



Planning and Zoning

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

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

<http://www.co.tooele.ut.us/Building/planning.htm>

TCLUO 2020-02

Agricultural Uses and Animal Regulations Summary and Recommendation

Public Body: Tooele County Planning Commission

Meeting Date: October 7, 2020

Request: Recommendation of approval for ordinance updates for agricultural uses and animal regulations.

Planners: Trish DuClos & Jeff Miller

Planning Commission Recommendation: Tabled on July 15, 2020 & September 2, 2020.

Planning Staff Recommendation: Approval

Applicant Name: Planning Staff

PROJECT DESCRIPTION

Planning Staff is requesting a recommendation of approval for proposed ordinance updates to Chapters 2, 15 & 16 of the Tooele County Land Use Ordinance regarding agricultural uses and animal regulations. The previous draft, which had proposed allocating applicable animal units "per usable acreage" has been eliminated from the current draft.

COMMUNITY RESPONSE

Regulating agricultural uses and animal counts has been a highly contentious issue with the public in the past. In order to address these issues more thoroughly, planning staff has met with some residents in the County to get their perspective on animal uses. Additionally, planning staff has held multiple work sessions with the planning commission to work through potential ordinance updates.

Planning Staff has forwarded all e-mails that have been received from residents regarding the proposed ordinance to the planning commission for review.

Any additional comments that are received will be forwarded to the Tooele County Planning Commission for review and summarized on October 7, 2020.

PLANNING COMMISSION RESPONSE

Planning Staff has held multiple work sessions with the planning commission to discuss potential changes to agricultural uses and animal regulations, in order to ensure that this process has been methodical. Additional changes to proposed animal units have been implemented with this current draft, in order to allow additional increases in the number of allowed animals.

The Planning Commission tabled this item on July 15, 2020 & September 2, 2020 so that Planning Staff could make some additional adjustments to the proposed ordinance, including the removal of the “usable acreage” proposal (which was presented as a draft to the planning commission on September 2, 2020).

PLANNING STAFF ANALYSIS

Section 2-2 (193) of our current Tooele County Land Use Ordinance has defined “personal agriculture” as “the keeping of not more than **four domestic farm animals** or **ten fowl** for the production of food for the sole use of the persons occupying the premises.” This has caused frustration for many property owners within the MU (Multiple Use), A (Agricultural) and RR (Rural Residential) Zones because this ordinance does not take into consideration the acreage of property that someone may own. The proposed updates are a significant improvement over the currently allowed animal counts.

As a result, Planning Staff has proposed animal regulation updates to take into consideration the zone in which the property is located, as well as the amount of acreage that a property owner may own.

As such, for purposes of regulating the number of animals that a property may have, MU (Multiple Use) and A (Agriculture) zones are allowed to self-regulate animal counts, so long as a nuisance (per Tooele County Code 8-5-3) is not created on the property.

RR (Rural Residential) Zones are allowed a combination of animal units per acreage according to table 15-5-4.1. R (Residential) Zones are allowed certain farm animals per property according to table 16-4-4.1. R-M (Multiple Residential) Zones are not allowed farm animals.

Rather than further restricting the number of allowable animals in an RR zone based on variable amounts of landscaped areas per property, planning staff is encouraging property owners within RR zones to take into consideration the amount of usable area allocated towards animals counts, prior to self-regulating the allowable number of animals within table 15-5-4.1, which may be more suitable for each property on a case by case basis.

Additional proposed changes regarding agricultural uses within Chapters 2, 15 & 16 have been highlighted in red prior to July 15, 2020 (draft version without “usable acreage” and highlighted in blue prior to October 7, 2020).

PLANNING STAFF RECOMMENDATION

Planning Staff encourages the Planning Commission to review the proposed ordinance updates regarding agricultural uses and animal regulations prior to considering a motion on the proposed updates.

It is anticipated that the Tooele County Commission will consider and adopt these updates (potentially with additional modifications) at a future meeting.

CHAPTER 2

DEFINITIONS

Section

2-1.

Context.

2-2.

Definitions.

