

SEP23 '19 12:17PM

September 19, 2019

County of Tooele, State of Utah

To whom it may concern:

Signature Gatherers for the Initiative to Amend Chapter 9 (Planned Unit Developments) of the Tooele County Land Use Ordinance to require rezone request and approval for subject parcel or tract of land will not be paid for their services.

Sincerely,

*Miane Christensen*

*Kenneth Wolf*

*Susan Christensen*

*Kathleen Mallis*

*Steve Dufford*

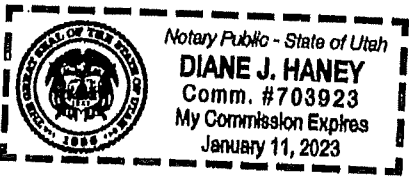
*Tim*

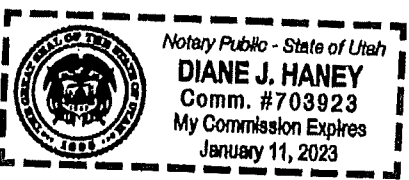
*Nick Phillips*

*Donna Phillips*

**Application for an Initiative or Referendum**  
Utah Code § 20A-7-202

Amend Chapter 9 (Planned Unit Developments) of the Tooele County Land Use Ordinance to require rezoning request and approval for subject parcel or tract of land.

|  |   |  |
|--|---|--|
| <b>Sponsor Statement</b>   |   | <b>State of Utah,<br/>County of Tooele</b> |
| I, <u>SUSAN CHELSTENSEN</u><br>Name of Sponsor (please type or print)  | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |  |
| <u>2182 PONY ST.</u><br>Residence Address  | <u>Susan Christensen</u><br>Sponsor's Signature   |  |
| <u>ERDA, UT. 84074</u><br>City, State, Zip   | Notary Seal   |  |
| Subscribed and affirmed before me this <u>19<sup>th</sup></u> day of <u>September</u> , 20 <u>19</u><br>by <u>[Signature]</u><br>Notary Public |                                       |  |

|  |   |  |
|--|---|--|
| <b>Sponsor Statement</b>   |   | <b>State of Utah,<br/>County of Tooele</b> |
| I, <u>Kathleen Mallis</u><br>Name of Sponsor (please type or print)  | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |  |
| <u>2182 W. Pony St</u><br>Residence Address  | <u>Kat Mallis</u><br>Sponsor's Signature  |  |
| <u>Erda, UT 84074</u><br>City, State, Zip  | Notary Seal   |  |
| Subscribed and affirmed before me this <u>19<sup>th</sup></u> day of <u>September</u> , 20 <u>19</u><br>by <u>[Signature]</u><br>Notary Public |                                     |  |

Application for an Initiative or Referendum  
Utah Code § 20A-7-202

Amend Chapter 9 (Planned Unit Developments)  
of the Tooele County Land Use Ordinance  
to require rezone request and approval for  
subject parcel or tract of land.

Sponsor Statement

State of Utah,  
County of Tooele

I, Diane Christensen affirm that I am a registered voter and I have voted in a regular  
Name of Sponsor (please type or print) general election in Utah within the last three years.


3924 N. Droubay Residence Address      Diane Christensen Sponsor's Signature

Erda, UT 84074 City, State, Zip

Subscribed and affirmed before me this 19th day of September 2019.

by Diane Haney  
Notary Public

Notary Seal



Notary Public - State of Utah  
**DIANE J. HANEY**  
Comm. #703923  
My Commission Expires  
January 11, 2023

Sponsor Statement

State of Utah,  
County of Tooele

I, KEVIN J. WEBB affirm that I am a registered voter and I have voted in a regular  
Name of Sponsor (please type or print) general election in Utah within the last three years.


933 E. BATES CYN RD Residence Address      Kevin J. Webb Sponsor's Signature

ERDA, UTAH 84074 City, State, Zip

Subscribed and affirmed before me this 19th day of September 2019.

by Diane Haney  
Notary Public

Notary Seal



Notary Public - State of Utah  
**DIANE J. HANEY**  
Comm. #703923  
My Commission Expires  
January 11, 2023

Application for an Initiative or Referendum  
Utah Code § 20A-7-202

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Sponsor Statement

State of Utah,  
County of Tooele


I, Starla Sheffield affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years.  
Name of Sponsor (please type or print)

8145 Mountain View Rd Starla Sheffield  
Residence Address Sponsor's Signature

LakePoint, UT 84074  
City, State, Zip

Notary Seal

Subscribed and affirmed before me this 19th day of September 2019.  
by Diane Haney  
Notary Public



Notary Public - State of Utah  
**DIANE J. HANEY**  
Comm. #703923  
My Commission Expires  
January 11, 2023

Sponsor Statement

State of Utah,  
County of Tooele


I, Wyn Matthews affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years.  
Name of Sponsor (please type or print)

3189 West Erda Way Wyn Matthews  
Residence Address Sponsor's Signature

Tooele UT. 84074  
City, State, Zip

Notary Seal

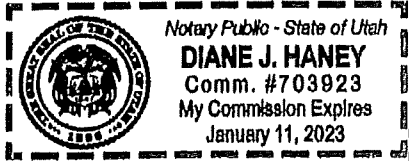
Subscribed and affirmed before me this 19th day of September 2019.  
by Diane Haney  
Notary Public

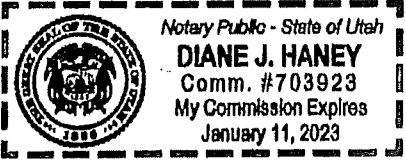


Notary Public - State of Utah  
**DIANE J. HANEY**  
Comm. #703923  
My Commission Expires  
January 11, 2023

Application for an Initiative or Referendum  
Utah Code § 20A-7-202

Amend Chapter 9 (Planned Unit Developments)  
of the Tooele County Land Use Ordinance  
to require rezone request and approval for  
subject parcel or tract of land.

|  |  |  |
|--|--|--|
| Sponsor Statement  |  | State of Utah,<br>County of Tooele   |
| I, <u>Nick Martin Phillips</u><br>Name of Sponsor (please type or print)   |  | affirm that I am a registered voter and I have voted in a regular<br>general election in Utah within the last three years. |
| <u>7786 N. Boulder Drive</u><br>Residence Address  | <u>Nick M. Phillips</u><br>Sponsor's Signature |  |
| <u>Lake Point, UT 84074</u><br>City, State, Zip  | Notary Seal                                    |  |
| Subscribed and affirmed before me this <u>19<sup>th</sup></u> day of <u>September</u> 20 <u>19</u><br>by <u>Diane Haney</u><br>Notary Public |  |   |

|  |  |  |
|--|--|--|
| Sponsor Statement  |  | State of Utah,<br>County of Tooele   |
| I, <u>Donna Phillips</u><br>Name of Sponsor (please type or print)   |  | affirm that I am a registered voter and I have voted in a regular<br>general election in Utah within the last three years. |
| <u>7786 N. Boulder Dr.</u><br>Residence Address  | <u>Donna Phillips</u><br>Sponsor's Signature |  |
| <u>Lake Point, UT 84074</u><br>City, State, Zip  | Notary Seal                                  |  |
| Subscribed and affirmed before me this <u>19<sup>th</sup></u> day of <u>September</u> 20 <u>19</u><br>by <u>Diane Haney</u><br>Notary Public |  |                                        |

Title of Proposed Law:

Amend Chapter 9 (Planned Unit Developments) of the Tooele County Land Use Ordinance to require rezone request and approval for subject parcel or tract of land.

**CHAPTER 9**

**PLANNED UNIT DEVELOPMENTS**

**9-1 PURPOSE.**

A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned unit development technique, the County seeks to achieve the following specific objectives:

- (1) creation of a more desirable environment than would be possible through strict application of other county land use ordinances and regulations;
- (2) promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
- (3) combination and coordination of architectural styles, building forms and building relationships;
- (4) the creation, landscaping and preservation of open space and recreational facilities;
- (5) preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
- (6) use of design, landscape or architectural features to create a pleasing environment;
- (7) preservation of buildings which are architecturally or historically significant contribute
- (8) establishment of interconnecting paths and trails for alternative transportation routes

which lead to common and popular destinations and interface with automobile traffic at few and specific points;

(9) provide a variety of housing, in accordance with the county's general or specific plans;

(10) inclusion of special development features; and

(11) elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

**9-2 AUTHORITY TO MODIFY REGULATIONS.**

(1) The planning commission shall have the authority in approving any planned developments to change, alter, modify or waive any provisions of this ordinance as they apply to the proposed planned development. No such change, alteration, modification or waiver shall be approved unless the planning commission shall find that the proposed planned unit development:

(a) will achieve the purposes for which a planned development may be approved pursuant to Section 9-1; and

(b) will not violate the general purposes, goals and objectives of this chapter and of any plans adopted by the planning commission or the county commission.

(2) No change, alteration, modification or waiver authorized by this chapter shall authorize a change in the uses permitted in any district, a modification with respect to any standard established by this chapter, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

**9-3 MINIMUM AREA<sup>1</sup>.**

A planned unit development proposed for any parcel or tract of land under single ownership or control shall have a contiguous minimum net site area for each zoning district as set forth below: Minimum Planned Unit

| <u>Zoning District</u>                   | <u>Development Size</u> |
|--|-------------------------|
| Multiple Use District, M-U-40 .....      | 120 Acres               |
| Multiple Use District, M-U-80 .....      | 240 Acres               |
| Multiple Use District, M-U-1 60 .....    | 480 Acres               |
| Agriculture District, A-20 .....         | 60 Acres                |
| Agriculture District, A-40 .....         | 120 Acres               |
| Rural Residential District, RR-1 .....   | 10 Acres                |
| Rural Residential District, RR-5 .....   | 20 Acres                |
| Rural Residential District, RR-1 0 ..... | 40 Acres                |
| Residential District, R-1 -40 .....      | 5 Acres                 |
| Residential District, R-1 -20 .....      | 5 Acres                 |
| Residential District, R-1-12 .....       | 5 Acres                 |
| Residential District, R-1 -10 .....      | 5 Acres                 |
| Residential District, R-1 -8 .....       | 5 Acres                 |

|   |                    |
|---|--------------------|
| Multiple Residential District, RM-7 .....   | 5 Acre             |
| Multiple Residential District, RM-15 .....  | 5 Acres            |
| Multiple Residential District, RM-30 .....  | 5 Acres            |
| Neighborhood Commercial District, C-N ..... | 20,000 Square Feet |
| Shopping Commercial District, C-S .....     | 1 Acre             |
| Highway Commercial District, C-H .....      | 1 Acre             |
| General Commercial District, C-G .....      | 1 Acre             |
| Manufacturing and Distribution, M-G .....   | 1 Acre             |
| General Industrial District, M-G .....      | 1 Acre             |
| Hazardous Industrial district, MG-H .....   | 1 Acre             |

**9-4 PRE-APPLICATION CONFERENCE.**

(1) Prior to submitting a planned unit development application, an applicant shall participate in a pre-application conference with the zoning administrator, county planner, county engineer, sheriff's department, fire district, and the health department. A member of the planning commission and a member of the county commission shall be invited to attend the pre-application conference. Representatives of other county departments and decision making bodies may also be present, where appropriate.

(2) The purpose of the pre-application conference is to enable the applicant to present the concept of the proposed planned unit development and to discuss the procedures and standards for the planned unit development approval. The conference is intended to facilitate the filing and consideration of a complete application. No representation made by the zoning administrator, county planner, county engineer, sheriff's department, fire district, the health department, the county commission, the planning commission or the representatives of any county departments or other decision making bodies during such conference shall be binding upon the county with respect to the application subsequently submitted.

(3) The zoning administrator shall schedule the pre-application conference within 14 calendar days after receiving the request from the applicant. At the time of the request for the pre-application conference, the applicant shall include a narrative summary of the proposal and a description of adjacent land uses and neighborhood characteristics.

**9-5 DEVELOPMENT PLAN APPROVAL STEPS.**

The development plan approval process requires three approval steps: a Concept Plan, Preliminary Plan approval and a Final Plan approval.

**9-6 CONCEPT PLAN.**

(1) The concept plan is intended to provide the applicant an opportunity to submit and obtain review of a plan showing the basic character and

scope of the proposed planned unit development without incurring undue cost. At the election of the applicant, the concept plan may be submitted to the planning commission for its review, and decision following a public hearing.

(2) An application for submittal of a concept plan shall request a rezone for the subject parcel or tract of land and include schematic drawings at a scale of not smaller than 100 feet to the inch, of the proposed development concept, showing buildings located within 85 feet of the site exclusive of intervening streets and alleys, the general location of vehicular and pedestrian circulation and parking; public and private open space; and residential, commercial, industrial and other land uses, as applicable, and a tabulation of the following information:

(a) total number of dwelling units and rooming units proposed, by type of structure and number of bedrooms;

(b) total square feet of building floor area proposed for commercial uses, recreation and accessory uses and industrial uses, by general type of use;

(c) proposed number of off-street parking and loading spaces for each proposed type of land use;

(d) total land area, expressed in square feet and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; commercial uses; industrial uses; other land uses; public and private open space; streets, sidewalks, trails and paths; and off-street parking and loading area; and

(e) total project density or intensity of use.

(3) The applicant shall submit an application for planning commission consideration, 14 calendar days prior to the next planning commission meeting. Upon receipt of an application, the zoning administrator shall forward the concept plan application accompanied by staff recommendations to the planning commission seven days prior to the next scheduled planning commission meeting.

(4) Upon review, the planning commission shall approve the concept plan, approve the concept plan subject to modifications or conditions, or disapprove the concept plan.



(5) If the Planning Commission denies the application for the concept plan, it shall refer it through the zoning administrator to the applicant for consideration of specific matters necessary to be resolved before approval may be granted. The applicant shall have 14 days following the receipt of the zoning administrator's notice within which to correct the deficiencies identified. If the applicant fails to correct the deficiencies within the 14 day period, unless extended by the planning commission, the concept plan shall automatically expire and be rendered void. If the planning commission approves the concept plan, with or without modifications or conditions, it shall adopt a motion establishing the land uses and density for the proposed planned unit development and authorizing the applicant to submit an application for a preliminary plan consistent with the approved concept plan. Every such motion shall be expressly conditioned upon approval of the preliminary plan.

(6) Unless the applicant fails to meet time schedules for filing the preliminary plan or in any other manner fail to comply with any condition or approval required under this chapter, the county shall not, without the consent of the applicant, take any action to modify, revoke or otherwise impair the approved concept plan pending the application for approval of the preliminary plan. In submitting an application for preliminary plan approval, the applicant shall be bound by the approved concept plan with respect to each such element.

(7) Subject to an extension of time granted by the planning commission, unless a preliminary plan covering the area designated in the concept plan has been filed within one year from the date the planning commission grants concept plan approval, the planning commission's approval of the concept plan shall automatically expire and be rendered void.

