

ENT 9823:2022 PG 1 of 15  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2022 Jan 24 1:35 pm FEE 0.00 BY CS  
RECORDED FOR COMMUNITY DEVELOPMENT

ORDINANCE NO. 2022- 14

**AN ORDINANCE AMENDING CHAPTERS 2, 4, 8, AND 12 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO THE REQUIREMENTS ASSOCIATED WITH FARM CARETAKER DWELLINGS**

**WHEREAS**, the Utah County Commission initiated a review of Chapters 2, 4, 8, and 12 of the Utah County Land Use Ordinance (UCLUO) related to the requirements associated with farm caretaker dwellings; and

**WHEREAS**, the Utah County Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on December 22, 2021, 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, 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:

**Part I:**

Chapters 2, 4, 8, and 12 of the Utah County Land Use Ordinance are hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to read as follows:

**See Exhibit "A"**

**Sections of the Utah County Land Use Ordinance to be Amended Related to Farm Caretaker Dwellings**

**Part II:**

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 III:**

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 IV:**

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 5<sup>th</sup> day of January 2022.

**UTAH COUNTY COMMISSION**

**VOTE**

  
WILLIAM C. LEE, CHAIR

Yea

  
THOMAS V. SAKIEVICH, VICE-CHAIR

Yea

  
AMELIA POWERS GARDNER, COMMISSIONER

Yea

**ATTEST:**  
**JOSH DANIELS**  
Utah County Clerk/Auditor




**APPROVED AS TO FORM:**  
**DAVID O. LEAVITT**  
Utah County Attorney

By:   
Deputy

Approved

Disapproved

By:   
Deputy

Date of Publication: Once only, as soon as possible

**Exhibit “A”**

**Sections of the Utah County Land Use Ordinance to be Amended Related to Farm  
Caretaker Dwellings**

**2.08 Definitions – Land Use**

**“Accessory Dwelling Unit”** A habitable one-family dwelling unit added to, created within, or detached from, a primary one-family dwelling or farm caretaker dwelling and contained on a single lot or parcel.

**“Dwelling”** A building of residence or sleeping including, but not limited to, the following mutually exclusive types: conventional dwellings or mobile homes.

- I. Farm Caretaker Dwelling: A dwelling located on the farm property for which the occupant provides farm caretaker services, and from which caretaker services the occupant derives more than 50% of his/her income.

**4.44: FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED, EXCEPTIONS**

- A. For adequate access by emergency vehicles and local occupants, the frontage of each lot or parcel used as a site for a dwelling, manned industrial plant or other facility or structure occupied by humans, shall abut on an official state road, county class “B” road, or city street which has been paved under the direction of the unit of government having jurisdiction, and from which frontage such facility gains vehicular and pedestrian access exclusively and entirely across the subject lot or parcel. The following are exceptions to the above requirement:
  1. In commercial campgrounds or recreation vehicle courts access shall be by paved access driveways that have been provided according to the terms of land use ordinance chapter 3.
  2. In the NC-1 or HS-1 zones where the land use is a listed, permitted use in the zone and abuts a paved parking area which enters onto a paved public street, access shall be from said paved parking area.
  3. In large-scale developments that have been recorded with the County Recorder and where the lots or building sites abut on paved roads platted as a part of the development, access shall be from the frontage of said paved platted road across the subject lot or building site.
  4. In those specific large-scale developments approved and platted before the universal road paving requirements were adopted on August 8, 1984, and wherein the subject road was not required to be paved, the lot or building site shall abut a road that meets the criteria of a suitable “graveled road” as defined in the land use ordinance chapter 2 and the Utah State Code. The gravel surfacing material must cover the full road surface width that was approved for the development and

extend the entire distance of the road across the lot frontage and on to the point where the graveled road connects with the paved road system.

