

Ent 238946 Page 1 of 176
Date: 15-APR-2005 9:10AM
Fee: None
Filed By: KHL
CALLEEN B PESHELL, Recorder
TOOELE COUNTY CORPORATION
For: TOOELE COUNTY DEPT OF ENGINEE
RING

TOOELE COUNTY CORPORATION
CONTRACT # 05-04-05

WHEN RECORDED, RETURN TO:

Tooele County Clerk
47 South Main Street
Tooele, Utah 84074

Cc: Boyer-Plumb Stansbury LLC
Attn: Dick Moffat
90 South 400 West #200
SLC, UT 84101

**DEVELOPMENT AGREEMENT
FOR BOYER - PLUMB STANSBURY LLC
STANSBURY PLACE**

THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into as of the 5TH
day of April, 2005, by and between TOOELE COUNTY, UTAH, a political
subdivision of the State of Utah ("the County"), and Boyer - Plumb Stansbury LLC, a Utah
Corporation ("the Developer").

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs of development the County holds an interest in entering into an agreement with any person having a legal or equitable interest in real property, regarding the development of such property.

B. The County is a political subdivision of the State of Utah under the provisions of the Utah Code Annotated.

C. The Developer has or is acquiring 311.62 acres of real property for the purpose of developing a rural residential real estate project, said property being more particularly described in EXHIBIT "A" attached hereto (the "Property").

D. The Property is located in an unincorporated portion of the County currently zoned R-1-10 under the Tooele County Zoning Ordinance.

E. The Developer desires to develop the Property as a Planned Unit Development ("PUD") pursuant to Chapter 9 of the Tooele County Zoning Ordinance.

F. The PUD is to be developed as a master planned community currently known as Stansbury Place (the "Project"), and the Developer has incurred and will incur substantial expenditures in furtherance thereof.

G. The concept plan for the Stansbury Place Planned Unit Development, a copy of which is attached as EXHIBIT "B" hereto, was approved by the County on February 2, 2005.

H. The County is authorized to enter into development agreements in appropriate circumstances in order to promote the orderly development of property within its boundaries, implement the Tooele County General Plan and provide infrastructure and other benefits in connection with the Project.

I. The County has determined that this Agreement is appropriate for the Project and, therefore, desires to enter into this Agreement. This Agreement establishes planning principles, standards, and procedures to: eliminate uncertainty in planning and guide the orderly development of the Project consistent with the approved concept plan and General Plan of Tooele County; mitigate significant environmental impacts; ensure installation of necessary on-site and off-site public improvements; provide for the preservation of substantial permanent open space; make provision for trail facilities; provide funding for traffic improvements and other public purposes; provide for public services appropriate to the development of the Project; ensure attainment of the maximum effective utilization of resources within the County at the least economic cost to its citizens; and otherwise achieve the goals, conditions and objectives contained herein.

J. In exchange for the benefits to County described in this Agreement, together with the other public benefits that will result from the development of the Project. Developer will receive by this Agreement assurance that it may proceed with the Project in accordance with the "Applicable Law" (defined below), and therefore desires to enter into this Agreement.

K. County has taken various environmental review and planning actions relating to the development of the Project. These actions include, without limitation, the following:

1. The developer made application on December 28, 2004 for a planned unit development concept approval.
2. On February 2, 2005, the Tooele County Planning Commission approved the concept design of Stansbury Place Planned Unit Development PUD#1007-04.
3. The project follows a concept where the residents will have a greater sense of community with outdoor amenities. The Tooele County Planning Commission approved the concept plan with the following conditions:
 - a. the approval is contingent upon signing a development agreement with the Board of County Commissioners;
 - b. the development shall have no less than 10% open space;

- c. the land for a 1.1 acre park & ride will be located near the SR-138 entrance around the commercial development. The developer shall not be responsible for installing improvements associated with the park and ride;
- d. the developer shall provide a survey giving the legal description of the commercial properties for rezoning on the C-N commercial properties within 45 days from the finalization of an engineering study locating the placement of Village Boulevard;
- e. the developer shall dedicate six parks for the development, with one having no less than 5.83 acres, one having no less than 5.41 acres, one having no less than 1.2 acres, one having no less than 2.61 acres, one having no less than 1.51 acres, and one being a ½ acre park adjoining the park at Lakeside 13, development of the parks shall be as outlined in Paragraph 3c (5) below;
- f. trails shall be developed in accordance with the approved and signed concept plan;
- g. a trail design and cross section is to be approved by both the Tooele County Department of Engineering and the Stansbury Park Service Agency;
- h. density shall be capped at 950 single family dwellings;
- i. no lot shall have less area than 8,000 square feet;
- j. there shall be no more than 711 lots with a minimum area of 8,000 square feet;
- k. there shall be no less than 239 lots with a minimum area of 10,000 square feet;
- l. all storm drainage ditches, canals, channels, and waterways shall be dedicated to the Stansbury Park Service Agency with a flood channel easement granted to Tooele County. If the dedication is refused by the Stansbury Park Service Agency, they shall not revert to the developer, but shall be transferred to Tooele County as a dedication;
- m. The south and west storm drainage ditches, canals, channels, and waterways along the perimeter of the property as shown on the approved concept plan shall be kept to a minimum width of 40 feet in width;
- n. all interior trail system locations are to be approved by the Stansbury Park Service Agency and Tooele County Department of Engineering;

- o. all interior local access roads are to be built to the County's neighborhood street cross section a copy of which is attached as EXHIBIT "E" hereto;
- p. the developer shall be responsible by all means to him, to insure that all street trees be planted within six months from the date of final certificate of occupancy of a dwelling or structure;
- q. street tree species shall be only those that are listed in the street tree selection list;
- r. no more than three species of a street tree shall be planted next to each other, but other species shall be intermixed into the plantings;
- s. any substitute for a street tree species shall only be allowed if approved by the zoning administrator in writing;
- t. street trees along Village Boulevard shall be of those species in the street tree selection list and planted before a full or partial release of any performance bond for that road and shall be placed in such a manner as to provide shade in summer months to the asphalt of the road way at maturity;
- u. all plantings of street trees shall have a minimum trunk size of one and one-half inches in caliper and comply with Tooele County Code Title 15-5-4, Street trees; and
- v. all parkstrips shall be landscaped in accordance with Tooele County Code 15-5-3, Public parkstrip and right-of-way with curb and gutter.

L. Developer may apply for other land use approvals, actions, agreements, permits or entitlements (collectively, "Subsequent Approvals") necessary or desirable to the development of the Project site. The Subsequent Approvals may include, without limitation, the following: design review approvals; improvement agreements and other agreements relating to the Project; use permits; grading permits; building permits; lot line adjustments; sewer and water connection permits; certificates of occupancy; additional subdivision maps (including tentative, vesting tentative, parcel, vesting parcel, and final subdivision maps); preliminary and final development plans; rezonings; development agreements; landscaping plans; encroachment permits; re-subdivisions; and amendments to, or repealing of, the Current Approvals or the Subsequent Approvals.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing goals, conditions and objectives and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developer and the County, intending to be legally bound, hereby mutually agree as follows:

1. Regulation of Development

a. Vested Rights. The Developer shall have the irrevocable vested right to have preliminary and final site plans approved and to develop and construct the Project in accordance with:

- (1) Planned Unit Development Regulations of the County ("Land Use Regulation") that in effect at the date of this agreement, including the development standards attached as EXHIBIT "C" hereto and those sections of the Uniform Zoning Ordinance of Tooele County that are currently adopted if any such event or use appears in the development;
- (2) Title 13 of the Tooele County Code that in effect at the date of this agreement, attached as EXHIBIT "D" hereto, as it pertains to the approval and development of PUDs; and
- (3) the other terms and conditions of this Agreement.