2-1 Context.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of the Uniform Zoning Ordinance of Tooele County. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; Abuilding® shall include the word Astructure®; the words Aused® or Aoccupied® shall include arranged, designed, constructed, placed, located, altered, converted, rented, leased, or intended to be used or occupied; the word Ashall® is mandatory and not directory, the word Amay® is permissive; the word Aperson® includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word Alot® includes the words plot, and parcel. Words used in the Uniform Zoning Ordinance of Tooele County but not defined herein shall have the meaning as defined in any other chapter of the Tooele County Code.

(Ord. 2005-09, 4/12/05)

2-2 Definitions.

As used in the Uniform Zoning Ordinance of Tooele County:

(1) A"A" frame sign® means a temporary or a movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

(2) AAbandoned sign® means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.

(3) AAccessory use or building® means a use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. It does not include garages, decks or fences.

(4) Agent means any person who can show written proof that he is acting for another and with the person's knowledge and permission.

(5) AAgriculture® means the cultivation of soil; raising of crops; horticulture and gardening; breeding, grazing, keeping or raising of domestic animals and fowl, except household pets; and not including any agricultural industry or business.

(6) AAgricultural industry or business® means an industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, such as commercial greenhouses, feed—yardslots, fruit stands, fur

farms, food packaging or processing plants; and commercial poultry or egg production.

(7) "Agricultural protection area" means a geographic area created under the authority of Title 17, Chapter 41, Utah Code Annotated.

(8) "Airport" means an area designed and set aside for the landing and taking off of aircraft.

(9) "Amusement park" means a commercially operated park with a predominance of outdoor games and activities for entertainment, which may include motorized rides, water slides, miniature golf, batting cages, and the like.

~~(10) "Animal Unit" means a unit of measurement indicating the allowed animals per usable acre used to calculate the number of animals allowed per acre. A counted animal's offspring are not included in the calculation until: For purposes of animal unit counts, offspring and their mothers are considered one (1) unit as described below:~~

~~(a) Offspring and mothers of large animals are considered one (1) unit, until such animals are 9 months of age or weaned, whichever comes first. For large animals, 9 months or weaned, whichever comes first.~~

~~(b) Offspring of medium animals are considered one (1) unit, until such animals are 6 months of age or weaned, whichever comes first. For medium animals, 6 months or weaned, whichever comes first.~~

~~(c) Offspring of small animals are considered one (1) until, until such animals are 4 months or age or weaned, whichever comes first. For small animals, 4 months or weaned, whichever comes first.~~

(11) AArchitectural projection® means a projection from a building that is necessary for the shading of a building or features, such as eaves, platforms, porches, sills, cornices, and chimneys, but not including signs attached to and extending from the building.

(12) AAssisted living facility® means:

(a) a type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who:

(i) require protected living arrangements; and

(ii) are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and

(b) a type II assisted living facility, which is a residential facility with a home-like setting

percent of its floor to ceiling height under the average level of the adjoining ground with an access from the outside and not entering directly into another building or dwelling.

(46) **Child care** means continuous care of and supervision of five or more children under 18 years of age for a portion of the day that is less than 24 hours, in lieu of care ordinarily provided by parents in their own home, for direct or indirect compensation.

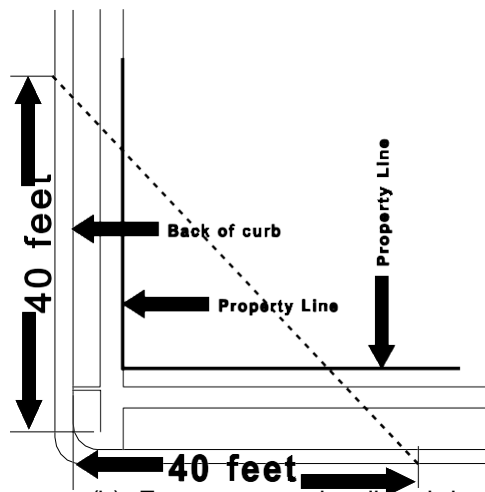
(47) **Church** means a building, together with its accessory buildings and uses, maintained and controlled

by a religious organization where persons regularly assemble for worship.

(48) **Clearance, of a sign** means the vertical distance from the established grade level to the bottom of the sign or sign cabinet.

(49) **Clear view zone** means the area of a corner lot closest to a street intersection or a street and railroad intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

(a) For street intersections, such area is established by marking a point at which the two curb lines intersect, measuring back 40 feet along each street, and drawing a line between the two back points to form a triangular area.



(b) For street and railroad intersections, such area is established by marking a point at which the edge of the street pavement and the closest railroad track intersect, measuring back 40 feet along the edge of the street and railroad track, then drawing a line between the two back points to form a triangular area.

(50) **Clinic, dental or medical** means a building in which a group of dentists, physicians, and

professional assistants are associated for the conduct of their professions and may include a laboratory or apothecary, but it shall not include in-patient care or operating rooms for major surgery.

(51) **Club, social** means any organization, group, private nonprofit locker club, or association supported by its members where the sole purpose is to render a service to its members and their guests.

(52) **Common area** means any space designed for joint use of residents of a condominium, apartment complex, etc.

(53) **Community center** means a building to be used as a place of meeting, recreation, or social activity and not operated for profit.

(54) **Community management** means the person who owns or has charge, care or control of a condominium, apartment complex, etc.

(55) **Companion animal** see household pets.

(56) **Comprehensive plan** means general plan.

(57) **Conditional use** means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(58) **Condominium** means the ownership of a single residential unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

(59) **Condominium project** means a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are separately offered or proposed to be offered for sale. Condominium project also means the property when the context so requires.

(60) **Condominium unit** means a residential unit of a condominium project together with the undivided interest in the common areas and facilities appertaining to that unit, including both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.

(61) **Conservation standards** means guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Natural Resources Conservation Services, adopted by the Soil and Water Conservation District supervisors, and containing suitable alternatives for the uses and treatment of land based upon its capabilities, from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

(62) **Construction equipment and supply trailer**

temporary[®] means mobile equipment, travel trailer, truck trailer, or other structure used as equipment and supply shed in conjunction with a construction project. The construction equipment and supply trailer is not a residence or dwelling.

(63) "Construction field office, temporary" means a mobile office, travel trailer, or other structure used as an office in conjunction with a construction project. The construction or field office is not a residence or dwelling.

(64) "Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, or material supplied participating in construction on the property on which the sign is located.

(65) "Cottage industry" means a business 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.

(66) "Convenience store" means a one story commercial retail operation containing less than 2,500 square feet of gross floor area, designed and stocked to sell primarily food, beverages, limited variety of goods for personal consumption, and other household supplies to retail customers who purchase only a relatively few items as well as gasoline and car care items.

(67) "Copy, sign" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

(68) "Corral" means a space, other than a building, less than one acre in area used for the confinement of animals or fowl.

(69) "Court, building" means an open space, other than a required yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

(70) "Coverage, building" means the percent of the total site area covered by buildings.

(71) ACrosswalk[®] means a right-of-way to facilitate pedestrian access and not for use by motor vehicles; it may be located within or without a street right-of-way.

(72) "Cultivation" means to prepare and use land strictly for crops or gardening.

(73) ACurb[®] means a stone or concrete boundary usually marking the edge of a roadway or paved area used to channel water and preserve the edge of the pavement.

(74) ACurb cut[®] means the provision for ingress and egress between property and an abutting road or street.

(75) ACurb return[®] means a curved segment of curb used at each end of an opening the roadway

curb.

(76) ADairy[®] means a commercial establishment for the manufacture, processing or packaging of dairy products, and their sale; however, the production of milk on a farm for wholesale marketing off the premises shall not be classified as a dairy.

(77) ADensity[®] means the number of persons or dwelling units per acre of gross area.

(78) ADesign, subdivision[®] means the alignment, grade and width for easements and rights-of-way for utilities; the final grade or contouring and general layout of lots and streets within the area; location of land to be dedicated for park or recreational purposes; and, such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans.

(79) ADirection or instructional sign[®] means an on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment, but no advertising copy, e.g., parking or exit and entrance signs.

(80) ADisability[®] is defined in Section 57-21-2 UCA.

(81) ADistribution lines[®] are those wires generally rated below 49 kilovolts [kVA] and associated structures used to carry electricity between a customer and a transmission line.