5. Building permits for those land uses identified in paragraph "A" above, may utilize unpaved county class "B" roads for frontage which have been part of the county road system and continuously shown on the official county road map since December 12, 1975, meet the criteria of a suitable "graveled road" under the land use ordinance chapter 2 and the Utah State Code, and which have the required gravel surfacing material covering the entire travel-surface width as designated for the specific type of development in the Utah County Development Standards Ordinance. This gravel road requirement must be met across the entire lot or parcel frontage and on to the point where the graveled road connects with the paved road system.
6. In approved, noncommercial campgrounds, access from a paved county class "B" or state road or city street may be by a surfaced access driveway of sufficient design using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Streets (1990 edition) American Association of State Highways and Transportation Officials (AASHTO) or its equivalent counterpart in subsequent editions. Minimum driving surface width shall be twelve (12) feet and shall be provided according to the terms of chapter 3 of this ordinance. A road maintenance agreement must be entered into guaranteeing vehicular access during all periods of occupancy.
7. In the M&G-1, CE-1 and CE-2 Zones, the vehicular and pedestrian access must be gained from the frontage, but need not be exclusively and entirely across the subject lot or parcel, if the Zoning Administrator finds that all of the following conditions are met:
  - a. because of the topography, the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot or parcel, would require excessive cuts and fills; and
  - b. because of the topography, the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot or parcel, would require an access of excessive length; and
  - c. the owner of the property on which the portion of the access which falls outside of the subject lot or parcel is located, has granted to the owner of the subject lot or parcel, and to the subject lot or parcel owner's heirs, successors, and assigns, a written permanent perpetual easement, in a form acceptable to the Zoning Administrator, which complies with all requirements for a legal access, which is appurtenant to the subject lot or parcel, and which easement has been recorded in the office of the Utah County Recorder, or, if the United States of America is the owner of the property on which the portion of the access which falls outside of the subject lot or parcel is located, the United States of America has granted a private road easement, in the official form utilized by the governmental entity, to the owner of the subject lot or parcel; and
  - d. the owner of the subject lot or parcel has signed and recorded in the office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the

- permanent perpetual easement, or the governmental issued private road easement, is terminated, for any reason, the Occupancy Permit issued by Utah County will immediately and automatically be revoked and become null and void, and the subject lot or parcel will not be used for human occupancy, either temporarily or permanently, until such time as the permanent perpetual easement, or the governmental issued private road easement is reinstated and approved by the Zoning Administrator; and
- e. the access driveway must be designed and constructed to a grade no greater than 12 percent using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Transportation officials (AASHTO) or its equivalent counterpart in subsequent editions. A road maintenance agreement must be entered into between the owner of the subject lot or parcel and Utah County guaranteeing that the owner of the subject lot or parcel will maintain the access driveway in a condition to allow vehicular access during all periods of occupancy.
8. In the CE-1 and M&G-1 Zones, a nonconforming lot or parcel of record that lies within 500 feet of an official county class "B" road or municipal street that is separated from official road frontage by land in State or Federal ownership, may gain vehicular access to the lot or parcel by a written permanent perpetual easement or private road easement, in the official form utilized by the governmental entity and approved by the Zoning Administrator, granted to the owner of the subject lot or parcel and appurtenant to the subject lot or parcel, if said vehicular access driveway conforms to Utah County standards, currently adopted codes and other adopted applicable ordinances. Unless prohibited by the applicable governmental entity providing the access, the granting document shall be recorded in the Office of the Utah County Recorder. The owner of the subject lot or parcel shall sign and record in the office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the permanent perpetual easement, or the governmental issued private road easement, is terminated, for any reason, the Occupancy Permit issued by Utah County will immediately and automatically be revoked and become null and void, and the subject lot or parcel will not be used for human occupancy, either temporarily or permanently, until such time as the permanent perpetual easement, or the governmental issued private road easement, is reinstated and approved by the Zoning Administrator. The access driveway must be designed and constructed to a grade no greater than 12 percent, unless a more restrictive requirement applies, using engineering standards for a minimum of "H-20" loading in accordance with A Policy of Geometric Design of Highways and Transportation officials (AASHTO) or its equivalent counterpart in subsequent editions. A road maintenance agreement must be entered into between the owner of the subject lot or parcel and Utah County guaranteeing that the owner of the subject lot or parcel will maintain the access driveway in a condition to allow vehicular access during all periods of occupancy.
  9. Access to a permitted mining operation and access to a permitted building and appurtenant grounds and facilities when owned and occupied by a governmental

