



## SUMMARY OF AN ORDINANCE Cornish Town Council

The following ordinances were adopted and approved by the Cornish Town Council, Cornish, Utah on April 20, 2022.

**ORD. 22-06** – An ordinance amending Title 3 of the Cornish Town Land Use Ordinance chapter 3.5A “Minimum Area” & 3.5C “Minimum Width and Frontage”.

This ordinance shall take effect immediately upon publication. Full text of the ordinances may be reviewed at Cornish Town Hall, 4788 West 14300 North, Cornish, Utah, by appointment, on the Cornish Town Website at [www.cornishutah.org](http://www.cornishutah.org) or on the Utah Public Notice Website at <https://www.utah.gov/pmn/index/html>. Appointments can be made by contacting Town Clerk, Lauren Draney.

Lauren Draney, Town Clerk  
435-754-3067  
[cornishtownhall@gmail.com](mailto:cornishtownhall@gmail.com)

## **ORDINANCE 22-06**

### **AN ORDINANCE AMENDING LAND USES OF CORNISH TOWN, UTAH**

WHEREAS, the Cornish Town Planning & Zoning Commission and the Town Council desire to ensure the minimization of detrimental impact on agriculture; and

WHEREAS, the Cornish Town Planning & Zoning Commission and the Town Council have determined that a larger minimum lot size in the Agricultural Zone more closely aligns with the purpose of said zone; and

NOW, THEREFORE, The Town Council of Cornish, Utah, hereby adopts and passes the following:

**BE IT ORDAINED THAT CHAPTER 3 OF LAND USES OF CORNISH TOWN, UTAH BE AMENDED TO STATE:**

#### **LAND USES OF CORNISH TOWN, UTAH CHAPTER 3 - AGRICULTURAL ZONE (A)**

##### **3-1 Purpose**

To ensure that residential and other development in the Cornish Town Corporation area occurs in such a way as to minimize detrimental impact on agriculture, at the least cost to the taxpayer, and in harmony with the intent of the Cornish Town General Plan as enacted on April 20 2022 and subsequent modifications.

##### **3-2 Quality of Life and "Nuisance Activity"**

Cornish Town shall maintain its character as an agricultural community and existing agricultural uses shall be protected. If a permit is sought for new concentrated animal farming, citizen concerns regarding odor, waste management, and air pollution will be considered and weighed against the individual's ability to ensure that the operation will not prove to be a nuisance to the public.

##### **3-3 Permitted Uses**

- A. Agriculture
- B. Livestock, poultry, honey bees and aquaculture.
- C. Home enterprise.
- D. Accessory buildings and uses.

E. Farm buildings

F. Dairying, fur farms, livestock feed yards, corrals, silage bunkers, manure pits, chicken coops, and such similar uses.

G. Single family dwellings on lots that meet requirements of Section 3-5.

H. Single family dwellings on severed lots subject to the following conditions. The lots severed must:

1. Meet the minimum area width, and yard regulations set forth in Section 3-5 at the time of severance.

2. Include a single family dwelling which existed and was of and documented by public record. A single family dwelling shall be permitted, provided that the remaining lot meets the minimum area, width, and yard regulations as set forth in section 3-5.

I. Stands for sale of produce grown on the premises.

J. Wholesale nurseries, greenhouses and sod farms.

### **3-4 Conditional uses**

A. Single family dwelling that does not qualify as a permitted use

B. Subdivisions: residential, minor, mobile home

C. Condominiums

D. Cemetery

E. Gravel pit

F. Riding stable open to the public

G. Church

H. Shooting range

I. Mobile home used as a temporary dwelling subject to the following conditions:

1. The mobile home must be used during residential construction on a temporary basis to provide housing during the construction of an approved permanent dwelling on the construction site provided that the mobile home be removed within 90 days of the occupancy of the permanent dwelling unless approval for any other use is given.
2. The conditional use permit may be renewed by the Planning Commission upon the request of the owner if construction of the home is underway with a valid, current building permit and the planning department determines that circumstances warrant a renewal. Under no circumstances shall the permit be renewed for a total period that exceeds 3 years.
3. The mobile home must have a minimum 14 ft width.