(82) ADistrict, zoning[®] means a portion of the unincorporated territory of Tooele County, established as a zoning district by this ordinance, within which certain uniform regulations and requirements apply; also includes Azone.[®]

(83) ADouble-faced sign[®] means a sign with two faces diverged from a common angle of not more than 45 degrees or back-to-back.

(84) ADriveway[®] means a private entryway that may be used by a single parcel or shared with more than one parcel to provide access from a public or private road.

(85) ADwelling[®] means a building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy for residential purposes by one family as a single unit. It does not include a motor home, trailer coach, accessory building, automobile, truck, shed, garage, tent, or recreational vehicle.

(86) ADwelling, single-family[®] means a dwelling arranged or designed to be occupied by one family, the structure having only one dwelling unit.

(87) ADwelling, two-family[®] means a single residential building under a continuous roof, the structure containing only two dwelling units

exterior appearance of a single family dwelling house.

(Ord 2010-16, 8-24-10)

(88) ADwelling, three-family® means a dwelling arranged or designed to be occupied by three families, the structure having only three dwelling units.

(89) ADwelling, four-family® means a dwelling arranged or designed to be occupied by four families, and having more than four dwelling units.

(90) ADwelling, multiple-family® means a dwelling arranged or designed to be occupied by more than four families and having more than four dwelling units.

(91) ADwelling group® means two or more detached buildings used as dwellings, located on a lot or parcel of land.

(92) ADwelling unit® means one or more rooms in a dwelling, apartment hotel or apartment motel, which contains not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units. It is designed for occupancy of not more than one family, or a congregate residence for four or less persons.

(93) AEasement® means a non-possessory interest in land of another; a vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

(94) AElderly residential facility.® See AResidential facility for elderly persons.®

(95) AElectrical sign® means a sign in which electrical wiring, connection, or fixtures are used.

(96) AElectronic message center® means a sign where the copy is changed by computer or electronic methods using liquid crystal display, lights, cathode ray tubes, etc.

(97) AEmergency® means actions that must be undertaken immediately or within a time frame too short to allow full compliance with this ordinance to avoid an immediate threat to public health or safety, to prevent an imminent threat of serious environmental degradation.

(98) AEssential services® means services provided by public or private utilities, including underground, surface or overhead gas, electrical, steam, water, sanitary sewer, storm-water drainage, and communication systems and accessories such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

(99) AFacade® means the entire area of a building facing or side extending from the roof or

parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.

(100) "Farm" or "ranch" means a parcel of land which is used primarily for commercial horticultural or farming purposes, such as the growing of crops or other vegetative, or fruit agricultural uses, grazing of livestock or other agricultural use.

(101) AFarm or ranch hand housing® means a dwelling located on a farm or ranch for the purpose of housing an employee of that operation and his / her family including multi-family dwellings for seasonal employees in connection with an agricultural use which relies on seasonal employees.

(102) "Farm animal" means any animal other than household pets that are used or kept as recreation or food sources, such as horses, cows, swine, or similar type animals.

(103) "Feedlot" means an agricultural industry in which animals or fowl are kept and intensively fed in a relatively restricted area, as contrasted with an open pasture.

(104) AFlood hazard® means a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

(105) AFlood plain® means any land area susceptible to be inundated by water from the base flood, including that area designated as subject to flooding from the base flood or 100 year flood.

(106) AFlood way® means a channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the watersurface elevation more than one foot.

(107) AFloor area® means the area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

(108) AFloor area ratio® means the total floor area of all buildings or structures on a parcel or lot divided by the area of the parcel or lot, used to measure the intensity of a use on land.

(109) AForest industry® means an industry which uses forest products, such as sawmill, pulp or paper plant, wood products plant, and similar uses.

(110) "Fowl" means chickens, ducks, turkeys, peacocks or other similar domesticated birds.

(111) AFreestanding sign® means a sign supported permanently upon the ground by poles or braces and not attached to any building.

(112) AFront yard setback® means that part of a

condition and which are not being specifically displayed as merchandise or offered for sale. Outside storage may be enclosed by a structure that includes a roof and no more than one side wall.

