



Planning and Zoning

47 S. Main Street • Room 208 • Tooele, UT 84074

Phone: (435) 843-3160 • Fax: (435) 843-3252

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TCLUO 2024-116

Text Amendment Summary and Recommendation

Public Body: Tooele County Planning Commission

Meeting Date: September 4, 2024

Request: Land use ordinance update to Chapter 4 "Supplementary and Qualifying Regulations"

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 4 "Supplementary and Qualifying Regulations." These changes update verbiage on lots having greater than 30% slope. It also takes out the verbiage of animals requiring a CUP. And updates the wording throughout from "Department of Engineering" to "Community Development Department."

PLANNING COMMISSION RESPONSE

Not yet received.

PLANNING STAFF ANALYSIS

Staff recognized the need to change Chapter 4-3(4) of the Tooele County Land Use Code. It currently states, "Any lot or portion thereof that exceeds 30% slope is not buildable," making larger properties unbuildable. Even if there are buildable areas on the parcel it does not allow any building on that parcel. Staff has research other cities with similar codes and has requested changes to that section. Staff has consulted with Engineers on the requested changes as well.

Staff realized a conflict between the updated animal code and Chapter 4-22 which states, "No animal or fowl other than horses, cattle, sheep, poultry, swine or mink shall be kept on a parcel without first obtaining a conditional use permit to ensure the welfare, safety and mitigation of nuisances arising from maintaining such animals." The animal code in both Chapter 15 and 16 states, "(4) For animals not listed, the Zoning Administrator shall determine the number of animals allowed based upon the property and surrounding residential limits and restrictions. (5) Animals permitted through Department of Natural Resources (DNR) are allowed and shall be kept in accordance with DNR regulations. Permitted animals must comply with this chapter."

There are some other minor changes to Chapter that need to be updated. Those include changing code references where codes no longer exist or changed, and changing the wording from "Department of Engineering" to "Community Development Department."

Staff's recommended changes are attached to this staff report and marked 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 motion.

CHAPTER 4

SUPPLEMENTARY AND QUALIFYING REGULATIONS

Section

- 4 - 1. Effect of chapter.
- 4 - 2. Substandard lots at time of ordinance passage.
- 4 - 3. Lot standards.
- 4 - 4. Every dwelling to be on a lot - Exceptions.
- 4 - 5. Yard space for one building only.
- 4 - 6. Private garage with side yard - Reduced yards.
- 4 - 7. Sale or lease of required space.
- 4 - 8. Sale of lots below minimum space requirements.
- 4 - 9. Yards to be unobstructed - Exceptions.
- 4 - 10. Repealed.
- 4 - 11. Exceptions to height limitations.
- 4 - 12. Minimum height of main building.
- 4 - 13. Repealed.
- 4 - 14. Clear view of intersecting streets.
- 4 - 15. Maximum height of fences, walls, hedges.
- 4 - 16. Water and sewerage requirements.
- 4 - 17. Curbs, gutters and sidewalks.
- 4 - 18. Effect of official map.
- 4 - 19. Lots on private streets.
- 4 - 20. Lots divided by a zone boundary.
- 4 - 21. Disconnection or disincorporation of property.
- 4 - 22. Animal and fowl restrictions.
- 4 - 23. Off-site improvements.
- 4 - 24. Commercial renting of dwellings prohibited.
- 4 - 25. Temporary residences for emergency construction or repair.

4 - 1. Effect of chapter.

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the regulations of any zoning district appearing elsewhere in the Tooele County Land Use Ordinance. (Ord. 2005-22, 9/13/05)

4 - 2. Substandard lots at time of ordinance passage.

(1) Any legal substandard lot created prior to January 10, 1975, or having been granted a special exception by the administrative hearing officer ~~pursuant to Tooele County Code 13-7-2~~, and having less than the requirements for lot area or width for the zoning district in which it is located, may be used for a single family dwelling if it is located in a zoning district that permits single family dwellings.

(2) The method for determining side yard setback distances for lots described in Subsection (1) is to:

(a) determine the area of the lot;

determine the equivalent zone by using Table 4-A;

(b) compare the actual front width with the equivalent zone frontage requirement;

- (c) if the actual frontage equals or exceeds the equivalent zone frontage, use the setback distance of the equivalent zone; and
- (d) if the actual frontage is less than the equivalent zone frontage, then use Table 4-B to determine the adjusted side yard setback.
- (3) All setbacks other than side yard setbacks shall remain as stated in the equivalent zone.
- (4) Notwithstanding anything to the contrary in this section, side yard setbacks in lots described in Subsection (1) shall not be less than eight feet. (Ord. 2005-22, 9/13/05)

4 - 3. Lot standards.

