

ORDINANCE 2006-32

AN ORDINANCE AMENDING CHAPTER 4, SECTION 4-4 OF THE TOOELE COUNTY LAND USE ORDINANCE, ALLOWING A TEMPORARY DWELLING WHILE A NEW PERMANENT DWELLING IS BEING CONSTRUCTED ON THE SAME PARCEL

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

SECTION I - PURPOSE. Tooele County seeks to allow landowners to reside in either a temporary manufactured home or an existing home while constructing a new home on the same parcel of land. The provisions of the change will limit the time that the temporary dwelling exists to no more than three years. The amendment requires that a conditional use permit be issued and a bond put in place to insure compliance with the permit. The permit will protect the health and safety of the public through proper development design and improvements. In accordance with Utah Code Annotated 17-27a-302, the Erda and Tooele County Planning Commissions approved this amendment and recommend passage of this ordinance.

SECTION II - SECTION AMENDED. Section 4-4 of Chapter 4 of the Tooele County Land Use Ordinance is hereby amended to read as follows:

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 multi-structure complex.

(3) A conditional use permit may be issued for an existing home, or a manufactured home 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 30 days after a demolition permit for the temporary building is issued;

(b) a demolition permit shall be applied for at the time that a temporary certificate of occupancy is issued;

(c) the temporary dwelling shall not be used as a dwelling for a period of more than three years;

(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 permit;

(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 insure 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 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; and

(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.

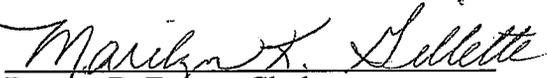
SECTION III - REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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 7th day of November 2006.

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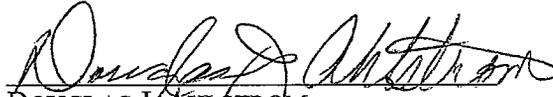
ATTEST:


DENNIS D. EWING, Clerk

Marilyn K. Gillette
Chief Deputy Clerk



APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

TOOELE COUNTY COMMISSION:


DENNIS ROCKWELL, Chairman

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