying Regulations**

1. **Side Yards.** The side yard setback on a "street side" yard will be the same as a front yard setback. Accessory buildings located at least ten feet (10') away from a main building may have two foot (2') side or rear property setback on interior lot lines, but no less.
2. **Distance between Buildings.** No two (2) accessory buildings on adjacent properties will be located closer together than ten feet (10'). No building, structure or run housing animals or fowl will be constructed closer than fifty feet (50') to a dwelling unit on the same or an adjacent lot.

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 November 2, 2021 public hearing and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE BALLARD CITY COUNCIL NOVEMBER 02, 2021.

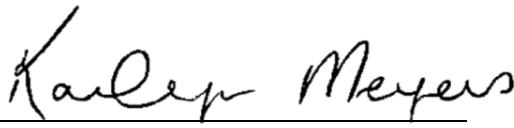
	AYE	NAY	ABSENT	ABSTAIN
Mayor Robert Abercrombie	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Mark Reidhead	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Ben Allred	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Al Kettle	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Nile Mathisen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Robert Abercrombie, Mayor, Ballard
City



Kaelyn Meyers, City Recorder Ballard
City

