

ORDINANCE 2011-04

AN ORDINANCE AMENDING TOOELE COUNTY LAND USE ORDINANCE SECTIONS 17-1-5, 17-2-3, 17-3-3, 17A-1-2, 17A-2-2, AND 17A-3-2 AND ENACTING TABLES 15-5-3.7, 16-4-3.7, 17-5-3.11, AND 17A-5-3.11, REGARDING PLANNED UNIT DEVELOPMENTS – [RESULTS OF THIS CHANGE: (1) PARCELS LARGER THAN ONE ACRE ARE NOT REQUIRED TO BE DEVELOPED AS PLANNED UNIT DEVELOPMENTS; (2) A PLANNED UNIT DEVELOPMENT OPTION IS INCORPORATED INTO THE USE TABLES FOR EACH ZONE DISTRICT; (3) USES ALREADY CONSIDERED PERMITTED AND ANTICIPATED IN EACH ZONE DISTRICT ARE ALLOWED WITH NO FURTHER APPROVAL OF THE USE NEEDED]

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

SECTION I - PURPOSE. This ordinance seeks to update the Tooele County Land Use Ordinance to clarify the PUD process within the county and enhance the legitimacy of the existing zoning districts by not requiring parcels larger than one acre to be developed as PUDs and incorporating a planned unit development option into the use tables for each zone district. The Erda, Pine Canyon, and Tooele County Planning Commissions held public hearings on these issues and recommend passage of these amendments and enactments.

SECTION II - SECTION AMENDED. Section 17-1-5, Development restrictions in commercial zones, in Part 17-1, Commercial zoning districts, of Chapter 17, Commercial, Industrial, and Hazardous Industries Zoning Districts, of the Tooele County Land Use Ordinance, is hereby amended to read as follows:

17-1-5. Development restrictions in commercial zones.

In commercial zoning districts:

(1) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except no commercial building shall be located closer than 50 feet to any residential district boundary line or to any street line which continues as frontage into a residential district, and no such building shall encroach on any easement.

(2) Buildings and structures shall cover no more than 30% of the lot area except as may otherwise be allowed through planned unit development approval, except coverage shall not exceed 50% in C-G zoning districts.

- (3) All uses shall be free from objectionable noise, hazards, or nuisances.
- (4) Improvements required by the planning commission may include:
 - (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;
 - (h) street monuments; and
 - (i) any other infrastructure deemed necessary.
- (5) Not more than 20% of the building shall be used for wholesale business.

SECTION III - SECTION AMENDED. Section 17-2-3, Development restrictions to manufacturing zoning districts generally, in Part 17-2, Industrial zoning districts, of Chapter 17, Commercial, Industrial, and Hazardous Industries Zoning Districts, of the Tooele County Land Use Ordinance, is hereby amended to read as follows:

17-2-3. Development restrictions to manufacturing zoning districts generally.

In manufacturing zoning districts:

- (1) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no commercial building shall be located closer than 50 feet to any residential district boundary line or to any street line which continues as frontage into a residential district, and providing they do not encroach on any easement.
- (2) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.
- (3) Improvements required by the planning commission may include:
 - (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;
 - (h) street monuments; and
 - (i) any other infrastructure deemed necessary.

SECTION IV - SECTION AMENDED. Section 17-3-3, Development restrictions, in Part 17-3, Hazardous industries zoning districts, of Chapter 17, Commercial, Industrial, and Hazardous Industries Zoning Districts, of the Tooele County Land Use Ordinance, is hereby amended to read as follows:

17-3-3. Development restrictions.

In Hazardous Industries (MG-H) zoning districts:

- (1) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no building or structure shall be located closer than 300 feet to any district boundary line.
- (2) There shall be no maximum building height.
- (3) Buildings and structures shall cover no more than 50% of the lot area except as may be allowed through planned unit development approval.
- (4) Improvements required by the planning commission may include:
 - (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;
 - (h) street monuments; and
 - (i) any other infrastructure deemed necessary.