#### 9-7 PRELIMINARY PLAN.

(1) The applicant must file an application for preliminary plan with the planning commission. The preliminary plan application shall be submitted on a form provided by the zoning administrator, accompanied by four 24" X 36" copies and eight 11" X 17" copies of the plan and documents for processing of the application, and shall include at least the following information set forth below:

(a) the applicant's name, address, telephone number and interest in the property;

(b) the owner's name, address and telephone number, if different than the applicant,

(c) and the owner's signed consent to the filing of the application;

(d) the street address and legal description of the subject property;

(e) the zoning classification, zoning district boundaries and present use of the subject property;

(f) a vicinity map with north point, scale and date, indicating the zoning classifications and current uses of properties within 85 feet of the subject property, exclusive of intervening streets and alleys;

(g) the proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;

(h) a preliminary plan at a scale of 50 feet to the inch or larger, unless otherwise approved by the zoning administrator, setting forth at least the following, unless waived by the zoning administrator:

(i) the location, dimensions, and total area of the site;

(ii) the location, dimensions, floor area, type of construction and

(iii) use of each proposed building or structure;

(iv) the number, the size and type of dwelling units in each building, and the overall dwelling unit density;

(v) the proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;

(vi) architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross-sections;

(vii) the number, location and dimensions of parking spaces and

(viii) loading docks, with means of ingress and egress;

(ix) the proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;

(x) a traffic impact analysis;

(xi) the location and purpose of any existing or proposed dedication of easement;

(xii) the general drainage plan for the development tract;

(xiii) the location and dimensions of adjacent properties, abutting public rights-of-way and easements, and utilities serving the site;

(xiv) significant topographical or physical features of the site, including existing trees;

(xv) soils and subsurface conditions;

(xvi) the location and proposed treatment of any historical structure or other historical design element or feature; and

(xvii) one copy of the preliminary plan colored or shaded but unmounted for legibility and presentation at public meetings.

(h) A plat of the surveyed piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel of land, lot, lots, block, blocks, parts or portions thereof, according to the registered or recorded plat or such land.

(i) A preliminary plat of the subdivision showing that the planned unit development consists of and is conterminous with a single lot described in a recorded plat of subdivision, or a proposed re-division or consolidation to create a single lot or separate lots of record in suitable form ready for review.

(j) The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the zoning administrator or the planning commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:

(i) a certificate of disclosure of ownership interest;

(ii) proposed planned unit development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a government authority, copies

of the proposed articles of Incorporation and by-laws of such entity shall be submitted;

(iii) copies of any restrictive covenants that are to be recorded with respect to property in the proposed planned unit development;

(iv) when the planned unit development is to be constructed in stages or phases, a schedule for the development of such stages or phases shall be submitted stating the approximate beginning and completion time for each stage or phase. When a development provided for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the stages or phases completed or under development bear to the entire development;

(v) a statement showing the relationship of the proposed planned unit development to any adopted general plan of the county;

(vi) a written statement addressing each of the standards set forth in Section 7-4, and such additional standards, if any, as may be applicable under the specific provisions of this ordinance. The statement shall explain specifically how the proposed planned unit development relates to and meets each such standard; and

(vii) a statement showing why the proposed planned unit development is compatible with other property in the neighborhood.

(k) The ordinance approving the rezone request for the subject parcel or tract of land.

(2) Upon review of a preliminary plan application, the zoning administrator shall notify the applicant of any deficiencies and or modifications necessary to perfect the application. A planned unit development, as a conditional use, shall be subject to the standards for approval set forth in chapter 7-4. The zoning administrator shall place the application on the next planning commission work meeting agenda, after the item is moved to the next business meeting, the planning commission shall render a decision on the basis of the standards contained in chapter 7-4, to approve, approve with modifications or conditions, or deny the application. The planning commission shall not approve a preliminary plan unless it shall make written findings of fact with respect to each of the standards in chapter 7-4.

(3) Upon receipt of an application for final plan certification the zoning administrator, shall review the application to determine if it is complete, including any modifications required in conjunction with the approval of the preliminary plan. Once it is determined to be complete, the final plan shall be placed on the next business agenda of the planning commission. The planning commission shall either certify that the final plan complies with the approved Preliminary Plan; or refuse to certify the final plan for lack of compliance with the preliminary plan as it was finally approved. A final plan as finally approved and certified in accordance with the provisions of this chapter shall not be modified except in accordance with section 9-8. The decision approving a planned unit development shall contain a legal description of the property subject to the planned unit development. The decision, along with the development plan, shall be recorded by the county in the office of the county recorder before any permits may be issued. The approval of the proposed planned unit development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the county, including but not limited to a building permit, a certificate of occupancy and subdivision approval.

(4) If the planning commission determines that the final plan does not comply with the approved preliminary plan, and refuses to certify the plan, the zoning administrator shall notify the applicant in writing of its decision, and identify the items of the approved preliminary plan with which the final plan does not comply. The applicant shall have 14 days following the receipt of the zoning administrator's notice within which to correct the deficiencies identified. If the applicant fails to correct the deficiencies within the 14 day period, unless extended by the planning commission, the final plan shall automatically expire and be rendered void.

(5) Any party aggrieved by the decision of the planning commission not to certify a final plan, may appeal to the board of county commissioners. No planned unit development conditional use permit shall be valid for a period longer than one year unless a building permit is

issued and construction is actually begun within that period and is diligently pursued. However, upon written request of the applicant, the one year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further hearing.

(6) Following final plan approval, the final plan, rather than any other provision of this ordinance, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the final plan shall be permitted within the area of the planned unit development.

#### **9-8 ADJUSTMENTS TO DEVELOPMENT PLAN.**

(1) No alteration or amendment shall be made in the construction, development or use without a new application under the provisions of this Chapter. However, minor alterations may be made subject to written approval of the planning commission and the date for completion may be extended by the planning commission. During build-out of the planned unit development, the planning commission may authorize minor adjustments to the approved final plan pursuant to the provisions for modifications to an approved site plan, when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to:

(a) adjusting the distance as shown on the approved final plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

(b) adjusting the location of any open space, but the size or amount which shall not be compromised;

(c) adjusting any final grade; and

(d) altering the types of landscaping elements and their arrangement within the required landscaping buffer area.

(2) Such minor adjustments shall be consistent with the intent and purpose of this chapter and the final plan as approved, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this chapter.

(3) Any adjustment to the approved final plan not authorized by this section shall be

considered to be a major adjustment. The planning commission following notice to all property owners whose properties are located within 100 feet of the planned unit development exclusive of intervening streets and alleys, may approve an application for a major adjustment of the final plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity to the final plan. If the planning commission determines that a major adjustment is not in substantial conformity with the final plan as approved, then the planning commission shall request in accordance with the procedures set forth in Section 9-7.

By voting **YES on PROP #**, you will correct the deficient Planned Use Development (PUD) chapter contained in the Tooele County Land Use Ordinance. The current chapter as written allows a developer to provide a conceptual plan without presenting valid and/or reasonable zoning criteria. The result is Spot Zoning which promotes higher density occupancy in conflict with surrounding property owners. This has a long-term negative effect on particularly rural communities and creates never ending conflicts with existing occupants and land uses. Since litigation is the only recourse, Spot Zoning results in litigation costs for the County, for the private property owners, and existing residents. Spot Zoning also increases demand on County law enforcement resources as complaints are filed by residents against each other. And finally, the Tooele County general land use plan discourages the use of Spot Zoning. The PUD process frequently promotes advantages for the developer with the promise of benefits to the community based on negotiations solely between the developer and County representatives. These negotiations often exploit public trust with no quantifiable or measurable benefit to the community. Since the PUDs are approved utilizing a Conditional Use Permit, this requires continued ongoing surveillance of the property and results in endless enforcement by Tooele County's overtasked resources. Tooele County has not demonstrated the manpower capability nor the funding necessary to surveil and enforce the conditions of any PUD. The PUD process eliminates input from surrounding communities and again, costly litigation is the only recourse should the conditions be violated. The proposed amendment properly requires the submission of a rezone request in conjunction with the conceptual plan. By voting **YES on PROP #**, you will:

- Require a proper rezone request following the best practices established in the recently approved and developed Planned Community Zone (P-C) Chapter of the Tooele County Land Use Ordinance establishing consistency within the ordinance.
- Implement a legally recognized and well established means to promote managed growth.
- Eliminate the need to surveil and enforce conditions for the PUD in perpetuity.
- Prevent exploitation of Public Trust by Developers negotiating directly with County representatives by eliminating the need for a "quid pro quo" process.

**Vote YES on PROP # to promote managed growth, prevent Spot Zoning and exploitation of Public Trust, and establish consistency within the Tooele County Land Use Ordinance.**

*Note to County Clerk – the # is used to represent the specific number that will be designated by you on the ballot. It is used in this Draft to simplify the counting of words relative to the limit of 500.*

TOOELE COUNTY ATTORNEY'S OFFICE



Scott A. Broadhead, County Attorney  
Gary K. Searle, Chief Deputy Attorney  
Spencer P. Call, Deputy Attorney

Robert L. Clegg, Deputy Attorney  
Wayne A. Freestone, Deputy Attorney  
Scott Shields, Deputy Attorney

LEGAL IMPACT OPINION

**To:** Marilyn Gillette, Tooele County Clerk  
**From:** Scott A. Broadhead, Tooele County Attorney  
**Re:** Application for an Initiative Petition to Amend Chapter 9 of the TCLUO  
**Date:** October 4, 2019

An application for an initiative petition to amend Chapter 9 (Planned Unit Developments) of the Tooele County Land Use Ordinance was filed on or about September 23, 2019. Pursuant to UCA §20A-7-502.5(2)(a)(vii), I am required to provide a statement estimating the “proposed law’s legal impact.” This section lists four specific impacts which I will address in order.

1. Any significant effects on a person’s vested property rights. None that can be determined at this time.
2. Any significant effects on other laws or ordinances. I estimate no significant effects on other laws or ordinances by the possible repeal of this zoning ordinance. However, it should be noted that Tooele County is in the process of a complete revision of the Planned Unit Development ordinance which should be in effect within the next three months. Therefore, the initiative would be seeking to amend an ordinance which is no longer in effect.
3. Any significant legal liability the city, county, or town may incur. I estimate no legal liability to Tooele County.
4. Any other significant legal impact as determined by the budget officer and the legal counsel. I find no other significant legal impacts.



*Office of the Tooele County Auditor*

*Alison H. McCoy*

*47 South Main Street*

*Tooele, Utah 84074*

**TOOELE COUNTY ESTIMATED FISCAL IMPACT STATEMENT**

October 3, 2019

To Whom it May Concern,

The Tooele County Auditor's Office estimates that the law proposed by the subsequent initiative:

**AMEND CHAPTER 9 (PLANNED UNIT DEVELOPMENTS)**

would result in the following fiscal impact:

**HIGHLY VARIABLE FISCAL IMPACT. DIFFICULT TO REASONABLY EXPRESS.**

**It is estimated that the greatest fiscal impact would be to those departments tasked with the interpretation and enforcement of the ordinance including, but not limited to, code enforcement, legal counsel, and planning and zoning.**

Sincerely,

Alison H. McCoy

Tooele County Auditor

SEP23 '19 12:17PM

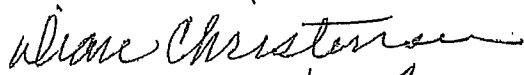
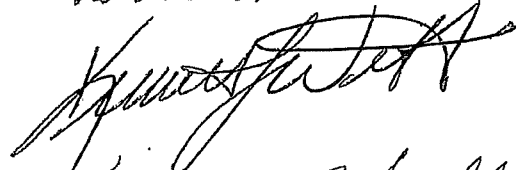



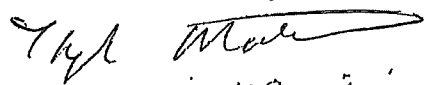



September 19, 2019

County of Tooele, State of Utah

To whom it may concern:

Signature Gatherers for the Initiative to Amend Chapter 2 (Definitions) and Chapter 9 (Multiple Use, Agricultural, and Rural Residential Districts) of the Tooele County Land Use Ordinance to permit Agriculture, including 4-H and FFA projects of all species, to affirm the intent of the "Agricultural industry or business" definition serves to offer alternative ways of allowing agricultural related uses and activities in a manner that promotes agriculture in the County, and refine Agriculture related definitions will not be paid for their services.

Sincerely,

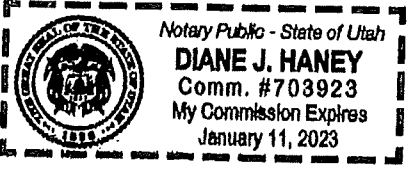
  
  
  
  
  
  
  
  


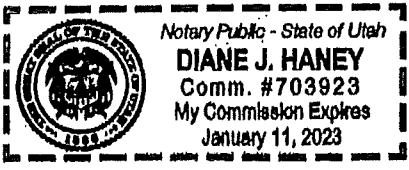


Amend Chapter 2 (Definitions) and Chapter 9 (Multiple Use, Agricultural, and Rural Residential Districts) of the Tooele County Land Use Ordinance to permit Agriculture, including 4-H and FFA projects of all species, to affirm the intent of the "Agricultural industry or business" definition serves to offer alternative ways of allowing agricultural related uses and activities in a manner that promotes agriculture in the County, and refine Agriculture related definitions.

# Application for an Initiative or Referendum

Utah Code § 20A-7-202

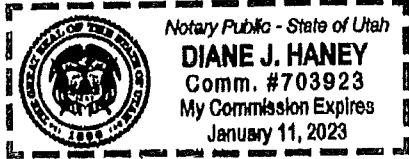
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|---|---|--|
| <b>Sponsor Statement</b>  |   | <b>State of Utah,<br/>County of Tooele</b>   |
| I, <u>Stark Sheffield</u><br>Name of Sponsor (please type or print)                       | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |  |
| <u>8145 Mountain View Rd</u><br>Residence Address   | <u>Stark Sheffield</u><br>Sponsor's Signature   |  |
| <u>LakePoint, UT 84074</u><br>City, State, Zip  |   | Notary Seal  |
| Subscribed and affirmed before me this <u>19th</u> day of <u>September</u> 20 <u>19</u> . |   | <br>Notary Public - State of Utah<br><b>DIANE J. HANEY</b><br>Comm. #703923<br>My Commission Expires<br>January 11, 2023 |
| by <u>Diane Haney</u><br>Notary Public  |   |  |

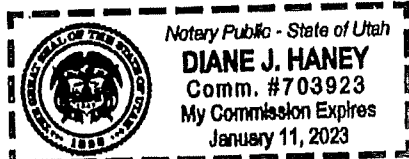
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| <b>Sponsor Statement</b>  |   | <b>State of Utah,<br/>County of Tooele</b>   |
| I, <u>Myk Mathews</u><br>Name of Sponsor (please type or print)                           | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |  |
| <u>3189 West Erda Way</u><br>Residence Address  | <u>[Signature]</u><br>Sponsor's Signature   |  |
| <u>Tooele UT 84074</u><br>City, State, Zip  |   | Notary Seal  |
| Subscribed and affirmed before me this <u>19th</u> day of <u>September</u> 20 <u>19</u> . |   | <br>Notary Public - State of Utah<br><b>DIANE J. HANEY</b><br>Comm. #703923<br>My Commission Expires<br>January 11, 2023 |
| by <u>Diane Haney</u><br>Notary Public  |   |  |

Amend Chapter 2 (Definitions) and Chapter 9 (Multiple Use, Agricultural, and Rural Residential Districts) of the Tooele County Land Use Ordinance to permit Agriculture, including 4-H and FFA projects of all species, to affirm the intent of the "Agricultural industry or business" definition serves to offer alternative ways of allowing agricultural related uses and activities in a manner that promotes agriculture in the County, and refine Agriculture related definitions.