4. The mobile home must be placed, connected and used in accordance with all Health Department and Town regulations with respect to water, drainage, and sanitation disposal as well as all applicable building and safety codes.
5. No mobile home may be placed or moved on to the property as a substitute for another mobile home nor may any mobile home be relocated on the lot without the approval of the Planning Commission.

**J. Mobile home used as a secondary dwelling to provide a residence for an agricultural worker, who is the head of the occupying family, and his or her immediate family subject to the following conditions:**

1. The occupying worker shall be a qualified, bonafide agricultural worker who is primarily engaged in a permitted agriculture activity on the premises where the mobile home is placed during the period of residency. This shall be certified in writing by the property owner.
2. A building permit is obtained.
3. No additions other than temporary porches or entrance ways are built on the mobile home.
4. The premises on which the mobile home is located shall be maintained in a clean, orderly, and sanitary condition. The accumulation of junk or other unsightly material shall be prohibited. The mobile home shall be kept in a safe and sanitary condition.
5. There shall be no more than one mobile home used as a secondary dwelling for an agricultural worker on any one property.
6. The mobile home shall be set back at a distance equal to or greater than the primary dwelling. (If topographical conditions warrant, this requirement may be varied by the Planning Commission)
7. The conditional use permit for this conditional use shall be for a term of four years at which time the owner must renew his application and execute a new certificate as specified in Subsection 1.
8. The mobile home must be placed, connected and used in accordance with all Health Department and Town regulations with respect to water, drainage, and sanitation disposal as well as all applicable building and safety codes.
9. No mobile home may be placed or moved onto the property as a substitute for another mobile home nor may any mobile home be relocated on the lot without the approval of the Planning Commission.

10. If the above conditions are not met the conditional use permit will be revoked.

11. If at any time the property owner desires to designate the mobile home located on the property as a permanent structure then the mobile home must be converted to a permanent dwelling and otherwise qualify as a permanent family dwelling within the provisions of this zoning ordinance including complying with lot restrictions, subdivision requirements and all other requirements for a family dwelling.

K. Mobile home used on an emergency basis to provide temporary housing for a period of not more than one (1) year for members of the immediate family where an emergency situation exists which requires special attention; provided that all requirements are met as described in 3-4 K, 2-11 and;

1. At the end of the year, if the owner desires to maintain the mobile home on the property then the mobile home must be converted to a permanent dwelling and otherwise qualify as a permanent single family dwelling within the provisions of the Zoning ordinance including, but not limited to, compliance with lot restrictions, subdivision requirement, and all other requirements for a single family dwelling.
2. Failure to complete construction of a residence is not "emergency" for the purpose of this section.

L. Retail nurseries and greenhouses.

M. Bed and breakfast inns or nightly rentals.

N. Accessory apartment subject to the following conditions:

1. An accessory apartment is part of an existing single family dwelling which has been designated, built, or converted to accommodate an independent housing unit.
2. The apartment must be approved by the Department of Health and County building authority with respect to sanitation, water, drainage, and all applicable health codes and requirements and must also comply with all applicable building and safety codes including the obtaining of a building permit.
3. There may only be one accessory apartment on a lot

O. Public recreation grounds and facilities.

P. Go-Cart and recreational facilities.

Q. Other uses which are consistent with the purpose of this zone and which are approved upon those specific conditions determined by the Planning Commission to be reasonable and necessary under circumstances and such uses shall be in harmony with the character and intent of the Agricultural Zone.

### **3-5 Regulations**

#### **A. Height**

No building shall be erected to a height greater than 35 feet unless a conditional use permit is granted by the Planning Commission.

#### **B. Minimum Area**

The greater of 2 acres or the minimum area required by the Bear River Health Department for an approved septic system.