SECTION V - SECTION AMENDED. Section 17A-1-2, Development restrictions in commercial zones, in Part 17A-1, Commercial tourism zoning district, of Chapter 17A, Commercial Tourism, Recreation and Racing Sports, and Technology Industries Zoning Districts, of the Tooele County Land Use Ordinance, is hereby amended to read as follows:

17A-1-2. Development restrictions in commercial zones.

In the Commercial Tourism zoning district:

- (1) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except no commercial building shall be located closer than 50 feet to any residential district boundary line or to any street line which continues as frontage into a residential district, and no such building shall encroach on any easement.
- (2) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.
- (3) All uses shall be free from objectionable noise, glare, vibration, hazards, or nuisances.
- (4) Improvements required by the planning commission may include:
 - (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;
 - (h) street monuments; and
 - (i) any other infrastructure deemed necessary.

- (5) Buildings shall not be used for wholesale business.

SECTION VI - SECTION AMENDED. Section 17A-2-2, Development restrictions to manufacturing zoning districts generally, in Part 17A-2, Recreation and racing sports zoning district, of Chapter 17A, Commercial Tourism, Recreation and Racing Sports, and Technology Industries Zoning Districts, of the Tooele County Land Use Ordinance, is hereby amended to read as follows:

17A-2-2. Development restrictions to manufacturing zoning districts generally.

In the Recreation and Racing Sports zoning district:

- (1) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no building or activity shall be located closer than 1/2 mile to any residential district boundary line or to any street line which continues as frontage into a residential district.
- (2) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.
- (3) Improvements required by the planning commission may include:
 - (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;
 - (h) street monuments; and
 - (i) any other infrastructure deemed necessary.

SECTION VII - SECTION AMENDED. Section 17A-3-2, Development restrictions in the Technology Industries (T-I) zones, in Part 17A-3, Technology Industries zoning district, of Chapter 17A, Commercial Tourism, Recreation and Racing Sports, and Technology Industries Zoning Districts, of the Tooele County Land Use Ordinance, is hereby amended to read as follows:

17A-3-2. Development restrictions in the Technology Industries (T-I) zones.

In the Technology Industries zoning district:

- (1) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except no commercial building shall be located closer than 100 feet to any residential district boundary line and 50 feet to any street line which continues as frontage into a residential district.
- (2) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.

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(3) All uses shall be free from objectionable noise, glare, vibration, hazards, or nuisances.

(4) Improvements required by the planning commission may include:

- (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;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.

SECTION VIII - TABLE ENACTED. Chapter 15, Table 15-5-3.7, of the Tooele County

Land Use Ordinance is hereby enacted to read as follows:

Table 15-5-3.7. Development Types.									
#	Use	Multiple Use (MU-)			Agriculture (A-)		Rural Residential (RR-)		
		40	80	160	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

SECTION IX - TABLE ENACTED. Chapter 16, Table 16-4-3.7 of the Tooele County

Land Use Ordinance is hereby enacted to read as follows:

Table 16-4-3.7. Development Types.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M-___)		
		21	12	10	8	7	15	30
a	Planned Unit Developments in accordance with Chapter 9 of this Ordinance	C	C	C	C	C	C	C

SECTION X - TABLE ENACTED. Chapter 17, Table 17-5-3.11 of the Tooele County

Land Use Ordinance is hereby enacted to read as follows:

Table 17-5-3.11. Development Types.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Planned Unit Developments in accordance with Chapter 9 of this Ordinance	C	C	C	C	C	C	C

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SECTION XI - TABLE ENACTED. Chapter 17A, Table 17A-5-3.11 of the Tooele County Land Use Ordinance is hereby enacted to read as follows:

Table 17A-5-3.11. Development Types.				
	Use	Commercial Tourism (C-T)	Recreation and Racing Sports (RRS)	Technology Industries (T-I)
1	Planned Unit Developments in accordance with Chapter 9 of this Ordinance	C	C	C

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

SECTION XIII - 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.