It is the intent of the parties hereto to vest the Developer with the irrevocable right to develop the Project to the full extent permitted under Tooele County and Utah Law. Except in the case of an emergency which threatens the public health and safety, no moratorium, ordinance, resolution, or other Land Use Regulation or limitation on the timing or sequencing of development adopted after the date of this Agreement shall apply to or govern the Development of the Project or any Development Approval. To the extent this Agreement or the Project requires any rezoning of the Property, the County agrees to take all steps necessary to cause such rezoning to take place. All provisions of the Land Use Regulations with respect to density, land use, and development standards and guidelines, as they apply to the project, shall apply except as modified by the approved PUD concept plan and this Agreement.

b. Term of Agreement. The vested rights described in Section 1(a) shall be effective for a period of twenty (20) years following the date of this agreement with an option on the part of the Developer or the County to extend such vested rights for an additional ten (10) years if the terms of this Agreement have been substantially complied with and the Developer is proceeding with a reasonable diligence in the Development of the Project in the phases as contemplated by this Agreement.

c. Phased Development; Timing of Development. The County acknowledges that Stansbury Place Planned Unit Development will be developed in phases, which may be changed or follow the plan as attached as EXHIBIT "B" hereto, and that the most efficient and economic development of the various phases of Stansbury Place Planned Unit Development depends on numerous factors, such as market and demand, interest rates, competition, and similar factors. Accordingly, the timing, sequencing, location and phasing of the Project shall be as determined by the Developer in its sole subjective business judgment and discretion. Notwithstanding the foregoing, the parties agree that Stansbury Place Planned Unit Development

shall be subject to Title 13 of the Tooele County Code and those chapters of the Uniform Zoning Ordinance of Tooele County in existence as of the effective date of this agreement (See EXHIBIT "C" hereto). The Developer also agrees that they will not allow six months to go by where they don't appear before the planning commission with a new submission or an update to the progress of the development.

2. County's Obligations. The County agrees as follows:

a. Other Financing Alternatives. Upon the request of the Developer, the County shall cooperate in annexing to, or exploring the use thereof, of special improvement districts, special service districts, and other similar Development-related public procedures and institutions for the financing of the construction, improvement, or acquisition of infrastructure, facilities, lands, and improvements to serve the Project, whether or not located on the Property.

b. Utility Franchises. The County shall promptly grant such utility and telecommunication franchises as are necessary for the Development.

c. Inspection. The services of qualified inspectors or inspection services for offsite improvements shall be performed or obtained by the County to execute all required inspections and tests for the Project. Such inspectors shall diligently pursue completion of the same.

d. Standard Governing Approvals. When required, the consent or approval of the County shall not be unreasonably withheld, conditioned or delayed. When approval is withheld or conditioned, the County shall at the time of withholding or conditioning its approval set forth in writing the requirements, changes or conditions which, if satisfied, would cause its approval to be granted.

e. County Roads. The County shall inspect or have inspected the construction of the roads within the development to assure compliance with accepted and sign construction plans. It is understood that all roads within the development shall dedicated to the public. Upon the completion and final acceptance of the roads in each Phase of the development, the County shall assume their maintenance and upkeep.

f. SR-138 intersection. The County shall assist the developer in obtaining UDOT approvals for the connection of Village Boulevard and utility connections with SR-138.

g. Development improvement standards. All development improvements shall be in compliance with those standards in existence at the date this agreement identified in EXHIBIT "E" hereto

3. The Developer's Obligations.

a. Infrastructure Improvements. The County and the Developer shall work together to cooperatively design (or cause to be designed) on a phase-by-phase basis the improvements identified in EXHIBIT "E" hereto. The Developer shall allow public access and use

of the trails developed into the Project upon completion of a County or Stansbury Park Service Agency trail system that connects with Developer's trails. All other dedicated Open Spaces will remain strictly for the private use of the residents of the Project.

b. Development Exactions. Unless later agreed to otherwise by both parties, the Developer has fully satisfied all Development Exactions imposed by the County as a condition of Development for the Project. The Developer shall have no obligation to participate in, pay, contribute, or otherwise provide any further Development Exactions imposed by the County, now or in the future, with respect to the Project as vested and approved under the terms of this Agreement.

c. Dedication of Open Space Parcels. The Developer agrees to set aside approximately ten percent of the Property as open space (the "Open Space"), comprising approximately 31.82 acres of land.

(1) Location. The actual configuration, location and legal descriptions of each Open Space Parcel shall be determined by mutual agreement of the Developer, Stansbury Park Service Agency and the County as preliminary plans for each phase of the Project are approved.

(2) Use of Open Space Parcels. Open Space Parcels may be used for public parks, trails, park and ride lots, public purposes, such as storm water detention or retention (excluding roads), public schools and similar public or community usage. Open Space Parcels may remain representative of the natural or native landscape, except where the Stansbury Park Service Agency indicates they are to be improved for the purposes outlined above.

(3) Title to Open Space Parcels. Open Space Parcels may be created by conveyance in fee simple to the Stansbury Park Service Agency, County, special district, homeowner association or another governmental agency by dedication on a plat.

(4) Easements. The Developer shall also grant to the County, special district, or another governmental, quasi-governmental or community association, such mutually acceptable easements on, over and across adjacent property owned by the Developer for ingress, egress, installation, maintenance and repair of any public facilities associated with the Open Space Parcels to be conveyed to the Stansbury Park Service Agency, special district, or another governmental, quasi-governmental or community.

(5) Development of Open Space Parcels. The Developer shall dedicate all ground that is to be preserved as Open Space Parcels according to the approximate locations in the concept plan at the time of the approval of each phase of the development. The development of all open space other than trails shall be in accordance with the agreement dated April 5th, 2005 between the County, Developer and Stansbury Park Service Agency which is included in this agreement as EXHIBIT "G". Each entity shall be solely responsible for performance bonds, inspections and acceptance of the improvements for which they hold jurisdiction over.

(6) Maintenance of Open Space Parcels. Except as to what is stipulated in the easements to those portions of an Open Space Parcel conveyed to the Stansbury Park Service Agency or County, the maintenance and repair of the property shall be the responsibility of the holder in fee title. Notwithstanding the foregoing, the County shall have no maintenance obligations unless specifically agreed to, in writing, by the County.

d. County Roads. The Developer shall improve (1) all internal neighborhood access and collector streets which shall comply with the approved concept plan attached as EXHIBIT "E" hereto, and (2) Village Boulevard as phases are approved, which shall intersect at SR-138 per approved plans of the County and Utah Department of Transportation. The Developer agrees that Village Boulevard, Bayshore Drive, Regatta Lane and Clipper Lane as improved by the Developer shall serve as the exclusive means of public access to the project and shall not require the Developer to improve, create, install, or in any way dedicate additional means of public access to the project.

e. Trails. The Developer shall be responsible to improve all internal neighborhood trails in accordance with the specifications as agreed to by the County, the Developer and the Stansbury Park Service Agency. The trails shall be constructed of concrete. The developer may enter into agreement with any other agency, person, corporation or government entity for their development, but shall remain solely responsible to place, build, install or develop all internal trails.

f. Agreements with Service Providers. The Developer agrees to enter into contracts to provide essential services to the Property with public entity service providers including water, natural gas, electricity and telephone services.