# Application for an Initiative or Referendum

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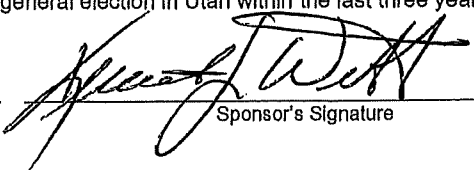
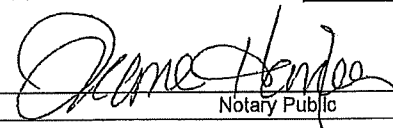
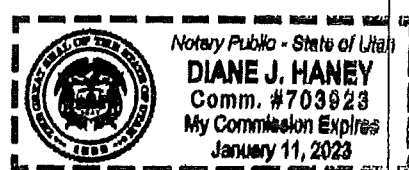
| Sponsor Statement  |   | State of Utah,<br>County of Tooele   |
|--|---|--|
| I, <u>Diane Christensen</u><br>Name of Sponsor (please type or print)                              | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |  |
| <u>3924 N Droubay</u><br>Residence Address   | <u>Diane Christensen</u><br>Sponsor's Signature   |  |
| <u>ERDA, UT. 84074</u><br>City, State, Zip   |   | Notary Seal  |
| Subscribed and affirmed before me this <u>19<sup>th</sup></u> day of <u>September</u> 20 <u>19</u> |   |  |
| by <u>Diane Haney</u><br>Notary Public   |   |  |


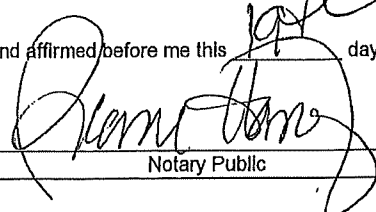
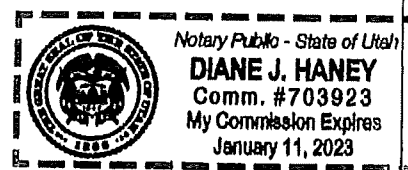
| Sponsor Statement  |   | State of Utah,<br>County of Tooele   |
|--|---|--|
| I, <u>SUSAN CHRISTENSEN</u><br>Name of Sponsor (please type or print)                              | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |  |
| <u>2182 PONY ST.</u><br>Residence Address  | <u>Susan Christensen</u><br>Sponsor's Signature   |  |
| <u>ERDA, UT. 84074</u><br>City, State, Zip   |   | Notary Seal  |
| Subscribed and affirmed before me this <u>19<sup>th</sup></u> day of <u>September</u> 20 <u>19</u> |   |  |
| by <u>Diane Haney</u><br>Notary Public   |   |  |

Amend Chapter 2 (Definitions) and Chapter 9 (Multiple Use, Agricultural, and Rural Residential Districts) of the Tooele County Land Use Ordinance to permit Agriculture, including 4-H and FFA projects of all species, to affirm the intent of the "Agricultural industry or business" definition serves to offer alternative ways of allowing agricultural related uses and activities in a manner that promotes agriculture in the County, and refine Agriculture related definitions.

# Application for an Initiative or Referendum

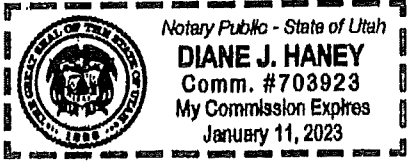
Utah Code § 20A-7-202

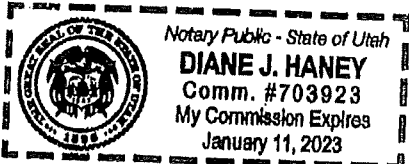
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| <b>Sponsor Statement</b>  | <b>State of Utah,<br/>County of Tooele</b>  |
| I, <u>Kenneth J Webb</u><br>Name of Sponsor (please type or print)                                    | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |
| <u>933 E. Bates Canyon</u><br>Residence Address   | <br>Sponsor's Signature               |
| <u>Erda, Utah 84074</u><br>City, State, Zip   | Notary Seal   |
| Subscribed and affirmed before me this <u>19th</u> day of <u>September</u> 20 <u>19</u>               |   |
| by <br>Notary Public |   |
|                    |   |

|   |   |
|---|---|
| <b>Sponsor Statement</b>  | <b>State of Utah,<br/>County of Tooele</b>  |
| I, <u>Kathleen Mallis</u><br>Name of Sponsor (please type or print)                                     | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |
| <u>2192 W Pony St</u><br>Residence Address  | <br>Sponsor's Signature             |
| <u>Erda, UT 84074</u><br>City, State, Zip   | Notary Seal   |
| Subscribed and affirmed before me this <u>19th</u> day of <u>September</u> 20 <u>19</u>                 |   |
| by <br>Notary Public |   |
|                    |   |

Application for an Initiative or Referendum  
Utah Code § 20A-7-202

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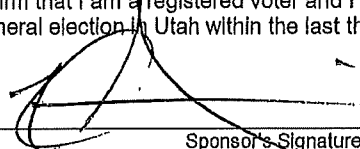
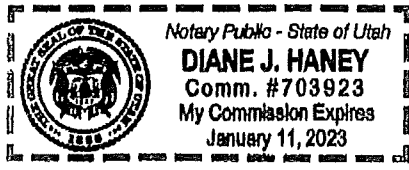
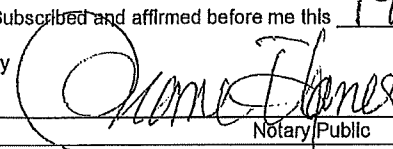
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| Sponsor Statement  |   | State of Utah,<br>County of Tooele |
| I, <u>Donna Phillips</u>   | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |                                    |
| <small>Name of Sponsor (please type or print)</small>  | <u>7786 N. Boulder Dr.</u>  | <u>Donna Phillips</u>              |
|  | <small>Residence Address</small>  | <small>Sponsor's Signature</small> |
|  | <u>Lake Point, UT 84074</u>   |                                    |
|  | <small>City, State, Zip</small>   | Notary Seal                        |
| Subscribed and affirmed before me this <u>19<sup>th</sup></u> day of <u>September</u> 20 <u>19</u> |                                       |                                    |
| by <u>[Signature]</u>  |   |                                    |
|  | Notary Public   |                                    |

|  |   |                                    |
|--|---|------------------------------------|
| Sponsor Statement  |   | State of Utah,<br>County of Tooele |
| I, <u>Nick Phillips</u>  | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |                                    |
| <small>Name of Sponsor (please type or print)</small>  | <u>7786 N. Boulder Drive</u>  | <u>Nick Phillips</u>               |
|  | <small>Residence Address</small>  | <small>Sponsor's Signature</small> |
|  | <u>Lake Point, UT 84074</u>   |                                    |
|  | <small>City, State, Zip</small>   | Notary Seal                        |
| Subscribed and affirmed before me this <u>19<sup>th</sup></u> day of <u>September</u> 20 <u>19</u> |                                     |                                    |
| by <u>[Signature]</u>  |   |                                    |
|  | Notary Public   |                                    |

Amend Chapter 2 (Definitions) and Chapter 9 (Multiple Use, Agricultural, and Rural Residential Districts) of the Tooele County Land Use Ordinance to permit Agriculture, including 4-H and FFA projects of all species, to affirm the intent of the "Agricultural industry or business" definition serves to offer alternative ways of allowing agricultural related uses and activities in a manner that promotes agriculture in the County, and refine Agriculture related definitions.

# Application for an Initiative or Referendum

Utah Code § 20A-7-202

|   |   |  |
|---|---|--|
| <b>Sponsor Statement</b>  |   | <b>State of Utah,<br/>County of Tooele</b> |
| I, <u>Kalem Sessions</u><br>Name of Sponsor (please type or print)                                    | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |  |
| <u>1752 Brinlee Ct</u><br>Residence Address   |                                       | Sponsor's Signature                        |
| <u>Erda, UT 84074</u><br>City, State, Zip   | Notary Seal   |  |
| Subscribed and affirmed before me this <u>19th</u> day of <u>September</u> 20 <u>18</u> .             |                                       |  |
| by <br>Notary Public |   |  |

|   |   |  |
|---|---|--|
| <b>Sponsor Statement</b>  |   | <b>State of Utah,<br/>County of Tooele</b> |
| I, _____<br>Name of Sponsor (please type or print)                | affirm that I am a registered voter and I have voted in a regular general election in Utah within the last three years. |  |
| _____<br>Residence Address  | _____<br>Sponsor's Signature  |  |
| _____<br>City, State, Zip   | Notary Seal   |  |
| Subscribed and affirmed before me this _____ day of _____ 20____. |   |  |
| by _____<br>Notary Public   |   |  |

Title of Proposed Law:

Amend Chapter 2 (Definitions) and Chapter 9 (Multiple Use, Agricultural, and Rural Residential Districts) of the Tooele County Land Use Ordinance to permit Agriculture, including 4-H and FFA projects of all species, to affirm the intent of the "Agricultural industry or business" definition serves to offer alternative ways of allowing agricultural related uses and activities in a manner that promotes agriculture in the County, and refine Agriculture related definitions.

## CHAPTER 2

### DEFINITIONS

to offer alternative ways of allowing agricultural related uses and activities in a manner that promotes agriculture in the County. "Agricultural industry or business" use designations are to be used to help enhance agricultural activities in the County, and as such may act as a buffer between agricultural activities and other land use designations and activities.

#### Section

- 2-1. Context.  
2-2. Definitions.

#### 2-1 Context.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of the Uniform Zoning Ordinance of Tooele County. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, placed, located, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, and parcel. Words used in the Uniform Zoning Ordinance of Tooele County but not defined herein shall have the meaning as defined in any other chapter of the Tooele County Code. (Ord. 2005-09, 4/12/05)

#### 2-2 Definitions.

As used in the Uniform Zoning Ordinance of Tooele County:

(1) "'A" frame sign" means a temporary or a movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

(2) "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.

(3) "Accessory use or building" means a use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. It does not include garages, decks or fences.

(4) "Agent" means any person who can show written proof that he is acting for another and with the person's knowledge and permission.

(5) "Agriculture" means the cultivation of soil; raising of crops; horticulture and gardening; breeding, ~~grazing,~~ keeping or raising of domestic animals and fowl, except household pets; and not including any agricultural industry or business.

(6) "Agricultural industry or business" means an industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, such as commercial greenhouses, feed yards to finish livestock for slaughter, fruit stands, fur farms, food packaging or processing plants; and commercial poultry or egg production. The intent of the "Agricultural industry or business" definition is not to limit agricultural uses or activities in the County. Rather it serves

(7) "Agricultural protection area" means a geographic area created under the authority of Title 17, Chapter 41, Utah Code Annotated.

(8) "Airport" means an area designed and set aside for the landing and taking off of aircraft.

(9) "Amusement park" means a commercially operated park with a predominance of outdoor games and activities for entertainment, which may include motorized rides, water slides, miniature golf, batting cages, and the like.

(10) "Architectural projection" means a projection from a building that is necessary for the shading of a building or features, such as eaves, platforms, porches, sills, cornices, and chimneys, but not including signs attached to and extending from the building.

(11) "Assisted living facility" means:

(a) a type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who:

- (i) require protected living arrangements; and
- (ii) are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and

(b) a type II assisted living facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services.

(12) "Automatic car wash" means a facility for automatic or self-service washing and cleaning of vehicles.

(13) "Automatic teller machine" or "ATM" means an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

(14) "Automobile dealership" means a retail business characterized by the selling, leasing, and maintaining an inventory of new or used automobiles, light trucks, vans, trailers, recreational vehicles, boats, motorcycles, off-highway-vehicles (OHV) or other similar motorized transportation vehicles; and may provide on-site facilities for the repair and service of vehicles.

(15) "Automobile impound facility" means a facility for the temporary storage of vehicles that are to be claimed by the owners or their agents.

(16) "Automobile mall" means a single location that provides sales space and centralized services for a number of automobile dealers and that may include such related services as auto insurance dealers and credit institutions that provide financing opportunities.

(17) "Automobile parts/supply, retail" means the display and sale of new and used parts for automobiles, trucks, trailers, boats, or other travel or recreation vehicles.

(18) "Automobile repair facility" or "service station" means a place where gasoline or other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and repair services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, including major auto repair.

(19) "Average per cent of slope" means an expression of rise or fall in elevation along a line perpendicular to the contours of the land to the lowest point of land within an area or within a lot. A vertical rise of 100 feet between two points 100 feet apart measured on a horizontal plane is a 100 percent slope.

(20) "Awning" means a shelter of non rigid materials on a supporting framework projecting from and supported by the exterior wall of a building. Compare "Marquee."

(21) "Awning sign" means a sign painted on, printed on, or attached flat against the surface of an awning.

(22) "Banner sign" means a sign having characters, letters or illustrations applied to cloth, paper, flexible plastic or fabric of any kind with only such material for backing.

(23) "Basement" means a story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than half of its floor-to-ceiling height is below the average contact level of the adjoining ground.

(24) "Basement house" means a residential structure without a full story structure above grade.

(25) "Bed and breakfast" means a private owner occupied residence with no more than three guestrooms and the guest use is subordinate and incidental to the main residential use, and where individual guests are prohibited from staying for more than fourteen consecutive days and no more than fourteen days in any three month period. The definition does not include a convention facility, hotel, motel, rooming or boarding house or restaurant.

(26) "Bed and breakfast inn" means a private owner occupied residence with no more than ten guestrooms, and where individual guests are prohibited from staying for more than fourteen consecutive days and no more than fourteen days in

any three month period. The definition does not include a convention facility, hotel, motel, rooming or boarding house or restaurant.

(27) "Beginning of construction" means the pouring of concrete footing for a building or structure.

(28) "Billboard." See "Off-premise sign."

(29) "Block" means the land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

(30) "Boarding house" means a dwelling where, for compensation, meals are provided for at least three but not more than 15 persons.

(31) "Body and fender shop" means a facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to the body, or fenders, and including major rebuilding.

(32) "Buildable area" means the portion of a lot remaining after required yards have been provided.

(33) "Building" means any structure used or intended to be used for the sheltering of any use or occupancy, or enclosure of persons, animals, or property.

(34) "Building, accessory." See "Accessory use or building."

(35) "Building, height of" means the vertical distance from the average finished grade surface to the highest point of the building roof or coping.

(36) "Building inspector" means the official designated as the building inspector for Tooele County.

(37) "Building line" means the inner edge of any required yard or setback, and the corresponding outer edge of the buildable area.

(38) "Campground" means a public area designated by a public agency for camping, or a private area licensed by the county for camping.

(39) "Camping" means a temporary establishment of living facilities such as tents or recreational coaches for a period of days.

(40) "Canopy, building" means a rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. Compare "Awning."

(41) "Canopy, freestanding" means a rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground.

(42) "Canopy sign" means a sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

(43) "Carport" means a private garage with no more than one wall and no overhead door.

(44) "Cellar" means a room or rooms wholly under the surface of the ground, or having more than 50



percent of its floor to ceiling height under the average level of the adjoining ground with an access from the outside and not entering directly into another building or dwelling.

