



MEMO

TO: Planning and Zoning Commission

FROM: Doni Wilbanks,
Planning Specialist

DATE: May 2, 2016

SUBJECT: Unified Development Code Amendment; Section 154-02-004
Keeping horses and/or livestock in front yards

P16-003

Background

The keeping of livestock, including horses, is a permitted accessory use in residential zoning districts in the town of Payson. They are permitted so long as they have a minimum lot size of one (1) acre, maintain a minimum distance of 75 feet from any residential unit on another lot, and do not create a nuisance. The keeping of livestock is not permitted in any front yard. Any front yard is determined to be any area beyond the front line of the main dwelling unit. Staff recommends amending the Unified Development Code §154-02-004(B)(3)(c) to allow for the keeping of livestock in the front yard.

Analysis

In areas with lots sizes of one acre or more, *front setbacks* usually range from 40 feet to 60 feet from the front property line. These setbacks apply to any permitted structure, such as a main dwelling unit, garage, or barn; however, livestock are not permitted in the *front yard* making a barn for livestock impractical if the main dwelling unit is situated at the rear of the lot. On lots where the main dwelling unit has been placed further back than the minimum front setback, usable area for allowed livestock is greatly limited or sometimes non-existent because the property owner would not be able to meet the 75 feet separation requirement or other setbacks in the rear yard. There are currently many areas where lots were developed prior to the Unified

Development Code (1996) and homes were built away from the street creating large front yards and smaller rear yards. At the time these homes were built, the keeping of livestock was not restricted from the front yard. We are currently left with numerous legal-non-conforming situations. Also new homes or homeowners in the same areas as these legal-non-conforming properties are not afforded the same privilege of livestock within the front yard, thus limiting the available horse property within the town. Many of the lots that could be utilized for horses are rendered impractical.

In situations of corner lots, horses are permitted on the street side yard yet not allowed for the adjacent property owner in their front yard, both of which would be on the same street/roadway. Horses on a street side yard up next to the roadway have never been an issue. Thus, there is no logical reason to prohibit them from the front yards.

There is also no registry or permit required, so the town has little way of knowing which properties are legal-non-conforming or currently in violation of this code. We can only advise residents that inquire; yet we have limited ability to regulate if someone does establish the use. Consequently we have no practical way of enforcing existing conditions.

Amending the code to allow livestock in the front yard would allow livestock to be kept or roam in the front yard so long as the 75 foot setback from other another residential structure is maintained. This will allow property owners with parcels of one acre or more to fully utilize their property for the permitted use of livestock. Eliminating the front yard restriction would allow for a better use of land while still maintaining a desirable distance between livestock and adjacent home owners.

Motion

If the Commission supports the proposed revisions, an acceptable motion could be:

“I move the Planning and Zoning Commission recommend to the Town Council approval of P16-003, an amendment to the Unified Development Code §154-02-004(B)(3)(c) to allow livestock in the front yard as outlined in this staff report.