agency (government building), where such use is located within a zone which allows such use as a permitted or permitted conditional use, shall be from a paved city street, paved or unpaved county road, or paved state road or highway, and access must be approved by the agency having jurisdiction of the nearest paved public street. Vehicular access from the public road, highway, or street to the mining operation or to the government building that is not exclusively across land in the same ownership as the parcel upon which the mining operation or the government building is located may be approved if the Zoning Administrator finds that all of the following conditions are met:

- a. the owner of the property on which the portion of the access which falls outside of the land in the same ownership as the parcel on which the mining operation or the government building is located has granted to the owner of the lot or parcel on which the mining operation or the government building is located, a written access easement, in a form acceptable to the Zoning Administrator, which complies with all the requirements for a legal access, which is appurtenant to the lot or parcel upon which the mining operation or the government building is located, and which easement has been recorded in the office of the Utah County Recorder, or, if a governmental entity is the owner of the property on which the portion of the access which falls outside of the lot or parcel on which the mining operation or the government building is located, the governmental entity has granted a private road easement or license, in the official form utilized by the governmental entity, to the owner of the lot or parcel on which the mining operation or the government building is located; and
  - b. the owner of the lot or parcel on which the mining operation or the government building is located has signed and recorded in the office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the easement, or the governmental issued private road easement or license, is terminated, for any reason, the permits and approvals issued by Utah County related to the mining operation or the government building will immediately and automatically be revoked and become null and void, and the subject lot or parcel will not be used for the mining operation or the government building; and
  - c. engineering plans showing the proposed access road alignment, road grades, road loading, and road cross-sections have been submitted to and approved by the Utah County Engineer.
10. Access to a permitted farm caretaker dwelling shall be from a paved city street, paved or unpaved county road, or paved state road or highway. Vehicular access from the public road, highway, or street to the farm caretaker dwelling that does not originate on, or exclusively across, the lot or parcel upon which the farm caretaker dwelling is located shall be approved if the Zoning Administrator finds that all of the following conditions are met:
- a. The owner of the property on which the portion of the access which falls outside of the lot or parcel upon which the farm caretaker dwelling is located has granted to the owner of the lot or parcel on which the farm caretaker

dwelling is located a written irrevocable access easement, in a form acceptable to the Utah County Attorney's Office, which complies with all applicable requirements for a legal access for the farm caretaker dwelling, which is appurtenant to the lot or parcel upon which the farm caretaker dwelling is located, and which easement has been recorded in the office of the Utah County Recorder. If a governmental entity is the owner of the property on which the portion of the access which falls outside of the lot or parcel upon which the farm caretaker dwelling is located, the governmental entity has granted a private road easement or license, in the official form utilized by the governmental entity, to the owner of the lot or parcel on which the farm caretaker dwelling is located.

- B. Notwithstanding the above provisions, no road which is a county class "B" road due to its location within the ownership boundaries of the United States National Forest, the lands of the Bureau of Land Management (BLM), or the lands of another agency of the United States government, and maintained by Utah County under contract with the Forest Service, BLM, or other appropriate federal agency, shall be deemed to give adequate frontage unless:
1. Utah County has actual ownership of the right-of-way in the form of a recorded deed or written perpetual easement.
  2. The road surface is paved, in accordance with applicable County standards, to connect the subject site to the rest of the paved part of the county road system.

