

BOARD OF COUNTY COMMISSIONERS OF UINTAH COUNTY, UTAH

**ORDINANCE NO. 03-21-2016, O1
AGRICULTURAL ZONES**

AN ORDINANCE AMENDING TITLE 17 “ZONING” ADDING CHAPTER 17.30 “AGRICULTURAL ZONE A-3” AND CHAPTER 17.31 “AGRICULTURAL ZONE A-4” TO THE UINTAH COUNTY CODE AND AMENDING THE UINTAH COUNTY ZONING MAP;

Section 1. Purpose of Ordinance. The purpose of this ordinance is to amend Title 17 “Zoning” by adding Chapter 17.30 “Agricultural Zone A-3” and Chapter 17.31 “Agricultural Zone A-4” and amending the Uintah County Zoning Map.

Section 2. Authority for Ordinance. Section 17-27a-102 and 501 of the Utah Code Annotated (1953, as amended) which expressly mandates that the legislative body of each Utah County may enact land use ordinances.

Section 3. Modification. The Uintah County Code, Title 17, Chapter 17.30 “Agricultural Zone A-3” is hereby added as follows, to wit:

Chapter 17.30 - AGRICULTURAL ZONE A-3

Sections:

17.30.010 - Objectives and characteristics of the zone.

- A. The agricultural zone is established to provide areas in which agricultural pursuits can be continued within the county. The A-1 zone is designed and intended to protect agricultural uses from the encroachment of urban development until such time as residential, commercial or industrial uses in such areas become necessary and desirable. Uses permitted in the A-1 zone, in addition to agricultural uses, must be incidental thereto, and should not change the basic agricultural character of the zone. Conversion of the agricultural zone to zones allowing urban uses should be accomplished in an orderly and progressive manner in order to fulfill the goals outlined in the general plan. The A-1 zone is characterized by large lots intermixed with single-family dwellings.
- B. In order to accomplish the objectives and purposes of this title, and to stabilize and protect the essential characteristics of this zone, the regulations set out in this chapter shall apply to properties located in the A-1 agricultural zone.

17.30.020 - Permitted uses.

The following buildings, structures and uses of land shall be permitted:

- A. Agriculture and buildings incidental to the use of the land for agricultural purposes;
- B. The raising and grazing of animals and fowl, including the supplementary or full feeding of such animals and fowl, as follows:
 - 1. Not more than two animal units (as set forth in Uintah County Code, Chapter 17.08 Definitions) per one-half acre are permitted;
 - 2. No animal rights exist on parcels that contain less than twenty thousand (20,000) square feet; and
 - 3. All animals and facilities for their care and keeping shall be subject to the rules and regulations of the State of Utah Department of Environmental Quality and the Department of Agriculture and Food;
- C. Barns, corrals, pens, coops and feed storage buildings for the keeping of animals and fowl, provided such structures for the care and keeping of livestock and fowl are located at least

one hundred (100) feet in distance from any adjoining existing dwelling, public or semipublic building on an adjoining parcel of land;

- D. One and two-family dwellings and buildings accessory thereto;
- E. Water reservoirs and water facilities;
- F. Public or private utility substations and government buildings;
- G. Churches, parks and golf courses, plant nurseries, and veterinary hospitals;
- H. Residential facilities for the elderly in accordance with Utah Code 17-27a-515 thru 518 and Chapter 17.92 of the Uintah County Code;
- I. Residential facilities for persons with a disability in accordance with Utah Code Annotated, Section 17-27A-519 and Chapter 17.90 of the Uintah County Code;
- J. Public, charter or private schools;
- K. Guest home, as defined in Uintah County Code, Chapter 17.08 Definitions. Home occupations or home businesses in accordance with Chapters 17.08 and 17.116 of the Uintah County Code;
- L. Employee Housing, Accessory. Accessory employee housing shall comply with the following standards.
 - 1. Employee housing shall be accessory to the primary use.
 - 2. Use and occupancy of such housing shall be restricted to persons (and their immediate families) who primarily earn their livelihood from employment on-site.
 - 3. All employee housing must have a building permit. Documentation showing the number of employees must be provided when application for the building permit is made.
 - 4. A covenant running for fee simple guaranteeing that the employee housing shall be used only for the housing of employees and their immediate families, and not rented, leased, sold, or taxed separately from the rental, lease or sale of the main residential structure shall be recorded with the county recorder.
 - 5. When all private and/or access roads have been approved by the land use authority and all subdividing is done strictly in accordance with county zoning and subdivision codes, and approval is recorded with the county recorder's office, the covenant running for fee simple may be removed from the property.
 - 6. The property must be at least five acres in size. If property is less than five acres approval must be obtained from the land use authority.
 - 7. New employee housing must meet the same setbacks as the main structure.

