

5-13: A-40 AGRICULTURAL ZONE

A. DECLARATION OF LEGISLATIVE INTENT

The A-40 Agricultural Zone covers that portion of Utah County which historically has been utilized for production agriculture and commercial farming operations. It includes that area of the county where the combination of irrigation, large parcel size, and cultivation make the land most appropriately suited for commercial agricultural use. With the exception of utilities and certain public facilities that must pass through the zone, the commercial agriculture use of the land is protected by relegating non-farm uses to other zones and limiting the zone to farm and farm-related uses.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the A-40 Agricultural Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Section 17-277-102 Utah Code Annotated 1953, and implement the plans provided for in Section 17-27-301 of the said Code.
2. To preserve the county's production agriculture land.
3. To foster and protect agro-industry and agricultural operations from adjacent antagonistic and incompatible land uses.
4. To coordinate development in a way that is economical for agriculture.
5. To stabilize and encourage the cultivation of crops and the raising and keeping of livestock and related uses within this zone.
6. To promote the conservation of irrigation water, farm land, and other resources.
7. To provide governmental services to commercial agriculture operations with the best possible tax efficiency.
8. To preserve and protect agricultural activities from the conflicts and problems in residential areas by limiting residential areas by limiting residential developments.

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

B. PERMITTED USES

1. The care and keeping of domestic livestock and fowl without restriction as to number; and barns, stables, corrals, feed yards, pens, coops, and other structures for the keeping of such livestock or fowl, subject to the provisions of zoning section 3-19.
2. The raising of mink, beaver, nutria, and similar furbearing animals, and the pens and sheds used in the raising of such animals, subject to the provisions of zoning section 3-19.

3. The production of fruit and crops in the field, and packing plants for fruit and vegetables raised on the premise.
4. Buildings, silos, and other 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, including an office or an office structure for the exclusive use of a dairy operation on the same parcel, and buildings and facilities for the process and packaging of milk produced on the premise, subject to the provisions of zoning section 3-19.
7. Apiaries and establishments for extracting and processing honey.
8. Kennels.
9. Fish hatcheries and the raising of fish.
10. Forest and plant nurseries and greenhouses.
11. Incidental produce stands, subject to the provisions of zoning section 3-39.
12. Buildings and pens for the sale of domestic livestock and poultry, and furbearing animals, subject to the provisions of zoning sections 3-19.
13. Buildings and facilities for a licensed veterinarian engaged in the practice of treating domestic livestock.
14. Farm caretaker dwellings when permitted subject to the conditions listed in zoning section 3-55.
15. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
16. Botanical gardens and arboretums.
17. 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.
18. Fences, walls, and landscaping, subject to the conditions set forth in zoning sections 3-20 and 3-21.
19. Signs, subject to the provisions of zoning section 3-37.
 - 19.1 A cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communications Commission or it's successor agency.
20. Oil, gas, and water wells, and appurtenant pumps and pump houses.

21. Unlighted roping and riding arenas, and lighted arenas which are totally enclosed by the roof and walls of a farm building.

22. Windmills.

23. Short-term concrete and asphalt mixing plants, subject to the provisions of zoning sections 3-38 and the provision that such are appurtenant to a road or other construction projects occurring in the zone.

24. 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 the governmental entity.

c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.

C. PERMITTED CONDITIONAL USES

In the A-40 zone the following buildings, structures, and uses of land shall not be permitted by the Zoning Administrator unless approval of a conditional use permit has been authorized in accordance with the zoning 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 special exception according to the provisions of zoning section 7-21.

2. Delete

3. A roping and riding arena which is lighted but not totally enclosed within a farm structure, when approved by the Board of Adjustment as a special exception according to the provisions of zoning section 7-21.

4. A water treatment plant or sewage treatment plant which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

5. A hunting preserve or shotgun shooting range (plus incidental accessory structures) which the Planning Commission has issued a conditional use permit according to the provisions of zoning section 7-24-D, subject to the applicant submitting a site plan and providing adequate evidence of safe setback, location layout, noise reduction, and continuing management.

6. A helicopter pad, landing strip, flying field, or airport (including terminal and aircraft storage facilities) which is appurtenant to a farming operation in the zone and for which the Planning Commission has issued a conditional use permit according to the provisions of zoning section 3-46 and

7-24-D.

7. An electric power transmission line over 69 kv, but less than 345 kv capacity (and rightsof- way and substations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

8. A gas transmission line having a design pressure of 600 psi or more, or a pipe diameter of 16" or more (and rights-of-way and regulating stations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

9. A water transmission line having a capacity greater than 200 cubic feet per second (and rights-of-way) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

10. A planned subdivision which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in zoning sections 6-1 and 6-3.

D. AREA REQUIREMENTS

1. The minimum area of a zoning lot within the A-40 zone shall be as follows:

2. Each planned subdivision shall be located on a lot containing at least forty (40) acres of land.

3. Each parcel resulting from the division of agricultural land for agricultural purposes under the exemption from the plat filing requirements, as provided pursuant to the provisions of Section 3-53-B-1 of the Utah County Zoning Ordinance and Section 17- 27-806(2) of the Utah Code Annotated, 1953 as amended, shall not be less than Forty (40) acres in area, as shown on the approved and recorded record of survey map.

4. Each governmental building and facility permitted according to the provisions of zoning section 5-2-B-33 shall be located on a lot containing at least five (5) acres of land.

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 ordinance.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the A-40 zone shall be as follows:

1. For each farm caretaker dwelling the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

2. For each governmental building and facility permitted under zoning section 5-2-B-33, the minimum width of the lot along the road frontage shall be three hundred thirty (330) feet.

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

F. LOCATION REQUIREMENTS

The minimum location requirements within the A-40 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 zoning sections 3-20, 3-21 and 3-44, shall have a front setback of a least thirty (30) feet, unless a greater setback is required by zoning section 3- 16.

2. Side and Rear Setback

All buildings and structures, other than landscaping features and fences which meet the standards of zoning sections 3-20, 3-21 and 3-44 of this ordinance, shall have a side and rear setback of at least twenty-five (25) feet, unless a greater setback is required by zoning section 3-16.

Exception: The side setback may be reduced to ten (10) feet for a one-story accessory building which has a fire-resistive rating of one (1) hour or more, is not occupied by human beings, and is located at least fifty (50) feet from any dwelling and at least one hundred (100) feet from the nearest right-of-way line of any public street.

G. HEIGHT REQUIREMENTS

The height requirements within the A-40 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as measured from 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: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a special exception granted according to the terms of zoning section 7-21.

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.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

H. DWELLING SIZE AND PATTERN

For any building containing a dwelling unit permitted in the zone:

1. The minimum habitable floor area of the ground level story shall be not less than eleven hundred (1100) square feet.

2. No occupied building for which the sewage or septic waste is disposed of in the soil shall be approved if the sewage disposal site has a slope exceeding thirty (30) percent.
3. The exterior siding material, other than windows and solar collection cells, shall be nonreflective.

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 occupied building for which the sewage or septic waste is disposed of in the soil shall be approved if the sewage disposal site has a slope exceeding thirty (30) percent.
3. 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 or where the side slopes are too steep to become re-vegetated.
4. The grade of roads and driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent and the road shall be maintained so as to be readily accessible to emergency vehicles.
5. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard surfacing, or a layer of topsoil at least one inch in depth. In order to prevent the soil from eroding, it shall be re-seeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

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 requirements set forth in Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the zoning ordinance.