#### **C. Minimum Width and Frontage**

200 feet.

#### **D. Minimum Yard Setbacks From Property Lines**

1. Front - All Buildings - at least 60 feet from the edge of the asphalt or driving surface.
2. Sides - Main Structure - 25 feet.  
- Secondary Structure - 10 feet.
3. Rear - Main Structure - 30 feet.  
- Secondary Structure - 10 feet.

E. The distance between buildings, structures, enclosures housing animals or fowl, dwellings, or wells shall comply with the current State of Utah adopted Building Code.

F. **Exceptions** - Storage sheds for grain or feed, even if it is the only or first building constructed upon the property, may be deemed accessory buildings and not main buildings provided that the location, plans, and specifications for such sheds are approved by the Planning Commission and that such buildings are designed and built such that there shall be no drainage of water from the building or caused by said building to run upon any adjacent properties.

### **3-6 Agricultural Construction Exception**

The requirements of this ordinance as to minimum lot area or lot width shall not prevent the construction of structures used for agricultural or livestock purposes on a parcel of land in the agricultural zone as long as side yards, setback and coverage requirements are maintained, unless it is a restricted lot.

### **3-7 Waterways and Wetlands, Protection Requirements**

## **A. Purpose**

In order to protect existing water quality, to prevent further degradation of water quality, to lessen the impact and damage to persons and property caused by floods in areas frequently subject to flooding and to protect important wildlife habitat areas, land uses subject to this chapter shall be setback from waterways, canals, ditches, drains, lakes, or reservoirs. The Cornish Town Planning Commission shall require such management practices or waste prevention facilities as are reasonably necessary to prevent pollution of public waters and that are in compliance with the United States Army Corps of Engineers, Environmental Protection Agency and State wetland regulations.

## **B. Definitions.**

1. **Animal Unit-** the number of animals equivalent to one mature beef cow, based on the daily output (in pounds) of manure
2. **Concentrated Animal Confinement-** ten or more animal units confined in an area with 200 square feet or less per animal unit.
3. **Pitch-** any natural or named drainage contained on more than one property.
4. **High Water Mark-** the line of the shore established by the fluctuations of water and indicated by physical characteristics, such as, a clear, natural line impressed on the bank; shelving; change in the character of the soil; destruction of terrestrial vegetation; the appropriate means that consider the characteristics of the surrounding areas.
5. **Setback Distance-** the distance between the high water mark of a waterway, lake or reservoir (or the edge of a canal, ditch, drain, or wetland) and a use or structure regulated by this chapter.
6. **Waterway-** a perennial or intermittent stream or river.

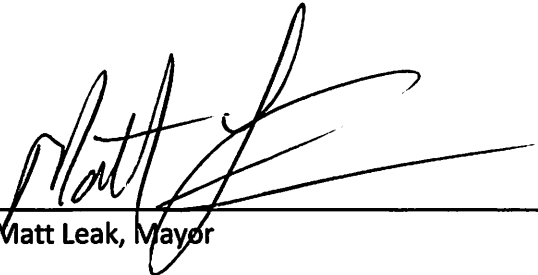
**C. Setback Distances**

1. The applicant shall demonstrate to the Cornish Town prior to the time his building permit is issued that his waste management system minimizes wastes from entering a waterway; canal; drain, or ditch; lake or reservoir; wetland or water table; consistent with applicable federal, state, and local laws and regulations.

THIS ORDINANCE SHALL TAKE EFFECT APRIL 20, 2022.

ADOPTED AND PASSED by the Cornish Town Council this 20<sup>TH</sup> day of April, 2022.

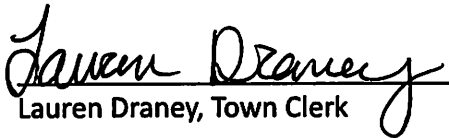
CORNISH TOWN



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Matt Leak, Mayor

ATTEST:



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Lauren Draney, Town Clerk