- (1) Except for planned unit developments and conservation subdivisions or as otherwise provided in this Tooele County Land Use Ordinance, every lot shall have such area, width and depth as is required by for the zoning district in which such lot is located.
- (2) No building permit may be issued for a lot that does not have frontage upon a dedicated or publicly approved street, except:
 - (a) residential lots may front upon a private road approved by the planning commission; or
 - (b) lots used solely for the provision of essential services may be accessed via a recorded perpetual easement.
- (3) In the residential and rural residential zoning districts, no lot shall be created which is more than three times as deep as it is wide. In rural residential zoning districts, a special exception thereto may be granted by the appeal authority if it can be shown by the applicant that a deeper lot represents the most judicious configuration of the property, but in no case shall the exception be granted for more than five lots in any subdivision, neither shall it create a lot more than five times as deep as it is wide.
- (4) ~~Any lot or portion thereof that exceeds 30% slope is not buildable.~~ No structure or driveway shall be located within 20 feet of any portion of a hillside slope, either up or down, exceeding 30 percent, or for dwellings, within the setback envelope, whichever is greater.
 - (a) The County may require greater setbacks when a geotechnical report recommends that greater setbacks are necessary for the protection of life, safety, or property.
 - (b) Driveways to the building site shall have a maximum slope of 10 percent and shall have direct access to a public or private street. The jurisdiction's fire authority may approve steeper grades for private driveways to building sites in accordance with the International Fire Code.
- (5) Any lot created through ~~Section 13-1-8~~ Chapter 35-1-8 of the Tooele County ~~Code~~ Land Use Code or Section 17-27a-605 UCA for an agricultural partition is not a buildable lot for a residential dwelling or use. To become a residential building lot, the lot or parcel shall first be divided as a subdivision under ~~Title 13 of the Tooele County Code~~ Chapter 35 of the Tooele County Land Use Code. (Ord. 2023-10, 3/21/23; Ord. 2006-20, 7/25/06; Ord. 2005-22, 9/13/05)

Table 4-A	
Area of Lot:	Equivalent Zone:
Over 120 acres	MU-160
Over 60 acres, up to 120 acres	MU-80

Over 50 acres, up to 60 acres	MU-40
Over 15 acres, up to 50 acres	A-20
Over 7 acres, up to 15 acres	RR-10
Over 3 acres, up to 7 acres	RR-5
Over 0.75 acres, up to 3 acres	RR-1
Over 17,000 square feet, up to 32,670 square feet	R-1-21
Over 11,000 square feet, up to 17,000 square feet	R-1-12
Over 9,000 square feet, up to 11,000 square feet	R-1-10
Up to 9,000 square feet	R-1-8

(Ord. 2005-22, 9/13/05)

Table 4-B		
(Actual Width x Side Yard Multiplier = Adjusted Side Yard)		
Equivalent Zone		Side Yard Multiplier
R-1-8	=	0.0857
R-1-10	=	0.1000
R-1-12	=	0.1250
R-1-20	=	0.1000
RR-1	=	0.1200
RR-5	=	0.1000
RR-10	=	0.0758
A-20	=	0.0909
A-40	=	0.0909
MU-40	=	0.0454

MU-80	=	0.0227
MU-100	=	0.0227

(Ord. 2005-22, 9/13/05)

4 - 4. Every dwelling to be on a lot – Exceptions.

