

ORDINANCE 2016-04

AN ORDINANCE AMENDING SECTIONS 16-1-2, 16-1-4, 16-1-6, AND 16-2-2 OF CHAPTER 16, RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS, OF THE TOOELE COUNTY LAND USE ORDINANCE (REDUCING THE REQUIRED SETBACKS IN THE R-1-8, R-1-10, R-1-12, AND R-M-7 ZONES)

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

SECTION I – PURPOSE. Clearwater Homes (AKA Penelope Rose LLC) has received concept subdivision approval for 420 lots which are all zoned RM-7. They have requested that the setback and coverage requirements be amended to better reflect the purposes of the RM-7 zone which are “to provide for areas for *medium and high residential* density with the opportunity for varied housing styles and character.” Typically, setback requirements reduce as the lot sizes decrease. There are several examples in the Tooele County Land Use Ordinance where this guideline is not followed. The ordinance has often been waived or variances have been granted through PUDs which is an indicator that the ordinance should be re-evaluated and revised. The County Planner feels that amendments should be made to not only the RM-7 Zone, but also to the R-1-8, R-1-10, and R-1-12 Zones as well to maintain consistency and fairness. The Tooele County Planning Commission held a public hearing on the issue and recommends passage of this ordinance.

SECTION II – SUBSECTIONS AMENDED. Subsections 16-1-2(4) and 16-1-2(7) of Section 16-1-2, *R-1-8 Development Restrictions*, of Part 16-1, *Residential Districts*, of Chapter 16, *Residential and Multiple Residential Districts*, of the Tooele County Land Use Ordinance is hereby amended to read as follows:

- (4) Minimum yard setback requirements:
 - (a) front yard – 20 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.

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- (7) Maximum building coverage – 45 percent.

SECTION III – SUBSECTION AMENDED. Subsection 16-1-4(7) of Section 16-1-4, *R-1-10 Development Restrictions*, of Part 16-1, *Residential Districts*, of Chapter 16, *Residential and Multiple Residential Districts*, of the Tooele County Land Use Ordinance is hereby amended to read as follows:

- (7) Maximum building coverage – 45 percent.

SECTION IV – SUBSECTION AMENDED. Subsection 16-1-6(7) of Section 16-1-6, *R-1-12 Development Restrictions*, of Part 16-1, *Residential Districts*, of Chapter 16, *Residential and Multiple Residential Districts*, of the Tooele County Land Use Ordinance is hereby amended to read as follows:

- (7) Maximum building coverage – 35 percent.

SECTION V – SUBSECTIONS AMENDED. Subsections 16-2-2(4) and 16-2-2(7) of Section 16-2-2, *R-M-7 Development Restrictions*, of Part 16-1, *Residential Districts*, of Chapter 16, *Residential and Multiple Residential Districts*, of the Tooele County Land Use Ordinance is hereby amended to read as follows:

- (4) Minimum yard setback requirements:
 - (a) front yard – 20 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.

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- (7) Maximum building coverage – 45 percent.

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

SECTION VII - EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (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 15th day of March 2016.

ATTEST:

TOOELE COUNTY COMMISSION:


 MARILYN K. GILLETTE, Clerk/Auditor


 WADE B. BITNER, Chairman



APPROVED AS TO FORM:


 SCOTT A. BROADHEAD
 Tooele County Attorney

Commissioner Bateman voted aye
 Commissioner Bitner voted aye
 Commissioner Milne voted aye

TOOELE COUNTY LAND USE ORDINANCE

CHAPTER 16 RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

Part 16-1. Residential Districts.

16-1-2. R-1-8 Development Restrictions.

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- (4) Minimum yard setback requirements:
 - (a) front yard – ~~25~~ 20 feet.
 - (b) rear yard:
 - (i) main building – 20 feet; and
 - (ii) accessory buildings: ~~three~~ 3 feet, ~~providing that 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.

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- (7) Maximum building coverage – ~~35~~ 45 percent.

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16-1-4. R-1-10 Development Restrictions.

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- (7) Maximum building coverage – ~~35~~ 45 percent.

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16-1-6. R-1-12 Development Restrictions.

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- (7) Maximum building coverage – ~~30~~ 35 percent.

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16-2-2. R-M-7 Development Restrictions.

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- (4) Minimum yard setback requirements:
 - (a) front yard – ~~25~~ 20 feet.
 - (b) rear yard:
 - (i) main building – ~~30~~ 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.

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- (7) Maximum building coverage – ~~35~~ 45 percent.

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