

ORDINANCE 2006-20

AN ORDINANCE AMENDING CHAPTER 4, SECTIONS 4-3 AND 4-20 OF THE TOOELE COUNTY LAND USE ORDINANCE BY REPLACING REFERENCES REGARDING THE BOARD OF ADJUSTMENT WITH THE APPEAL AUTHORITY

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - PURPOSE. This ordinance seeks to make changes in conformity with those made at the State level last year with Senate Bill 60 (SB60). It is felt that those issues which have heretofore been handled by the Board of Adjustment may be better handled by the Appeal Authority. This ordinance will bring Chapter 4, Sections 4-3 and 4-20 into compliance with Utah Code Annotated 17-27a. In accordance with Utah Code Annotated 17-27a-302, the Erda, Pine Canyon, and Tooele County Planning Commissions held public hearings on the proposed adoption of this chapter and recommend passage of this ordinance.

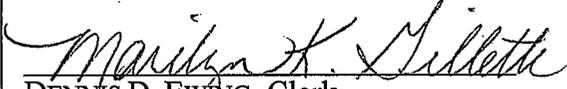
SECTION II - SECTIONS AMENDED. Chapter 4, Sections 4-3 and 4-20 of the Tooele County Land Use Ordinance are hereby amended to read as attached hereto, which attachments are, by this reference, made a part hereof.

SECTION III - REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

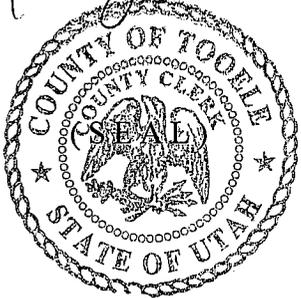
SECTION IV - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 25th day of July 2006.

ATTEST:


DENNIS D. EWING, Clerk

Marilyn K. Gillette
Chief Deputy Clerk



TOOELE COUNTY COMMISSION:


DENNIS ROCKWELL, Chairman

Commissioner Rockwell voted aye
Commissioner Lawrence voted aye
Commissioner Johnson voted aye

APPROVED AS TO FORM:


DOUGLAS V. AALSTROM
Tooele County Attorney

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 Area of accessory buildings.
 - 4-11 Exceptions to height limitations.
 - 4-12 Minimum height of main building.
 - 4-13 Maximum height of accessory buildings.
 - 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.

- (a) determine the area of the lot;
 - (b) determine the equivalent zone by using Table 4-A;
 - (c) compare the actual front width with the equivalent zone frontage requirement;
 - (d) if the actual frontage equals or exceeds the equivalent zone frontage, use the setback distance of the equivalent zone; and
 - (e) 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.

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:

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

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 Area of accessory buildings.

No accessory building or group of accessory buildings in any residential district shall cover more than 25% of the rear yard. (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; and

(3) public and quasi-public utility buildings. (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 Maximum height of accessory buildings.

No accessory building in a residential (R-1) or residential multi-family (RM) shall contain more than one story or exceed 20 feet in height. In all other zoning districts accessory buildings and structures shall not exceed the height of the zoning district in which it is located. No space within an accessory building or structure shall be used as a dwelling. (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.

(2) 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 façade. 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 may be required on any existing or proposed street adjoining a lot on which a

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 of non-residential premises in the remote areas of the county where travel would exceed one hour at posted speed limits to a residence or a trailer park, 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 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 and its employees may review the temporary use permit or the structures on the property to insure 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 2005-22, 9/13/05)