

ORDINANCE 2009-06

AN ORDINANCE AMENDING SECTIONS 5-1, PURPOSE, AND 5-3, ADDITIONS, ENLARGEMENTS, AND MOVING, IN CHAPTER 5, NONCONFORMING BUILDINGS AND USES, OF THE TOOELE COUNTY LAND USE ORDINANCE

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

SECTION I - PURPOSE. This ordinance seeks to provide greater flexibility for County residents desiring certain modifications to existing nonconforming buildings. The zoning administrator would be allowed to approve an extension of a structure or placement of an accessory building provided it did not further violate the existing setback of the residence or encroach upon the violated height, area, or yard requirement. The Erda, Pine Canyon, and Tooele County Planning Commissions held public hearings on the issue and recommend passage of this ordinance.

SECTION II - SECTION AMENDED. Section 5-1, Purpose, in Chapter 5, Nonconforming Buildings and Uses, of the Tooele County Land Use Ordinance, is hereby amended to read as follows:

Within the districts established by this ordinance or subsequent amendments thereto, there exist uses, structures and lots which were lawfully established or created, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. The intent of this chapter is to permit these non-conformities to continue but not to encourage their perpetuation or survival. Non-conformities are declared by this chapter to be incompatible with permitted uses, structures and lots in the districts involved. It is further the intent of this chapter that non-conformities shall not be enlarged upon, expanded, or enjoy an increase in intensity of use, unless specified otherwise.

SECTION III - SECTION AMENDED. Section 5-3, Additions, Enlargements, and Moving, in Chapter 5, Nonconforming Buildings and Uses, of the Tooele County Land Use Ordinance, is hereby amended to read as follows:

(1) An extension of a structure, or placement of an accessory building, which does not further encroach upon the violated height, area or yard requirement, may be

granted upon approval by the zoning administrator, if it is found that the extension or placement of the structure is not detrimental to the intent of the land use ordinance.

(2) If the intended extension or placement of the nonconforming structure further encroaches upon the violated height, area, or yard requirement, the request shall be reviewed through the variance process and acted upon by the administrative hearing officer.

(3) A nonconforming building or structure shall not be moved in whole or in part to any other location on the property on which it is situated unless every portion of such building or structure is made to conform to all the requirements of the district in which it is located.

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


SECTION V - 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.

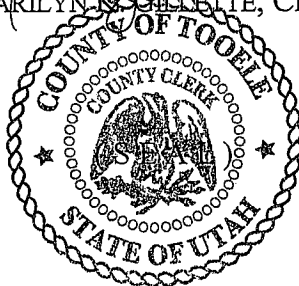
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 3rd day of February 2009.

ATTEST:

TOOELE COUNTY COMMISSION:

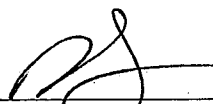

MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



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

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney