

ORDINANCE 2012-15

AN ORDINANCE AMENDING TOOELE COUNTY LAND USE ORDINANCE TABLES 17-5-3.3, 17-5-3.6, AND 17A-5-3.3 REGARDING TOBACCO SHOPS – [RESULTS OF THIS CHANGE: (1) TOBACCO SHOPS ARE NO LONGER ALLOWED IN COMMERCIAL ZONE DISTRICTS; (2) TOBACCO SHOPS ARE ALLOWED IN MANUFACTURING-GENERAL (M-G) ZONE DISTRICTS WITH A CONDITIONAL USE PERMIT; (3) TOBACCO SHOPS MAY NOT BE ESTABLISHED WITHIN 600 FEET OF ANY PUBLIC OR PRIVATE SCHOOLS, CHURCHES, LIBRARIES, PUBLIC PARKS, OR PUBLIC RECREATIONAL FACILITIES.]

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

SECTION I - PURPOSE. This ordinance seeks to prohibit tobacco shops from all Commercial zone districts (C-N, C-S, C-H, and C-G) and to permit them within the Manufacturing-General (M-G) zone district with an approved conditional use permit.

The Erda Township Planning Commission held a public hearing on the issue and unanimously recommends passage of these amendments with a six-hundred-foot (600') buffer from any public or private schools, churches, libraries, public parks, or public recreational facilities.

The Pine Canyon Township Planning Commission held a public hearing on the issue and unanimously recommends passage of these amendments with an increase of the buffer to fifteen-hundred-feet (1,500').

The Tooele County Planning Commission held a public hearing on the issue and unanimously recommends passage of a revised version of these amendments. They recommend that tobacco shops be changed to a "C1" (a use that may be permitted by a conditional use permit issued by the zoning administrator) in all Commercial zone districts (C-S, C-H, and C-G) except Commercial-Neighborhood (C-N) and a permitted use within the Industrial zone districts (M-D and M-G) with the six-hundred-foot (600') buffer.

SECTION II - TABLE AMENDED. Chapter 17, Table 17-5-3.3(63), of the Tooele County Land Use Ordinance is hereby amended to read as follows:

Table 17-5-3.3. Commercial sales and service.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
63	Tobacco shop*	-	-	-	-	-	C	-

* Use may not be established within six-hundred feet (600'), measured from the parcel(s) perimeter(s), of any public or private schools, churches, libraries, public parks, or public recreational facilities.

SECTION III - TABLE AMENDED. Chapter 17, Table 17-5-3.6(41), of the Tooele County Land Use Ordinance is hereby amended to read as follows:

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
41	Tobacco*	-	-	-	-	-	C	-

* Use may not be established within six-hundred feet (600'), measured from the parcel(s) perimeter(s), of any public or private schools, churches, libraries, public parks, or public recreational facilities.

SECTION IV - TABLE AMENDED. Chapter 17A, Table 17A-5-3.3, of the Tooele County Land Use Ordinance is hereby amended, by removing #74, Tobacco shop, from the Commercial Sales and Service use table. The remaining items in the table shall be renumbered.

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

SECTION VI - 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.

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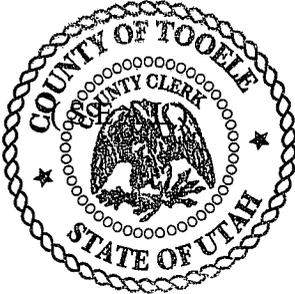
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 17th day of July 2012.

ATTEST:

TOOELE COUNTY COMMISSION:


Marilyn K. Gillette, Clerk


Colleen S. Johnson, Chairman



Commissioner Johnson voted 
Commissioner Clegg voted 
Commissioner Hurst voted 

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

TOOELE COUNTY LAND USE ORDINANCE

CHAPTER 17

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Table 17-5-3.3. Commercial sales and service.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
63	Tobacco shop*	P	P	P	P	-	= C	-

* Use may not be established within six-hundred feet (600'), measured from the parcel(s) perimeter(s), of any public or private schools, churches, libraries, public parks, or public recreational facilities.

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
41	Tobacco*	-	-	-	e	e	C	-

* Use may not be established within six-hundred feet (600'), measured from the parcel(s) perimeter(s), of any public or private schools, churches, libraries, public parks, or public recreational facilities.

CHAPTER 17A

COMMERCIAL TOURISM, RECREATION AND RACING SPORTS, AND TECHNOLOGY INDUSTRIES ZONING DISTRICTS

Table 17A-5-3.3. Commercial sales and service.				
	Use	Commercial Tourism (C-T)	Recreation and Racing Sports (RRS)	Technology Industries (T-I)
70	Stationary and greeting card sales	P	-	-
71	Tailor shop	P	-	-
72	Technical office for research and development, laboratory & research facility subject to listed restrictions ¹	-	C1	P
73	Tire shop, sales and repair	P	P	-
74	Tobacco shop	P	-	-
<u>75</u>	Tourist information	P	P	-
<u>76</u>	Towel and linen supply service	P	-	-
<u>77</u>	Travel bureau	P	-	-
<u>78</u>	Variety store, notions	P	-	-
<u>79</u>	Wholesale business	-	-	C