~~(183) "Off-premise outside self-service storage" means an exterior depository or safekeeping of equipment, goods, materials, products, vehicles, trailers, and the like, which are in operable condition and which are not being specifically displayed as merchandise or offered for sale. Outside storage may be enclosed by a structure that includes a roof and no more than one side wall.~~

(184) "Off-premise sign" or "billboard" means a sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

(185) AOff-street parking space[®] means the space required to park one passenger vehicle off the public right-of-way.

(186) AOff-site improvements[®] means improvements not on individual lots but generally within the boundaries of the subdivision which they serve.

(187) AOn-site improvements[®] means the construction or placement of structures and appurtenant improvements on a lot.

(188) AOn-premise sign[®] means a sign which pertains to the use, product or commodity sold, or service performed on the premises on which it is located.

(189) AOpen space[®] means the area reserved in fields, pastures, parks, courts, schools, playgrounds, golf courses, and other similar open areas.

(190) AOpen space, usable[®] means any portion of a lot or building which:

- (d) is open to the sky or is open to view in at least two sides;
- (e) is readily accessible by foot traffic from the building to which it is accessory; and
- (f) is not provided from any required front or side yard, parking area, or driveway space.

(191) AOwner[®] means the holder of fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, including any lessee, permittee, assignee, or successor in interest.

(192) APackage agency[®] means a retail liquor location operated under a contractual agreement with the Alcoholic Beverage Control Department, by a person other than the State, who is authorized by the Alcoholic Beverage Control Commission to sell package liquor for consumption off the premises of the agency.

(193) AParapet[®] means the extension of a false front or wall above a roofline.

(194) AParcel of land[®] See ALot[®]

(195) AParking lot[®] means an open area other than a street, used for the parking of automobiles and which is available for public use.

(196) APedestrian-way[®] See ACrosswalk[®]

(197) APermanent monument[®] means any structure of concrete, masonry or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of Tooele County or the State of Utah for permanent monuments.

(198) APerson[®] means any individual, corporation, association, firm, partnership, or similarly defined interest.

~~(199) "Personal agriculture" means the non-commercial keeping of not more than four domestic farm animals or ten fowl for the production of food for personal use only, for the sole use of the persons occupying the premises. Means the keeping of farm animals or fowl for personal recreation and/or non-commercial production of food.~~

(200) APlanned unit development or PUD[®] means an integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

(201) APlat[®] means any map, plan or chart of a township, section or subdivision, indicating the location and boundaries of individual properties.

(202) APlot[®] means a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

(203) APolitical sign[®] means a temporary sign used in connection with a local, state, or national election or referendum.

(204) APortable sign[®] means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

(205) APremises[®] means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate for that zoning district.

(206) APreliminary plat[®] means a drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirements of this ordinance.

(207) APrivate garage[®] See AGarage[®]

(208) APrivate non-profit locker club[®] means a social, recreational, or athletic club, or kindred association, incorporated under the provisions of

the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, including a building, tower, smokestack, overhead transmission line, flag pole, or antenna.

(247) AStructural alterations® means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

(248) ASubdivider® means any person who causes land to be divided.

(249) ASubdivision® means:

(a) any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

ASubdivision® does not include:

(i) a bona fide division or partition of agricultural land for agricultural purposes;

(ii) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

(1) no new lot is created; and

(2) the adjustment does not result in a violation of applicable zoning ordinances;

(iii) a recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or

(iv) a bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:

(1) an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or

(2) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

(v) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” under this Subsection

(i) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county’s subdivision ordinance.

(250) “Subdivision cluster” means a subdivision of land in which the lots have areas less than the

minimum lot area of the district in which the subdivision is located and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

(251) ASubdivision vacation® means the process of removing from record a section of land that was subdivided.

(252) ASubstandard lot® means a lot created prior to January 10, 1975 or having been granted a special exception by the board of adjustment and which has less than the required lot area or width for the zoning district in which it is located.

(253) ATemporary sign® means a sign not constructed or intended for long-term use, with a maximum time period of 90 days.

