

AN ORDINANCE AMENDING SECTIONS 1-6-B, 1-6-C, 2-2-A, 3-3, 3-15, 3-51, AND 5-2 OF THE UTAH COUNTY LAND USE ORDINANCE TO ADD BUILDINGS AND FACILITIES FOR THE REPAIR OF AGRICULTURAL EQUIPMENT AND AGRICULTURAL VEHICLES AS A PERMITTED USE IN THE RESIDENTIAL AGRICULTURAL (RA-5) ZONE, AND TO AMEND SECTION 3-30-D RELATED TO HOME OCCUPATION BUSINESSES

WHEREAS, the Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Sections 1-6-B, 1-6-C, 2-2-A, 3-3, 3-15, 3-51, and 5-2 to add buildings and facilities for the repair of agricultural equipment and agricultural vehicles as a permitted use in the Residential Agricultural (RA-5) Zone, along with associated definitions and requirements, and to amend Section 3-30-D related to home occupation businesses; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on June 20, 2017, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

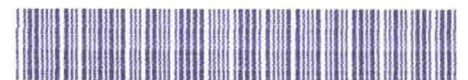
WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes of the Planning Commission meeting and the public hearing regarding the proposed amendment to the Utah County Land Use Ordinance;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

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

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is 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:



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JEFFERY SMITH
UTAH COUNTY RECORDER
2017 Jul 31 3:55 pm FEE 0.00 BY MA
RECORDED FOR UTAH COUNTY COMMISSIONERS

Part I:

Section 1-6 of the Utah County Land Use Ordinance is hereby amended to read as follows:

1-6: NONCONFORMING USES AND NONCOMPLYING STRUCTURES

A. INTENT

It is the intent of this ordinance that noncomplying structures and nonconforming uses of land (except billboards) existing at the time of passage of the zoning ordinance, but not in conformance therewith, be changed, ultimately, to complying structures and conforming uses and that noncomplying structures and nonconforming uses shall not be continued, increased, nor expanded except as permitted herein.

B. CONTINUATION

1. Except as provided below in this section, a noncomplying structure or a nonconforming use of land may be continued to the same extent and character as that which was legally existing and permitted on the effective date of the ordinance provision(s) causing noncompliance or nonconformity if:

- a. No increase or expansion is made unless as provided below; and
- b. The boundaries of the lot on which the structure or use lies are unchanged.

Exception 1: The boundaries of the lot on which the structure or use lies are changed due to one of the following reasons: the addition of more land area to the lot, fence line or boundary agreements that establish historic boundaries, and dedications of road right-of-way.

Exception 2: A noncomplying structure consisting of an inhabited structure shall be allowed to continue in its noncomplying status when the boundaries of the parcel on which the inhabited structure is located are changed to create a platted subdivision lot, if the County Engineer has provided the Zoning Administrator with a written statement that the noncompliance will not impair the right of way nor increase any hazard to public safety.

Exception 3: A noncomplying structure consisting of an inhabited structure shall be allowed to continue in its noncomplying status when the boundaries of the parcel on which the inhabited structure is located are reconfigured and such reconfigured parcel meets the area and width requirements of the applicable zone, if such noncompliance is relative to the structure's distance from a front property line or distance from a right of way line or center line of an official county or state road and the County Engineer has provided the Zoning Administrator with a written statement that the noncompliance will not impair the right of way nor increase any hazard to public safety.

Exception 4: A noncomplying structure consisting of a permitted agricultural structure shall be allowed to continue in its noncomplying status when the boundaries of the parcel on which the agricultural structure is located are changed to create a platted subdivision lot, if the County Engineer has provided the Zoning Administrator with a written

statement that the noncompliance will not impair the right of way nor increase any hazard to public safety.

2. Recorded noncomplying plats can be amended pursuant to the procedure contained in chapter 6 of this land use ordinance.

