

**TOOELE COUNTY
ORDINANCE 2022-28**

AN ORDINANCE AMENDING SECTION 17-2-3, DEVELOPMENT RESTRICTIONS TO MANUFACTURING ZONING DISTRICTS GENERALLY, OF CHAPTER 17, COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS, OF THE TOOELE COUNTY LAND USE ORDINANCE

WHEREAS, the County Attorney’s Office recommended an amendment to Land Use Ordinance Section 17-2-3 to codify the county’s existing legal interpretation regarding encroachment into the one-mile buffer zone that surrounds solar energy system facilities; and

WHEREAS, the recommended amendment clarifies that the Land Use Ordinance does not prohibit the development and encroachment of residential developments into the one-mile buffer zone; and

WHEREAS, public notice of the requested land use amendment was provided as required by UCA Section 17-27a-205; and

WHEREAS, the Planning Commission conducted a public hearing and discussed the requested land use amendment; and

WHEREAS, the Planning Commission voted to recommend an amendment to the Tooele County Land Use Ordinance;

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF TOOELE COUNTY ORDAINS AS FOLLOWS:


SECTION I – SECTION AMENDED. Section 17-2-3, *Development Restrictions to Manufacturing Zoning Districts Generally*, of Chapter 17, *Commercial, Industrial, and Hazardous Industries Zoning Districts*, of the Tooele County Land Use Ordinance is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION II – REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION III – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

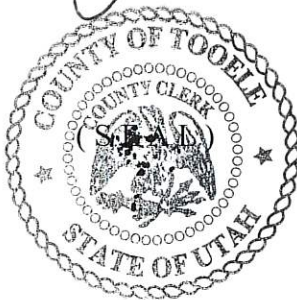
IN WITNESS WHEREOF the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 16th day of August, 2022.

ATTEST:


TRACY D. SHAW, County Clerk

TOOELE COUNTY COUNCIL:


JARED S. HAMNER, Chair



Council Member Hamner voted aye
Council Member Hoffmann voted aye
Council Member Thomas voted aye
Council Member Tripp voted aye
Council Member Wardle voted aye

APPROVED AS TO FORM:

 08/22/2022
COLIN R. WINCHESTER
Deputy Tooele County Attorney

TOOELE COUNTY LAND USE ORDINANCE

CHAPTER 17

COMMERCIAL, INDUSTRIAL, AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

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

In manufacturing zoning districts:

- (1) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no commercial building shall be located closer than 50 feet to any residential district boundary line or to any street line which continues as frontage into a residential district, and providing they do not encroach on any easement.
- (2) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.
- (3) Improvements required by the planning commission may include:
 - (a) street grading;
 - (b) street base;
 - (c) curb and gutter;
 - (d) sidewalk;
 - (e) on-site surface drainage facilities;
 - (f) culinary water facilities;
 - (g) wastewater disposal;
 - (h) street monuments; and
 - (i) any other infrastructure deemed necessary.
- (4) The following provisions apply to Solar Energy Systems:
 - (a)
 - (i) No above-ground Solar Energy System facility or structure (other than access roads, gates and fences) shall be located closer than one mile to any Residential District boundary line (not including Agricultural Zoning Districts).
 - (ii) Subsection (4)(a)(i) does not prohibit the rezoning of properties within the one-mile buffer to Residential Zoning Districts and does not prohibit the development and encroachment of residential developments within the one-mile buffer.
 - (b) Except as set forth in 4(a) above, no minimum lot size, maximum lot coverage or building height, or other side yard or setback requirements apply to Solar Energy Systems.
 - (c) No minimum off-street parking or open space requirements apply to Solar Energy Systems.
 - (d) The installation of sidewalks along the entire property line abutting a public street is not required unless the Zoning Administrator determines that a sidewalk is necessary to serve a public need or the public health, safety and welfare.
 - (e) Rooftop Mounted Solar Arrays located on industrial buildings in any (M-G and M-D) Zoning District are exempt from the one-mile buffer requirement.

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 - (g) wastewater disposal;
 - (h) street monuments; and
 - (i) any other infrastructure deemed necessary.
- (4) The following provisions apply to Solar Energy Systems:
 - (a) (i) No above-ground Solar Energy System facility or structure (other than access roads, gates and fences) shall be located closer than one mile to any Residential District boundary line (not including Agricultural Zoning Districts) ~~unless otherwise approved by the Zoning Administrator through the site plan review process.~~
(ii) Subsection (4)(a)(i) does not prohibit the rezoning of properties within the one-mile buffer to Residential Zoning Districts and does not prohibit the development and encroachment of residential developments within the one-mile buffer.
 - (b) Except as set forth in 4(a) above, no minimum lot size, maximum lot coverage or building height, or other side yard or setback requirements apply to Solar Energy Systems.
 - (c) No minimum off-street parking or open space requirements apply to Solar Energy Systems.
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