- (1) Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot.
- (2) Group and cluster dwellings, condominiums and other multi-structure dwelling complexes with single ownership and management may occupy one lot for each such multi-structure complex.
- (3) A conditional use permit may be issued for an existing home, a manufactured home, a mobile home or a recreational vehicle brought on to a vacant lot, that may be used as a principal dwelling while a new dwelling is being constructed. The permit may be issued by the zoning administrator with the following conditions:
 - (a) the structure used as a temporary dwelling shall be removed from the site 60 days after a demolition permit for the temporary building is issued; or if a recreational vehicle is used, it shall cease to be occupied as a temporary dwelling as soon as the permanent structure's certificate of occupancy is issued but may continue to be stored on the site as a recreational vehicle with utility connections disconnected;
 - (b) a demolition permit shall be applied for at the time a certificate of occupancy is issued; the certificate of occupancy shall not be issued until the demolition permit is applied for. If a recreational vehicle is used as the temporary dwelling, then the demolition permit is unnecessary;
 - (c) the temporary dwelling shall not be used as a dwelling for a period of more than 24 months; however, the zoning administrator may issue up to two 6-month extensions, provided sufficient progress has been made to the new dwelling within the initial 24 months;
 - (d) bids shall be obtained by the zoning administrator for the removal and disposal of the dwelling or the manufactured home used as a temporary dwelling prior to the issuance of the certificate of occupancy;
 - (e) the Tooele County Health Department shall be consulted on existing structures to determine if any environmentally hazardous materials exist in the structure to be removed;
 - (f) the applicant shall give permission to the County to enter the property at reasonable times with those contractors establishing a bid to determine the extent of work involved to remove and dispose of the temporary structure;
 - (g) all structures shall meet the setback requirements for the zoning district in which the property is located;
 - (h) the applicant shall file a hold harmless agreement with the County for any enforcement action it deems appropriate to ensure compliance with the permit as issued;
 - (i) a bond shall be filed with the County for the cost of the highest bid plus 20% in the form of cash, irrevocable letter of credit or an escrow that can be drawn by Tooele County should the zoning administrator deem that the permittee has failed to comply with the conditions of the permit which shall be cause for the County to remove the structure used as a temporary dwelling;
 - (j) if the bond is forfeited the funds of the bond exceeding the cost of removal shall remain with the County, and any costs over that of the bond amount shall be paid by the permittee to the County within 20 days from the receipt of an invoice;

(k) the County may pursue restitution in civil court and placement of a tax lien on the property for any amounts that are owed to the County and remain unpaid;

(l) if a recreational vehicle is used, proper power, water and septic connections may be required and inspected by a building inspector, health department and fire agency. If connections and inspections are not required, the applicant may need to provide proper plans on how power, water and septic will be properly maintained. If an extension is requested, further inspections by a building inspector, health department and fire agency may be required;

(m) a conditional use permit for a temporary dwelling shall not be issued or approved prior to submitting a building permit for the main dwelling; and

(n) if the temporary dwelling is an existing structure and it meets the requirements of Tooele County's Land Use Table 15-5-3.3, a conditional use permit may be issued to allow the temporary dwelling to become an accessory housing unit. This determination shall be made and requested by the property owner prior to the certificate of occupancy being issued for the new structure. If it is determined the temporary dwelling does not meet the regulations of Table 15-5-3.3 or that it is the intent of the property owner to remove the temporary housing, then the zoning administrator shall require the structure to comply with demolition listed above. Under no circumstances shall a mobile home or recreational vehicle be allowed to become an accessory housing unit.

(Ord. 2023-05, 2/21/23; Ord. 2021-42, 10/5/21; Ord. 2006-32, 11/7/06; Ord. 2005-22, 9/13/05)

4 - 5. Yard space for one building only.

No required yard or other open space around an existing building or that is hereafter provided around any building shall be considered as providing a yard or open space for another building, nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot where on a building is to be erected or established. (Ord. 2005-22, 9/13/05)

4 6. Private garage with side yard - Reduced yards.

(1) On any interior substandard lot where a private garage containing a sufficient number of parking spaces to meet the Tooele County Land Use Ordinance has a side yard equal to the minimum side yard required for a dwelling in the same zoning district, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard for a recognized substandard lot.

(2) On any substandard lot where such a garage has a side yard as described in Subsection (1), the rear yard of the dwelling may be reduced to 15 feet, provided the garage also has a rear yard of at least 15 feet. (Ord. 2005-22, 9/13/05)

4 - 7. Sale or lease of required space.

No space needed to meet the width, yard, area, coverage, parking or other requirements of the Tooele County Land Use Ordinance for a lot or building may be sold or leased away from such lot or building. (Ord. 2005-22, 9/13/05)

4 - 8. Sale of lots below minimum space requirements.

No parcel of land may be divided or subdivided from a larger parcel which creates a lot that has less than the minimum width and area requirements for the zoning district in which it is located. This regulation applies whether the intent of the division or subdivision may or may not be for the purpose, whether immediate or future, of building, development or any other land use. (Ord. 2005-22, 9/13/05)

4 - 9. Yards to be unobstructed - Exceptions.

- (1) Every part of a required yard shall be unobstructed and open to the sky, except for:
 - (a) accessory buildings in a rear yard;
 - (b) the ordinary projections of eaves, skylights, sills, belt courses, cornices, chimneys, flues, and like features which project into a yard not more than two and one-half feet; and
 - (c) projections allowed by the building or fire codes for fire safety purposes shall be allowed to extend into a yard not more than five feet.
- (2) In no case shall a stoop, cantilever, eave, or other projection extend into any designated easement for public utilities, drainage, access, etc. (Ord. 2005-22, 9/13/05)

4 - 10. Repealed. (Ord. 2023-05, 2/21/23; Ord. 2005-22, 9/13/05)

4 - 11. Exceptions to height limitations.