(45) "Child care" means continuous care of and supervision of five or more children under 18 years of age for a portion of the day that is less than 24 hours, in lieu of care ordinarily provided by parents in their own home, for direct or indirect compensation.

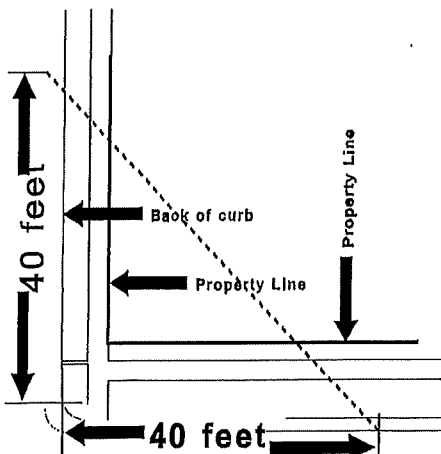
(46) "Church" means a building, together with its accessory buildings and uses, maintained and controlled

by a religious organization where persons regularly assemble for worship.

(47) "Clearance, of a sign" means the vertical distance from the established grade level to the bottom of the sign or sign cabinet.

(48) "Clear view zone" means the area of a corner lot closest to a street intersection or a street and railroad intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

(a) For street intersections, such area is established by marking a point at which the two curb lines intersect, measuring back 40 feet along each street, and drawing a line between the two back points to form a triangular area.



(b) For street and railroad intersections, such area is established by marking a point at which the edge of the street pavement and the closest railroad track intersect, measuring back 40 feet along the edge of the street and railroad track, then drawing a line between the two back points to form a triangular area.

(49) "Clinic, dental or medical" means a building in which a group of dentists, physicians, and

professional assistants are associated for the conduct of their professions and may include a laboratory or apothecary, but it shall not include in-patient care or operating rooms for major surgery.

(50) "Club, social" means any organization, group, private nonprofit locker club, or association supported by its members where the sole purpose is to render a service to its members and their guests.

(51) "Common area" means any space designed for joint use of residents of a condominium, apartment complex, etc.

(52) "Community center" means a building to be used as a place of meeting, recreation, or social activity and not operated for profit.

(53) "Community management" means the person who owns or has charge, care or control of a condominium, apartment complex, etc.

(54) "Comprehensive plan" means general plan.

(55) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(56) "Condominium" means the ownership of a single residential unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

(57) "Condominium project" means a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are separately offered or proposed to be offered for sale. Condominium project also means the property when the context so requires.

(58) "Condominium unit" means a residential unit of a condominium project together with the undivided interest in the common areas and facilities appertaining to that unit, including both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.

(59) "Conservation standards" means guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Natural Resources Conservation Services, adopted by the Soil and Water Conservation District supervisors, and containing suitable alternatives for the uses and treatment of land based upon its capabilities, from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

(60) "Construction equipment and supply trailer,

temporary" means mobile equipment, travel trailer, truck trailer, or other structure used as equipment and supply shed in conjunction with a construction project. The construction equipment and supply trailer is not a residence or dwelling.

(61) "Construction field office, temporary" means a mobile office, travel trailer, or other structure used as an office in conjunction with a construction project. The construction or field office is not a residence or dwelling.

(62) "Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, or material supplier participating in construction on the property on which the sign is located.

(63) "Cottage industry" means a business conducted entirely within a dwelling or in an accessory structure without altering the residential character manufacturing artistic, handicraft, and other craft items and services rendered on the premise.

(64) "Convenience store" means a one story commercial retail operation containing less than 2,500 square feet of gross floor area, designed and stocked to sell primarily food, beverages, limited variety of goods for personal consumption, and other household supplies to retail customers who purchase only a relatively few items as well as gasoline and car care items.

(65) "Copy, sign" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

(66) "Corral" means a space, other than a building, less than one acre in area used for the confinement of animals or fowl.

(67) "Court, building" means an open space, other than a required yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

(68) "Coverage, building" means the percent of the total site area covered by buildings.

(69) "Crosswalk" means a right-of-way to facilitate pedestrian access and not for use by motor vehicles; it may be located within or without a street right-of-way.

(70) "Curb" means a stone or concrete boundary usually marking the edge of a roadway or paved area used to channel water and preserve the edge of the pavement.

(71) "Curb cut" means the provision for ingress and egress between property and an abutting road or street.

(72) "Curb return" means a curved segment of curb used at each end of an opening the roadway curb.

(73) "Dairy" means a commercial establishment

for the manufacture, processing or packaging of dairy products, and their sale; however, the production of milk on a farm for wholesale marketing off the premises shall not be classified as a dairy.

(74) "Density" means the number of persons or dwelling units per acre of gross area.

(75) "Design, subdivision" means the alignment, grade and width for easements and rights-of-way for utilities; the final grade or contouring and general layout of lots and streets within the area; location of land to be dedicated for park or recreational purposes; and, such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans.

(76) "Direction or instructional sign" means an on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment, but no advertising copy, e.g., parking or exit and entrance signs.

(77) "Disability" is defined in Section 57-21-2 UCA.

(78) "Distribution lines" are those wires generally rated below 49 kilovolts [kVA] and associated structures used to carry electricity between a customer and a transmission line.

(79) "District, zoning" means a portion of the unincorporated territory of Tooele County, established as a zoning district by this ordinance, within which certain uniform regulations and requirements apply; also includes "zone."

(80) "Double-faced sign" means a sign with two faces diverged from a common angle of not more than 45 degrees or back-to-back.

(81) "Driveway" means a private entryway that may be used by a single parcel or shared with more than one parcel to provide access from a public or private road.

(82) "Dwelling" means a building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy for residential purposes by one family as a single unit. It does not include a motor home, trailer coach, accessory building, automobile, truck, shed, garage, tent, or recreational vehicle.

(83) "Dwelling, single-family" means a dwelling arranged or designed to be occupied by one family, the structure having only one dwelling unit.

(84) "Dwelling, two-family" means a single residential building under a continuous roof, the structure containing only two dwelling units completely separated by either a common interior wall or a common interior floor, and having the

exterior appearance of a single family dwelling house. (Ord 2010-16, 8-24-10)

(85) "Dwelling, three-family" means a dwelling arranged or designed to be occupied by three families, the structure having only three dwelling units.

(86) "Dwelling, four-family" means a dwelling arranged or designed to be occupied by four families, and having more than four dwelling units.

(87) "Dwelling, multiple-family" means a dwelling arranged or designed to be occupied by more than four families and having more than four dwelling units.

(88) "Dwelling group" means two or more detached buildings used as dwellings, located on a lot or parcel of land.

(89) "Dwelling unit" means one or more rooms in a dwelling, apartment hotel or apartment motel, which contains not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units. It is designed for occupancy of not more than one family, or a congregate residence for four or less persons.

(90) "Easement" means a non-possessory interest in land of another; a vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

(91) "Elderly residential facility." See "Residential facility for elderly persons."

(92) "Electrical sign" means a sign in which electrical wiring, connection, or fixtures are used.

(93) "Electronic message center" means a sign where the copy is changed by computer or electronic methods using liquid crystal display, lights, cathode ray tubes, etc.

(94) "Emergency" means actions that must be undertaken immediately or within a time frame too short to allow full compliance with this ordinance to avoid an immediate threat to public health or safety, to prevent an imminent threat of serious environmental degradation.

(95) "Essential services" means services provided by public or private utilities, including underground, surface or overhead gas, electrical, steam, water, sanitary sewer, storm-water drainage, and communication systems and accessories such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

(96) "Facade" means the entire area of a building facing or side extending from the roof or

parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.

(97) "Farm" or "ranch" means a parcel of land which is used primarily for commercial horticultural or farming purposes, such as the growing of crops or other vegetative, or fruit agricultural uses, grazing of livestock or other agricultural use.

(98) "Farm or ranch hand housing" means a dwelling located on a farm or ranch for the purpose of housing an employee of that operation and his / her family including multi-family dwellings for seasonal employees in connection with an agricultural use which relies on seasonal employees.

(99) "Flood hazard" means a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

(100) "Flood plain" means any land area susceptible to be inundated by water from the base flood, including that area designated as subject to flooding from the base flood or 100 year flood.

(101) "Flood way" means a channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(102) "Floor area" means the area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

(103) "Floor area ratio" means the total floor area of all buildings or structures on a parcel or lot divided by the area of the parcel or lot, used to measure the intensity of a use on land.

(104) "Forest industry" means an industry which uses forest products, such as sawmill, pulp or paper plant, wood products plant, and similar uses.

(105) "Freestanding sign" means a sign supported permanently upon the ground by poles or braces and not attached to any building.

(106) "Front yard setback" means that part of a lot, extending the full width of the lot, which is between the front property line and the front building line.

(107) "Frontage, building" means the length of an outside building wall on a public right-of-way or an approved private road.

(108) "Frontage" means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abuts a street shall be considered frontage. On curvi-linear streets, the

arc between the side lot lines shall be considered the lot frontage.

(109) "Garage" means a detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, snowmobiles, or other recreational vehicles.

(110) "General plan" means a document that sets forth general guidelines for proposed future development of the land within the county, as set forth in Sections 17-27-301UCA and 17-27-302 UCA, adopted by the Board of County Commissioners for Tooele County, Utah, also commonly referred to as a "master plan."

(111) "Governing body" means The Board of County Commissioners of Tooele County, Utah, also referred to as the county commission.

(112) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within a line five feet from the building.

(113) "Grade, finished" means the final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, excavating or contouring have been made on the ground surface.

(114) "Gross floor area" means the sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this zoning ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts. The surface area of tennis courts, swimming pools, driveways, parking spaces, and decks is not included in the total floor area.

(115) "Group home." See "Residential facility for persons with a disability."

(116) "Handicapped residential facilities." See "Residential facility for persons with a disability."

(117) "Height, sign" means the vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

(118) "Home based business" means a commercial or light industrial use of a scale greater than home occupation but which is still secondary to the residential use. It may be conducted entirely within a dwelling, an accessory

structure or on the premises. A home based business does not include agricultural activities.

(119) "Home occupation" means any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit and no more than one employee hired outside of the dwelling who will work within the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character.

(120) "Hospital" means an institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums, clinics and instant care facilities.

(121) "Hotel" means a building designed for or occupied on a temporary basis for compensation.

(122) "Household pets" means animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, canaries, and shall not include the keeping of inherently or potentially dangerous animals, such as lions or tigers, etc.

(123) "Identification sign" means a sign whose copy is limited to the name and address of a building, institution, or person or to the activity or occupation being identified.

(124) "Illegal sign" means a sign which does not meet the requirements of the Uniform Zoning Ordinance of Tooele County and which has not received non-conforming status.

(125) "Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

(126) "Impound lot" means a facility operated according to Utah State Code Annotated Section 41-1a-101 through 41-1a-1106 for the temporary storage of vehicles to be claimed by the owners or their agents.

(127) "Improvement" means street construction, water systems, sewer systems, sidewalks, curbs and gutters, drainage facilities, on-site construction, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities, utilities, or construction.

(128) "Inoperative vehicle or trailer" means any vehicle or trailer that due to mechanical, electrical, structural problems, or lack of maintenance, cannot operate as it was originally constructed and designed to do or should not be operated due to conditions rendering it as unsafe. This includes any vehicle or trailer that is not currently licensed.

(129) "Interior sign" means a sign located within a building so as to be visible only from within the building in which it is located.

(130) "Junk" means any salvaged or scrap copper, brass, iron steel, metal, rope, rags,

batteries, paper, wood, trash, plastic, rubber, tires, waste, or other articles or materials commonly designated as junk. Junk shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which remain in such condition for a period of time in excess of sixty days.

(131) "Junk yard" means the use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, scrap metals or material, the dismantling, demolition or abandonment of vehicles, or machinery or parts thereof; but shall include a salvage yard, or war surplus yard.

(132) "Kennel" means any premises where domestic animals, such as dogs and cats, older than four months are kept except where accessory to an agricultural use.

(133) "Lateral sewer" means a sewer which discharges into another sewer and has only sewer inlets from buildings and structures tributary into it.

(134) "Local attorney" means the county attorney or any other attorney officially representing Tooele County, Utah.

(135) "Local building inspector" means the building inspector employed by or officially representing Tooele County, Utah.

(136) "Local engineer" means the engineer employed by or officially representing Tooele County, Utah.

(137) "Local governing body" means the Board of County Commissioners of Tooele County.

(138) "Local health officer" means the health officer employed by or officially representing Tooele County Department of Health.

(139) "Local jurisdiction" means Tooele County, Utah.

(140) "Local planner" means the planner employed by or officially representing Tooele County, Utah.

(141) "Local surveyor" means the county surveyor or any other surveyor officially representing Tooele County, Utah.

(142) "Lot" means a parcel or unit of land described by metes and bounds or as described on a subdivision plat and held or intended to be held in separate lease or ownership, either as an undeveloped or developed site, or a parcel or unit of land shown as a lot, plat, or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two or more smaller units.

(143) "Lot area" means the horizontal area within the exterior lines of the lot, exclusive of any area in a public or private open to public uses.

(144) "Lot, corner" means a lot abutting upon two or more streets at their intersection or upon

two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees.

(145) "Lot depth" means the average horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

(146) "Lot frontage" means that portion of a lot that is the length of the front lot line which is coterminous with the front street lines.

(147) "Lot, interior" means a lot other than a corner lot.

(148) "Lot line" means the property line bounding the lot.

(149) "Lot line adjustment" means the relocation of the property boundary line between adjoining lots with the consent of the owners of record.

(150) "Lot line, front" means the lot line adjoining the street for an interior lot; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

(151) "Lot line, rear" means that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten feet in length within the parcel parallel to and at the maximum distance from the front line.

(152) "Lot line, side" means any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

(153) "Lot, restricted" means a lot or parcel having an average slope of 30 percent or more or which does not contain a buildable area of at least 75 feet by 100 feet, such lot being prohibited as a building site.

(154) "Lot width" means the minimum lot width for each zoning district measured from the front setback line.

(155) "Lot, unrestricted" means a lot having an average slope of less than 30 percent and containing a buildable area of at least 75 feet by 100 feet.

(156) "Main building" means a structure in which the primary use of the land, lot or parcel is conducted.

(157) "Maintenance, sign" means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

(158) "Mansard" means a sloped roof or roof-like facade architecturally comparable to a building wall.

(159) "Manufactured home" means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the Federal

Home Construction and Safety Standards act of 1974 (HUD Code), in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(160) "Marquee" means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

(161) "Marquee sign" means any sign attached to or supported by a marquee structure.

(162) "Medical clinic" means a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. Compare "Clinic, dental or medical."

(163) "Mine" means a site from which ore, gravel, rock, minerals, precious metals or natural substances other than plant or animal organisms can be extracted. "Mine" includes the site of the mine with its surface buildings, structures, elevator shafts, and equipment.

(164) "Mining" means the process or business of extracting ore, gravel, rock, minerals, precious metals or natural substances from the surface or below the surface of the earth.

(165) "Mobile home" means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured housing and Safety Standards Act (HUD Code) and which was designed to be a long-term residential dwelling unit, with or without a permanent foundation, and originally constructed as a complete package which includes major appliances, plumbing, and electrical facilities prepared for appropriate connections.

(166) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the county statistical area for households of the same size.

