

ORDINANCE NO. _____

AN ORDINANCE OF HONEYVILLE CITY, UTAH, AMENDING THE CITY'S LAND USE CODE CHAPTER 10: AGRICULTURAL ZONES; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION AND POSTING.

SECTION 1. Recitals

WHEREAS, the City Council of Honeyville City finds that Honeyville City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council of Honeyville finds that in conformance with the relevant provisions of UCA, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council of Honeyville finds that certain exigencies of City governmental operations require that amendments be made from time to time to the Honeyville City Land Use Code; and,

WHEREAS, the City Council of Honeyville finds that a recommendation by the Honeyville Planning Commission has been made to update and amend Chapter 10: Agricultural Zones of the City's Land Use Code; and,

WHEREAS, Honeyville City Planning Commission scheduled and held a public hearing on the proposed amendment to the Honeyville City Land Used Code and provided prior notice of the public hearing as required by the Utah State Code through mailing to the affected entities within the prescribed time, posting at the required public locations and websites, and publishing a notice on the Utah Public Notice Website within the prescribed time as outlined in the Utah State Code; and

WHEREAS, after the public hearing was held and the general public was allowed to comment on the proposed amendment, the Honeyville City Planning Commission recommended amending Chapter 10: Agricultural Zones of the City's Land Use Code; and

WHEREAS, the City Council of Honeyville finds that all necessary requirements, public notices, and public hearings have been complied with to allow them to amend the City's Land Use Code; and,

WHEREAS, the City Council of Honeyville finds that the amendments to Chapter 10: Agricultural Zones of the City's Land Use Code as set forth below is in conformity with the City's General Plan; it is harmonious with the overall character of existing development in the

vicinity; it will not adversely affect properties within the zones; and it will be in the best interest of and promote the health, safety and general welfare of the residents of the City of Honeyville,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HONEYVILLE AS FOLLOWS:

SECTION 1. Ordinance Amendment. The current Honeyville City Land Use Code, Chapter 10: Agricultural Zones is hereby repealed and replaced with the Chapter 10: Agricultural Zones language outlined in Exhibit A that is attached to this ordinance.

SECTION 2. Effective Date. This Ordinance shall take effect immediately upon its adoption, posting, and deposit with the City Recorder.

SECTION 3. Prior Ordinances. The body and substance of any and all prior Ordinances, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

SECTION 4. Repealer of Conflicting Enactments. All orders and ordinances with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION 5. Savings Clause. If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Honeyville.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the ____ day of ____, 2023, and after publication or posting as required by law.

DATED this ____ day of ____, 2023.

HONEYVILLE CITY

by: _____
Mayor of Honeyville

Attested and recorded

Recorder

Chapter 10: AGRICULTURAL ZONES

10-10-1: PURPOSE

10-10-2: SCOPE

10-10-3: USES ALLOWED

10-10-4: DEVELOPMENT STANDARDS

10-10-5: REGULATIONS OF GENERAL APPLICABILITY

10-10-6: REGULATIONS FOR SPECIFIC USES

10-10-7: SPECIAL REGULATIONS

10-10-8: TABLES

10-10-1: PURPOSE

Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.

- A. Agricultural 20 Zone: The agricultural 20 (A-20) zone is intended to be applied to land which is predominantly devoted to agricultural use and which is intended to remain as such ~~for the foreseeable future.~~
- B. Agricultural 5 Zone: ~~The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing. The agricultural 5 (A-5) zone is intended to be applied to land historically used for agricultural purposes but which may change due to its adjacency to residentially zoned areas that may be expanded for development.~~
- B.C. Agricultural 5 Average Zone: The Agricultural 5 Average (A-5A) zone is intended to provide flexibility in lot formation in the Agricultural 5 Zone while still maintaining the purpose of the zone. The Agricultural 5 Average zone may be applied for in any area shown as A-5 on the Future Land Use Map.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-2: SCOPE

The provisions of this chapter shall apply to any real property located in an agricultural zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-3: USES ALLOWED

- A. Permitted and Conditional Uses: Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-10-1 of section 10-10-8 of this chapter. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 10-10-1 of section 10-10-8 of this chapter shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use based upon an administrative interpretation as provided in section 10-5-20 of this title.
- B. Accessory Uses: Permitted and conditional uses set forth in table 10-10-1 of section 10-10-8 of this chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.