(254) AUnlicensed motor vehicle® means any vehicle which initially was designed or constructed to be self-propelled and which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under Section 41-22-9, Utah Code Annotated, 1953, as amended, or any motor vehicle kept or stored at an approved impound lot or commercial storage yard.

~~(255) “Usable Acre” means an area used strictly by the enjoyment of animals occupying said ground. Does not include landscaped areas and where houses, sheds, garages and similar buildings cover. Barns and stalls used by animals are considered in the usable acreage.~~

(256) AUse® means the purpose for which a parcel, building, lot, sign or structure is intended, designated, occupied, or maintained.

(257) AVacation plat® means a plat submitted for the purpose of removing a subdivision from the records of the county recorder and the county assessor which shows the area that is to return to its original state.

(258) AVicinity plan® means a map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within 300 feet of the property proposed.

(259) AView-obscuring fence, wall or hedge® means a fence, wall, or hedge of vegetation growth which prevents full view of property on one side by a viewer standing on the other side.

(260) AWall sign® means a sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges, including painted, individual letters, and cabinet signs, and signs on a mansard.

(261) AWindow sign® means a sign installed inside a window and intended to be viewed from outside the building.

Section	
15-5-1.	Codes and symbols
15-5-2.	Uses
15-5-3.	Use tables.
15-5-3.1	Agriculture, forestry and keeping of animals.
15-5-3.2	Commercial and industrial
uses 15-5-3.3	Dwellings, living quarters and long or short-term residences.
15-5-3.4	Public and quasi-public uses.
15-5-3.5	Recreational, camping, and amusement uses.
15-5-3.6	Utilities and utility services.
15-5-4	Farm animal units per acreage.
15-5-4.1	Use table of farm animal units per acreage.

15-5-1. Codes and symbols

In this part are uses allowed in the various districts as follows:

- a) "permitted uses," indicated by a "P in the appropriate column; or
- b) "conditional uses," indicated by a "c" or "C1" in the appropriate column

1) Conditional uses marked by "C" means issuance by planning commission. Those marked "C1" means it may be approved administratively by the zoning administrator.

2) If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

3) If a regulation applies in a given district, it is indicated in the appropriate column by an alphanumeric character that will show the linear feet, or square feet, or acres required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

Table 15-5-3.1. Agriculture, forestry and keeping of animals.
(Ord.2005-30, 11/22/05)

#	Use	Multiple use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
		40	80	160	5	10	20	40	1	5	10
a	Apiary (beehives)	P	P	P	P	P	P	P	C	C	P
b	Agricultural industry or business	C	C	C	C	C	C	C	-	C	C
c	Aviary	P	P	P	P	P	P	P	-	C	P
d	Farms devoted to raising and marketing of chickens, turkeys or other fowl or poultry, fish or frogs, hogs or swine including wholesale and retail sales	C	C	C	C	C	C	C	-	-	-
e	Feedlot (lot or parcel must have the minimum area required in the zone)	C	C	C	C	C	C	C	-	-	-
f	Forestry, except forest industry	P	P	P	P	P	P	P	P	P	P
g	Forest industry, such as a saw mill, wood products plant, etc.	C	C	C	-	-	-	-	-	-	-
h	Fruit or vegetable stand	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
i	Household pets	P	P	P	P	P	P	P	P	P	P
	Maximum number of dogs as household pets:	5	5	5	5	5	5	5	3	3	3
j	Kennel (Minimum lot size: 4.7 acres; Minimum distance to all property lines 100 feet; Minimum distance to all neighboring dwellings to be 150 feet)										
	kennel, boarding	C	C	C	C	C	C	C	-		C
	kennel, breeding	C	C	C	C	C	C	C	-		C
	kennel, private	C	C	C	C	C	C	C	-	C	C
k	Personal agriculture, including grazing and pasturing of animals	P	P	P	P	P	P	P	P	P	P
l	Plant materials nursery or green-house, not exceeding 20,000 square feet in area	P	P	P	P	P	P	P	P	P	P
m	Riding academy or riding ring, horse show barns or facilities	C	C	C	C	C	C	C	-	C	C