All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for purposes of providing additional floor space. The following are the only exceptions which shall be allowed by conditional use permit to the height limits in any zoning district:

- (1) penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;
- (2) fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures;
- (3) public and quasi-public utility buildings.
- (4) transmission lines with nominal voltage rating of 50kV or greater; and (5) substations. (Ord. 2010-01, 2/2/10; Ord 2005-22, 9/13/05)

4 - 12. Minimum height of main building.

No dwelling shall be erected to a height less than one story above grade. (Ord. 2005-22, 9/13/05)

4 13. Repealed. (Ord. 2023-05, 2/21/23; Ord. 2005-22, 9/13/05)

4 - 14. Clear view of intersecting streets.

- (1) In all districts requiring a front yard, no obstruction to view in excess of two feet in height or twelve inches in width shall be placed on any corner lot within the clear view zone. Pole signs and a reasonable number of trees pruned to at least ten feet clearance to grade to permit unobstructed vision to automobile drivers and pedestrians are permitted.

Signs or other advertising structures shall not be erected at the intersection of any street or driveway in such a manner as to obstruct free and clear vision. They shall not be erected at any location where by reason of the position, shape or color, they may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words, "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse vehicle operators. (Ord. 2005-22, 9/13/05)

4 - 15. Maximum height of fences, walls and hedges.

(1) Fences, walls and hedges may be erected to permitted building height for the zoning district in which they are located when within the buildable area, provided that any such structure over six feet high requires a building permit.

(2) View-obscuring fences, walls, and hedges may not exceed three feet in height within any required front yard. Corner lots in residential zones are allowed a view obscuring fence, on the side of the house that does not face the street only, up to six feet in height at the property line provided the fence is at no time located less than 5 feet behind the front facade. No fences, walls, or hedges over two feet in height may be located in the clear view zone.

(3) Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line. (Ord. 2005-22, 9/13/05)

4 - 16. Water and sewerage requirements.

In all cases where a proposed building or proposed use will involve the use of sewerage facilities and a connection to a public sewer system as defined by the Utah State Department of Environmental Quality is not available, and in all situations where a connection to a public water system approved by the Utah State Department of Environmental Quality is not available the sewage disposal and the domestic water supply shall comply with the requirements of Tooele County Health Department. The application for a building permit shall be accompanied by a certificate of approval from the Tooele County Health Department. (Ord. 2005-22, 9/13/05)

4 - 17. Curbs, gutters and sidewalks.

The installation of curbs, gutters and sidewalks of a type approved by the director of the Tooele County ~~Department of Engineering~~ Community Development Department may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters or sidewalks may be required as a condition of a building permit or a use permit approval. (Ord. 2005-22, 9/13/05)

4 18. Effect of official map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line. (Ord. 2005-22, 9/13/05)

4 - 19. Lots on private streets.

Lots with frontage only on private streets shall only be allowed by conditional use permit or planned unit development. They are subject to all applicable requirements of this Tooele County Land Use Ordinance. (Ord. 2005-22, 9/13/05)

4 - 20. Lots divided by a zone boundary.

A lot divided by a zone boundary shall be subject to the following special regulations:

(1) A use allowed in the less restrictive zone but not allowed in the more restrictive zone may be allowed to extend into the more restrictive zone but not more than 50 feet by approval of the appeal board, if the appeal authority finds that the extension is required for the reasons of justice and equity and will not be harmful to neighboring property or human values.

(2) A substandard lot may have area added from a legally-existing, legally-created, or existing substandard lot through a subdivision approval or by a variance issued by the appeal authority if the total lot area would not equal the minimum lot area of the zone, as long as the creation of the new lot or lots, or the addition of land to an existing lot:

- (a) would not create undesirable land patterns or prevent desirable subdivision designs in the area;
- (b) would not be detrimental to the development of required or desirable streets, utilities, or other public facilities or service; and
- (c) would provide a usable and desirable lot for the uses and densities allowed.

(3) The uses allowed on any portion of the new lot shall only be those allowed in the district in which such portion of the lot is located.

(4) Any such enlarged lot shall not be re-subdivided except through submission and approval of a subdivision plat. (Ord. 2006-20, 7/25/06; Ord. 2005-22, 9/13/05)

4 - 21. Disconnection or disincorporation of property.