~~1. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.~~

HISTORY

Ver. 2022-11-07

Adopted by Ord. 2007-02 on 7/11/2007

10-10-4: DEVELOPMENT STANDARDS

Development standards within agricultural zones shall be as set forth in table 10-10-2 of sections 10-10-7 and 10-10-8 of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-5: REGULATIONS OF GENERAL APPLICABILITY

The use and development of real property in agricultural zones shall conform to the development standards as set forth in this chapter and the following chapters of this title:

- A. Existing conditions inventory: See chapter 17 of this title.
- B. Landscaping and screening: See chapter 18 of this title.
- C. Off street parking: See chapter 19 of this title.
- D. Outdoor lighting: See chapter 20 of this title.
- E. Signs: See chapter 21 of this title.
- F. Supplementary development standards: See chapter 22 of this title.
- G. Water source protection: See chapter 23 of this title.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-6: REGULATIONS FOR SPECIFIC USES

To the extent that the use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-7: SPECIAL REGULATIONS

- A. The following special regulations shall apply to development within the A-20 zone:

~~A.1. Increased Height: Notwithstanding the height limitations shown on table 10-10-2 of section 10-10-8 of this chapter, a greater building height may be allowed pursuant to a conditional use permit.~~

- 1. Uses: Each new lot shall conform to the Uses of the A-5 or A-20 zone, as the case may be, based on size, as follows:
 - a. One (1) acre and larger but smaller than twenty (20) acres: A-5 zone Uses
 - b. Twenty (20) acres and larger: A-20 zone Uses
- 2. Development Standards: Each new lot shall conform to the Development Standards of the RR, A-5, or A-20 zone, excluding Lot Size and Density Standards, as the case may be, based on size, as follows:
 - a. One (1) acre and larger but smaller than five (5) acres: RR zone Development Standards
 - b. Five (5) acres and larger but smaller than twenty (20) acres: A-5 zone Development Standards
 - c. Twenty (20) acres and larger: A-20 zone Development Standards

B.3. Lot Size and Subdivision Density Standards: One (1) acre and larger lots may be subdivided from an existing lot or parcel located in the A-20 zone so long as the following conditions are met: ~~One Acre Lots Abutting An Existing Or Proposed Public Street:~~

- a. Total lot density of the subdivision, excluding streets and rights-of-way, calculated as shown in paragraph c of this subsection, shall not exceed two-tenths (0.2) lot per acre, with at least one (1) lot being twenty (20) acres or larger.
- ~~1. Notwithstanding the twenty (20) acre minimum lot area requirement in an A-20 zone, as set forth on table 10-10-2 of section 10-10-8 of this chapter, one-acre or larger lots may be subdivided from an existing lot located in the agricultural (A) zone so long as:~~
 - ~~a. Any new lot is subdivided from a legally created lot of record;~~
 - b. ~~All new and existing lots /parcels shall~~ The remainder of the original lot or parcel and each ~~new lot~~ abut an existing or proposed public street for at least the distance shown ~~below,~~ based on lot size, as follows: in Table 10-10-2 of this section.
 - ~~i. Up to five (5) acres: Two hundred feet (200'); and~~
 - ~~ii. Larger than five (5) acres but smaller than twenty (20) acres: Three hundred feet (300'); and~~
 - ~~a) Twenty (20) acres or larger: Five hundred feet (500');~~
- c. The density within the subdivision shall be calculated as shown in the following example:

50 acres of land within subdivision boundary
2 acres will be used for road rights-of-way
 $50 - 2 = 48$ acres of land available for lot formation
 $48 \text{ acres} \times 0.2 \text{ lot per acre} = 9.6 \text{ lots}$; therefore, a maximum of 9 total lots are allowable
1 lot shall be at least 20 acres in size and the remaining 8 lots shall be at least 1 acre in size

2.4. A deed restriction shall be placed on the ~~The remainder of the original lot shall be deemed one lot subject to the development standards of the A-20 zone and~~ 20-acre and larger lot(s) such that it/they shall not be further subdivided so long as the subdivision remains in the A-20 zone.