C. EXPANSION

A noncomplying structure or nonconforming use of land may be expanded only if:

1. The Zoning Administrator approves the expansion after making the following findings:
 - a. The specific use and structure to be expanded is a noncomplying, one-family dwelling, or a noncomplying, one-family dwelling on a parcel recognized as legal nonconforming which is to include an agricultural equipment and agricultural vehicle repair facility; and
 - b. The boundaries of the lot on which the one-family dwelling lies are unchanged from those existing when the dwelling became noncomplying, except for the addition of more land area to the lot, fence line agreements that establish historic boundaries, and dedications of road right-of-way; and
 - c. The proposed expansion meets all the requirements of the zone in which it is located for subdivision, Health Department approval of water supply and sewage, flood protection, parking, and setback, except new construction may be approved within the required front, side, or rear setback distance if it does not intrude beyond the setback measured at the closest distance from the property line or road centerline of the existing structure.

Or:

2. The Zoning Administrator approves the expansion after making the following findings:
 - a. The specific use and structure to be expanded is an existing church or other structure for religious worship that is located on a legal nonconforming lot of record; and
 - b. The overall use and structure meet all of the requirements of Utah County and the State of Utah for fire protection, water supply for fire suppression, drinking water, sewage disposal, drainage and flood protection, subdivision, parking capacity, construction code compliance, and building setback, except new construction may be approved within the required front, side, or rear setback distance if it does not intrude beyond the setback measured at the closest distance from the property line or road centerline of the existing structure.

Part II:

Section 2-2-A of the Utah County Land Use Ordinance is hereby amended to read as follows:

2-2-A DEFINITIONS

- A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

5. Agricultural Equipment:
Equipment used for the primary purpose of farming or ranching.
6. Agricultural Vehicle: A vehicle that meets one of the following definitions:
 - a. Farm Vehicle - Truck which complies with the requirements of Utah Code, Title 41, Motor Vehicles Act, for registration as a farm vehicle and displays a current farm vehicle license plate which is used exclusively to transport farm products or supplies.
 - b. A vehicle or semi-tractor and attached trailer which complies with the requirements of Utah Code, Title 41, Motor Vehicle Act, for registration and licensing and which the primary use is for transporting livestock, harvested crops, farm supplies, feed, and other agricultural products.

Part III:

Section 3-3 of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-3: STORAGE OF JUNK, DEBRIS AND OBSOLETE VEHICLES IN YARDS PROHIBITED

No structure, accessory structure, yard, field, or open space shall be used for the placement or storage of junk, debris, or obsolete vehicles.

Exception 1: Structures and land within the walls of a properly approved automobile wrecking yard or salvage yard in the I-1 Industrial Zone may be used for such purpose; and not more than four (4) obsolete vehicles may be stored on a lot within a totally enclosed residential accessory structure, provided that the storage of said vehicles is a not for profit hobby of the resident of the dwelling carried out solely by the resident of the dwelling, and all of such obsolete vehicles are owned by the resident.

Exception 2: Agricultural equipment and agricultural vehicles under repair which have met the requirements of chapters 2 and 3 of this land use ordinance for an agricultural equipment and agricultural vehicle repair facility.

Part IV:

Section 3-15 of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-15: OFF-STREET PARKING AND LOADING

A. INTENT AND SCOPE

The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles. Requirements for parking lots and facilities shall be as follows:

B. NUMBER OF SPACES

The following shall be the minimum number of off-street parking spaces required for each particular use and shall be in addition to any parking located along a road right-of-way.