(167) "Modular home" means a permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site and which is classified as a mobile home until it is placed on a permanent foundation and complies with all applicable building codes.

(168) "Monument sign" means a sign mounted

directly to the ground with maximum height not to exceed six feet.

(169) "Motel" means a building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

(170) Multiple-face sign" means a sign containing two or more faces, not necessarily in back-to-back configuration. "National Cooperative Soil Survey" means the soil survey conducted by the U. S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other Federal or Utah State agencies.

(171) National Cooperative Soil Survey" means the soil survey conducted by the U. S. Department of Agriculture in cooperation with the State Agricultural Experiment Station and other Federal or Utah State agencies.

(172) "Nonconforming building or structure" means a building or a structure which does not conform to the regulations for height, coverage, use or yards of the zoning district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

(173) "Nonconforming sign" means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

(174) "Nonconforming use" means the use of a building or structure or land which does not conform to use regulations for the zoning district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

(175) "Occupancy" means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

(175) "Official map" means a map drawn by Tooele County and recorded in the county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) is adopted as an element of the general plan.

(176) "Off-premise outside self service storage" means an exterior depository or safekeeping of equipment, goods, materials, products, vehicles, trailers, and the like, which are in operable

condition and which are not being specifically displayed as merchandise or offered for sale. Outside storage may be enclosed by a structure that includes a roof and no more than one side wall.

(177) "Off-premise outside self service storage" means an exterior depository or safekeeping of equipment, goods, materials, products, vehicles, trailers, and the like, which are in operable condition and which are not being specifically displayed as merchandise or offered for sale. Outside storage may be enclosed by a structure that includes a roof and no more than one side wall.

(178) "Off-premise sign" or "billboard" means a sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

(179) "Off-street parking space" means the space required to park one passenger vehicle off the public right-of-way.

(180) "Off-site improvements" means improvements not on individual lots but generally within the boundaries of the subdivision which they serve.

(181) "On-site improvements" means the construction or placement of structures and appurtenant improvements on a lot.

(182) "On-premise sign" means a sign which pertains to the use, product or commodity sold, or service performed on the premises on which it is located.

(183) "Open space" means the area reserved in fields, pastures, parks, courts, schools, playgrounds, golf courses, and other similar open areas.

(184) "Open space, usable" means any portion of a lot or building which:

(d) is open to the sky or is open to view in at least two sides;

(e) is readily accessible by foot traffic from the building to which it is accessory; and

(f) is not provided from any required front or side yard, parking area, or driveway space.

(185) "Owner" means the holder of fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, including any lessee, permittee, assignee, or successor in interest.

(186) "Package agency" means a retail liquor location operated under a contractual agreement with the Alcoholic Beverage Control Department, by a person other than the State, who is authorized by the Alcoholic Beverage Control Commission to sell package liquor for consumption off the premises of the agency.

(187) "Parapet" means the extension of a false front or wall above a roofline.

(188) "Parcel of land." See "Lot"

(189) "Parking lot" means an open area other than a street, used for the parking of automobiles and which is available for public use.

(190) "Pedestrian-way." See "Crosswalk."

(191) "Permanent monument" means any structure of concrete, masonry or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of Tooele County or the State of Utah for permanent monuments.

(192) "Person" means any individual, corporation, association, firm, partnership, or similarly defined interest.

~~(193) "Personal agriculture" means the keeping of not more than four domestic animals or ten fowl for the production of food for the sole use of the persons occupying the premises.~~

(194) "Planned unit development or PUD" means an integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

(195) "Plat" means any map, plan or chart of a township, section or subdivision, indicating the location and boundaries of individual properties.

(196) "Plot" means a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

(197) "Political sign" means a temporary sign used in connection with a local, state, or national election or referendum.

(198) "Portable sign" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

(199) "Premises" means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate for that zoning district.

(200) "Preliminary plat" means a drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirements of this ordinance.

(201) "Private garage." See "Garage"

(202) "Private non-profit locker club" means a social, recreational, or athletic club, or kindred association, incorporated under the provisions of the Utah Revised Nonprofit Corporation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.



(203) "Private recreational grounds and facilities" mean recreational grounds and facilities operated by a person, corporation, association, or group other than the State or political subdivision thereof.

(204) "Private road" means a privately owned road which affords principal means of access to abutting parcels or lots.

(205) "Process" or "processing" means the act, business or procedure of taking raw, extracted or pre-processed material and adding to or taking away from it, to produce a product that is purer, used, marketed, or uniquely different than the original raw material or product before the procedure was enacted.

(206) "Projecting sign" means a sign, other than a flat wall sign which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

(207) "Protection strip" means a strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.

(208) "Public recreational facility" means a publicly owned or operated indoor or outdoor facility whose main purpose is to provide the general public with amusement or an entertainment activity, including fair grounds, riding stables, picnic and camping, water slides, pools, baseball fields, soccer fields, museums, arenas.

(209) "Public road" means a public way which affords a means of access to abutting properties.

(210) "Public water system" or "public sewage system" means a system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority.

(211) "Quasi-public use" or "quasi-public facility" means a use conducted by, or a facility or structure owned by, a nonprofit, religious, or eleemosynary institution that provides educational, cultural, recreational, religious, institutional, medical, community service or other similar types of public services, and includes private hospitals, medical offices and cemeteries.

(212) "Real estate sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

(213) "Rear yard setback" means that part of a lot between the rear building line and the rear lot line, and extending the full width of the lot, the depth of which yard is measured from the rear lot line to the building line of the building.

(214) "Recreational facility" means any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet clubs, health

facilities, and amusement parks, but not including amusement centers.

(215) "Recreational facility, commercial indoor" means any commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

(216) "Recreational facility, private indoor" means any private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

(217) "Recreational coach" means a vehicle, such as a travel trailer, tent camper, camp car or other vehicle designed or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Act, and designed for use as a human habitation for a temporary and recreational nature.

(218) "Recreational coach park" or "overnight park" means any area or tract of land where lots are rented or held out for rent to owners or users of recreational coaches for a temporary time not to exceed 30 days.

(219) "Recreational coach space" means a plot of ground within a recreational coach park designated and intended for the accommodation of one recreational coach.

(220) "Residential facility for elderly persons" means a residence in which more than one elderly person resides, not including a health care facility as defined by Section 26-21-2 UCA.

(221) "Residential facility for persons with a disability" means a residence in which more than one person with a disability resides; and

(a) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

(b) is licensed or certified by the Department of Health under Title 26, Chapter 21. Health Care Facility Licensing and Inspection Act.

(222) "Riding academy" means a structure or land use where people pay to be trained in riding equines.

(223) "Right-of-way" means the area, either public or private, over which the right-of-passage



exists.

(224) "Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

(225) "Roof sign" means any sign erected partly or wholly over or on the roof of a building; however, a structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy, or parapet of a building.

(226) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft.

(227) "Salt" means any component, solid or liquid, of the sodium elements, such as sodium chloride, potash, sodium hydroxide, brine, etc.

(228) "School, private" means a school which is operated by a quasi-public or private group, individual, or organization, and which has curriculum similar to that provided in any public school in the state of Utah.

(229) "School, public" means a school operated by a school district or other public agency.

(230) "Service lines" are all those wires, poles, and appurtenant equipment used to carry electricity between distribution lines and a customer.

(231) "Self-service storage facility" means a building or group of buildings divided into separate units leased to individuals and organizations, or businesses for self-service storage of personal property.

(232) "Side yard setback" means that part of a lot between the side building line and the side lot line, and extending from the front yard setback to the rear yard setback. The width of the side yard is measured from the side lot line to the building line of the building.

(233) "Sign" means any device, structure, fixture, or placard using graphics, symbols, or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, person, entity, interest, product, goods, or services. It includes any structural supports, lighting systems, attachments, ornaments or other features.

(234) "Sign alterations" means a change or rearrangement in the structural parts or design whether by extending on a side increasing in area or height, or by relocation or changing the position of a sign.

(235) "Sign, area" means the entire face of a sign including the advertising surface and any framing, trim, or molding.

(236) "Sign, community" means a sign that contains information appurtenant to non-commercial activities and interests within the community, but do not advertise any function or service that will create a gain for the advertiser.

(237) "Sign face" means the part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose, including the frame or structural members if they are designed with lighting or other ornamentation that is incorporated for the sign design.

(238) "Site plan" means a plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or structures, and those yet to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission.

(239) "Snipe sign" means a temporary sign or poster affixed to trees, fences, poles, stakes, building supports, other signs or sign structures, building facades, or any other object not specifically designed for the posting of signs.

(240) "Special event" means circuses, fairs, carnivals, festivals, or other types of special events that:

(g) run for longer than eight hours but not longer than six months;

(h) are intended to or likely to attract substantial crowds; and

(i) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

(240) Spot zone" means a zoning amendment which singles out a relatively small parcel for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property, which is invalid because it is not in accordance with the general plan.

(241) "Stable, commercial" means a structure or land use where equines or livestock are kept for sale or hire, boarded, or trained.

(242) "Stable, private" means an accessory building for the keeping of horses or livestock owned by the occupants of the premises and not kept for hire, remuneration or sale.

(243) "Stable, public" means any stable where horses are boarded or kept for hire.

(244) "State store" means a facility for the sale of package liquor located on premises owned or leased by the State of Utah and operated by state employees, but does not apply to any licensee, permittee, or to package agencies.

(245) "Story, half" means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls do not extend more than four feet above the floor of such story, and the floor area does not exceed 2/3 of the floor area immediately below it.

(246) "Structure" means anything constructed,

the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, including a building, tower, smokestack, overhead transmission line, flag pole, or antenna.

(247) "Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

(248) "Subdivider" means any person who causes land to be divided.

(249) "Subdivision" means:

(a) any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

"Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for agricultural purposes;

(ii) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

(1) no new lot is created; and

(2) the adjustment does not result in

a violation of applicable zoning ordinances;

(iii) a recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or

(iv) a bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:

(1) an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or

(2) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

(v) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this Subsection

(i) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

(250) "Subdivision cluster" means a subdivision of land in which the lots have areas less than the

minimum lot area of the district in which the subdivision is located and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

(251) "Subdivision vacation" means the process of removing from record a section of land that was subdivided.

(252) "Substandard lot" means a lot created prior to January 10, 1975 or having been granted a special exception by the board of adjustment and which has less than the required lot area or width for the zoning district in which it is located.

(253) "Temporary sign" means a sign not constructed or intended for long-term use, with a maximum time period of 90 days.

(254) "Unlicensed motor vehicle" means any vehicle which initially was designed or constructed to be self-propelled and which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under Section 41-22-9, Utah Code Annotated, 1953, as amended, or any motor vehicle kept or stored at an approved impound lot or commercial storage yard.

(255) "Use" means the purpose for which a parcel, building, lot, sign or structure is intended, designated, occupied, or maintained.

(256) "Vacation plat" means a plat submitted for the purpose of removing a subdivision from the records of the county recorder and the county assessor which shows the area that is to return to its original state.

(257) "Vicinity plan" means a map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within 300 feet of the property proposed.

(258) "View-obscuring fence, wall or hedge" means a fence, wall, or hedge of vegetation growth which prevents full view of property on one side by a viewer standing on the other side.

(259) "Wall sign" means a sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges, including painted, individual letters, and cabinet signs, and signs on a mansard.

(260) "Window sign" means a sign installed inside a window and intended to be viewed from outside the building.

(261) "Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward.

(262) "Yard, front." See "Front yard setback."

(263) "Yard, rear." See: "Rear yard setback."

(264) "Yard, side." See: "Side yard setback."

(265) "Zone." See "District, zone"

(266) "Zoning administrator" means the local official designated by the county commission to enforce zoning regulations.

(267) "Zoning ordinance" means the Uniform Zoning Ordinance of Tooele County, Utah.

**CHAPTER 15**  
**MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS**

(Ord. 2015-21 11/17/2015)

|   |   |   |
|---|---|---|
| <p><b>Section</b></p> <p><b>15-1 Multiple Use Districts.</b></p> <p><b>15-2 Agricultural Districts.</b></p> <p><b>15-3 Rural Residential Districts.</b></p> <p><b>15-4 Exemption from Area Requirements.</b></p> <p><b>15-5 Use Tables, Codes, Symbols, and Restrictions.</b></p> | <p>feet</p> <p>and</p> <p>and</p> <p>setback to distance ten feet behind the main dwelling - 30 feet.</p> | <p>ii). Accessory buildings - 10</p> <p>c) side yard:</p> <p>i) main building - 30 feet;</p> <p>ii) accessory buildings:</p> <p>1) from the front</p> <p>2) from a distance</p> |
|---|---|---|

**PART 15-1**

**MULTIPLE USE DISTRICTS**

- Section**
- 15-1-1. Purposes of multiple use districts.**
- 15-1-2. MU-40 development restrictions.**
- 15-1-3. MU-80 development restrictions.**
- 15-1-4. MU-160 development restrictions.**

**15-1-1. Purpose of multiple use districts.**

(1) The purposes of multiple use zoning districts are to establish areas in mountain, hillside, canyon, mountain valley, desert, and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush fires, damage to grazing, livestock raising, and to wildlife values; and to promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the county.

(2) The multiple use districts in Tooele County are MU-40, MU-80 and MU-160.

**15-1-2. MU-40 development restrictions.**

The development restrictions in MU-40 zoning districts are as follows:

(1) Minimum lot size is 40 acres (1,742,400 sq ft.). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.

(2) Minimum width - 660 feet.

(3) Minimum frontage on a public street or an approved private street - 60 feet.

(4) Minimum yard setback requirements:

- a) front yard - 30 feet,
  - b) rear yard:
    - i) main building - 60 feet,
- and

- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height - 35 feet
- (7) Maximum building coverage: 5%
- (8) Required improvements:
  - a) street grading;
  - b) street base;
  - c) on-site surface drainage facilities;
  - d) culinary water facilities;
  - e) wastewater disposal; and
  - f) street monuments.

**15-1-3. MU-80 development restrictions.**

The development restrictions in the MU-80 zoning districts are as follows:

(1) Minimum lot size is 80 acres (3,484,800 sq ft). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.

(2) Minimum width - 1,320 feet.

(3) Minimum frontage on a public street or an approved private street - 60 feet.

(4) Minimum yard setback requirements:

- a) front yard - 30 feet,
- b) rear yard:
  - i). main building - 60 feet,

and

feet

and

setback to distance ten feet behind the main dwelling - 30 feet.

ten feet behind the dwelling to the rear of the lot - 10 feet.

(5) On corner lots, two front yards and two side

yards are required.

- (6) Maximum building height - 35 feet
- (7) Maximum building coverage: 5%
- (8) Required improvements:
  - a) street grading;
  - b) street base;
  - c) on-site surface drainage facilities;
  - d) culinary water facilities;
  - e) wastewater disposal; and
  - f) street monuments.

**15-1-4. MU-160 development restrictions.**

The development restrictions in MU-160 zoning districts are as follows:

(1) Minimum lot size is 80 acres (3,484,800 sq ft). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.

(2) Minimum width - 1,320 feet.

(3) Minimum frontage on a public street or an approved private street - 60 feet.

(4) Minimum yard setback requirements:

- a) front yard - 30 feet,
- b) rear yard:
  - i). main building - 60 feet,
  - ii). Accessory buildings - 10
- c) side yard:
  - i) main building: 30 feet; and
  - ii) accessory buildings:
    - 1) from the front

setback to distance ten feet behind the main dwelling -30 feet.