5. The remainder of the original parcel (remnant parcel):

- a. Shall be a minimum of twenty (20) acres;
- b. Shall not be made non-conforming in use or development standards; and
- c. Shall not be included in the subdivision area.

6. Increased Height: Notwithstanding the height limitations shown on table 10-10-2 of section 10-10-8 of this chapter, a greater building height may be allowed pursuant to a conditional use permit.

~~a. Each newly created lot conforms to the development standards of the RR, A-5, or A-20 zone, as the case may be, based on lot size, as follows:~~

- ~~i. Up to five (5) acres: RR zone standards;~~
- ~~ii. Larger than five (5) acres but smaller than twenty (20) acres: A-5 zone standards; and~~
- ~~iii. Twenty (20) acres or larger: A-20 zone standards;~~

~~b. Total lot density in the subdivision does not exceed two-tenths (0.2) lot per acre, calculated as shown in subsection B3 of this section; and~~

~~c. After completion of the subdivision, the remainder of the original lot is at least~~

~~twenty (20) acres in size, excluding streets and rights of way.~~

~~3.a. The remainder of the original lot shall be deemed one lot subject to the development standards of the A-20 zone and shall not be further subdivided so long as the subdivision remains in the A-20 zone.~~

~~4. The calculation of density within the subdivision shall include the remainder lot and shall be calculated as shown in the following example:~~

~~50 acres of land x 0.2 lot per acre = 10 total lots~~

~~B. 9 lots shall be at least 1 acre in size and 1 lot shall be at least 20 acres in size, excluding streets and rights of way. The following special regulations shall apply to development within the A-5A zone:~~

- ~~1. Uses: Each new lot shall conform to the Uses of the A-5 zone.~~
- ~~2. Development Standards: Each new lot shall conform to the Development Standards of the RR or A-5 zone, excluding of Lot Size and Density Standards, as the case may be, based on lot size, as follows:~~
 - ~~a. Two-and-one-half (2.5) acres and larger but smaller than five (5) acres: RR zone Development Standards~~
 - ~~b. Five (5) acres and larger: A-5 zone Development Standards~~
- ~~3. Lot Size and Subdivision Density Standards: Two-and-one-half (2.5) acre and larger lots but smaller than ten (10) acres may be subdivided from an existing lot or parcel located in the A-5A zone so long as the following conditions are met:~~
 - ~~a. Lot size complies with table 10-10-2 of section 10-10-8 of this chapter.~~
 - ~~b. Total lot density of the subdivision, excluding streets and rights-of-way, calculated as shown in paragraph d of this subsection, shall not exceed two-tenths (0.2) lot per acre,~~
 - ~~c. All new and existing lots and any remnant parcel shall abut an existing or proposed public street for at least the distance shown in Table 10-10-2 of this section.~~
 - ~~d. The density within the subdivision shall be calculated as shown in the following example:~~

~~50 acres of land within subdivision boundary~~

~~2 acres will be used for road rights-of-way~~

~~50 – 2 = 48 acres of land available for lot formation~~

~~48 acres x 0.2 lot per acre = 9.6 lots; therefore, a maximum of 9 total lots are allowable~~
- ~~4. The remainder of the original parcel (remnant parcel):~~
 - ~~a. Shall be a minimum of five (5) acres;~~
 - ~~b. Shall not be made non-conforming in use or development standards; and~~
 - ~~c. Shall not be included in the subdivision area.~~