	iv Steam, hydro, or reciprocating engine with more than 10.05 KVA, but less than 150 KVA output	C	C	C	C	C	C	C	-	C	C
b	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P	P	P	P
c	Accessory uses and buildings customarily incidental to conditional uses	C	C	C	C	C	C	C	C	C	C
d	Essential service facilities	P	P	P	P	P	P	P	P	P	P
e	Public, quasi-public, and public service utility lines, pipelines, water lines, and etc which extend more than 300 feet; that are used to transport their material, service or supply	C	C	C	C	C	C	C	C	C	C
f	Substations	C	C	C	C	C	C	C	C	C	C
g	Transmission lines of 50 KV or greater capacity	C	C	C	C	C	C	C	C	C	C
H	Large wind energy systems (i.e., wind turbine farms)	C	C	C	-	-	-	C	-	-	-

Table 15-5-3.7. Development Types.											
#	Use	Multiple use (MU-)			Agriculture (A-				Rural Residential		
		40	80	160	5	10	20	40	1	5	10
a	Planned Unit Developments in accordance with Chapter 9 of this Ordinance	C	C	C	C	C	C	C	C	C	C

*permanent / temporary generators shall be a permitted use in the above districts subject to the following restrictions:

- (i) the generator shall meet all front, side, and rear setbacks for the residing zoning district.
- (ii) the generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- (iii) the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
- (iv) the generator shall be operated for routine testing and maintenance

purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

(Ord. 2011-04, 02-01-2011)

15-5-4 Farm animal units per acreage.

- 1) The following regulation shall apply to RR (rural residential) zones that allow animals other than household pets:
 - (a) Four (4) animal units listed in table 15-5-4.1 shall be allowed for every one (1) acre of property.
 - (b) The minimum allowed acreage of such animals shall be .5 acres in an RR

- (Rural Residential) Zone.
- (c) Structures shall be provided and maintained for all animals. Such structures shall be enclosed (fully or partially), roofed, and sited at the rear of the main building, and shall comply with all other setback and yard requirements for the district.
 - 2) MU (multiple use) and A (agriculture) zones are allowed to self-regulate animal counts, so long as the animals do not cause a nuisance as defined in Tooele County Code 8-5-3 (Nuisance Animals).
 - 3) The Zoning Administrator may decide to further restrict or revoke the property's right to animals if the property owner allows, causes, or permits any animal nuisance as defined in Tooele County Code 8-5-3 (Nuisance Animals).
 - 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.
 - 6) Permits are required for any educational or rehabilitation use allowing animals over these limits.

Table 15-5-4.1 Farm animal Units per acreage*.

4 animal units are allowed per acre of property in any combination of animals listed.

For example:

A ½ acre parcel would be allocated 2 animal units, which would allow for 2 large animals, or a combination of the animals listed below.

A 1-acre parcel would be allocated 4 animal units, which would allow for 4 large animals, or a combination of the animals listed below.

A 5-acre parcel would be allocated 20 animal units, which would allow for 20 large animals, or a combination of the animals listed below.

*Properties will be rounded up to the nearest half acre. Ex; a 1.2 acre property will be considered 1.5 acres for farm animal per acreage purposes.

TYPE	KIND	1 unit = number listed below for RR (rural residential) zones
Large animal	Horse, Mule, Cow, Buffalo	1
Medium animal*	Goat, Sheep, Swine, miniature horse, Llama, Alpaca	4 *maximum animals allowed is 20
Small animal*	Rabbits	6 *maximum animals allowed is 30
Fowl*	Chicken, Duck, Pigeon, Turkey, Peacock, or similar domesticated birds	10 *maximum fowl allowed is 50

- dwelling unit; and
- (c) maximum density is 30 dwelling units per acre.
 - (2) Minimum width - 70 feet.
 - (3) Minimum frontage on a public street or an approved private street - 45 feet.
 - (4) Minimum yard setback requirements:
 - (a) front yard - 25 feet.
 - (b) rear yard:
 - (i) main building - 20 feet;
- and
- (ii) accessory buildings - 3 feet, provided they do not encroach on any easement.
 - (c) side yard:
 - (i) main building - 8 feet;
- and
- (ii) accessory buildings - 3 feet, provided they do not encroach on any easement.
- (5) On corner lots, two front yards and two side yards are required.
 - (6) Maximum building height: 75 feet.
 - (7) Maximum building coverage: 50 percent.
 - (8) Required improvements:
 - (a) street grading;
 - (b) street base;
 - (c) curb and gutter;
 - (d) sidewalk;
 - (e) on-site surface drainage facilities;
 - (f) culinary water facilities;
 - (g) wastewater disposal; and
 - (h) street monuments.
- (Ord.2005-30, 11/22/05)

Part 16-3

Exemption From Area Requirements

Section

16-3-1. Uses conditionally exempt from frontage, width and area requirements of the zoning district.