2) from a distance ten feet behind the dwelling to the rear of the lot - 10 feet.

5) On corner lots, two front yards and two side yards are required.

(6) Maximum building height - 35 feet

(7) Maximum building coverage: 5%

(8) Required improvements:

- a) street grading;
- b) street base;
- c) on-site surface drainage facilities;
- d) culinary water facilities;
- e) wastewater disposal; and
- f) street monuments.

**PART 15-2  
AGRICULTURAL DISTRICTS**

**Section**

**15-2-1. Purposes of agricultural districts.**

**15-2-2. A-20 development restrictions.**

**15-2-3. A-40 development restrictions.**

**15-2-1. Purposes of agricultural districts.**

1) The purposes of agricultural zoning districts are to promote and preserve in appropriate areas conditions favorable to agricultural uses and to maintain greenbelt open spaces. These districts are intended to include activities normal and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses adverse to the continuance of agricultural activity.

2) The agricultural districts in Tooele County are A-5, A-10, A-20 and A-40.

**15-2-2. A-5 development restrictions.**

The development restrictions in A-5 zoning districts are as follows:

1) Minimum lot size is 5 acres (217,800 sq ft). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to or past the affected lot or parcel.

2) Minimum width - 220 feet.

3) Minimum frontage on a public street or an approved private street - 50 feet.

4) Minimum yard setback requirements:

- a) front yard - 30 feet,
- b) rear yard:
  - i). main building - 50 feet,

and

ii). Accessory buildings - 10

feet

c) side yard:

i) main building - 20 feet;

and

ii) accessory buildings:

1) from the front setback to distance ten feet behind the main dwelling -20 feet.

2) from a distance ten feet behind the dwelling to the rear of the lot - 10 feet.

5) On corner lots, two front yards and two side yards are required.

(6) Maximum building height - 35 feet

(7) Maximum building coverage: 10%

(8) Required improvements:

- a) street grading;
- b) street base;
- c) on-site surface drainage facilities;
- e) wastewater disposal; and
- f) street monuments.

**15-2-3. A-10 development restrictions**

The development restrictions in A-10 zoning districts are as follows:

1) Minimum lot size is 10 acres (435,600 sq ft). A six (6) percent reduction in

minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.

- 2) Minimum width - 330 feet.
- 3) Minimum frontage on a public street or an approved private street - 60 feet.
- 4) Minimum yard setback requirements:
  - a) front yard - 30 feet,
  - b) rear yard:
    - i). main building 60 feet, and
    - ii). Accessory buildings: 10 feet
  - (c) side yard:
    - i) main building - 25 feet;

and

- ii) accessory buildings:

- 1) from the front setback to distance ten feet behind the main dwelling - 25 feet.

- 2) from a distance ten feet behind the dwelling to the rear of the lot - 10 feet.

- 5) On corner lots, two front yards and two side yards are required.

- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: 10%
- 8) Required improvements:
  - a) street grading;
  - b) street base;
  - c) on-site surface drainage facilities;
  - d) culinary water facilities;
  - e) wastewater disposal; and
  - f) street monuments.

#### 15-2-4. A-20 development restrictions.

The development restrictions in A-20 zoning districts are as follows:

- 1) Minimum lot size is 20 acres (871,200 sq ft). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.

- 2) Minimum width - 330 feet.

- 3) Minimum frontage on a public street or an approved private street - 60 feet.

- 4) Minimum yard setback requirements:

- a) front yard - 30 feet,
- b) rear yard:
  - i). main building - 60 feet,
  - ii). Accessory buildings - 10 feet
- c) side yard:
  - i) main building - 30 feet;

and

- ii) accessory buildings:

- 1) from the front setback to distance ten feet behind the main

dwelling -30 feet.

- 2) from a distance ten feet behind the dwelling to the rear of the lot - 10 feet.

- 5) On corner lots, two front yards and two side yards are required.

- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: 5%
- 8) Required improvements:
  - a) street grading;
  - b) street base;
  - c) on-site surface drainage facilities;
  - d) culinary water facilities;
  - e) wastewater disposal; and
  - f) street monuments.

#### 15-2-5. A-40 development restrictions

The development restrictions in A-40 zoning districts are as follows:

- 1) Minimum lot size is 40 acres (1,742,400 sq ft). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.

- 2) Minimum width - 660 feet.

- 3) Minimum frontage on a public street or an approved private street - 60 feet.

- 4) Minimum yard setback requirements:

- a) front yard - 30 feet,
- b) rear yard:
  - i). main building - 60 feet,
  - ii). Accessory buildings - 10 feet
- c) side yard:
  - i) main building - 30 feet;

and

- ii) accessory buildings:
  - 1) from the front

- setback to distance ten feet behind the main dwelling - 30 feet.

- 2) from a distance ten feet behind the dwelling to the rear of the lot - 10 feet.

- 5) On corner lots, two front yards and two side yards are required.

- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: 5%
- 8) Required improvements:
  - a) street grading;
  - b) street base;
  - c) on-site surface drainage facilities;
  - d) culinary water facilities;
  - e) wastewater disposal; and
  - f) street monuments.

PART 15-3

RURAL RESIDENTIAL DISTRICTS

Section

- 15-3-1. Purposes of rural residential districts.
- 15-3-2. RR-1 development restrictions
- 15-3-3. RR-5 development restrictions
- 15-3-4. RR-10 development restrictions

15-3-1. Purposes of rural residential districts.

- 1) The purposes of rural residential districts are to promote and preserve in appropriate areas conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public services. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.
- 2) The rural residential zoning districts in Tooele County are RR-1, RR-5, and RR-10.

15-3-2. RR-1 development restrictions.

The development restrictions in RR-1 zoning districts are as follows:

- 1) Minimum lot size is one (1) acre.
- 2) Minimum width - 125 feet.
- 3) Minimum frontage on a public street or an approved private street - 25 feet.
- 4) Minimum yard setback requirements:
  - a) front yard - 30 feet,
  - b) rear yard:
    - i) main building - 30 feet,
    - ii). Accessory buildings - 10 feet
  - c) side yard:
    - i) main building - 15 feet;
    - ii) accessory buildings:
      - 1) from the front setback to distance ten feet behind the main dwelling - 15 feet.
      - 2) from a distance ten feet behind the dwelling to the rear of the lot - 10 feet.
- 5) On corner lots, two front yards and two side yards are required.
- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: 20%
- 8) Required improvements:
  - a) street grading;
  - b) street base;
  - c) on-site surface drainage facilities;
  - d) culinary water facilities;
  - e) wastewater disposal; and
  - f) street monuments.

15-3-3. RR-5 development restrictions.

The development restrictions in RR-5 zoning districts are as follows:

- 1) Minimum lot size is 5 acres (217,800 sq ft). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.
- 2) Minimum width - 220 feet.
- 3) Minimum frontage on a public street or an approved private street - 50 feet.
- 4) Minimum yard setback requirements:
  - a) front yard - 30 feet,
  - b) rear yard:
    - i). main building - 50 feet,
    - and
    - ii). accessory buildings - 10 feet
  - c) side yard:
    - i) main building - 20 feet;
    - and
    - ii) accessory buildings:
      - 1) from the front setback to distance ten feet behind the main dwelling - 20 feet.
      - 2) from a distance ten feet behind the dwelling to the rear of the lot - 10 feet.
- 5) On corner lots, two front yards and two side yards are required.
- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: 10%
- 8) Required improvements:
  - a) street grading;
  - b) street base;
  - c) on-site surface drainage facilities;
  - d) culinary water facilities;
  - e) wastewater disposal; and
  - f) street monuments.

15-3-4. RR-10 development restrictions.

The development restrictions in RR-10 zoning districts are as follows:

- 1) Minimum lot size is 10 acres (435,600 sq ft). A six (6) percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.
- 2) Minimum width - 330 feet.
- 3) Minimum frontage on a public street or an approved private street - 60 feet.
- 4) Minimum yard setback requirements:
  - a) front yard - 30 feet,
  - b) rear yard:
    - i). main building 60 feet,
    - and
    - ii). Accessory buildings: 10 feet

- (c) side yard:
  - i) main building - 25 feet;
- and
  - ii) accessory buildings:
    - .1) from the front setback to distance ten feet behind the main dwelling - 25 feet.
    - .2) from a distance ten feet behind the dwelling to the rear of the lot – 10 feet.
- 5) On corner lots, two front yards and two side yards are required.
- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: 5%
- 8) Required improvements:
  - a) street grading;
  - b) street base;
  - c) on-site surface drainage facilities;
  - d) culinary water facilities;
  - e) wastewater disposal; and
  - f) street monuments.

**PART 15-4**

**EXEMPTION FROM AREA REQUIREMENTS**

**Section**

**15-4-1. Uses conditionally exempt from frontage, width, and area requirements of the zoning district.**

1) A bona fide division or partition of land which does not meet the area, width or frontage requirements may be created for the purpose of siting the following uses where permitted and approved through a conditional use permit:

- a) an unmanned facility appurtenant to a pipeline, electrical service, telecommunication equipment, a transmission line, radio transmission facility, regeneration, or fiber optic equipment, any of which is owned or operated by a public or private utility service regulated by the Public Utility Commission or Federal Communications Commission;
- b) a publicly-owned facility as a fire station, sheriff's substation, communication, tower, equipment shed; or
- c) a quasi-public facility such as a church cemetery, hospital or 24-hour emergency care facility.

2) The division or partition of land for a parcel exempted under Subsection (1) shall be subject to the following:

- a) the parcel shall have a legal access to it;
- b) if located in a Rural Residential zoning district:
  - i) the site shall be large enough that the height of the tallest structure

measured horizontally from its base, plus ten feet will mark the minimum distance to the property line, and the perimeter shall be fenced with chain link fencing and screened by drought resistant landscaping and trees;

ii) if the parcel is being created for a manned public facility such as a fire station or emergency care station, the exempted parcel shall have frontage on a public road; and

iii) creation of the exempted parcel shall not create a remnant parcel that is less than one (1) acre in area or less than 70% of the area, width or frontage as is required in the zoning district.

3) The conditional exemption allowed by this section does not excuse the applicant or landowner from compliance with the subdivision ordinance.

**PART 15-5**

**USE TABLES, CODES, SYMBOLS AND RESTRICTIONS**

| <b>Section</b> | <b>Codes and symbols</b>                                      |
|----------------|---|
| 15-5-1.        | Uses  |
| 15-5-2.        | Use tables.   |
| 15-5-3.        | Agriculture, forestry and keeping of animals.                 |
| 15-5-3.1       | Commercial and industrial uses                                |
| 15-5-3.2       | Dwellings, living quarters and long or short-term residences. |
| 15-5-3.3       | Public and quasi-public uses.                                 |
| 15-5-3.4       | Recreational, camping, and amusement uses.                    |
| 15-5-3.5       | Utilities and utility services.                               |
| 15-5-3.6       |   |

**15-5-1. Codes and symbols**

In this part are uses allowed in the various districts as follows:

- a) "permitted uses," indicated by a "P" in the appropriate column; or
- b) "conditional uses," indicated by a "c" or "C1" in the appropriate column

1) Conditional uses marked by "C" means issuance by planning commission. Those marked "C1" means it may be approved administratively by the zoning administrator.

2) If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

3) If a regulation applies in a given district, it is indicated in the appropriate column by an alphanumeric character that will show the linear feet, or square feet, or acres required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".



**15-5-2. Uses**

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural or rural residential districts except as provided in this Chapter.

**Table 15-5-3.1. Agriculture, forestry and keeping of animals.**  
(Ord.2005-30, 11/22/05)

| # | Use  | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |    |    |
|---|--|--------------------|----|-----|------------------|----|----|----|-------------------------|----|----|
|   |  | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5  | 10 |
| a | Aplary (beehives)  | P                  | P  | P   | P                | P  | P  | P  | C                       | C  | P  |
| b | Agricultural industry or business  | C                  | C  | C   | C                | C  | C  | C  | -                       | C  | C  |
| c | Aviary   | P                  | P  | P   | P                | P  | P  | P  | -                       | C  | P  |
| d | Farms devoted to raising and marketing of chickens, turkeys or other fowl or poultry, fish or frogs, hogs or swine including wholesale and retail sales          | C                  | C  | C   | C                | C  | C  | C  | -                       | -  | -  |
| e | <u>Commercial</u> Ffeedlot (lot or parcel must have the minimum area required in the zone) <u>devoted to intensive feeding to finish livestock for slaughter</u> | C                  | C  | C   | C                | C  | C  | C  | -                       | -  | -  |
| f | Forestry, except forest industry   | P                  | P  | P   | P                | P  | P  | P  | P                       | P  | P  |
| g | Forest industry, such as a saw mill, wood products plant, etc.   | C                  | C  | C   | -                | -  | -  | -  | -                       | -  | -  |
| h | Fruit or vegetable stand   | C1                 | C1 | C1  | C1               | C1 | C1 | C1 | C1                      | C1 | C1 |
| i | Household pets   | P                  | P  | P   | P                | P  | P  | P  | P                       | P  | P  |
|   | Maximum number of dogs as household pets:  | 5                  | 5  | 5   | 5                | 5  | 5  | 5  | 3                       | 3  | 3  |
| j | Kennel ( Minimum lot size: 4.7 acres; Minimum distance to all property lines 100 feet; Minimum distance to all neighboring dwellings to be 150 feet)             |                    |    |     |                  |    |    |    |                         |    |    |
|   | kennel, boarding   | C                  | C  | C   | C                | C  | C  | C  | -                       |    | C  |
|   | kennel, breeding   | C                  | C  | C   | C                | C  | C  | C  | -                       |    | C  |
|   | kennel, private  | C                  | C  | C   | C                | C  | C  | C  | -                       | C  | C  |
| k | <u>Personal</u> Agriculture, including 4-H and FFA projects of <u>all species</u> grazing and pasturing of animals   | P                  | P  | P   | P                | P  | P  | P  | P                       | P  | P  |
| l | Plant materials nursery or green-house, not exceeding 20,000 square feet in area   | P                  | P  | P   | P                | P  | P  | P  | P                       | P  | P  |
| m | Riding academy or riding ring, horse show barns or facilities  | C                  | C  | C   | C                | C  | C  | C  | -                       | C  | C  |

| Table 15-5-3.1. Agriculture, forestry and keeping of animals.<br>(Ord.2005-30, 11/22/05) |  |                    |    |     |                  |    |    |    |                         |   |    |
|--|--|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
| #  | Use  | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|  |  | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
| n  | Stable   |                    |    |     |                  |    |    |    |                         |   |    |
|  | Stable, commercial   | C                  | C  | C   | C                | C  | C  | C  | -                       | C | C  |
|  | Stable, private  | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
| o  | Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
| p  | Accessory buildings and uses customarily incidental to permitted uses                              | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
| q  | Accessory uses and buildings customarily incidental to conditional uses                            | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |

| Table 15-5-3.2. Commercial and industrial uses.<br>(Ord.2005-30, 11/22/05) |   |                    |    |     |                  |    |    |    |                         |   |    |
|--|---|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
| #  | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|  |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
| a  | Adult day care  | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |
| b  | Beer sales at public recreational facilities where it has been approved by the Board of County Commissioners.   | C                  | C  | C   | -                | -  | C  | C  | -                       | - | -  |
| c  | Canals, evaporation ponds, settlement ponds, and mining operations, all in connection with the concentration and purification of naturally occurring brines and the extraction of salts from the brines | C                  | C  | C   | -                | -  | -  | -  | -                       | - | -  |
| d  | Child care, commercial  | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |

**Table 15-5-3.2. Commercial and industrial uses.**  
(Ord.2005-30, 11/22/05)

| # | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |    |    |
|---|---|--------------------|----|-----|------------------|----|----|----|-------------------------|----|----|
|   |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5  | 10 |
|   | <p>shall comply with the requirements of the Tooele County Health Department, the Utah Department of Health and any other local health departments for child day care facilities.</p> <p>8. Meals and treats shall be provided in accordance with the Tooele County Health Department Regulations and State of Utah's Residential Certificate Rules*: Child Nutrition.</p> <p>9. The employees of the Department of Engineering, Tooele County Health Department, Tooele County Sheriff's Department and the Utah Department of Health shall be permitted to inspect the day care facility during its hours of operation.</p> |                    |    |     |                  |    |    |    |                         |    |    |
| f | Construction equipment and supply trailer, temporary  | C1                 | C1 | C1  | C1               | C1 | C1 | C1 | C1                      | C1 | C1 |
| g | Construction field office, temporary  | C1                 | C1 | C1  | C1               | C1 | C1 | C1 | C1                      | C1 | C1 |
| h | Electromagnetic Interference Testing (As described by FCC Docket No. 20780, Amendment 79-555 Governing Restricted Radiation Devices) (Rev. Or. 81-4)  | C                  | C  | C   | C                | C  | C  | C  | C                       | C  | C  |
| i | Home occupations  | C1                 | C1 | C1  | C1               | C1 | C1 | C1 | C1                      | C1 | C1 |
| j | Cottage industry that may be permitted to employ up to 10 employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property   | C                  | C  | C   | C                | C  | C  | C  | C                       | C  | C  |

Table 15-5-3.2. Commercial and industrial uses.  
(Ord.2005-30, 11/22/05)

| # | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |    |    |
|---|---|--------------------|----|-----|------------------|----|----|----|-------------------------|----|----|
|   |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5  | 10 |
| k | Home based businesses that may be permitted to employ up to 10 employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property.   | C                  | C  | C   | C                | C  | C  | C  | -                       | -  | C  |
| l | Preschool with the following conditions:<br>1. All pre-school activities shall take place inside the residence. The students shall remain in the home except when an outdoor activity is related to the child's education or arriving to school and leaving school;<br>2. No food shall be prepared and served in the home for consumption by the students;<br>3. There shall be no more than one (1) adult employed by the preschool who resides outside of the home.<br>4. The inside area that is used as the preschool be made to conform to those standards of the current and any future updates of the building code for such a use;<br>5. The preschool shall comply with the requirements of the Tooele County Health Department, and any other local health departments for preschool facilities;<br>6. The preschool may operate Monday through Friday, with two (2) separate two and one half (2 1/2) hour sessions. The hours of operation shall be between 8:30 a.m. and 4:00 p.m.;<br>7. No more than sixteen (16) children, with up to eight (8) children per one (1) adult working at the preschool, shall be permitted. | C1                 | C1 | C1  | C1               | C1 | C1 | C1 | C1                      | C1 | C1 |

**Table 15-5-3.2. Commercial and industrial uses.**  
(Ord.2005-30, 11/22/05)

| # | Use  | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|---|--|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
|   |  | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
| m | Radio and television transmitting stations or towers   | C1                 | C1 | C1  | C1               | C1 | C1 | C1 | -                       | - | -  |
| n | Storage, placement, keeping, locating, parking, maintaining, keeping of commercial, construction, military surplus, or specialized equipment | C                  | C  | C   | -                | -  | -  | -  | -                       | - | -  |
| o | Processing and composting of State regulated Class A, B, and C bio-solids and other acceptable organic waste such as chicken manure          | C                  | C  | C   | C                | C  | C  | C  | -                       | - | -  |
| p | Accessory buildings and uses customarily incidental to permitted uses  | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
| q | Accessory uses and buildings customarily incidental to conditional uses  | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |

**Table 15-5-3.3. Dwellings, living quarters and long or short term residences.**  
(Ord.2005-30, 11/22/05)

| # | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|---|---|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
|   |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
| a | One accessory housing unit located within the single family dwelling structure. On lots or parcels with less than one acre, accessory housing shall only be located in the single family dwelling. The single family dwelling shall be owner occupied. No townhouses, manufactured or mobile homes shall have accessory housing units. The accessory housing unit shall comply with the following conditions:<br>1. Any separate entrance shall be located so that the appearance of a single family dwelling is preserved;<br>2. The accessory | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |

Table 15-5-3.3. Dwellings, living quarters and long or short term residences.  
(Ord.2005-30, 11/22/05)

| # | Use  | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|---|--|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
|   |  | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
|   | <p>housing unit shall be subordinate to the single family dwelling;</p> <p>3. The accessory housing unit does not result in excessive noise, traffic, or parking congestion;</p> <p>4. The accessory housing unit shall have the same address as the main house;</p> <p>5. One parking space shall be provided on-site for each studio and one bedroom accessory housing unit. Two parking spaces shall be provided on site for each two bedroom accessory housing unit. The parking requirements for the accessory housing unit is in addition to the required parking for the single family dwelling;</p> <p>6. The floor area for the accessory housing unit shall not exceed five hundred (500) square feet for lots between 5000 and 7500 square feet. If a lot exceeds 7500 square feet, an accessory housing unit may be up to 640 square feet and, for lots in excess of 10,000 square feet, a unit may be up to 800 square feet.</p> <p>7. The conditional use permit for the accessory housing unit shall be in effect only so long as the single family dwelling is occupied by the owner of record; and</p> <p>8. The above conditions are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the conditional use</p> |                    |    |     |                  |    |    |    |                         |   |    |

Table 15-5-3.3. Dwellings, living quarters and long or short term residences.  
(Ord.2005-30, 11/22/05)

| # | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|---|---|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
|   |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
|   | permit.   |                    |    |     |                  |    |    |    |                         |   |    |
| b | <p>For lots or parcels larger than one acre, one detached accessory housing unit in conjunction with a single family dwelling that is owner occupied. No townhouses, manufactured or mobile homes shall have accessory housing units. The accessory housing unit may be a separate structure or part of a garage structure that is accessory to a single family dwelling. Only one accessory housing unit shall be allowed for each parcel and shall comply with the following conditions:</p> <ol style="list-style-type: none"> <li>1. Exterior design of the accessory housing unit shall be compatible with the existing single family dwelling on the lot through architectural use of building forms, construction, materials, colors, landscaping, and other methods that conform to acceptable construction practices;</li> <li>2. The accessory housing unit shall be subordinate to the single family dwelling. A single-family dwelling exists or will constructed in conjunction with the accessory housing unit;</li> <li>3. The accessory housing unit shall not result in excessive noise, traffic, or parking congestion;</li> <li>4. The location and design of the accessory housing unit shall be in close proximity to the primary residence and maintain a compatible relationship to adjacent properties and does not significantly impact the</li> </ol> | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |



Table 15-5-3.3. Dwellings, living quarters and long or short term residences.  
(Ord.2005-30, 11/22/05)

| # | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|---|---|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
|   |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
|   | <p>privacy, light, air, solar access or parking of adjacent properties;</p> <p>5. The accessory housing unit shall have the same address as the single family dwelling;</p> <p>6. There shall be one parking space provided on-site for each studio and one bedroom accessory housing unit. Two parking spaces shall be provided on site for each two bedroom accessory housing unit. Parking for the accessory housing unit is in addition to the required parking for the primary residence;</p> <p>7. The floor area for the accessory housing unit shall not exceed 800 square feet or 30% of the primary residence, whichever is greater, for lots between 1 and 4.69 acres. For lots 4.7 and larger, accessory housing shall not exceed 1,500 square feet or 30% of the primary residence, whichever is greater. In no case may any combination of buildings occupy more than the required rear yard for the district in which it is located;</p> <p>8. Accessory housing units shall meet the same setbacks as a single family dwelling in the zoning district;</p> <p>9. Building height and stories shall be as follows:</p> <p>a. A one story detached accessory housing unit shall be no more than thirteen feet in height.</p> <p>b. A one and one-half to two story detached accessory housing unit shall be no more than twenty-two feet in height measured to the roof peak.</p> |                    |    |     |                  |    |    |    |                         |   |    |

Table 15-5-3.3. Dwellings, living quarters and long or short term residences.  
(Ord.2005-30, 11/22/05)

| # | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |    |    |
|---|---|--------------------|----|-----|------------------|----|----|----|-------------------------|----|----|
|   |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5  | 10 |
|   | <p>c. An attached accessory housing unit may occupy a first or second story of a main residence if it is designed as an integral part of the single family dwelling and meets the setbacks required for the single family dwelling.</p> <p>d. If the design of the main dwelling has special roof features that should be matched on the detached accessory housing unit, the maximum building height of the accessory housing unit may be exceeded to include such similar special roof features subject to review and approval of the Zoning Administrator;</p> <p>10. The accessory housing unit shall not be sold separately or converted to a condominium or any other form of legal ownership different from the ownership of the primary residence. The Engineering Department shall record a notice of this limitation against the property upon issuance of the permit;</p> <p>11. The use permit for the accessory housing unit shall be in effect only so long as the single family dwelling is occupied by the owner of record as the principal residence; and</p> <p>12. The above conditions are binding upon any successor in ownership of the property; lack of compliance shall be cause for ordinance enforcement and revoking the conditional use permit. (Ord. 2012-10)</p> |                    |    |     |                  |    |    |    |                         |    |    |
| c | <p>Bed and breakfast, providing</p> <p>1. The owner must reside in the residence.</p> <p>2. The site must be</p>  | C1                 | C1 | C1  | C1               | C1 | C1 | C1 | C1                      | C1 | C1 |

Table 15-5-3.3. Dwellings, living quarters and long or short term residences.  
(Ord.2005-30, 11/22/05)

| # | Use  | Multiple use (MU-) |     |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |    |     |
|---|--|--------------------|-----|-----|------------------|----|----|----|-------------------------|----|-----|
|   |  | 40                 | 80  | 160 | 5                | 10 | 20 | 40 | 1                       | 5  | 10  |
|   | <p>maintained and landscaped so as to minimize the impact on neighboring properties and in order to retain the character of the neighborhood.</p> <p>3. The establishment shall not contain cooking facilities in guest rooms for preparation of meals by guests.</p> <p>4. Meals are served only to residents and overnight guests.</p> <p>5. The establishment shall conform to all applicable fire, building and health codes.</p> <p>6. The establishment shall be open to inspection by the Tooele County Engineer, Sheriff, Health Department Director and their authorized personnel.</p> <p>7. The establishment shall obtain and maintain a Tooele County business license.</p> |                    |     |     |                  |    |    |    |                         |    |     |
| d | Conservation subdivisions  | C                  | C   | C   | C                | C  | C  | C  | C                       | C  | C   |
|   | i within the Erda Township   | -                  | -   | -   |                  |    |    | -  | -                       | -  | -   |
|   | ii percent of open space required for 100% density   | 65                 | 75  | 85  | 40               | 45 | 50 | 65 | 35                      | 40 | 45  |
|   | iii minimum size of lots in acres  | 1                  | 5   | 5   | 1                | 1  | 1  | 1  | .25                     | .5 | .75 |
|   | iv for every 15% in contiguous open space, awarded 10% in density  | A                  | A   | A   | A                | A  | A  | A  | A                       | A  | A   |
|   | v acres to be divided by conservation subdivisions   | 80                 | 160 | 320 | 20               | 20 | 40 | 80 | 10                      | 20 | 20  |
| e | Dwellings or residential facilities for elderly or disabled persons  | P                  | P   | P   | P                | P  | P  | P  | P                       | P  | P   |
| f | Farm or ranch housing  | C                  | C   | C   | C                | C  | C  | C  | -                       | -  | -   |
| g | Single family dwellings  | P                  | P   | P   | P                | P  | P  | P  | P                       | P  | P   |
| h | Temporary buildings for uses incidental to construction work, including living   | C1                 | C1  | C1  | C1               | C1 | C1 | C1 | C1                      | C1 | C1  |

| Table 15-5-3.3. Dwellings, living quarters and long or short term residences.<br>(Ord.2005-30, 11/22/05) |   |                    |    |     |                  |    |    |    |                         |   |    |
|--|---|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
| #  | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|  |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
|  | quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work |                    |    |     |                  |    |    |    |                         |   |    |
| i  | Two-family dwellings (duplex)   | -                  | -  | -   | -                | -  | -  | -  | -                       | - | -  |
|  | a. within the Pine Canyon Township  | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
| j  | Accessory buildings and uses customarily incidental to permitted uses   | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
| k  | Accessory uses and buildings customarily incidental to conditional uses   | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |

(Ordinance 2007-18, June 19, 2007) (Duplexes Ordinance 2010-16, August 24, 2010)

| Table 15-5-3.4. Public and quasi-public uses.<br>(Ord.2005-30, 11/22/05) |  |                    |    |     |                  |    |    |    |                         |   |    |
|--|--|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
| #  | Use  | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|  |  | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
| a  | Church   | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |
| b  | Cemetery   | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |
| c  | Dams and reservoirs  | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |
| d  | Private road   | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |
| e  | Public owned parks and recreational facilities   | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
| f  | Public use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |
| g  | Accessory buildings and uses customarily incidental to permitted uses.   | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
| h  | Accessory uses and buildings customarily incidental to conditional uses  | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |

**Table 15-5-3.5. Recreational, camping and amusement uses.**  
(Ord.2005-30, 11/22/05)

| # | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|---|---|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
|   |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
| a | Dude ranch, family vacation ranch   | C                  | C  | C   | C                | C  | C  | C  | -                       | - | -  |
| b | Private park, recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory | C                  | C  | C   | -                | -  | C  | C  | -                       | C | C  |
| c | Commercial paintball course and paintball target range.   | C                  | C  | C   | -                | -  | -  | -  | -                       | - | -  |
| d | Accessory buildings and uses customarily incidental to permitted uses   | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
| e | Accessory uses and buildings customarily incidental to conditional uses   | C                  | C  | C   | C                | C  | C  | C  | C                       | C | C  |

(Ordinance 2007-22, September 11, 2007)