HISTORY

Adopted by Ord. 2009-03 on 4/8/2009

10-10-2 10-10-8: TABLES

TABLE 10-10-1

PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zone	
	A-20	A-5
Agricultural uses:		
Agricultural business	C	C
Agricultural industry	C	C
Agriculture	P	P
Animal specialties	C	C
Animals and fowl for recreation and family food production	P	P
Stable, private	C	C
Stable, public	C	C
Residential uses:		
Dwelling, single-family	P	P
Dwelling, single-family with internal accessory dwelling unit (subject to Utah Code 10-9a-530) ~~accessory apartment~~	P	CP
Dwelling, single-family with detached accessory apartment	C	C
Dwelling, temporary ¹	C	C
Guesthouse	C	C
Residential facility for elderly persons ²	P	P
Residential facility for persons with a disability ²	P	P
Public and civic uses:		
Auditorium or stadium	C	C
Cemetery	P	P
Church or place of worship	P	P
Golf course	C	C
Government service	P	P
Park	P	P
School, charter (subject to Utah Code 10-9a-305)	P	P
School, elementary, middle, or high (subject to Utah Code 10-9a-305)	P	P
Utility, minor	P	P
Utility substation	C	C
Commercial uses:		
Agricultural sales and service	C	C
Animal hospital	C	C

Use	Zone	
	A-20	A-5
Bed and breakfast	C	C
Family child daycare facility ³	P	P
Family child residential certificate care facility ³	P	P
Family group child daycare facility ³	C	C
Kennel	C	C
Parking lot, public	C	C
Produce stand	C	C
Veterinary service	C	C
Wireless telecommunication facility	C	C

Notes:

1. Temporary dwelling must be removed within 30 days after a certificate of occupancy is issued for a permanent dwelling.
2. See chapter 27 of this title.
3. See chapter 25 of this title.

TABLE 10-10-2
DEVELOPMENT STANDARDS IN AGRICULTURAL ZONES

Development	Zone		
	A-20	A-5	A-5A
Density Standards:			
Lots per acre	0.2 average (see subsection 10-10-7.A of this chapter)	0.2	0.2 average (see subsection 10-10-7.B of this chapter)
Lots standards:			
Minimum lot area	~~20 acres or 1 acre, when abutting an existing or proposed city street (see subsection 10-10-7B of this chapter)~~ Minimum 1 acre with at least one (1) lot being 20 acres or larger (see subsection 10-10-7.A of this chapter)	Minimum: 5 acres	Minimum: 2.5 acres Maximum: less than 10 acres
Minimum lot width	Minimum lot width shall be based on lot size: • 1 acre and larger but smaller than 5 acres: 200 feet • 5 acres and larger but	300 feet	Minimum lot width shall be based on lot size: • 2.5 acres and larger but smaller than 5 acres: 200 feet

Development	Zone		
	A-20	A-5	A-5A
	smaller than 20 acres: 300 feet • 20 acres and larger: 500 feet		• 5 acres and larger but smaller than 10 acres: 300 feet
Building standards:			See 10-10-7.B.2
Maximum height, accessory building	45 feet	45 feet	45 feet
Maximum height, main building ¹	45 feet	45 feet	45 feet
Maximum stories	3.5 stories	3.5 stories	3.5 stories
Setback standards - front yard:			See 10-10-7.B.2
Any building ²	35 feet	35 feet	35 feet
Setback standards - rear yard:			See 10-10-7.B.2
Accessory building (allowed only when more than 20 feet behind main building)	~~36 feet minimum, if roof drains only on the subject property and building code requirements are met plus 1 foot increased setback for each 6 feet of building height above 18 feet.~~	~~3-6 feet minimum, if roof drains only on the subject property and building code requirements are met plus 1 foot increased setback for each 6 feet of building height above 18 feet.~~	~~36 feet minimum, if roof drains only on the subject property and building code requirements are met plus 1 foot increased setback for each 6 feet of building height above 18 feet.~~
Main building	20 feet	20 feet	20 feet
Setback standards- street side yard:			See 10-10-7.B.2
Accessory building	Not permitted within street side yard	Not permitted within street side yard	Not permitted within street side yard
Main building	35 feet	35 feet	35 feet
Main building on corner lot with yard of another lot	35 feet	35 feet	35 feet
Setback standards- interior side yard:			See 10-10-7.B.2
Accessory building	~~15-6 feet, when left behind main building~~	~~156 feet, when left behind main building~~	~~156 feet, when located behind main building~~
Main building	20 feet	20 feet	20 feet

Notes:

1. Except as otherwise permitted by subsection [10-10-7A](#) of this chapter.
2. Except as modified by the provisions of subsection [10-22-14E](#), "Setback Measurement", of this title

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007