#### 4.48: MOTOR VEHICLE ACCESS

All zoning lots and parcels of land having frontage on an official county road, city street, or state road or highway, and recorded large-scale development lots having their frontage on a private road, or qualify for an exception to the frontage requirement as provided for in UCLUO 4.44, shall have motor vehicle access to the dwelling, commercial establishment, manned industrial plant or other facility occupied by humans, by a driveway that meets all of the following requirements:

1. A minimum driving surface width of 10 feet for the full length of the driveway from the official road access to the dwelling or occupied structure;
2. A grade that does not exceed 12 percent at any point along the length of the driveway unless the driveway is of such length that it qualifies as a fire access road which shall then meet the requirements for a fire access road as found in the currently adopted fire codes along its entire length from start of official frontage or closest paved road, city street, or state road or highway if the lot or parcel qualifies for an exception to the frontage requirement as provided for in UCLUO 4.44 to the dwelling or occupied structure;
3. The driveway serves as vehicular access to only the approved land use on the specified parcel or lot, except for other approved uses not occupied by humans on an adjacent parcel or lot in the same ownership as the dwelling or occupied structure;
4. A second driveway on the same zoning lot or parcel as the dwelling or occupied

structure must also meet the criteria stated in items 1- 3 above and have a minimum separation between driveways on the same zoning lot or parcel as the dwelling or occupied structure of 40 feet;

5. When approved by the Utah County Public Works Department (for access from a County road) or Utah Department of Transportation (for access from a State road), a shared driveway may be approved for not more than two abutting zoning lots or parcels when the driveway is a minimum of twenty (20) feet in width with the common property boundary located in the center of the driveway so that there is a minimum of ten (10) feet of driveway on each side of the common property line from the County or State road frontage to the dwelling, commercial establishment, manned industrial plant or other facility occupied by humans;
6. All gated entries and driveway accesses shall comply with the adopted fire code and any other applicable adopted codes; and
7. Prior to construction of a driveway, gated entry, fire access road or any other motor vehicle access, plans shall be submitted and an approved access permit shall be issued from the Utah County Public Works Department or the Utah Department of Transportation.

#### 8.84: REQUIREMENTS FOR APPROVAL OF A FARM CARETAKER DWELLING

##### A. INTENT

It is the intent of this ordinance to provide a means for a portion of the farm labor housing and caretaker housing needs of production agriculture to be met on the farm premise, but only in densities and conditions which will not conflict with nor be deleterious to other agricultural operations in the area.

##### B. RECORDED DECLARATION OF FARM UNIT

To be eligible for a permit for a farm caretaker dwelling, the subject farm unit shall be described by legal description in a "Declaration of Farm Unit" on forms which are obtained from the Zoning Administrator and which are recorded with the Utah County Recorder. The declaration shall have a covenant which binds the lands of the farm unit from transfer apart from one another or from the dwelling, and it shall continue in effect while the farm caretaker dwelling remains on the land. Before recording, the signed Farm Unit Declaration must be reviewed and approved by the Zoning Administrator.

##### C. LOT OR PARCEL SIZES AND QUALIFICATIONS FOR DWELLINGS

The minimum lot or parcel size of a farm caretaker dwelling shall be a full 40 acres per dwelling unit for each dwelling on the farm unit (this shall not be varied), but two or more dwellings may be permitted on the same farm unit if it is of sufficient size. Two or more lots or parcels which are contiguous may be included in a single farm unit using a recorded Declaration of Farm Unit, and such shall thereafter be considered one "zoning lot or parcel" for the purposes of this ordinance. In determining the number of dwelling units to be approved within a farm unit, the zoning administrator must count the number of existing dwellings on the property against the total number

of farm caretaker dwelling units to be permitted. If parcels are to be divided so that portions of former parcels are recombined or otherwise included in a Declaration of Farm Unit, all parcels must meet applicable subdivision plat filing or subdivision waiver requirements and zoning lot or parcel provisions.

D. **BUILDING SEPARATIONS**

Each farm caretaker dwelling shall be set back from the property lines and roads as normally required by the zone.

E. **HEALTH AND OTHER REQUIREMENTS**

All applicable adopted health, building, fire safety, and Land Use Ordinance requirements shall be met for each farm caretaker dwelling.

**8.116 Accessory Dwelling Units**

A. **Intent:** It is the intent of this section to provide opportunities for the creation of more dwelling units in unincorporated Utah County for persons or families of various income levels, while establishing standards for such dwelling units that will not be detrimental to other uses or industries.