(1) A bona fide division or partition of land which does not meet the area, width or frontage requirements may be created for the purpose of siting the following uses approved through a conditional use permit:

- (a) an unmanned facility appurtenant to a pipeline, electrical service, telecommunication equipment, a transmission line, radio transmission facility, regeneration, or fiber optic equipment, any of which is owned or operated by a public or private utility service regulated by the Public Utility Commission or Federal Communications Commission;
- (b) a publicly-owned facility such as a fire

station, sheriff's substation, communication tower, equipment shed; or

(c) a quasi-public facility such as a church, cemetery, hospital or 24-hour emergency care facility.

(2) The division or partition of land for a parcel exempted under Subsection (1) shall be subject to the following:

(a) the parcel shall have a legal access to it;

(b) if location in a residential or residential multi-family zoning district:

(i) the site shall be large enough that the height of the tallest structure measured horizontally from its base, plus ten feet will mark the minimum distance to the property line, and the perimeter shall be fenced with chain link fencing and screened by drought resistant landscaping and trees;

(ii) if the parcel is being created for a manned public facility such as a fire station or emergency care station, the exempted parcel shall have frontage on a public road; and

(iii) creation of the exempted parcel shall not create a remnant parcel that is less than one acre in area or less than 70% of the area, width or frontage as is required in the zoning district.

(3) The conditional exemption allowed by this section does not excuse the application or landowner from compliance with the subdivision ordinance. (Ord 2005-30, 11/22/05)

Part 16-4

Use Tables, Codes, Symbols and Restrictions

Section

- 16-4-1. Codes and symbols.
- 16-4-2. Uses
- 16-4-3. Use tables.
- 16-4-3.1. Agriculture, forestry and keeping of animals.
- 16-4-3.2. Commercial and industrial uses.
- 16-4-3.3. Dwellings, living quarters and long or short-term residences.
- 16-4-3.4. Public and quasi-public uses.
- 16-4-3.5. Recreational, camping and amusement uses.
- 16-4-3.6. Utilities and utility services.
- 16-4-4. Farm animal units per property.
- 16-4-4.1. Use table of Farm animal units.

16-4-1. Codes and symbols.

(1) In this part are uses of land or buildings which are allowed in the various districts as follows:

16-4-4 Farm animal units per property.

- 1) The following regulations shall apply to R-1 (residential) zones that allow animals other than household pets:
 - (a) Only one (1) animal unit listed in table 16-4-4.1 shall be allowed per lot.
 - (b) Structures shall be provided and maintained for all animals. Such structures shall be enclosed (fully or partially), roofed, and sited at the rear of the main building, and shall comply with all other setback and yard requirements for the district.
- 2) No farm animals shall be allowed in the R-M (multiple residential) zone.
- 3) The Zoning Administrator may decide

to further restrict or revoke the property's right to animals if the property owner allows, causes, or permits any animal nuisance as described in Tooele County Code 8-5-3.

- 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 be in accordance with this chapter.**

Table 16-4-4.1 Farm animal Units per property.			
1 animal unit allowed below per property in any combination.			
TYPE	KIND	1 unit = number listed below for R-1 (Residential) zones	1 unit = number listed below for R-M (Multiple Residential) zones
Large animal	Horse, Mule, Cow, Llama, Alpaca, Buffalo	Not allowed	Not allowed
Medium animal	Goat, Sheep, Swine, Pony	Not allowed	Not allowed
Small animal	Rabbits	6	Not allowed
Fowl	Chicken, Duck, Pigeon, Turkey, Peacock, or similar domesticated birds	10	Not allowed