4. Concept Plan Review Requirement Satisfied. Based upon: (i) the Tooele County Planning Commission's Approval of the Developer's Concept Plan pursuant to the Developer's application (P.U.D. No. #1007-04) and (ii) the approval and execution by the County of this Agreement, the parties hereby acknowledge and agree that all requirements of the Tooele County Zoning Ordinance, including Chapters 9.6 and 13 thereof, for Concept Plan review by the County, have been fully satisfied for purposes of the Project. Any future substantial amendments to the concept plan shall also require an amendment to this agreement. Any concept plan that is presented that does not amend this agreement shall be void and shall not establish any vested right in such plan.

5. Default and Remedies. Due to the size and scope of the Project, including the infrastructure improvements that must be made in the initial phases of the Project, the parties agree that damages would not be an adequate remedy for either party if the other party fails to carry out its obligations under this Agreement. The parties further agree that specific performance shall be the preferred remedy, rather than damages, in the event of either party's failure to carry out its obligations hereunder. Each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement. The County shall have no right or power hereunder whatsoever to compel the Developer to either start or complete the Project or to seek any damages from the Developer for the failure to start or complete the Project or any part of the Project.

6. Transfer and Assignment. The Developer may, from time to time, convey and transfer all or portions of the Property, and freely assign all rights granted by this Agreement with respect to the portions of the Property so conveyed or transferred, to third-party successors-in-interest. Any such assignment shall be made expressly subject to the applicable terms and provisions of this Agreement. Notice of any such transfer and assignment shall be given, in writing, to the County. The rights of the County under this Agreement shall not be assigned.

7. Miscellaneous.

a. Binding Effect; Interpretation. This Agreement shall inure to the benefit of and be binding upon the Developer and its successors and assigns. This Agreement shall likewise be binding upon any governmental entity that succeeds the County in any respect as to jurisdiction over the Property. The fact that one party or the other may have drafted the provisions of this agreement shall not affect the interpretation of its provisions.

b. Further Assurances. Each party hereto shall take all such further acts as shall be reasonably necessary in order to carry out more effectively the intent and purposes of this Agreement and the actions contemplated hereby.

c. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

d. Integration. This Agreement (together with all Exhibits hereto, which exhibits are hereby incorporated herein by reference) constitutes the entire agreement between the County and the Developer concerning the Development of the Project, and supersedes all prior understandings, agreements, or representations, verbal or written, concerning the Development of the Project.

e. Amendment. Except as expressly provided herein, this Agreement shall not be amended except in writing signed by a duly authorized officer of the Developer and a duly authorized representative of the County.

f. Severability. If any part or provision of this Agreement shall be adjudged unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such adjudgment shall not affect any other part or provision of this Agreement except that part or provision so adjudged to be unconstitutional, invalid or unenforceable. If any condition, covenant, or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

g. Force Majeure. Neither party hereto shall be liable for any delay or failure in the keeping or performance of its obligations under this Agreement during the time and to the extent that any such failure is due to causes beyond the control and without the fault of negligence of the party affected, including, without limitation, acts of God, acts of the United States Government or the State of Utah, fires, floods, strikes, embargoes or unusually adverse weather conditions. Upon the occurrence of any such cause, the party affected thereby shall promptly

resume the keeping and performance of the affected obligations after such cause has come to an end. During the existence of such an event, each party shall bear its own costs resulting therefrom. Each party shall make every reasonable effort to keep delay in performance as a result of such cause to a minimum.

h. Recordation of Notice of Agreement. A notice of this Agreement shall be recorded against the Property as described in EXHIBIT "A." The Agreement shall be released upon completion of the acceptance of the required improvements.

i. Attorney's Fees. In the event either party shall default in the performance of its obligations hereunder and litigation is commenced, the non-breaching party, in addition to its other rights and remedies at law or in equity, shall have the right to recover all costs and expenses incurred by such non-breaching party in connection with such proceeding, including reasonable attorney's fees.

j. Authorization of Execution.

(1) County. The execution of this Agreement by the County has been authorized by a lawful vote of the Board of County Commissioners of Tooele County, Utah, at a regularly scheduled meeting of that body, pursuant to notice, held on the 5th day of April, 2005.

(2) Boyer - Plumb Stansbury LLC. The execution of this Agreement by BoyerPlumb Stansbury LLC. has been authorized by the Articles of Incorporation adopted by Boyer-Plumb Stansbury LLC., dated the 17th day of AUGUST, 2003, a true and correct copy of the resolution is attached hereto as EXHIBIT "F" and incorporated by reference herein.

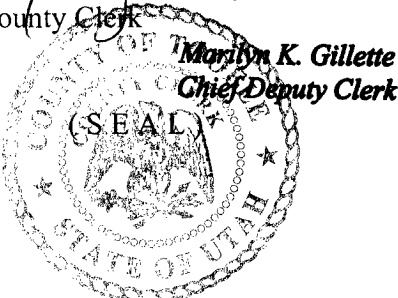
IN WITNESS WHEREOF, the parties have executed this Agreement by their authorized representatives effective as of the date first above written.

ATTEST:

TOOELE COUNTY, a political subdivision
of the State of Utah

Marilyn K. Gillette
County Clerk

Dennis Rockwell
Dennis Rockwell, Chairman



BOYER - PLUMB STANSBURY LLC, a
Utah Limited Liability Company
Boyer Stansbury Residential, L.C.

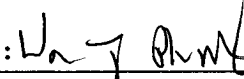
by:



Steven B. Ostler, Manager

Plumb Holdings, L.L.C.

by:



Walter J. Plumb, III, Manager

EXHIBIT "A"**05-035-0-0011:**

BEG AT S 1/4 COR OF SEC 17, T2S R4W SLB&M N 0°18'18" W 55.22 FT TO S R/W FENCE OF S/HWY 138, N 59°52'45" E 1220.36 FT ALG SD FENCE, S 14°47'21" E 670.25 FT TO SEC LI, W 1218.17 FT TO BEG (OUT OF 5-35-9) 9.60 AC

05-036-0-0015:

BEG ON S LI OF NE 1/4 SEC 20, T2S, R4W, SLB&M, AT A PT S 89°23'06" W 815.08 FT FR E 1/4 COR SD SEC 20; RUN S 89°23'06" W 1825.20 FT TO SW COR NE 1/4 SEC 20; N 0°18'18" W 2640 FT ALG 1/4 SEC LI TO N 1/4 COR SEC, E 1218.17 FT, S 14°47'21" E 1301.9 FT, S 17°58'54" E 889.85 FT, S 0°36'54" E 534.84 FT TO POB. (OUT OF 5-36-13) 92.41 AC

05-036-0-0016:

BEG W 1/4 COR SEC 20, T2S, R4W, SLM; N 0°13'40" W 1155.13 FT ALG SEC LI SO S'LY R/W FENCE STATE H/W 138, ALG FENCE N 55°25'40" E 365.56 FT, N 58°53'52" E 482.14 FT, N 59°52'44" E 2215.73 FT, S 0°18'18" E 2695.22 FT ALG 1/4 SEC LI & 1/4 SEC LI PROJECTED TO SE COR NW 1/4 SEC 20, S 89°23'06" W 2640.28 FT TO POB. BEING SITUATE IN SEC 17 & 20, T2S, R4W, SLB&M. 117.70 AC

05-036-0-0019:

BEG AT A PT WH IS N 00° 22'54" W 3192.93 FT ALG W SEC LI FR SW COR OF SEC 21, T2S, R4W, SLB&M, RUN ALG A HISTORIC PPTY LI WH IS ALSO A DEEDED LI S 89° 48'50" W 817.26 FT TO A FENCE COR, LEAVING SD HISTORIC LI N 17° 58'54" W 889.85 FT, N 14° 47'21" W 1978.65 FT TO A PT ON S R/W FENCE LI OF STATE HWY 138, ALG SD FENCE N 59° 48'49" E 1075.79 FT, TH LEAVING SD FENCE S 37° 00'00" E 439.13 FT TO THE PT OF CURVATURE OF A 222.12 FOOT RADIUS CURVE TO RIGHT, TH ALG ARC OF SD CURVE 186.08 FT (CENTRAL ANGLE=48° 00'00") TO PT OF TANGENCY OF A COMPOUND CURVE RADIUS BEING 96.35 FT, TH ALG SD CURVE 116.03 FT (CENTRAL ANGLE=69° 00'00") TO PT OF TANGENCY OF A COMPOUND CURVE RADIUS BEING 222.12 FT, TH ALG SD CURVE 186.08 FT (CENTRAL ANGLE=48° 00'00") TO PT OF TANGENCY, N 52° 00'00" W 169.00 FT, S 38° 00'00" W 270.00 FT, S 52° 00'00" E 37.12 FT, S 34° 06'33" W 120.82 FT TO PT OF CURVATURE OF A 150.00 FT RADIUS CURVE TO THE LEFT, TH ALG ARC OF SD CURVE 55.61 FT (CENTRAL ANGLE=21° 14'35") TO PT OF TANGENCY, S 12° 51'58" W 204.29 FT TO PT OF CURVATURE OF A 442.36 FOOT RADIUS CURVE TO LEFT, TH ALG ARC OF CURVE 1039.51 FT (CENTRAL ANGLE=134° 38'30") TO PT OF TANGENCY, N 58° 13'28" E 226.86 FT, N 45° 13'53" E 145.93 FT TO PT OF CURVATURE OF 150 FOOT RADIUS CURVE TO RIGHT, ALG ARC OF CURVE 170.30 FT (CENTRAL ANGLE=65° 02'55") TO PT OF TNGNCY, S 68° 43'12" E 78.79 FT TO PT OF CURVATURE OF A 200.00 FT RADIUS CUR TO RIGHT, TH ALG ARC OF SD CURVE 152.20 FT (CENTRAL=ANGLE=43° 36'10") TO PT OF TNGNCY, S 26° 07'02" E 101.96 FT, S 15° 57'37" E 265.77 FT, TH N 89°31'48" W 409.186 FT M/L TO THE W SEC LI; TH S 00°25'20" E 327.04 FT ALG SD SEC LI ; TH S 89°31'48" E 424.551 FT; TH NELY ALG A CURVE TO THE LEFT HAVING A RADIUS OF 330.00 FT, WITH A C/A OF 28°50'10" (CHD BEARS N 14°53'17" E 164.337 FT); TH N 00°28'12" E 167.854 FT TO THE SW COR OF LOT 504 LAKESIDE SUB NO 5 RECD IN BK 697 PG 625 IN TOOELE

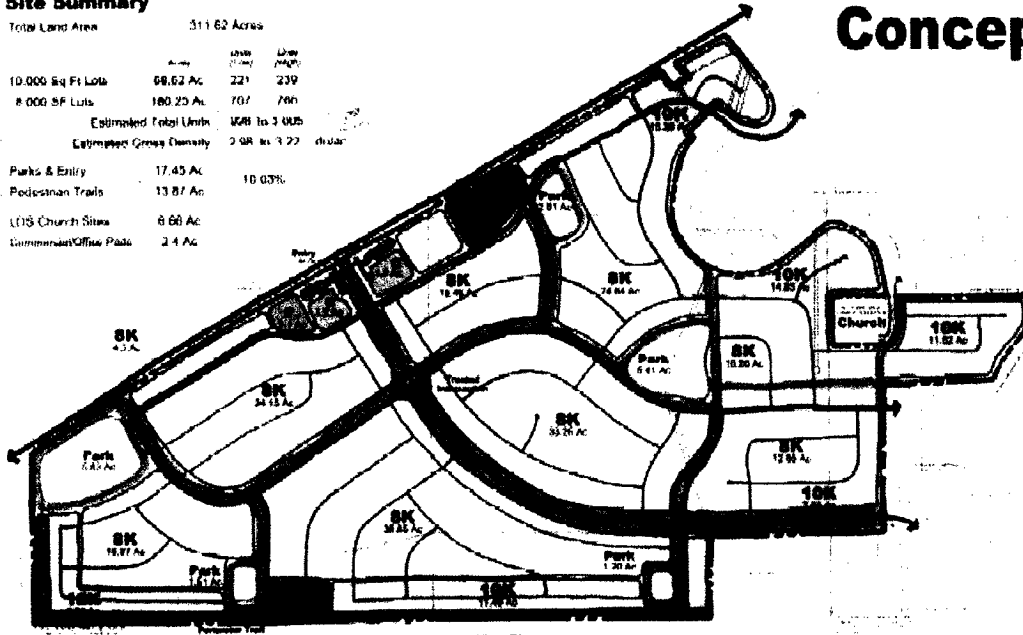
COUNTY RECORDER'S OFC; TH ALG THE S LI OF SUBDIVISIONS LAKESIDE NO 5 AND NO 2B S 89°32'37" E 664.14 M/L TO A PT OF CURVATURE OF A 660.00 FT RADIUS CURVE TO THE LEFT, TH ALG ARC OF SD CURVE 170.96 FT (C/A 14°50'30") TO A PT WH LIES ON A 256.53 FT RADIUS CURVE TO THE RIGHT (BEARING TO CENTER IS S 57° 58'43" W) TH ALG ARC OF SD CURVE 315.17 FT (C/A 70°23'42") TO THE PT OF TANGENCY, S 38°22'22" W 149.38 FT TO PT OF CURVATURE OF A 895.00 FT RADIUS CURVE TO LEFT, TH ALG ARC OF SD CURVE 193.82 FT (C/A 12°24'28") TO PT ON A FENCE, TH LVG SD ARC N 89° 15'47" W 107.90 FT, TH S 88°08'32" W 635.77 FT TO A FENCE CORNER, TH ALG A FENCE S 00°11'34" E 983.11 FT TO A FENCE COR ON HISTORIC PPTY LI WH IS ALSO A DEEDED LI, ALG SD HISTORIC LI S 89° 48'50" W 342.20 FT TO THE POB. ---LESS & EXCEPT BEG AT A PT WH IS N 05°28'59" E 3208.63 FEET FR SW COR OF SEC 21 T2S R4W SLB&M, TH N 982.71 FT, N 88°08'32" E 13.56 FT TO AN EXISTING FENCE CORNER, TH ALG AN EXISTING FENCE LI S 00° 02'46" E 983.13 FT TO A PT ON THE HISTORIC PPTY LI WH IS ALSO AN EXISTING FENCE COR, S 89°54'13" W 14.34 FT TO POB. ---SUB/TO 20 FT EASEMENT, LESS WELL SITE TOG/W 20 FT EASEMENT/COMB PARTS OF 5-35-9, 5-35-10, 5-36-4, 5-37-10, 5-37-12/ ALL OF 5-37-8, 5-37-11 NOTE: 4.20 AC OF THIS PPTY IS INCLD IN LOTS 61-64, CENTER PARK, & LOTS 79-86 OF LAKESIDE SUBDIVISION #5. AT THIS TIME SUB LOTS HAVE NOT BEEN VACATED. 92.27 ---LESS 0.25 AC TO STANSBURY IMPROVEMENT DISTRICT (5-35-20). (BALANCE OF 5-36-17 AFTER PT TO BAYSHORE DIRVE CHURCH SUBDIVISION (14-51-1) FOR 2003 YEAR.) 88.57 AC 01/14/2003 01/14/2003

EXHIBIT "B"
Approved concept plan

Site Summary

Total Land Area	511.62 Acres		
		Units	Units
10,000 Sq Ft Lots	58.52 Ac	221	239
8,000 SF Lots	180.23 Ac	707	766
	Estimated Total Units	928	In 3 000's
	Estimated Gross Density	2.98	sq ft / acre
Parks & Entry	17.45 Ac	10.03%	
Pedestrian Trails	13.87 Ac		
LOIS Church Sites	8.66 Ac		
Commercial/Office Pads	2.4 Ac		

Concept Plan



January 24, 2005



Planning Commission Approval
Approved by Forde County Planning Commission

Approved: _____ Date: _____

Stansbury Place
Stansbury Park, Utah

EXHIBIT "B"
Approved concept plan

Site Summary
Total Land Area 311.82 Acres

Concept Phasing Plan

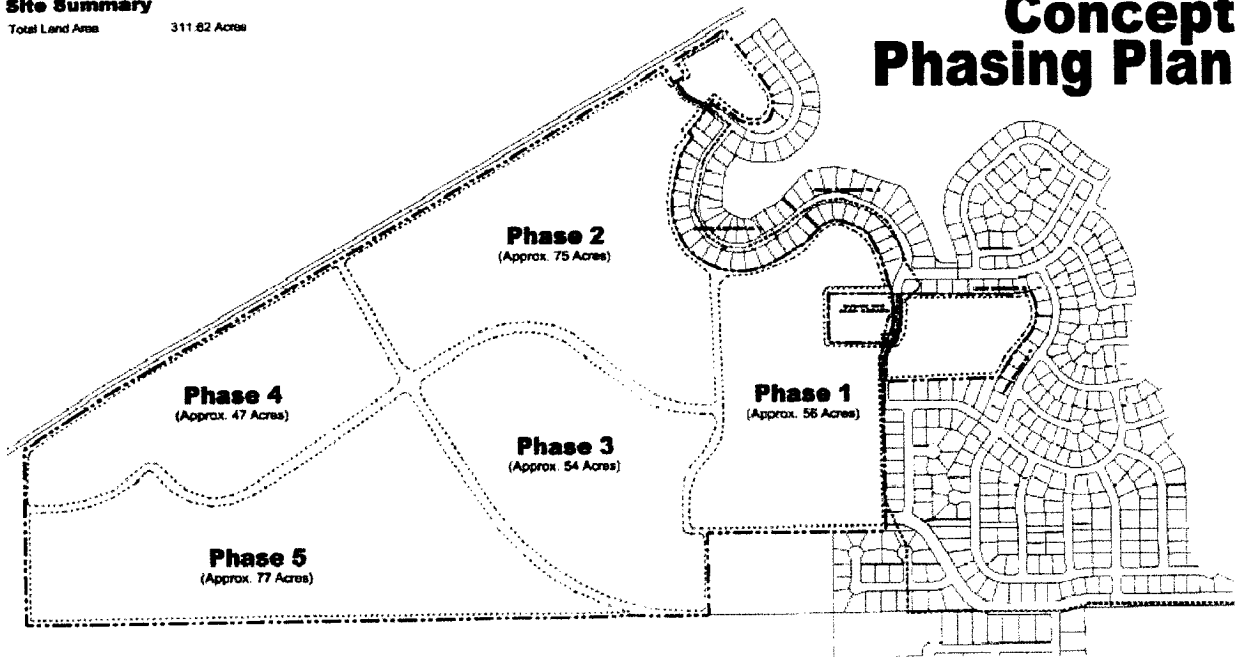


EXHIBIT "C"
Applicable Land Use Regulations

CHAPTER 1

GENERAL PROVISIONS

Section

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1 - 1. Short title.

This zoning ordinance and all chapters within it shall be known as the "Uniform Zoning Ordinance of Tooele County", and may be so cited and pleaded. The term "county" as used in this zoning ordinance refers to the unincorporated areas of Tooele County and does not include the incorporated municipalities of Grantsville, Rush Valley, Stockton, Tooele, Ophir, Vernon, and Wendover. (Ord. 2004-26, 10/12/04)

1 - 2. Purpose.

This Zoning ordinance is designed and enacted for the purpose of promoting the health, safety, comfort, convenience, order, prosperity, aesthetics and welfare of the present and future inhabitants of Tooele County. This is accomplished by the lessening of congestion on the streets, or roads, securing safety from fire and other dangers, providing adequate light and air, classifying land uses, distributing land development and utilization, protecting the tax base, securing economy in governmental expenditures, fostering agriculture and other industries, and protecting urban and nonurban development.. (Ord. 2004-26, 10/12/04)

1 - 3. Penalties.

(1) No land, building or structure shall be used for any purpose not allowed in the zone in which such land, building or structure is located.

(2) Violation of any provision contained in this zoning ordinance is prohibited. Any person who violates a provision of this title shall be subject to the criminal and civil penalties set forth in this chapter.

(3) Any person who violates any provision of this title is guilty of a class C misdemeanor upon conviction. In addition, the provisions of this title may also be enforced by injunction, mandamus, abatement, civil penalty, or any other remedy provided by law.

(4) Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

(5) Whenever any act or omission is made unlawful in this zoning ordinance, it shall include causing, permitting, aiding, or abetting such act or omission

(6) Any one, all, or any combination of the penalties and remedies set forth in this section may be used to enforce the provisions of this title.

(7) Each day that any violation continues after notification by the zoning administrator that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this title.

(8) Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation. (Ord. 2004-26, 10/12/04)

1 - 4. Violation - Notice and order.

(1) Upon discovery that any provision of this title is being violated, the zoning administrator shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.

(2) The written notice and order shall:

- (a) indicate the nature of the violation;
- (b) order the action necessary to correct the violation;
- (c) give information regarding the established warning period for the violation; and

(d) state the action the zoning administrator intends to take if the violation is not corrected within the warning period.

(3) The written notice shall be posted on-site if possible and delivered personally or mailed to the property owner, as shown on the records of the county recorder, and to any other person who may be responsible for the violation.

(4) The written notice shall serve to start any warning periods provided in this chapter, commencing upon receipt of notice. Receipt of notice shall mean three days after the date written notice is delivered or mailed as provided herein. If the violation remains uncured within the time specified by the zoning administrator, the civil penalties shall start and accrue back to the date the violation was noticed.

(5) In cases where the zoning administrator determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this zoning ordinance, the zoning administrator may seek immediate enforcement without prior written notice by instituting any of the remedies, other than civil penalties, authorized by this zoning ordinance. (Ord. 2004-26, 10/12/04)

1 - 5. Civil penalties.

(1) Any person having received notice of a violation, or the owner of any affected property, may appear before a hearing officer and present and contest such alleged violation of this title.

(2) The burden to prove any defense shall be upon the person raising such defense.

(3) If the hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the notice of violation. Such defenses are:

(a) At the time of the receipt of the notice of violation, compliance would have violated the criminal laws of the state;

(b) Compliance with the subject zoning ordinances would have presented an imminent and irreparable injury to persons or property.

(4) No action by a hearing officer shall relieve the violator from complying with any of the provisions of this title.

(5) Abatement for Correction and Payment.

