



Planning and Zoning

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TCLUO 2024-114

Text Amendment Summary and Recommendation

Public Body: Tooele County Planning Commission

Meeting Date: September 4, 2024

Request: Land use ordinance update to Chapter 2, Table 15-5-3.2, and Table 16-4-3.4

Planner: Trish DuClos

Planning Commission Recommendation: Not yet received.

Applicant Name: Tooele County

PROJECT DESCRIPTION

Tooele County Community Development is requesting a Land Use Ordinance update to Chapter 2 "Definitions." (75) "Cottage Industry," Table 15-5-3.2 "Commercial and Industrial Uses", and Table 16-4-3.4 "Commercial and Industrial Uses." This will help staff and public identify the difference between a Home Occupation and Cottage Industry. The table updates clarify what type of home occupation is permitted or needs a conditional use permit.

PLANNING COMMISSION RESPONSE

Not yet received.

PLANNING STAFF ANALYSIS

Staff has identified some issues when processing home occupations. There aren't clear parameters when processing different types of home occupations. Some could have an impact on the neighbor while others do not. It has been inconsistent in the past on what businesses would be allowed or needs a CUP and fee. Staff and neighbors have expressed concerns with a few occupations and what would cause an impact to surrounding neighbors. It was determined that 5 or more people a day would create a greater impact to the neighborhood. The requested changes to the tables will help clarify what would be permitted, need staff level approval (C1), or if the business had a greater impact it would need to go before planning commission. Staff level approval would still require notices to be sent to the adjacent neighbors to inform them that a small number of public would be allowed to that home. It would also give staff a review process to check on "sufficient parking," ingress/egress, and what other areas of the home or property will be utilized.

Cottage Industry and Home-based business are not allowed in Chapter 16 of the zoning code. In this chapter are Residential (R-1-) and Multiple Residential (R-M-) zones which are smaller lots. In Chapter 15 it has Rural Residential (RR-), Agricultural (A-), and Multiple Use (MU-) zones. The current table 15-5-3.2(k) it states, "Cottage industry that may be permitted to employ up to 10 employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property." Which would require a CUP approved by planning commission. While section (m) states, "Home based businesses that may be permitted to employ up to

10 employees that reside outside of the dwelling adequate off-street parking can be made available on the property." That is not allowed in RR-1 or RR-5 zones.

Staff recommends that the definition to Cottage Industry be updated to include wording of "greater than a home occupation." Then the table of uses be updated to include the following wording, "Cottage industry that may be permitted to employ up to 10 employees that reside outside of the dwelling and may allow more than 5 customers per day, at any one time, providing adequate off-street parking can be made available on the property." This use would change the table to not be allowed them RR-1 or RR-5 to be more consistent with the home-based business. Staff has found that properties may be zoned RR-1 or RR-5 but lots in those zones are smaller. Staff also recommends the same wording in home-based business that reads, "Home based businesses that may be permitted to employ up to 10 employees that reside outside of the dwelling and may allow more than 5 customers per day, at any one time, providing adequate off-street parking can be made available on the property."

In order to help staff and the public understand the different parameters of occupations staff recommends that home occupations have different sections in the table of uses. And to be consistent in both Chapters 15 and 16. The first parameter would be no impact to the neighborhood. It would state, "No customers coming to the home. Deliveries are made to customers only." This would be a permitted use, which has no fee. The next section would have the following parameters, "1. Allows up to 5 customers a day, given sufficient off-street parking is provided. 2. No more than 2 employees hired that reside outside of the dwelling, provided off-street parking is provided. 3. Classes or education may be provided in structures or outside on the premise provided they do not cause a nuisance to surrounding neighbors."

Attached to this staff report are the tables and the definition of Cottage Industry with suggested changes in red.

PLANNING STAFF RECOMMENDATION

Planning Staff encourages the Planning Commission to review the proposed ordinance updates regarding Tooele County Land Use Ordinances before making a recommendation to council.

Chapter 2 definitions

(75) “Cottage industry” means a business, **greater than a home occupation**, conducted entirely within a dwelling or in an accessory structure without altering the residential character manufacturing artistic, handicraft, and other craft items and services rendered on the premise.

Table 16-4-3.2 and Table 15-5-3.2

Table 16-4-3.2. Commercial and Industrial Uses.								
#	Use	Residential (R-1-__)				Multiple Residential (R-M-__)		
		21	12	10	8	7	15	30
j	Home Occupations							
	Home Occupations with the following conditions: 1. No customers coming to the home. Deliveries are made to customers only.	P	P	P	P	P	P	P
	Home Occupations with the following conditions: 1. Allows up to 5 customers a day, given sufficient off-street parking is provided. 2. No more than 2 employees hired that reside outside of the dwelling, provided off-street parking is provided. 3. Classes or education may be provided in structures or outside on the premise provided they do not cause a nuisance to surrounding neighbors.	C1	C1	C1	C1	C1	C1	C1

Table 16-4-3.2 and Table 15-5-3.2

[illegible]