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 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2012 Sep 20 3:50 pm FEE 0.00 BY CLS
 RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2012- 25

AN ORDINANCE AMENDING SECTION 3-31, PRODUCE STANDS AND FARMER'S MARKETS; SECTION 5-4-B, TR-5 ZONE PERMITTED USES; AND SECTION 5-4-D, TR-5 ZONE AREA REQUIREMENTS, OF THE UTAH COUNTY LAND USE ORDINANCE

WHEREAS, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amendments to produce stands and farmer's markets and adding produce stands to the TR-5 Zone, and

WHEREAS, the Planning Commission addressed the proposed amendments to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendments, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendments, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed amendments to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendments to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendments to the Utah County Land Use Ordinance are in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 3-31, Produce Stands and Farmer's Markets, of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-31: PRODUCE STANDS AND FARMERS' MARKETS

A. INTENT

The intent and purpose of this section is to allow the operation of incidental produce stands and farmers' markets which supply the local market with needed food and farm products without causing a deleterious effect upon the agricultural industry fostered in the zone.

B. CONDITIONS

Upon receipt of a complete application, the Zoning Administrator shall grant a permit for a produce stand or farmers' market if the Zoning Administrator finds that all of the following conditions and requirements are met:

1. Only plants, animals or parts thereof which are products of the subject lot or farm unit shall be offered for sale at a produce stand; farmers' markets may sell plants, animals or parts thereof from any lot or farm unit produced within the boundaries of Utah County.
2. In accord with land use ordinance, chapter 3, at least five (5) off-street parking spaces shall be provided for a produce stand; five(5) off-street parking spaces per 1000 square feet of retail floor area shall be provided for a farmers' market, but never less than five (5) off-street parking spaces.
3. Only one sign, a maximum of thirty-two (32) square feet in area, except in the TR-5 Zone the maximum area of the sign is sixteen (16) square feet, which advertises only products of the produce stand or farmers' market shall be permitted and shall not extend into the road right-of-way.

Part II:

Section 5-4-B, Permitted Uses, TR-5, Transitional Residential Zone, of the Utah County Land Use Ordinance, is hereby amended to read as follows:

5-4: TR-5 TRANSITIONAL RESIDENTIAL ZONE

B. PERMITTED USES

The following shall be permitted in the TR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. One-family dwellings and manufactured homes.
2. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant; and the requirement that the total floor area of all such structures shall not exceed 1000 square feet, unless the lot exceeds one (1) acre in area, which would allow a total maximum floor area of all such structures of 2,000 square feet per lot.
3. Family day-care and private preschools.
4. Residential facilities for persons with a disability and residential facilities for elderly persons, subject to the provisions of chapter 3 of this land use ordinance.
5. Home occupations, subject to the provisions of chapter 3 of this land use ordinance.
6. Churches and other structures for religious worship, and churches with a parsonage.
7. The pasturing of domestic livestock and the keeping of fowl for personal use. Also barns, sheds, pens and coops for keeping such livestock and fowl, subject to the requirements of chapter 3 of this land use ordinance, and the requirement that the total floor area of such structures shall not exceed 1000

- square feet per lot, unless the lot exceeds one (1) acre in area, which would allow a maximum floor area of 2,000 square feet per lot..
8. The production of fruits and crops in the field and produce stands subject to the provisions of chapter 3 of this land use ordinance.
 9. Agricultural structures for the storage and keeping of farm products and farm machinery, subject to the requirement that the total floor area of such structures shall not exceed 1,000 square feet per lot, unless the lot exceeds one (1) acre in area, which would allow a maximum floor area of 2,000 square feet per lot.
 10. Plant and tree nurseries and greenhouses which cover 1000 square feet or less per lot, unless the lot exceeds one (1) acre in area, which would allow a maximum floor area of 2,000 square feet per lot, for the sale of plant stock grown on the premises.
 11. Public parks and public park facilities, and public historical monuments.
 12. Landscape parks.
 13. Man-made lakes, ponds, dams and other uncovered impoundments if such are under ten (10) acre feet in capacity; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
 14. Fences, walls, and landscaping, subject to the provisions of chapter 3 of this land use ordinance
 15. Signs, subject to the provisions of chapter 3 of this land use ordinance.
 16. Water wells and appurtenant pipelines, pumps and pump houses.

Part III:

Section 5-4-D, Area Requirements of the TR-5, Transitional Residential Zone, of the Utah County Land Use Ordinance, is hereby amended to read as follows:

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the TR-5 zone shall be as follows:

1. Each one family dwelling, manufactured home, family day-care, residential facility for persons with a disability, residential facility for elderly persons, nursing home, residential treatment center, planned subdivision, preschool, primary school, secondary school, and produce stand, shall be on a lot containing at least five (5) acres of land.
2. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 ½) acres of land; each church with a parsonage shall be on a lot containing five (5) acres of land.
3. The pasturing of domestic livestock; the minimum lot area for one head of livestock shall be one acre, plus an additional one-half acre for each additional head of livestock.
4. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

Part IV:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part V:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part VI:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 11th day of September, 2012.

UTAH COUNTY COMMISSION

VOTE

Larry A. Ellertson
LARRY A. ELLERTSON, CHAIR

aye

Doug Witney
DOUG WITNEY, COMMISSIONER

aye

Gary J. Anderson
GARY J. ANDERSON, COMMISSIONER

aye

ATTEST:

BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:

JEFFREY R. BUHMAN
County Attorney

By: *Denise Higgins Carson*
Deputy



Approved

Disapproved

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible

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