(a) Civil penalties shall be partially abated after the violation is cured and in the discretion of a hearing officer considering the following guidelines and factors:

(i) Prompt Cure. Reductions are generally appropriate for promptly curing the violation pursuant to the following schedule, but the hearing officer may grant greater or lesser abatements depending on the facts of the case:

1. Cured within time specified - fine totally waved;

2. Cured within sixty days after notice -- fifty percent reduction; or

3. Cured within ninety days after notice -- twenty-five percent reduction;

(ii) If strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property;

(iii) If the violation and inability to cure were both caused by a force majeure event such as war, act of nature, strike or civil disturbance;

(iv) Such other mitigating circumstances as may be approved by the attorney or designee;

(v) If a change in the actual ownership of the property was recorded in the recorder's office after the notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.

(b) If the hearing officer finds that the noticed violation occurred and no applicable defense applies, the hearing officer may, in the interest of justice and on behalf of the county, enter into an agreement for the delayed or periodic payment of the applicable penalty. (Ord. 2004-26, 10/12/04)

1 - 6. Enforcement.

(1) The zoning administrator is authorized as the enforcing officer for all chapters of this zoning ordinance and will uphold this zoning ordinance judiciously insuring full compliance with all county ordinances by entering actions in court if necessary. The administrators failure to do so shall not legalize any violations of such provisions.

(2) The Tooele County Commission may, by resolution or ordinance, from time to time entrust administration of this zoning ordinance, in whole or in part, to another officer of Tooele County, without amendment to this zoning ordinance. (Ord. 2004-26, 10/12/04)

1 - 7. Building Permit Required.

The construction, alteration, repair, erection, placement, or removal of any building, structure, mobile home, modular home, manufactured home, office trailer or part thereof as provided or as restricted in any chapter of this zoning ordinance shall not be commenced or continued except after review by the zoning administrator or designated representative and a written permit from the building inspector. If work is not started or substantial progress is not made within 180 days a new permit will be required. (Ord. 2004-26, 10/12/04)

1 - 8. Occupancy permit required.

(1) Land, buildings or premises in any zoning district shall hereafter be used only for a purpose permitted in such district and in accordance with the zoning districts regulations. An occupancy permit shall be issued by the zoning administrator, chief building official or designated

representative to the effect that the use, building or premises will conform to the provisions of this zoning ordinance and other related ordinances prior to occupancy, for any building that has been erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever the use or character of any building or use of land is to be changed.

(2) An occupancy permit shall be issued after the approved final inspection, which shows completion of a building permit. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises, including nonconforming buildings and uses existing on the effective date of this zoning ordinance and any subsequent amendments. (Ord. 2004-26, 10/12/04)

1 - 9. Site plans required.

A detailed plan of appropriate scale and sheet size as determined by the zoning administrator shall be filed as part of any application for a building permit. It shall show, where pertinent:

- (1) scale of plan and direction of north point;
- (2) lot lines and adjacent streets, roads, right-of-way;
- (3) location of all existing structures including signs on subject property and adjoining properties, with utility lines, poles, etc. fully dimensioned;
- (4) location of proposed construction and improvements, with location and dimension of all signs;
- (5) motor vehicle access, circulation patterns, with individual parking stalls, and curb, gutter and sidewalk locations;
- (6) necessary explanatory notes;
- (7) the name, address, telephone number of builder and owner; and
- (8) all other information required as determined by the zoning administrator. (Ord. 2004-26, 10/12/04)

1 - 10. Inspection.

(1) The zoning administrator, the chief building official or their designated representatives are authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with the zoning ordinance provisions. The zoning administrator or any authorized employee of the department of engineering shall have the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with this zoning ordinance, provided that such right of entry is to be used only at reasonable hours, unless an emergency exists. In no case shall entry be made to any occupied building in the absence of the owner, representative, employee or tenant thereof, without written permission of an owner, or

written order of a court of competent jurisdiction. (Ord. 2004-26, 10/12/04)

1 - 11. Interpretation.

In interpreting and applying the provisions of any chapter of this zoning ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. (Ord. 2004-26, 10/12/04)

1 - 12. Conflict.

This zoning ordinance and any chapter contained within shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail over any such provisions which are less restrictive. (Ord. 2004-26, 10/12/04)

1 - 13. Validity.

If any chapter, section, subsection, sentence, clause, or phrase of this zoning ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this zoning ordinance. (Ord. 2004-26, 10/12/04)

1 - 14. Effect on previous ordinances.

(1) Those zoning ordinances and chapters enacted prior to January 10, 1975, covering zoning, in their entirety are hereby superseded and amended. The intent of previous zoning ordinances and the revisions made to them is included in this zoning ordinance, whether in the same or in different language.

(2) This zoning ordinance shall be interpreted to questions of conforming or nonconforming uses, buildings and structures, and as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.. (Ord. 2004-26, 10/12/04)

1 - 15. Amendments.

The county commission may from time to time amend the number, shape, boundaries or areas of any district, or regulation, or any provision of this zoning ordinance. Any amendment shall not:

(1) be made unless the same shall have been proposed by or first submitted to the planning commission for its approval, disapproval and recommendations, and

(2) the county commission has held a public hearing on the proposed amendment after 14 days reasonable notice.. (Ord. 2004-26, 10/12/04)

1 - 16. Notice.

When application is made to amend a zoning district or portion thereof, notice of the public hearing shall be made by publication in a newspaper having general circulation within Tooele County, at least 14 days in advance of the hearing.. (Ord. 2004-26, 10/12/04)

1 - 17. Permits or licenses.

All departments, officials and public employees of Tooele County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this zoning ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions thereof. Any permit or license, if issued in conflict with the provisions of this zoning ordinance, shall be null and void. (Ord. 2004-26, 10/12/04)

1 - 18. Fees.

Fees may be charged to applicants for building, occupancy, conditional use permits, design review, planned unit development approval, planning commission and board of adjustment hearings, and such other services required by this zoning ordinance to be performed by public officers or agencies. Such fees shall be established by resolution of the county commission and shall be in amounts reasonably necessary to defray costs to the public. (Ord. 2004-26, 10/12/04)

1 - 19. Improvements - Performance bonds.

(1) Any on or off site improvements required by this zoning ordinance or by the planning commission, including curb, gutter, sidewalk, fences, landscaping, streets, fire hydrants, and parking, shall be satisfactorily installed prior to Tooele County authorizing electrical service being provided; or, if no electrical service is required, prior to issuance of any occupancy permit for the land or structure being developed or constructed.

(2) In lieu of actual completion of such improvements prior to electrical service being provided or the issuance of an occupancy permit, a developer, contractor or land owner may file with the county commission a cash bond, escrow agreement, or other approved form of financial assurance, in an amount equal to 125% of the cost of construction as determined by the department of engineering, to ensure completion of improvements within one year. Twenty percent of the bond amount for public improvements such as curb, gutter, sidewalk, road surfacing and fire hydrants, shall extend for a one-year period beyond the date the improvements are completed, to guarantee replacement if such improvements become defective. Upon completion of the improvements for which a cash bond or escrow agreement has been filed, the developer, contractor or land owner shall call for inspections of the improvements by the department of engineering.

(3) To protect the health, safety and welfare of persons from traffic, flood, drainage or other hazards, the planning commission or county commission may determine that the required improvements should be completed in a specific sequence and/or in less than a one

year period. The planning commission or county commission may require in approving the cash bond or escrow agreement that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the bond.