B. **Scope:** Upon receipt of a complete application, the Zoning Administrator shall approve an accessory dwelling unit in any zone in which such use is listed as a permitted use, provided that all of the following standards and requirements are met.

C. **Standards:**

1. A maximum of one (1) accessory dwelling unit shall be permitted on a lot or parcel.

Exception: One(1) accessory dwelling unit shall be permitted on a lot or parcel for each approved farm caretaker dwelling located within a recorded "Declaration of Farm Unit" as provided for in UCLUO 8.84.

2. The design, size, and location of the accessory dwelling unit shall be subordinate to the main dwelling on the lot or parcel and shall meet all applicable adopted building, fire, and health codes and requirements.
3. An accessory dwelling unit which is detached from the single-family dwelling or farm caretaker dwelling on the subject property shall have a total maximum floor area of 1,000 square feet for all habitable stories. Exception: The detached accessory dwelling unit may have a total maximum floor area of more than 1,000 square feet provided the property owner of record has signed and recorded a restrictive covenant and acknowledgement in a form acceptable to the Utah County Attorney's Office which acknowledges the accessory dwelling unit on the subject property shall only be rented at an amount which qualifies as moderate income housing as defined by Utah State Code. Such form shall be recorded in the Utah County Recorder's Office prior to issuance of any applicable permits associated with the accessory dwelling unit. In addition, the detached accessory dwelling unit shall have a total maximum floor area not to exceed 40% of the total floor area of the primary dwelling up to a maximum of 1,500 square feet. For purposes of this calculation, total floor area shall not include garages and covered or enclosed porches or decks.

4. And internal accessory dwelling unit as defined under Utah Code 17-27a-526, as amended, shall have no total maximum floor area.
5. The accessory dwelling unit shall meet all adopted state and county health codes and requirements for the provision of culinary water and sewage disposal.
6. The accessory dwelling unit may have a separate utility meter for gas and/or electrical service provided each meter is in the name of the property owner.
7. The accessory dwelling unit shall utilize the same street address as the primary single-family dwelling on the lot or parcel. However, the accessory dwelling unit may be identified as a separate unit for mail and other addressing purposes.
8. A detached accessory dwelling unit shall be provided with a minimum of two (2) additional off-street parking spaces an internal accessory dwelling unit shall be provided with a minimum one(1) additional off-street parking space.
9. The accessory dwelling unit shall only be occupied by one (1) family.
10. The accessory dwelling unit shall be accessed by an independent entrance. Any accessory dwelling unit added to, or created within, an existing single-family dwelling shall have its entrance located at the side or rear of the dwelling.
11. The accessory dwelling unit shall be located on a lot or parcel which qualifies for the single-family dwelling or farm caretaker dwelling to which the accessory dwelling unit is accessory.
  1. A detached accessory dwelling unit, along with the qualifying single-family dwelling to which it is accessory, shall have a minimum lot or parcel area of one(1) acre.

#### 12.48: A-40 AGRICULTURAL ZONE

##### A. DECLARATION OF LEGISLATIVE INTENT

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 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 Utah Code, as amended.
2. To preserve the county's production agriculture land.
3. To foster and protect agriculture from adjacent incompatible land uses.
4. To encourage the cultivation of crops and the raising and keeping of livestock and related uses within this zone.

5. To provide governmental services at the least cost to commercial agriculture operations. 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; 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.
2. The raising of mink and similar fur bearing animals, and the pens and sheds used in the raising of such animals.
3. The production of fruit and crops in the field, packing plants for fruit and vegetables raised on the premises, 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 process and packaging of milk produced on the premise.
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, subject to the provisions of UCLUO 8.28.
12. The boarding of horses within a structure or in the open field.
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 provisions of UCLUO 8.84.
15. 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.
16. Fences, walls, and landscaping, subject to the provisions of UCLUO 4.76.
17. Signs, subject to the provisions of UCLUO 8.24.
18. A cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communications Commission or its successor agency.
19. Oil, gas, and water wells, and appurtenant pipelines, pumps and pump houses.
20. Private roping and riding arenas that do not have lights.