**Table 15-5-3.6. Utilities and utility services.**  
(Ord.2005-30, 11/22/05)

| # | Use   | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |
|---|---|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|
|   |   | 40                 | 80 | 160 | 5                | 10 | 20 | 40 | 1                       | 5 | 10 |
| a | Power generation for on-site use, unless intended for emergency situations as depicted below the table* |                    |    |     |                  |    |    |    |                         |   |    |
|   | i solar   | P                  | P  | P   | P                | P  | P  | P  | P                       | P | P  |
|   | ii wind driven under 5.9 KVA  | P                  | P  | P   | P                | P  | P  | P  | C                       | P | P  |
|   | iii auxiliary, temporary, and/or wind, with more than 6 KVA, but less than 10 KVA output                | P                  | P  | P   | P                | P  | P  | P  | -                       | P | P  |

|   |   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|
|   | iv Steam, hydro, or reciprocating engine with more than 10.05 KVA, but less than 150 KVA output   | C | C | C | C | C | C | C | - | C | C |
| b | Accessory buildings and uses customarily incidental to permitted uses   | P | P | P | P | P | P | P | P | P | P |
| c | Accessory uses and buildings customarily incidental to conditional uses   | C | C | C | C | C | C | C | C | C | C |
| d | Essential service facilities  | P | P | P | P | P | P | P | P | P | P |
| e | Public, quasi-public, and public service utility lines, pipelines, water lines, and etc which extend more than 300 feet; that are used to transport their material, service or supply | C | C | C | C | C | C | C | C | C | C |
| f | Substations   | C | C | C | C | C | C | C | C | C | C |
| g | Transmission lines of 50 KV or greater capacity   | C | C | C | C | C | C | C | C | C | C |
| H | Large wind energy systems (i.e., wind turbine farms)  | C | C | C | - | - | - | C | - | - | - |

| Table 15-5-3.7. Development Types. |  |                    |    |     |                  |    |    |    |                         |   |    |   |
|------------------------------------|--|--------------------|----|-----|------------------|----|----|----|-------------------------|---|----|---|
| #                                  | Use  | Multiple use (MU-) |    |     | Agriculture (A-) |    |    |    | Rural Residential (RR-) |   |    |   |
|                                    |  | 40                 | 80 | 160 | 5                | 10 | 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                       | C | C  | C |

\*permanent / temporary generators shall be a permitted use in the above districts subject to the following restrictions:

- (i) the generator shall meet all front, side, and rear setbacks for the residing zoning district.
- (ii) the generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
- (iii) the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
- (iv) the generator shall be operated for routine testing and maintenance

purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

(Ord. 2011-04, 02-01-2011)

By voting **YES on PROP #**, you will be preserving and protecting Agriculture and Rural Areas to include 4-H and FFA livestock projects for youth and their families in unincorporated Tooele County. The current Tooele County Land Use Ordinance does not protect Agriculture in Multiple Use, Agricultural, and Rural Residential Districts. While "Agriculture" is defined, it is absent from tables identifying permitted and conditional uses for these three Rural districts. Additionally, a well-intentioned definition of "Personal Agriculture" places restrictions and results in unintended criminal activity by permitting not more than four domestic animals or ten fowl across all three Rural districts. For example, as currently written, a family owned ranch with 200 acres in either a 5 acre Rural Residential District or 40 acre Agricultural District may only legally have four domestic animals or ten fowl. Therefore, their means of living is subject to criminal prosecution by Tooele County. **Please help to correct the unintended criminal prosecution of family owned ranching and agriculture operations by voting "YES" on PROP #.**

The proposed amendments:

- Properly define "Agriculture" and "Agricultural industry or business",
- Strike the "Personal Agriculture" definition that unintentionally criminalizes family owned ranching and agriculture operations,
- Allow Commercial Feedlots devoted to intensive feeding to finish livestock for slaughter only in Multiple Use and Agricultural Districts with the additional requirement to obtain a conditional use permit, and
- Permit Agriculture, including 4-H and FFA projects of all species, in Multiple Use, Agricultural, and Rural Residential Districts.

The amendments are intended to promote, protect, and enhance agricultural related uses and activities and act as a buffer between agricultural activities and other land use designations and activities in the Rural areas of Tooele County.

**Vote "YES" on PROP # to preserve and protect Agriculture and Rural areas including family owned operations and 4-H and FFA livestock projects for youth and their families in Tooele County.**

*Note to County Clerk – the # is used to represent the specific number that will be designated by you on the ballot. It is used in this Draft to simplify the counting of words relative to the limit of 500.*

# TOOELE COUNTY ATTORNEY'S OFFICE



Scott A. Broadhead, County Attorney  
Gary K. Searle, Chief Deputy Attorney  
Spencer P. Call, Deputy Attorney

Robert L. Clegg, Deputy Attorney  
Wayne A. Freestone, Deputy Attorney  
Scott Shields, Deputy Attorney

## LEGAL IMPACT OPINION

**To:** Marilyn Gillette, Tooele County Clerk  
**From:** Scott A. Broadhead, Tooele County Attorney  
**Re:** Application for an Initiative Petition to Amend Chapter 2 and 9 of the TCLUO  
**Date:** October 4, 2019

An application for an initiative petition to amend Chapter 2 (definitions) and Chapter 9 (Multiple Use, Agricultural, and Rural Residential Districts) of the Tooele County Land Use Ordinance was filed on or about September 19, 2019. The petition erroneously states that it seeks to amend chapter 9 rather than chapter 15. The text of the amendments make it clear that the petitioners intend to amend chapter 15. Pursuant to UCA §20A-7-502.5(2)(a)(vii), I am required to provide a statement estimating the "proposed law's legal impact." This section lists four specific impacts which I will address in order.

1. Any significant effects on a person's vested property rights. None that can be determined at this time.
2. Any significant effects on other laws or ordinances. I estimate no significant effects on other laws or ordinances by the possible repeal of this zoning ordinance. However, it should be noted that Tooele County is in the process of revising of the "animal" ordinance. Therefore, the initiative may be seeking to amend an ordinance which has already been amended.
3. Any significant legal liability the city, county, or town may incur. I estimate no legal liability to Tooele County.
4. Any other significant legal impact as determined by the budget officer and the legal counsel. I find no other significant legal impacts.





*Office of the Tooele County Auditor*

*Alison H. McCoy*

*47 South Main Street*

*Tooele, Utah 84074*

**TOOELE COUNTY ESTIMATED FISCAL IMPACT STATEMENT**

October 3, 2019

To Whom it May Concern,

The Tooele County Auditor's Office estimates that the law proposed by the subsequent initiative:

**AMEND CHAPTER 2 (DEFINITIONS) AND CHAPTER 9 (MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS)**

would result in the following fiscal impact:

**HIGHLY VARIABLE FISCAL IMPACT. DIFFICULT TO REASONABLY EXPRESS.**

**It is estimated that the greatest fiscal impact would be to those departments tasked with the interpretation and enforcement of the ordinance including, but not limited to, code enforcement, legal counsel, and planning and zoning.**

Sincerely,

Alison H. McCoy

Tooele County Auditor

# TOOELE COUNTY

## *Office of the Tooele County Auditor*

*Alison H. McCoy*

*47 South Main Street*

*Tooele, Utah 84074*

### **TOOELE COUNTY ESTIMATED FISCAL & LEGAL IMPACT STATEMENT**

**(Not Exceeding 100 Words)**

To: Marilyn Gillette, Tooele County Clerk

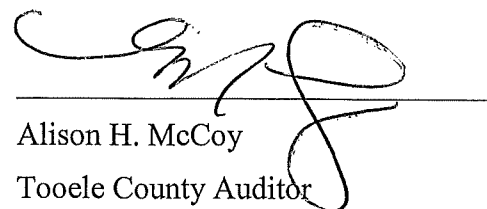
From: Alison H. McCoy, Tooele County Auditor & Scott A. Broadhead, Tooele County Attorney

Re: Application for an Initiative Petition to Amend Chapter 2 and 9 of TCLUO

Date: October 9, 2019

Pursuant to UCA §20A-7-502.5(2)(a)(vii,) the aforementioned initiative will have the following fiscal and legal impacts:

1. No significant effects on a person's vested property rights.
2. No significant effects on other laws or ordinances. (It should be noted that Tooele County is in the process of revising the "animal" ordinance.)
3. No significant legal liability incurred by the county.
4. No other significant legal impact as determined by the budget officer and the legal counsel.
5. Highly variable fiscal impact. Difficult to reasonably express.
6. Estimated cost of printing and distribution of voter information: \$10,000.00

  
Alison H. McCoy  
Tooele County Auditor

TOOELE COUNTY ATTORNEY'S OFFICE



Scott A. Broadhead, County Attorney  
Gary K. Searle, Chief Deputy Attorney  
Spencer P. Call, Deputy Attorney

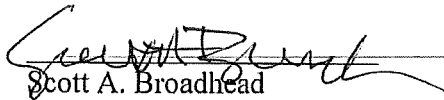
Robert L. Clegg, Deputy Attorney  
Wayne A. Freestone, Deputy Attorney  
Scott Shields, Deputy Attorney

LEGAL IMPACT OPINION

**To:** Marilyn Gillette, Tooele County Clerk  
**From:** Scott A. Broadhead, Tooele County Attorney  
**Re:** Application for an Initiative Petition to Amend Chapter 2 and 9 of the TCLUO  
**Date:** October 4, 2019

An application for an initiative petition to amend Chapter 2 (definitions) and Chapter 9 (Multiple Use, Agricultural, and Rural Residential Districts) of the Tooele County Land Use Ordinance was filed on or about September 19, 2019. The petition erroneously states that it seeks to amend chapter 9 rather than chapter 15. The text of the amendments make it clear that the petitioners intend to amend chapter 15. Pursuant to UCA §20A-7-502.5(2)(a)(vii), I am required to provide a statement estimating the "proposed law's legal impact." This section lists four specific impacts which I will address in order.

1. Any significant effects on a person's vested property rights. None that can be determined at this time.
2. Any significant effects on other laws or ordinances. I estimate no significant effects on other laws or ordinances by the possible repeal of this zoning ordinance. However, it should be noted that Tooele County is in the process of revising of the "animal" ordinance. Therefore, the initiative may be seeking to amend an ordinance which has already been amended.
3. Any significant legal liability the city, county, or town may incur. I estimate no legal liability to Tooele County.
4. Any other significant legal impact as determined by the budget officer and the legal counsel. I find no other significant legal impacts.

  
Scott A. Broadhead



*Office of the Tooele County Auditor*

*Alison H. McCoy*

*47 South Main Street*

*Tooele, Utah 84074*

**TOOELE COUNTY ESTIMATED FISCAL IMPACT STATEMENT**

To: Marilyn Gillette, Tooele County Clerk

From: Alison H. McCoy, Tooele County Auditor

Re: Application for an Initiative Petition to Amend Chapter 2 and 9 of TCLUO

Date: October 4, 2019

The Tooele County Auditor's Office estimates that the law proposed by the subsequent initiative:

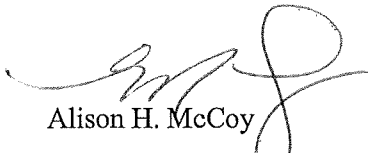
**AMEND CHAPTER 2 (DEFINITIONS) AND CHAPTER 9 (MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS)**

would result in the following fiscal impact:

**HIGHLY VARIABLE FISCAL IMPACT. DIFFICULT TO REASONABLY EXPRESS.**

**It is estimated that the greatest fiscal impact would be to those departments tasked with the interpretation and enforcement of the ordinance including, but not limited to, code enforcement, legal counsel, and planning and zoning.**

Sincerely,



Alison H. McCoy  
Tooele County Auditor

7018 0040 0001 1164 5134

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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2192 W. Pony St.  
Erda, Utah 84074

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Susan Christensen  
2182 Pony St.  
Erda, Utah 84074

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*Alison H. McCoy*

*47 South Main Street*

*Tooele, Utah 84074*

**TOOELE COUNTY ESTIMATED FISCAL & LEGAL IMPACT STATEMENT**

**(Not Exceeding 100 Words)**

To: Marilyn Gillette, Tooele County Clerk

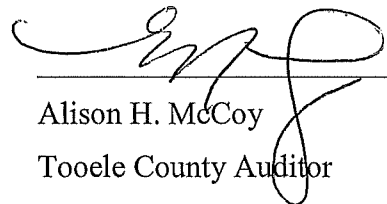
From: Alison H. McCoy, Tooele County Auditor

Re: Application for an Initiative Petition to Amend Chapter 9 of TCLUO

Date: October 9, 2019

Pursuant to UCA §20A-7-502.5(2)(a)(vii,) the aforementioned initiative will have the following fiscal and legal impacts:

1. No significant effects on a person's vested property rights.
2. No significant effects on other laws or ordinances. (It should be noted that Tooele County is in the process of revising the PUD ordinance.)
3. No significant legal liability incurred by the county.
4. No other significant legal impact as determined by the budget officer and the legal counsel.
5. Highly variable fiscal impact. Difficult to reasonably express.
6. Estimated cost of printing and distribution of voter information: \$10,000.00



---

Alison H. McCoy  
Tooele County Auditor



*Office of the Tooele County Auditor*

*Alison H. McCoy*

*47 South Main Street*

*Tooele, Utah 84074*

**TOOELE COUNTY ESTIMATED FISCAL IMPACT STATEMENT**

To: Marilyn Gillette, Tooele County Clerk  
From: Alison H. McCoy, Tooele County Auditor  
Re: Application for an Initiative Petition to Amend Chapter 9 of TCLUO  
Date: October 4, 2019

The Tooele County Auditor's Office estimates that the law proposed by the subsequent initiative:

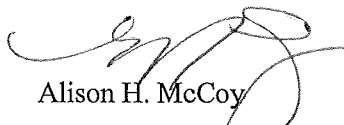
**AMEND CHAPTER 9 (PLANNED UNIT DEVELOPMENTS)**

would result in the following fiscal impact:

**HIGHLY VARIABLE FISCAL IMPACT. DIFFICULT TO REASONABLY EXPRESS.**

**It is estimated that the greatest fiscal impact would be to those departments tasked with the interpretation and enforcement of the ordinance including, but not limited to, code enforcement, legal counsel, and planning and zoning.**

Sincerely,



Alison H. McCoy  
Tooele County Auditor

TOOELE COUNTY ATTORNEY'S OFFICE



Scott A. Broadhead, County Attorney  
Gary K. Searle, Chief Deputy Attorney  
Spencer P. Call, Deputy Attorney

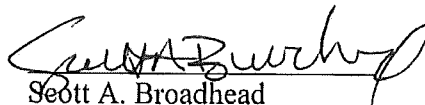
Robert L. Clegg, Deputy Attorney  
Wayne A. Freestone, Deputy Attorney  
Scott Shields, Deputy Attorney

LEGAL IMPACT OPINION

**To:** Marilyn Gillette, Tooele County Clerk  
**From:** Scott A. Broadhead, Tooele County Attorney  
**Re:** Application for an Initiative Petition to Amend Chapter 9 of the TCLUO  
**Date:** October 4, 2019

An application for an initiative petition to amend Chapter 9 (Planned Unit Developments) of the Tooele County Land Use Ordinance was filed on or about September 23, 2019. Pursuant to UCA §20A-7-502.5(2)(a)(vii), I am required to provide a statement estimating the "proposed law's legal impact." This section lists four specific impacts which I will address in order.

1. Any significant effects on a person's vested property rights. None that can be determined at this time.
2. Any significant effects on other laws or ordinances. I estimate no significant effects on other laws or ordinances by the possible repeal of this zoning ordinance. However, it should be noted that Tooele County is in the process of a complete revision of the Planned Unit Development ordinance which should be in effect within the next three months. Therefore, the initiative would be seeking to amend an ordinance which is no longer in effect.
3. Any significant legal liability the city, county, or town may incur. I estimate no legal liability to Tooele County.
4. Any other significant legal impact as determined by the budget officer and the legal counsel. I find no other significant legal impacts.

  
Scott A. Broadhead



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Kyle Mathews  
3189 West Erda Way  
Tooele, Utah 84074