1. Each dwelling unit shall have two off street parking spaces plus one off street parking space for each domestic or support staff person employed or residing on the premises during the highest employment or residency shift (except in recreational resorts where land use ordinance chapter 6 applies). As a means of encouraging the occupants of structures containing more than one dwelling unit to use the required off street parking space in preference to on street parking spaces, entrances to buildings containing more than one dwelling unit shall be provided in locations that are at least as direct and convenient to the required off street parking spaces as are the fronting streets.
2. Churches shall have one (1) parking space per three (3) seating spaces in the main assembly room.
3. Retail stores and personal service shops shall have parking space at the rate of five(5) parking spaces per one thousand (1,000) square feet of floor area.
4. Industrial, manufacturing, warehousing, and wholesale establishments shall have one (1) parking space per two (2) employees based on the largest shift.
5. Automobile wrecking yards shall have five (5) parking spaces.
6. Produce stands shall have five (5) parking spaces.
7. Veterinarian offices and facilities shall have two (2) parking spaces plus four (4) parking spaces times the number of veterinarians on the staff. Additionally, there shall be a designated parking area for trucks with trailers as determined by the Zoning Administrator.
8. Buildings and facilities for the repair of agricultural equipment and agricultural vehicles as an accessory use to a dwelling shall have two (2) parking spaces plus one (1) parking space times the number of outside employees. The parking spaces shall be for the exclusive use of the patrons and employees and not for storage.
9. Uses not listed--for any occupied building or structure, or any recreational or other open land where people will be present, and the parking requirements are not listed above, the number of required parking spaces shall be determined by the Zoning Administrator using comparable parking space needs to those uses listed in this section, other parking data

available for the specific use intended, data and recommendations from the Utah County Public Works Department, and/or by a parking plan prepared by an engineer licensed to practice in the State of Utah.

C. LOCATION AND CONTROL OF PARKING FACILITIES

The off-street parking spaces required by this ordinance shall be located on the same lot or parcel of land as the use it is intended to serve.

Exception: The Zoning Administrator may approve a separate parcel for parking use if he finds that the following standards are met:

1. There is a case of practical difficulty in placing all of the parking spaces on the same parcel as the main use to be served.
2. The additional parcel is an adjacent parcel, or a parcel lying within two hundred (200) feet of the lot with the main use served by the parking spaces, and it shall be substantially equivalent in safety and ease of accessibility as parking on the main lot.
3. The additional parcel is in the same ownership or leasehold as the lot with the main use to be served and will be maintained for parking as long as the main use exists. A deed restriction or equivalent document executed by the owners, which limits the offsite parcel to parking use, shall be filed with the County Recorder and remain in effect during the life of the main use.
4. Parking and loading facilities may be located any place on the premises except for areas that are required to be landscaped. In a residential zone no more than thirty percent (30%) of the area contained within a required front yard shall be used for the parking of automobiles.

D. ACCESS TO AND CIRCULATION WITHIN PARKING FACILITIES

1. Access to a parking facility from a city street, county road, or state route, shall be approved by the County Engineer or the Utah Department of Transportation (UDOT).
2. Circulation within a parking facility shall be approved by the County Engineer and the Utah County Fire Marshal.

E. LIGHTING OF PARKING AREAS

Any lighting used to illuminate off-street parking facilities shall be accomplished by shielded light sources to direct the light down and away from the adjoining premises.

F. CONTINUING OBLIGATION

The required off-street parking and loading facilities shall be a continuing obligation of the property owner as long as the main use served by the facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading facilities without providing other vehicle parking or loading facilities which meet the requirements of this ordinance.

G. PLOT PLAN APPROVAL REQUIRED

At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off street parking, a plot plan shall be submitted showing the location and layout of the required parking

spaces along with access aisles and driveways. The Zoning Administrator shall not approve the plot plan and permit if he/she finds that the layout is such that some or all of the required spaces cannot be readily used by standard-sized automobiles or that the plan does not comply with the requirements for off-street parking as set forth in this land use ordinance.

Part V:

Section 3-30 of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-30: HOME OCCUPATION

Upon receipt of a complete application, the Zoning Administrator shall grant a permit for a home occupation if the Zoning Administrator finds that all of the following conditions and requirements are met:

- A. The Business use is compatible with, and incidental and secondary to, the residential use of the property.
- B. No retail sales are permitted, except the sale of limited items which are incidental to the service provided.
- C. The area of business use of the dwelling shall not exceed the smaller of 500 square feet or 20% of the floor area of the dwelling (excluding any attached garages or carports) and the business (including storage) does not include any use of areas outside the dwelling.
- D. Adequate off-street parking for all business vehicles and trailers and vehicles of any visiting clientele shall be provided. The vehicles and trailers used for the home occupation business shall meet the following:
 1. Home Occupation: One (1) motorized vehicle not to exceed a one(1)-ton rated capacity, and one (1) trailer not to exceed 20 feet in length.
 2. Home Occupation for a mobile agricultural equipment and agricultural vehicle repair: One (1) motorized vehicle with a Federal Highway Administration classification not to exceed a Class 7 rating, and one (1) trailer.
- E. The home occupation is conducted entirely by family members residing on a full-time basis (not less than ten months per year) in the same dwelling as the home occupation and does not include employees coming to the dwelling.
- F. Storage in or use of a garage or carport is not permitted.
- G. The dwelling retains its architecture and outside appearance as a residence.
- H. Signs are permitted subject to the provisions of chapter three of this ordinance. Permitted trailers with advertising on them may not be stored in the open.
- I. The business use does not create any odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations, radio interference or television interference which are not commonly created by residential use.
- J. Home occupations with visiting clientele shall have business activity only between the hours of 7:00 a.m. and 7:00 p.m.

- K. The home occupation does not include the storage or sale of flammable, explosive, or hazardous materials, junkyards, salvage yards, sexually oriented businesses, small engine repair, major household appliance repair, automotive repair or body work or painting, towing operations, vehicle sales or rentals, welding or iron work, or cabinet shops.

Part VI:

Section 3-51 of the Utah County Land Use Ordinance is hereby adopted to read as follows:

3-51: BUILDINGS AND FACILITIES FOR THE REPAIR OF AGRICULTURAL EQUIPMENT AND AGRICULTURAL VEHICLES

A. SCOPE

The Zoning Administrator may approve a permit for buildings and facilities for the repair of agricultural equipment and agricultural vehicles in a zone in which such use is listed as a permitted use, provided that all of the following conditions are met.

B. SITE PLAN

The Zoning Administrator has received from the owner of land in a qualifying zone, a site plan (layout map) of the buildings and facilities, drawn to a readable scale by an engineer, architect, or land surveyor licensed by the State of Utah showing all existing and proposed buildings, structures, activity areas, parking spaces, and roads. The site plan shall be consistent with the requirements and standards of all applicable sections of this land use ordinance.

C. STANDARDS

1. The buildings and facilities shall be located within a zone in which the buildings and facilities for the repair of agricultural equipment and agricultural vehicles are listed as a permitted use and shall meet all the minimum requirements for such buildings and facilities found in that zone.
2. The design of the buildings and facilities, including parking, access roads and interior road system, water system, sewage disposal system, trash collection, fire protection, and any other ancillary facility, shall meet the requirements of the adopted codes of Utah County and of this ordinance.
3. The buildings and facilities shall have vehicular access from a paved state or county road and shall have the frontage and width required for such buildings and facilities in the applicable zone, from which frontage vehicular access is provided to the buildings and facilities, according to the provisions of chapter 3 of this land use ordinance.
4. Structures and uses shall meet all adopted building, fire, and health codes and requirements, including the disposal of any waste products.
5. The total area designated for the repair buildings and facilities, including parking and storage areas, may not exceed 10 percent of the total size of parcel up to a maximum of 1 acre.

6. The applicant shall submit a business operation plan which includes requested hours of operation. Hours of operation must be approved by the Zoning Administrator.
7. The repair facility shall be required to limit the length of time for any outdoor parking of vehicles for repair and any outdoor storing of equipment for repair to not more than six(6) months from date of intake. The applicant must show written documentation of compliance to this requirement upon request from the Community Development Department.
8. The outdoor storage of replacements parts is prohibited.
9. The parking/storing of vehicles or equipment along any public road right-of-way is prohibited.
10. The business may have up to two(2) outside employees.
11. The area designated for the repair facilities, which includes all structures, storage areas and parking areas, shall not be closer than 100 feet from any existing residence which does not lie on the same parcel as the repair facility.

D. ZONING COMPLIANCE PERMIT

After any construction, but prior to occupancy of the buildings and facilities, the owner shall qualify for and obtain a zoning compliance permit from the Zoning Administrator and a Utah County Business License.