21. Windmills.
  22. 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:
    1. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
    2. 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.
    3. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.
  23. One-family dwellings and manufactured homes.
  24. Residential accessory structures, when located on the same lot or parcel as the dwelling to which such structures are appurtenant.
  25. Migrant Agricultural Worker Housing.
  26. Camping on private property by property owners and their permitted guests.
  27. Accessory dwelling unit located on the same lot or parcel as the dwelling to which it is accessory to, subject to the provisions of UCLUO 8.116.
  28. Temporary uses and structures subject to the provisions of UCLUO 8.16.
- C. Permitted Conditional Uses:** In the A-40 zone the following shall not be permitted by the Zoning Administrator unless approval as a conditional use 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 conditional use according to the provisions of UCLUO 16.
  2. 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 UCLUO 16.
  3. 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 UCLUO 16, subject to the applicant submitting a site plan and providing adequate evidence of safe setback, location layout, noise reduction, and continuing management.
  4. 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 Board of Adjustment has approved as a conditional use according to the provisions of UCLUO 8.48 and UCLUO 16.
  5. A planned subdivision which has been approved as a conditional use and plat approval by the County Commission according to the provisions of UCLUO 14.
- D. Area Requirements:** The minimum area of a zoning lot or parcel within the A-40 zone shall be as follows:
1. Each planned subdivision, one-family dwelling, and roping and riding arena shall be located on a lot or parcel containing at least forty (40) acres of land.
  2. Each Migrant Agricultural Worker Housing structure and each Migrant Agricultural Worker Housing manufactured home shall be located on a lot or parcel

of land with an area of not less than 40 acres, or located on adjacent lots or parcels of land in the same ownership as described in a recorded Declaration of Farm Unit consisting of not less than 40 acres, which Declaration of Farm Unit must be approved by the Land Use Authority. If more than one Migrant Agricultural Worker Housing structure or manufactured home is located within an approved Declaration of Farm Unit, each such structure or manufactured home shall have an area of not less than 40 acres.

3. Each private dog kennel shall be on a lot or parcel with a minimum area of forty (40) acres and on the same parcel as the dwelling to which it is accessory.
4. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

**E. Width Requirements:** The minimum width of a zoning lot or parcel within the A-40 zone shall be as follows:

1. For a one-family dwelling, farm caretaker dwelling on a single lot or parcel of land or for all farm caretaker dwellings clustered on one lot or parcel of land, and for a migrant agricultural worker housing structure or migrant agricultural worker housing manufactured home, and for a roping and riding arena, the minimum width of the lot or parcel at any point between the frontage and the structure/s shall be three hundred thirty (330) feet, except for the following:
  - a. Any farm caretaker dwelling which meets the requirements for an exception to frontage as provided for in UCLUO 4.44 may be located on a lot or parcel which has no minimum width requirement except as may necessary to meet other provisions of this ordinance.
2. For other permitted uses and structures, there shall be no minimum width requirement, except as may be necessary to meet 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 UCLUO 4, UCLUO 6, and UCLUO 8, shall have a front setback of at least thirty (30) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.
2. **Side and Rear Setback:** All buildings and structures, other than landscaping features and fences which meet the standards of UCLUO 4, UCLUO 6, and UCLUO 8, shall have a side and rear setback of at least fifteen (15) feet, unless an alternate setback is required or allowed by UCLUO 4, UCLUO 6, and UCLUO 8.

**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 determined by the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted, except for the following:
  1. An antenna of a “stealth telecommunications transmission facility” may exceed the initial elevation of the existing transmission tower, utility pole, or other existing building or structure to which it is attached by no more than 10 feet.
  2. For large-scale utility line structures, there shall be no maximum height.

3. The maximum height for windmills shall be 55 feet measured from finished grade to the highest point of the windmill blade.
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 UCLUO 16.
5. 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. 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.
- I. Supplementary Regulations:** Uses within this zone shall also comply with the applicable requirements set forth in UCLUO 4, UCLUO 6, and UCLUO 8, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of this land use ordinance.