17.30.030 - Conditional uses.

The following are conditional uses in the A-1 zone:

- A. Dairies or feed lots that exceed the permitted number of animals per acre;
- B. The keeping and raising of not more than eight hogs and their suckling offspring up to sixteen (16) weeks of age, for each one acre of farmland, No hogs shall be kept, fed, or be allowed to wander within one hundred (100) feet of any dwelling;
- C. Natural resource extraction and excavation; in accordance with Section 17.116.210 of the Uintah County Code;
- D. Commercial storage and distribution of liquefied petroleum gas and products;
- E. Forest product industries and buildings related thereto;
- F. Oil and gas wells, mining and processing of minerals;
- G. Gravel and rock quarries, rock crushers, coal yards, asphalt mixing plants, facilities for the storage and processing of other like resources, public landfill, manufacturing and storage of explosives when located at least one thousand (1,000) feet from any public building or dwelling;
- H. Oil refinery, oil shale retorts and other resource extraction and processing plants, and accessory by products storage, handling and shipping facilities;
- I. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
- J. Kennels, in accordance with Uintah County Code, Title 6;

- K. Meat processing plant;
- L. Off-premise signs permitted subject to:
 1. Being within one-half mile of an existing business,
 2. Total area of signs not to exceed two hundred (200) square feet,
 3. Total number of off-premise signs placed within one-half mile radius not to exceed three;
- M. Commercial repair of farming equipment permitted subject to:
 1. Total number of employees, not including the owner not to exceed two,
 2. Total area of repair area not to exceed three thousand (3,000) square feet,
 3. Any equipment not owned by the property owner must be stored behind a sight-limiting fence;
- N. Beauty salons, nail salons, and dog groomers in accordance with Section 17.76 of this title;
- O. Daycare and educational facilities in accordance with Chapters 17.76 and 17.116 of this title;
- P. Commercial radio, television and telephone transmitter facilities, radio stations, communication towers, wind turbines or other towers or structures that exceed height requirements for this chapter;
- Q. Seasonal packing of game on parcels in excess of one acre in a completely enclosed building and where the activity is at least fifty (50) feet from any dwelling structure on an adjoining property;
- R. Storage units;
- S. Storage of commercial vehicles in accordance with Section 17.116.120;
- T. Construction camps in accordance with Section 17.112.025;
- U. Group homes in accordance with Section 17.136.020;
- V. Bed and breakfast establishments and reception centers.

17.30.040 - Area requirements.

Each one- or two-family dwelling shall be located on a lot containing at least sixteen thousand (16,000) square feet of land and a two-family dwelling on a lot containing at least twenty-four thousand (24,000) square feet of land.

17.30.050 - Width requirements.

The minimum width of any building site for a dwelling shall be one hundred (100) feet, measured at a distance of thirty (30) feet back from the front lot line or right-of-way line, whichever is greater.

17.30.060 - Location requirements.

- A. Any structure that is located along a state or federal highway shall be set back a minimum of eighty-three (83) feet from the center of the road or the proposed road extension. Any structure that is located along a major collector road as identified in the current county master transportation plan shall be set back a minimum of sixty (60) feet from the center of the road or the proposed extension.
- B. Front Setback.
 1. All buildings and structures shall be set back at least thirty-five (35) feet from the back of curb or fifty-six (56) feet from the center of the road with the exception of those properties that fall under subsection A. above.
- C. Side Setback.
 1. All dwellings and other buildings shall be set back from the side property line a distance of at least ten feet from the property line.
 2. The minimum side setback for accessory buildings shall be the same as for main buildings, except that no side setback shall be required for accessory buildings located twelve (12) feet or more in back of the dwelling.