(4) When the developer, contractor or land owner is a school district, municipality, service area, special-purpose district or other political subdivision of the state, the county commission may waive the cash bond or escrow agreement and accept a letter from the governing body thereof, guaranteeing installation of the improvements. Before approving any such waiver, the county commission shall receive a recommendation from the department of engineering. (Ord. 2004-26, 10/12/04)

CHAPTER 2

DEFINITIONS

Section

2 - 1 Definitions.

2 - 1 Definitions.

1. 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.

(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" or "owner" means any person who can show written proof that he is acting for another and with the such 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, fruit stands, fur farms, food packaging or processing plants; and commercial poultry or egg production.

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

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

(13) "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.

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

(15) "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.

(16) "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.

(17) "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.

(18) "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.

(19) "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."

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

(21) "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.

(22) "Basement" means a story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than 1/2 of its floor-to-ceiling height is below the average contact level of the adjoining ground.

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

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

(25) "Billboard" see "Off-premise sign."

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

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

(28) "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.

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

(30) "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.

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

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

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

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

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

(36) "Camping" means a temporary establishment of living facilities such as tents or recreational coaches for a period of days as regulated by this Ordinance.

(37) "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."

(38) "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.

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

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

(41) "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.

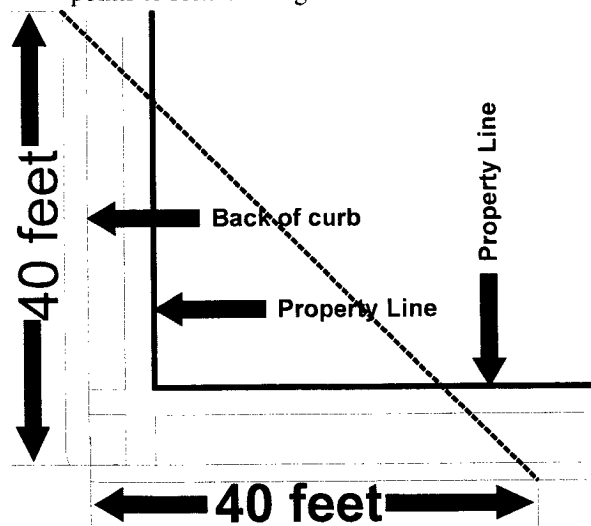
(42) "Child care" means continuous care of and supervision of five or more children under 18 years of age for a portion of the day that is less than 24 hours, in lieu of care ordinarily provided by parents in their own home, for direct or indirect compensation.

(43) "Church" means a building, together with its accessory buildings and uses, maintained and controlled by a religious organization where persons regularly assemble for worship.

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

(45) "Clearview 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.

(46) "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.

(47) "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.

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

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

(50) "Comprehensive plan" means general plan.

(51) "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.

(52) "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.

(53) "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.

(54) "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.

(55) "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.

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

(57) "Construction field office, temporary" means a mobile office, travel trailer, truck 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.

(58) "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.

(59) "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.

(60) "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.

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

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

(63) "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.

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

(65) "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.

(66) "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.

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

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

(69) "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.

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

(71) "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.

(72) "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.

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

(74) "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."

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

(76) "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.

(77) "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.

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

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

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

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

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

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

(84) "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.

(85) "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.

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

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

(88) "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.

(89) "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.

(90) "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.

(91) "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.

(92) "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.

(93) "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.

(94) "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.

(95) "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.

(96) "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.

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

(98) "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.

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

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

(101) "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.

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

(103) "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.

(104) "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, snow mobiles, or other recreational vehicles.

(105) "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."

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

(107) "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.

(108) "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.

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

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

(111) "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.

(112) "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.

(113) "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.

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

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

(116) "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.

(117) "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.

(118) "Illegal sign" means a sign which does not meet the requirements of this ordinance and which has not received non-conforming status.

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

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

(121) "Inoperative vehicle or trailer" means any vehicle or trailer that due to mechanical, electrical, structural problems, or lack of maintenance, can not 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.

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

(123) "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.

(124) "Junk yard" means the use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; but does not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

(125) "Kennel" means any premises where three or more dogs older than four months are kept.

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

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

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

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

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

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

(132) "Local jurisdiction" means Tooele County, Utah

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

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

(135) "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.

(136) "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.

(137) "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.

(138) "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.

(139) "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.

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

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

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

(143) "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.

(144) "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.

(145) "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.

(146) "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.

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

(148) "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.

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

(150) "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.

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

(152) "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.

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

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

(155) "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."

(156) "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.

(157) "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.

(158) "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.

(159) "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.

(160) "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 classed as a mobile home until it is placed on a permanent foundation and complies with all applicable building codes.

(161) "Monument sign" means a sign mounted directly to the ground with maximum height not to exceed six feet.

(162) "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.

(163) "Multiple-face sign" means a sign containing two or more faces, not necessarily in back-to-back configuration.

(164) "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.

(165) "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 district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

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

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

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

(169) "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, pursuant to Title 17, Chapter 27, Part 3.

(170) "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.

(171) "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.

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

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

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

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

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

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

- (a) is open to the sky or is open to view in at least two sides.
- (b) is readily accessible by foot traffic from the building to which it is accessory.
- (c) is not provided from any required front or side yard, parking area, or driveway space.

(178) "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.

(179) "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.

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

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

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

(183) "Pedestrian-way." See "Cross-walk"

(184) "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.

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

(186) "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.

(187) "Planned unit development (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.

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

(189) "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 metes and bounds.

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

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

(192) "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.

(193) "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.

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

(195) "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.

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

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

(198) "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.

(199) "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.

(200) "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.

(201) "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.

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

(203) "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.

(204) "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.

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

(206) "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.

(207) "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.

(208) "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.

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

(210) "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.

(211) "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.

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

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

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

(215) "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.

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

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

(218) "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.

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

(220) "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.

(221) "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.

(222) "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.

(223) "Sign, abandoned" means a sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is located, or advertises a product or service no longer available, or a sign where the advertising copy is no longer readable.

(224) "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.

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

(226) "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.

(227) "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.

(228) "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.

(229) "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.

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

- (a) run for longer than eight hours but not longer than six months;
- (b) are intended to or likely to attract substantial crowds; and
- (c) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

(231) "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.

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

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

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

(235) "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.

(236) "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.

(237) "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, and overhead transmission line, flag pole, antenna.

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

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

(240) "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.

(c) "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.

(241) "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.

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

(243) "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.

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

(245) "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.

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

(247) "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.

(248) "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.

(249) "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.

(250) "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.

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

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

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

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

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

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

(257) "Zoning administrator" means the local official designated by the county commission to enforce the regulations of the ordinance.

(258) "Zoning ordinance" means the Uniform Zoning Ordinance of Tooele County, Utah. (Ord.2004-32, 11/30/2004, Ord. 2004-35, December 21, 2004)

CHAPTER 3

GENERAL PLAN, ZONING AND AMENDMENTS

Section

- 3 - 1. Tooele County General Plan.**
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3 - 1. Tooele County General Plan.

(1) To accomplish the purposes set forth in the Land Use Development and Management Act, the Tooele County General plan is comprehensive in scope and addresses:

(a) the present and future needs of the county; and

(b) the growth and development of the land within the county or any part of the county, including uses of land for urbanization, trade, industry, residential, agricultural, wildlife habitat, and other purposes.