Part VII:

Section 5-2 of the Utah County Land Use Ordinance is hereby adopted to read as follows:

5-2: RA-5 RESIDENTIAL AGRICULTURAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The RA-5 Residential Agricultural Zone covers that portion of Utah County which historically has been irrigated land and utilized for the growing of crops and the raising of livestock. It includes that area of the county where the combination of soil quality, size of land parcel, availability and supply of water, and other natural and man-caused factors make the land most appropriately suited for agricultural use. Although the main thrust of the RA-5 zone is to protect the farming industry, certain non-farm uses and residences on lots large enough to preclude conflict with the surrounding farms are allowed in the zone.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the RA-5 Residential Agricultural Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Utah Code Annotated 1953, as amended.
2. To preserve agricultural land.
3. To foster and protect agriculture from incompatible land uses.
4. To coordinate rural development in a way that is economical for the continuation of agriculture.

5. To encourage the cultivation of crops and the raising and keeping of livestock and related uses.
6. To promote the conservation of water, land, and other resources.
7. To maintain open space and agricultural areas near urban centers for the preservation of the environment.
8. To avoid public service costs which result from the remoteness of urban uses.

The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. PERMITTED USES

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

1. The care and keeping of domestic livestock and fowl; and barns, stables, corrals, feed yards, pens, coops, other structures for the keeping of such livestock or fowl, and ancillary agricultural wastewater treatment lagoons, and systems, and related facilities when associated with an approved fowl or domestic livestock operation and when such agricultural wastewater treatment is approved by the State Department of Environmental Quality, Division of Water Quality, or approved by other federal or state regulatory agencies with specific jurisdiction for agriculture wastewater, subject to the provisions of chapter 3 of this land use ordinance.
2. The raising of mink, and similar fur bearing animals, and the pens and sheds used in the raising of such animals, subject to the provisions of chapter 3 of this land use ordinance.
3. The production of fruit and crops in the field, packing plants for fruit and vegetables, and office, restroom and shower facilities for such production of fruit and crops and packing plants.
4. Agricultural structures for the storage and keeping of farm products and farm machinery.
5. Buildings and facilities for the fabrication and portion control (killing, skinning, and meat cutting) of domestic livestock and poultry raised on the premise.
6. Dairy farms, milking barns including an office, or an independent office structure on the same site as the dairy, for the exclusive use of the dairy operation, also restrooms, showers, and buildings and facilities for the processing and packaging of milk produced on the premise, subject to the provisions of chapter 3 of this land use ordinance.
7. Apiaries and establishments for extracting and processing honey.
8. Private dog kennels as an accessory use to the dwelling in which the owner of the kennel resides.
9. Fish hatcheries for the raising of game fish or fish for human consumption.
10. Plant and tree nurseries, greenhouses, and associated structures for the sale of plant stock grown on the premises.
11. Incidental produce stands, and Farmers' Markets, subject to the provisions of chapter 3 of this land use ordinance.

12. The boarding of horses within a structure or in the open field.
13. One-family dwellings and manufactured homes.
14. Residential accessory structures, when located on the same parcel as the dwelling to which such structures are appurtenant.
15. Family day-care and private preschools.
16. Home occupations, subject to the provisions of chapter 3 of this land use ordinance.
17. Churches and other structures for religious worship, and churches with a parsonage.
18. Public parks and public park facilities, public information structures and rest areas, and public historical monuments.
19. Landscape parks.
20. Man-made lakes, ponds, dams and other uncovered water 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.
21. Marinas, subject to the provisions of chapter 3 of this land use ordinance.
22. Fences, walls, and landscaping, subject to the provisions of chapter 3 of this land use ordinance.
23. Signs, subject to the provisions of chapter 3 of this land use ordinance.
24. A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication Commission or its successor agency.
25. Oil, gas, and water wells, and appurtenant pipelines, pumps and pump houses.
26. Private roping and riding arenas that do not have lights.
27. Windmills.
28. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
 - a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
 - b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of a governmental entity.
 - c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
29. Buildings and facilities for the repair of agricultural equipment and agricultural vehicles as an accessory use to the dwelling in which the owner of the repair business resides, subject to the provisions of chapter 3 of this land use ordinance.

C. PERMITTED CONDITIONAL USES

In the RA-5 zone the following shall not be permitted by the Zoning Administrator unless approval of a conditional use has been authorized in accordance with this land use ordinance by the designated reviewing agency:

1. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a conditional use according to the provisions of chapter 7 of this land use ordinance.
2. A preschool, primary school, or secondary school, which the Board of Adjustment has approved as a conditional use according to the provisions of chapter 7 of this land use ordinance.
3. A nursing home which the Board of Adjustment has approved as a conditional use according to the provisions of chapter 7 of this land use ordinance.
4. Private roping and riding arenas with lights and all commercial roping and riding arenas, when approved by the Board of Adjustment as a conditional use according to the provisions of chapter 7 of this land use ordinance.
5. A hunting preserve or shotgun shooting range and incidental accessory structures, which the Board of Adjustment has approved as a conditional use according to the provisions of chapter 7 of this land use ordinance, subject to the applicant submitting a site plan and providing adequate evidence of safe setbacks, location, layout, noise reduction, and continuing management.
6. A helicopter pad, landing strip, flying field, or airport, including terminal and aircraft storage facilities, which the Board of Adjustment has approved as a conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.
7. A landscape park recreational facility which the Board of Adjustment has approved within a landscape park and approved as a conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.
8. A cemetery which has been approved as a conditional use by the Board of Adjustment according to the provisions of chapters 3 and 7 of this land use ordinance.
9. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of chapter 6 of this land use ordinance.
10. An agricultural accessory use for the production of value added agricultural products when approved by the Board of Adjustment as a conditional use, according to the provisions of chapter 7 of this land use ordinance, and when the Board finds that all of the following standards are met:
 - a. The subject parcel of property shall be located in an Agriculture Protection Area.
 - b. The property shall not be less than five (5) acres in area.
 - c. The property owner shall designate the specific agricultural product for which the value added use is requested (the "Pre-Value Added

- Product”), and shall designate the value added agricultural product which will be produced (the “Value Added Product”).
- d. The area of the property used for the value added agricultural use shall not exceed two and one-half (2 ½) acres, and the area of the property devoted to the active agricultural production of the Pre-Value Added Product, shall not be less than fifty percent (50%) of the total area of the Property.
 - e. The Value Added Product shall contain not less than fifty percent (50%), by weight, of the Pre-Value Added Product, as determined when the Value Added Product leaves the Property.
 - f. Not less than fifty percent (50%) of the Pre-Value Added Product shall be grown or produced exclusively on the property, or on the property and on other property located in Utah County which (i) either has identical ownership as the property or is leased by a lessee which is identical to the ownership of the property, (ii) has a direct relationship to the total agricultural enterprise, (iii) makes a significant contribution to the total production of the agricultural enterprise, and (iv) is assessed under the Farmland Assessment Act, U.C.A. 1953, as amended; provided that this fifty percent (50%) production requirement shall be determined by the production of each consecutive two(2) year period.
 - g. The Board of Adjustment may establish the maximum daily hours of operation of the agricultural accessory use, the permitted days of operation, the maximum noise levels as measured at any boundary of the Property, the maximum number and size of transport vehicles, required buffers, or visual barriers, dust control measures, odor control measures, traffic and road usage restrictions, and other items deemed appropriate by the Board of Adjustment to mitigate public health and safety concerns, and such other items to address the standards of chapter 7 of this land use ordinance.
 - h. Value added production processes which include the rendering of any animal, or animal product, shall not be permitted.
 - i. The value added use shall be found to be compatible with both the existing residential uses and the potential future residential uses in the zone.
 - j. Only the designated and approved Value-Added Product shall be produced.
11. A livestock auction yard including livestock pens, auction facilities and structures, and public and livestock transport parking, for the sale of domestic livestock only, which has been approved by the Board of Adjustment as a conditional use, according to the provisions of chapter 7 of this land use ordinance.
 12. Commercial dog kennels as an accessory use to the dwelling in which the owner of the kennel resides, when approved by the Board of Adjustment

as a conditional use according to the provisions of chapter 7 of this land use ordinance.