3. On corner lots, the side setback from the street for any building shall not be less than thirty (30) feet from back of curb or fifty-one (51) feet from the center of the road.
- D. Rear Setback.
1. All dwellings and other main buildings shall be set back from the rear property line a distance of at least ten feet except as outlined in subsection E. of this section. Accessory buildings shall be set back at least five feet from the rear property line.
- E. Exceptions.
1. Any structure that is located along a state or federal highway shall be set back at least eighty-three (83) feet from the center of the road, as outlined in subsection A. above, unless over fifty (50) percent of the existing buildings (with a minimum of three buildings) on the same side of the road within three hundred fifty (350) feet, on either side of the proposed structure do not meet the minimum front yard setback. In such cases the proposed buildings front yard setback may conform to the established building line of the existing structures.
- F. An accessory building that is placed on property that does not have an existing dwelling must meet the setback for a dwelling or main building.

17.30.070 - Height requirements.

There are no minimum height requirements in the A-1 zone. The maximum height of any structure shall be thirty-five (35) feet or as allowed by the land use authority. Height of the structure is measured from the finished building grade to the highest point of the roof surface. Any structure that is within the Vernal Airport zones A, B, or C must follow the county airport regulations Chapter 17.104 of the [Utah County Code] and the current airport layout plan.

17.30.080 - Access requirements.

- A. Access permits must be obtained and provide to the county building, planning, and zoning office prior to any use as follows.
1. Access onto a county road must be approved through the county road department.
 2. Access onto a state or federal highway must be approved through Utah Department of Transportation and a right-of-way distance must be provided.

17.30.090 - Special provisions.

All dwellings shall have an approved waste water system and be supplied with approved potable water in accordance with current health and building codes.

Section 4. Modification. The Utah County Code, Title 17, Chapter 17.31 “Agricultural Zone A-4” is hereby added as follows, to wit:

Chapter 17.31 - AGRICULTURAL ZONE A-4

Sections:

17.31.010 - Objectives and characteristics of the zone.

- A. The agricultural zone is established to provide areas in which agricultural pursuits can be continued within the county. The A-1 zone is designed and intended to protect agricultural uses from the encroachment of urban development until such time as residential, commercial or industrial uses in such areas become necessary and desirable. Uses permitted in the A-1 zone, in addition to agricultural uses, must be incidental thereto, and should not change the basic agricultural character of the zone. Conversion of the agricultural zone to zones allowing urban uses should be accomplished in an orderly and progressive manner in order to fulfill the goals outlined in the general plan. The A-1 zone is characterized by large lots intermixed with single-family dwellings.

- B. In order to accomplish the objectives and purposes of this title, and to stabilize and protect the essential characteristics of this zone, the regulations set out in this chapter shall apply to properties located in the A-1 agricultural zone.

17.31.020 - Permitted uses.

The following buildings, structures and uses of land shall be permitted:

- A. Agriculture and buildings incidental to the use of the land for agricultural purposes;
- B. The raising and grazing of animals and fowl, including the supplementary or full feeding of such animals and fowl, as follows:
 - 1. Not more than two animal units (as set forth in Uintah County Code, Chapter 17.08 Definitions) per one-half acre are permitted;
 - 2. No animal rights exist on parcels that contain less than twenty thousand (20,000) square feet; and
 - 3. All animals and facilities for their care and keeping shall be subject to the rules and regulations of the State of Utah Department of Environmental Quality and the Department of Agriculture and Food;
- C. Barns, corrals, pens, coops and feed storage buildings for the keeping of animals and fowl, provided such structures for the care and keeping of livestock and fowl are located at least one hundred (100) feet in distance from any adjoining existing dwelling, public or semipublic building on an adjoining parcel of land;
- D. One and two-family dwellings and buildings accessory thereto;
- E. Water reservoirs and water facilities;
- F. Public or private utility substations and government buildings;
- G. Churches, parks and golf courses, plant nurseries, and veterinary hospitals;
- H. Residential facilities for the elderly in accordance with Utah Code 17-27a-515 thru 518 and Chapter 17.92 of the Uintah County Code;
- I. Residential facilities for persons with a disability in accordance with Utah Code Annotated, Section 17-27A-519 and Chapter 17.90 of the Uintah County Code;
- J. Public, charter or private schools;
- K. Guest home, as defined in Uintah County Code, Chapter 17.08 Definitions. Home occupations or home businesses in accordance with Chapters 17.08 and 17.116 of the Uintah County Code;
- L. Employee Housing, Accessory. Accessory employee housing shall comply with the following standards.
 - 1. Employee housing shall be accessory to the primary use.
 - 2. Use and occupancy of such housing shall be restricted to persons (and their immediate families) who primarily earn their livelihood from employment on-site.
 - 3. All employee housing must have a building permit. Documentation showing the number of employees must be provided when application for the building permit is made.
 - 4. A covenant running for fee simple guaranteeing that the employee housing shall be used only for the housing of employees and their immediate families, and not rented, leased, sold, or taxed separately from the rental, lease or sale of the main residential structure shall be recorded with the county recorder.
 - 5. When all private and/or access roads have been approved by the land use authority and all subdividing is done strictly in accordance with county zoning and subdivision codes, and approval is recorded with the county recorder's office, the covenant running for fee simple may be removed from the property.
 - 6. The property must be at least five acres in size. If property is less than five acres approval must be obtained from the land use authority.
 - 7. New employee housing must meet the same setbacks as the main structure.

17.31.030 - Conditional uses.

The following are conditional uses in the A-1 zone:

- A. Dairies or feed lots that exceed the permitted number of animals per acre;
- B. The keeping and raising of not more than eight hogs and their suckling offspring up to sixteen (16) weeks of age, for each one acre of farmland, No hogs shall be kept, fed, or be allowed to wander within one hundred (100) feet of any dwelling;
- C. Natural resource extraction and excavation; in accordance with Section 17.116.210 of the Uintah County Code;
- D. Commercial storage and distribution of liquefied petroleum gas and products;
- E. Forest product industries and buildings related thereto;
- F. Oil and gas wells, mining and processing of minerals;
- G. Gravel and rock quarries, rock crushers, coal yards, asphalt mixing plants, facilities for the storage and processing of other like resources, public landfill, manufacturing and storage of explosives when located at least one thousand (1,000) feet from any public building or dwelling;
- H. Oil refinery, oil shale retorts and other resource extraction and processing plants, and accessory by products storage, handling and shipping facilities;
- I. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
- J. Kennels, in accordance with Uintah County Code, Title 6;
- K. Meat processing plant;
- L. Off-premise signs permitted subject to:
 - 1. Being within one-half mile of an existing business,
 - 2. Total area of signs not to exceed two hundred (200) square feet,
 - 3. Total number of off-premise signs placed within one-half mile radius not to exceed three;
- M. Commercial repair of farming equipment permitted subject to:
 - 1. Total number of employees, not including the owner not to exceed two,
 - 2. Total area of repair area not to exceed three thousand (3,000) square feet,
 - 3. Any equipment not owned by the property owner must be stored behind a sight-limiting fence;
- N. Beauty salons, nail salons, and dog groomers in accordance with Section 17.76 of this title;
- O. Daycare and educational facilities in accordance with Chapters 17.76 and 17.116 of this title;
- P. Commercial radio, television and telephone transmitter facilities, radio stations, communication towers, wind turbines or other towers or structures that exceed height requirements for this chapter;
- Q. Seasonal packing of game on parcels in excess of one acre in a completely enclosed building and where the activity is at least fifty (50) feet from any dwelling structure on an adjoining property;
- R. Storage units;
- S. Storage of commercial vehicles in accordance with Section 17.116.120;
- T. Construction camps in accordance with Section 17.112.025;
- U. Group homes in accordance with Section 17.136.020;
- V. Bed and breakfast establishments and reception centers.