Any parcel of property that becomes part of the unincorporated area of Tooele County because of disconnection from a municipality or disincorporation of a municipality shall be designated in the same county zoning district as the adjoining zone. (Ord. 2005-22, 9/13/05)

4 - 22. Animal and fowl restrictions.

No animal or fowl shall be kept or maintained closer than 40 feet to any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet to any street except that in the Rr-10, A-20, A-40, MU-40, MU-80 and MU-160 zoning districts, no corral or stable for the keeping of horses may be located closer than one hundred feet to a public street or to any dwelling on an adjacent parcel of land. ~~No animal or fowl other than horses, cattle, sheep, poultry, swine or mink shall be kept on a parcel without first obtaining a conditional use permit to ensure the welfare, safety and mitigation of nuisances arising from maintaining such animals.~~ All animals must be kept in accordance with Tooele County Land Use Code chapters 15 and 16. (Ord. 2005-22, 9/13/05)

4 - 23. Off-site improvements.

The applicant for a building permit in an approved subdivision shall provide curb, gutter and sidewalk along the entire property line abutting any public street for all dwellings, commercial or industrial structures, public and quasi-public buildings in locations where it has been determined as being required, at Tooele County standards. Vehicular entrances to the property shall be provided as required in Chapter 6 and Chapter 23 of the Tooele County Land Use Ordinance. Height, location, structural specifications and maximum roadway approach angles to the centerline of the street are subject to approval from the ~~Department of Engineering~~ **Community Development Department**.

(1) A fee may be paid in lieu of improvements when conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk. In such circumstances approved by the planning commission, the applicant shall pay Tooele County a fee equal to the cost of such improvements, as estimated by the ~~director of the Department of Engineering~~ **Community Development Director**. Upon payment of such fee, Tooele County shall assume responsibility for future installation of such improvements. The auditor shall deposit such fees in the special account established to hold such fees and shall credit to such account a proportionate share of interest earned from investment of county moneys. Records relating to the identification of properties for which such fees have been collected, fee amounts collected for such

properties, and money transfer requests shall be the responsibility of the ~~Department of Engineering~~ **Community Development Department**.

(2) The planning commission may grant an exception to installation of the sidewalk in industrial areas where it determines that the sidewalk is not necessary to serve the public need and the elimination of the sidewalk does not jeopardize the public health, safety and welfare.

(3) The planning commission may grant an exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved. (Ord. 2005-22, 9/13/05)

4 - 24. Commercial renting of dwellings prohibited.

It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof within any residential, agricultural or multi-use zoning district for lodging or accommodation purposes for a period of less than 30 days except as specifically allowed in the zoning district regulations. (Ord. 2005-22, 9/13/05)

4 - 25. Temporary residences for emergency construction or repair.

If for reason of emergency construction or major repair there is need for a temporary residence on construction sites, a temporary use permit shall be considered to allow temporary placement of mobile homes, manufactured homes or the use of recreational vehicles to provide temporary housing. Any such use must be approved by the ~~director of the Department of Engineering~~ **Zoning Administrator** with the following terms and conditions:

(1) The temporary use approval of the structure, recreational vehicle, mobile home, or manufactured housing is temporary and is not to exceed six months, with the exception that the owner can apply for a six month extension, provided that substantial progress of the emergency, construction or repair is demonstrated. There shall be no more than three extensions granted for any temporary use permit or any lot, parcel or property;

(2) The temporary structure, mobile home, manufactured housing, or recreational vehicle shall be constructed or placed in accordance with the Building Code and the Tooele County Land Use Ordinance and shall be required to have a permit from the Tooele County Health Department in regard to sanitation facilities and a building permit issued before commencement of construction or placement of the temporary structure.

(3) The temporary structure, mobile home, manufactured home, or recreational vehicle shall be removed:

- (a) immediately following completion of the project, construction or repairs, or
- (b) immediately upon the expiration of the term of the temporary use permit.

(4) The ~~Department of Engineering~~ **Community Development Department** and its employees may review the temporary use permit or the structures on the property to ensure compliance and substantial progress.

(5) Mobile and manufactured homes will be placed in accordance with Chapter 10 of the Tooele County Land Use Ordinance with the following exceptions:

- (a) They shall leave the running gear intact.
- (b) The skirting shall be of a temporary construction, not of masonry material.

(6) The temporary structure, mobile home, manufactured housing or recreational vehicle shall not be issued a building permit, placed, stored, located, or constructed on the property until a temporary use permit has been issued. (Ord. 2021-42, 10/5/21; Ord. 2005-22, 9/13/05)