13. Buildings and facilities for a veterinarian licensed by the State of Utah engaged in the practice of treating domestic livestock, which may include the treatment of other small animals, which the Board of Adjustment has approved as a conditional use according to the provisions of chapters 3 and 7 of this land use ordinance.

D. AREA REQUIREMENTS

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

1. Each one-family dwelling, manufactured home, family day-care, nursing home, planned subdivision, preschool, primary school, secondary school, landscape park, livestock auction yard, roping and riding arenas, or veterinary facility, 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 at least five (5) acres of land.
3. Each private, private rescue, commercial or commercial rescue kennel shall be on a parcel with a minimum area of five (5) acres and located on the same parcel as the dwelling to which it is accessory.
4. Each agricultural equipment and agricultural vehicle repair facility, including the one-family dwelling to which it is accessory, shall be on a parcel with a minimum area of five (5) acres.
Exception: Each agricultural equipment and agricultural vehicle repair facility with an existing one-family dwelling on a parcel recognized as legal nonconforming shall be on a parcel with a minimum area of three (3) acres.
5. 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 land use ordinance.

E. WIDTH REQUIREMENTS

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

1. For each one-family dwelling, manufactured home, family day-care, nursing home, preschool, primary school, secondary school, landscape park, roping and riding arena, livestock auction yard, or veterinary facility, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.
2. For each church or other structure for public worship, or church with a parsonage, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.
3. For each agricultural equipment and agricultural vehicle repair facility, including the one-family dwelling to which it is accessory, the minimum width of the lot at any point between the frontage and the dwelling shall be two hundred fifty (250) feet.

Exception: For each agricultural equipment and agricultural vehicle repair facility with an existing one-family dwelling on a parcel recognized as legal nonconforming, the minimum width of the parcel at any point between the frontage and the dwelling shall be one hundred (100) feet.

4. For other permitted uses and structures, there shall be no minimum width requirement, except as may be necessary to meet the other provisions of this land use ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the RA-5 zone shall be as follows:

1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of chapter 3 of this land use ordinance, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by chapter 3 of this land use ordinance.

2. Side and Rear Setback

All buildings and structures, other than landscaping features and fences which meet the standards of chapter 3 of this land use ordinance, shall have a side and rear setback of at least fifteen (15) feet, unless a greater setback is required by chapter 3 of this land use ordinance or by adopted building and fire codes.

G. HEIGHT REQUIREMENTS

The height requirements within the RA-5 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

Exception 1: An antenna of a "stealth telecommunications transmission facility" which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

Exception 2: For large scale utility line structures, there shall be no maximum height.

Exception 3: The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.

Exception 4: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a conditional use granted according to the terms of chapter 7 of this land use ordinance.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

H. DWELLING SIZE AND PATTERN

For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of a dwelling's ground level story and any habitable stories above the ground level shall be not less

than eleven-hundred (1100) square feet, excluding basements, crawl spaces, decks, patios, garages, unoccupied areas and non-habitable areas. For the purposes of this section, a story is deemed to be "ground level" or above if half or more of the distance between the floor and ceiling is elevated above the average grade of the ground surrounding the building. A "basement" is a story with half or more of the distance between the floor and ceiling below such average grade.

I. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire or health hazard.
2. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil unless engineered retaining structures are approved and constructed.
3. The grade of driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent.

J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of this land use ordinance.

Part VIII:

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 IX:

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 X:

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 5th day of July 2017.

UTAH COUNTY COMMISSION

William C. Lee
WILLIAM C. LEE, CHAIR

Greg Graves
GREG GRAVES, VICE-CHAIR

Nathan Ivie
NATHAN IVIE, COMMISSIONER

VOTE

aye

aye

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

By: Bryan E. Thompson
Deputy



APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

✓ Approved

 Disapproved

By: Jeffrey R. Buhman

Deputy

Date of Publication: Once only, as soon as possible