17.31.040 - Area requirements.

Each one- or two-family dwelling shall be located on a lot containing at least sixteen thousand (16,000) square feet of land and a two-family dwelling on a lot containing at least twenty-four thousand (24,000) square feet of land.

17.31.050 - Width requirements.

The minimum width of any building site for a dwelling shall be one hundred (100) feet, measured at a distance of thirty (30) feet back from the front lot line or right-of-way line, whichever is greater.

17.31.060 - Location requirements.

- A. Any structure that is located along a state or federal highway shall be set back a minimum of eighty-three (83) feet from the center of the road or the proposed road extension. Any structure that is located along a major collector road as identified in the current county master transportation plan shall be set back a minimum of sixty (60) feet from the center of the road or the proposed extension.
- B. Front Setback.
 - 1. All buildings and structures shall be set back at least thirty-five (35) feet from the back of curb or fifty-six (56) feet from the center of the road with the exception of those properties that fall under subsection A. above.
- C. Side Setback.
 - 1. All dwellings and other buildings shall be set back from the side property line a distance of at least ten feet from the property line.
 - 2. The minimum side setback for accessory buildings shall be the same as for main buildings, except that no side setback shall be required for accessory buildings located twelve (12) feet or more in back of the dwelling.
 - 3. On corner lots, the side setback from the street for any building shall not be less than thirty (30) feet from back of curb or fifty-one (51) feet from the center of the road.
- D. Rear Setback.
 - 1. All dwellings and other main buildings shall be set back from the rear property line a distance of at least ten feet except as outlined in subsection E. of this section. Accessory buildings shall be set back at least five feet from the rear property line.
- E. Exceptions.
 - 1. Any structure that is located along a state or federal highway shall be set back at least eighty-three (83) feet from the center of the road, as outlined in subsection A. above, unless over fifty (50) percent of the existing buildings (with a minimum of three buildings) on the same side of the road within three hundred fifty (350) feet, on either side of the proposed structure do not meet the minimum front yard setback. In such cases the proposed buildings front yard setback may conform to the established building line of the existing structures.
- F. An accessory building that is placed on property that does not have an existing dwelling must meet the setback for a dwelling or main building.

17.31.070 - Height requirements.

There are no minimum height requirements in the A-1 zone. The maximum height of any structure shall be thirty-five (35) feet or as allowed by the land use authority. Height of the structure is measured from the finished building grade to the highest point of the roof surface. Any structure that is within the Vernal Airport zones A, B, or C must follow the county airport regulations Chapter 17.104 of the [Utah County Code] and the current airport layout plan.

17.31.080 - Access requirements.

- A. Access permits must be obtained and provide to the county building, planning, and zoning office prior to any use as follows.
 - 1. Access onto a county road must be approved through the county road department.
 - 2. Access onto a state or federal highway must be approved through Utah Department of Transportation and a right-of-way distance must be provided.

17.31.090 - Special provisions.

All dwellings shall have an approved waste water system and be supplied with approved potable water in accordance with current health and building codes.

Section 5. Modification. The Uintah County Zoning Map is hereby amended as follows:

Zones A-3 and A-4 will replace the current A-1 areas as outlined in Addendum A (attached).

Section 6. Effective Date. This ordinance shall take effect, fifteen (15) days after enactment, and after depositing a copy in the Clerk-Auditor's Office and publication in a newspaper having general circulation in the County, as required by Utah Code Annotated section 17-53-208.

ENACTED on this, the twenty-first (21st) day of March, 2016.

IN WITNESS THEREOF:

MARK RAYMOND, Chair

William Stringer _____ Aye _____ Nay _____ Abstain _____ Absent

Michael McKee _____ Aye _____ Nay _____ Abstain _____ Absent

Mark Raymond _____ Aye _____ Nay _____ Abstain _____ Absent

ATTEST:

REVIEWED:

MICHAEL W. WILKINS
Clerk-Auditor

JONATHAN STEARMER
Deputy County Attorney

ADDENDUM A