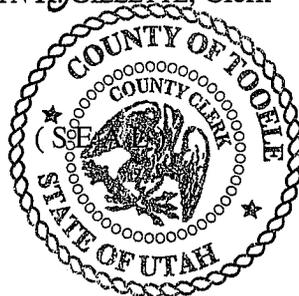
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 1st day of February 2011.

ATTEST:


MARILYN K. GILLETTE, Clerk

TOOELE COUNTY COMMISSION:


_____, Chairman



Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

APPROVED AS TO FORM:



DOUG HOGAN
Tooele County Attorney

TOOELE COUNTY LAND USE ORDINANCE

CHAPTER 17

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

17-1-5. Development restrictions in commercial zones.

In commercial zoning districts:

~~(1) Any parcel larger than one acre shall be divided or developed only as a planned unit development.~~

(1 ~~2~~) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except no commercial building shall be located closer than 50 feet to any residential district boundary line or to any street line which continues as frontage into a residential district, and no such building shall encroach on any easement.

(2 ~~3~~) Buildings and structures shall cover no more than 30% of the lot area except as may otherwise be allowed through planned unit development approval, except coverage shall not exceed 50% in C-G zoning districts.

(3 ~~4~~) All uses shall be free from objectionable noise, hazards, or nuisances.

(4 ~~5~~) Improvements required by the planning commission may include:

- (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;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.

(5 ~~6~~) Not more than 20% of the building shall be used for wholesale business.

17-2-3. Development restrictions to manufacturing zoning districts generally.

In manufacturing zoning districts:

~~(1) Any parcel larger than one acre may be divided or developed only as a planned unit development.~~

(1 ~~2~~) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no commercial building shall be located closer than 50 feet to any residential district boundary line or to any street line which continues as frontage into a residential district, and providing they do not encroach on any easement.

(2 ~~3~~) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.

(3 ~~4~~) Improvements required by the planning commission may include:

- (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;
 - (h) street monuments; and
 - (i) any other infrastructure deemed necessary.
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17-3-3. Development restrictions.

In Hazardous Industries (MG-H) zoning districts:

~~(1) Any parcel larger than one acre shall be divided or developed only as a planned unit development.~~

~~(1 2)~~ Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no building or structure shall be located closer than 300 feet to any district boundary line.

~~(2 3)~~ There shall be no maximum building height.

~~(3 4)~~ Buildings and structures shall cover no more than 50% of the lot area except as may be allowed through planned unit development approval.

~~(4 5)~~ Improvements required by the planning commission may include:

- (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;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary

17A-1-2. Development restrictions in commercial zones.

In the Commercial Tourism zoning district:

~~(1) Any parcel larger than one acre shall be divided or developed only as a planned unit development.~~

~~(1 2)~~ Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except no commercial building shall be located closer than 50 feet to any residential district boundary line or to any street line which continues as frontage into a residential district, and no such building shall encroach on any easement.

~~(2 3)~~ Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.

~~(3 4)~~ All uses shall be free from objectionable noise, glare, vibration, hazards, or nuisances.

~~(4 5)~~ Improvements required by the planning commission may include:

- (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;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.

~~(5 6)~~ Buildings shall not be use for wholesale business.

17A-2-2. Development restrictions to manufacturing zoning districts generally.

In the Recreation and Racing Sports zoning district:

~~(1) Any parcel larger than one acre may be divided or developed only as a planned unit development.~~

~~(1 2)~~ Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no building or activity shall be located closer than 1/2 mile to any residential district boundary line or to any street line which continues as frontage into a residential district.

(2) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.

(3) Improvements required by the planning commission may include:

- (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;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.

17A-3-2. Development restrictions in the Technology Industries (T-I) zones.

In the Technology Industries zoning district:

~~(1) Any parcel larger than one acre shall be divided or developed only as a planned unit development.~~

(1) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except no commercial building shall be located closer than 100 feet to any residential district boundary line and 50 feet to any street line which continues as frontage into a residential district.

(2) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.

(3) All uses shall be free from objectionable noise, glare, vibration, hazards, or nuisances.

(4) Improvements required by the planning commission may include:

- (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;
- (h) street monuments; and
- (i) any other infrastructure deemed necessary.