(2) Any amendment to the Tooele County General Plan shall provide for:

(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;

(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;

(c) the efficient and economical use, conservation, and production of the supply of:

(i) food and water; and

(ii) drainage, sanitary, and other facilities and resources;

(d) the use of energy conservation and solar and renewable energy resources;

(e) the protection of urban development;

(f) the protection and promotion of air quality;

(g) a land use element that:

(i) designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(ii) may include a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan;

(h) a transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that are appropriate, all correlated with the land use element of the plan to include an official map, pursuant to Title 72, Chapter 5, Part 4 UCA, Transportation Corridor Preservation;

(i) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

(j) a public services and facilities element showing general plans for sewage, waste disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(k) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) historic preservation; and

(ii) the elimination of blight and for redevelopment, including housing sites, business and industrial sites, and public building sites; and

(l) an economic element composed of appropriate studies and an economic development plan that may include review of county revenue and expenditures, revenue sources, identification of base and residentiary industry, primary and secondary market areas, employment, and retail sales activity.

(3) The plan shall define the county's local customs, local culture, and the components necessary for the county's economic stability. (Ord.2002-26, 10/15/02)

3 - 2. Planning commission responsibility.

(1) (a) The planning commission shall make and recommend to the county commission a proposed general plan for the area within the county.

(b)(i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.

(ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is adopted by the municipal planning commission and the governing body of the municipality.

(2) The general plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the planning commission's recommendations for the development of the territory covered by the plan, and shall include, among other things:

(a) recommendations for implementing the plan, including the use of zoning ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions;

(b) any other elements that the county commission considers appropriate;

(c) a reasonable opportunity for a variety of housing, including moderate income housing, to meet the needs of people desiring to live there; and

(d) locating moderate income housing in all areas of a community to allow persons with moderate incomes to benefit from and to fully participate in all aspects of neighborhood and community life.

(3) As used in this section:

(a) "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.

(b) "Plan for moderate income housing" or "plan" means a written document prepared by the county planner, recommended by the planning commission and adopted by the county commission that includes, but is not limited to:

(i) an estimate of the existing supply of moderate income housing located within the county;

(ii) an estimate of the need for moderate income housing in that county for the next five years as revised annually;

(iii) a survey of total residential zoning;

(iv) an evaluation of how existing zoning densities affect opportunities for moderate income housing; and

(v) a description of the county's program to encourage an adequate supply of moderate income housing.

(4) The plan may provide for moderate income housing by any means or combination of techniques which provide a realistic opportunity to meet estimated needs. The plan may include an analysis of why the means or techniques selected provide a realistic opportunity to meet the objectives of this section. Such techniques may include:

(a) rezoning for densities necessary to assure the economic viability of inclusionary developments, either

through mandatory set asides or density bonuses;

(b) infrastructure expansion and rehabilitation that will facilitate the construction of moderate income housing;

(c) rehabilitation of existing uninhabitable housing stock;

(d) consideration of waiving construction-related fees generally imposed by the county;

(e) utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;

(f) utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and

(g) utilization of affordable housing programs administered by the Department of Community and Economic Development.

(5)(a) After adoption of a plan for moderate income housing, each planning commission shall annually:

(i) review the plan and its implementation; and

(ii) prepare a report setting forth the findings of the review.

(b) Each report under Subsection (5)(a)(ii) shall include a description of:

(i) efforts made by the county to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;

(ii) actions taken by the county to encourage preservation of existing moderate income housing and development of new moderate income housing;

(iii) progress made within the county to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and

(iv) efforts made by the county to coordinate moderate income housing plans and actions with neighboring counties. (Ord.2002-26, 10/15/02)

3 - 3. Application to amend the general plan.

Any property owner or authorized agent thereof may file an application requesting the planning commission hear an amendment to the county general plan. Such application shall include the reasons or basis upon which the property owner believes the county general plan should be amended. The proposed amendment shall be comprehensive in scope and comply with the provisions of Section 3 - 1. The planning commission shall consider an application to amend the county general plan only if it first determines that there has been a change of circumstances or other sufficient reasons to justify consideration of an amendment to the county general plan. A decision by the planning commission not to consider an amendment to the county general plan may be appealed to the board of county commissioners pursuant to the procedures set forth in Title 17, Chapter 27, UCA. Amendments to the county general plan shall comply with

the procedures set forth in Chapter 27 of Title 17 of the Utah Code Annotated. (Ord.2002-26, 10/15/02)

3 - 4. Restriction on applications after adoption of general plan.

No application may be filed by any property owner or authorized agent thereof to amend any part of the county general plan for a period of one year after adoption of such part of the county general plan. (Ord.2002-26, 10/15/02)

3 - 5. Effect of the plan on public uses.

(1) No street, park, or other public way, ground, place, or space, no publicly-owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless:

(a) it conforms to the plan; or

(b) it has been considered by the planning commission and, after receiving the advice of the planning commission, approved by the county commission as an amendment to the general plan.

(2) Before accepting, widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the planning commission shall first review the proposed action and make recommendations to the county commission. (Ord.2002-26, 10/15/02)

3 - 6. Zoning ordinance.

The zoning ordinance shall establish regulations for land use and development that furthers the intent of the Tooele County General Plan. (Ord.2002-26, 10/15/02)

3 - 7. Amendment procedure.

(1) The board of county commissioners may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval, disapproval or suggestions of the county or township planning commission.

(2) This zoning ordinance and the zoning map may be amended from time to time by ordinance duly enacted by the Board of County Commissioners in accordance with the procedures set out forth in 17-27-402, UCA. (Ord.2002-26, 10/15/02)

3 - 8. Initiation of zoning text and map amendments.

(1) Amendment to the text of the zoning ordinance shall be initiated by the planning commission or by the filing of an application in which the planning commission shall make a recommendation to the Board of County Commissioners.

(2) Amendment to any zoning map shall be initiated by a recommendation from the planning commission or the by filing an application by at least one land owner, owner by contract option or lessee with permission of the land owner within the area proposed to be changed or affected by the map amendment. Such proposal may extend beyond the property lines of the applicant. (Ord.2002-26, 10/15/02)

3 - 9. Zoning map amendment procedure.

(1) Applications for amendments to the zoning map shall be completed in full, signed, supplemented with any additional information required by the planning commission. An application which is incomplete or provides insufficient data is just cause for denial.

(2) A proposed amendment to the zoning map shall be initiated by the filing of an application for rezoning with the planning commission secretary or the Tooele County Department of Engineering. An application to amend the zoning map shall address:

(a) general existing site characteristics including ownership, topography, soils, drainage, vegetation and other physical characteristics of the area proposed to be changed;

(b) a legal description of the area to be zoned;

(c) types of land uses permitted, conditional or prohibited in the current zoning district and the proposed zoning district;

(d) existing transportation patterns to include public and private roads and internal and external circulation patterns, rights-of-way, easements and parking;

(e) existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings with a general description of size area, intensities/densities, and height, and proposed storm-water drainage facilities;

(f) existing and proposed utilities and infrastructure;

(g) relationship of proposed zone change with Tooele County General Plan and how specifically the proposed zone change would conflict, conform, complement or otherwise affect the Tooele County General Plan as well as any special studies that are designed to further detail the Tooele County General Plan in a specific area;

(h) an area map showing adjacent property owners and existing land uses within 500 feet of the area proposed to be rezoned;

(i) the location, description and acreage of land uses;

(j) approximate location and number of residential units along with approximate square footage, density and height;

(k) approximate location and square footage of non-residential buildings;

(l) calculation of approximate amount of open space both before and after buildout construction, indicating

areas of expected open space and new landscaping, and including maintenance plans for these areas;

(m) if the site has unusual or unique natural features, a demonstration of how proposed development preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural draining patterns, and if appropriate, geotechnical studies submitted to indicate soil types, depth of bedrock and slope stability;

(n) a description of the availability of culinary and irrigation water, community facilities such as schools, fire protection services and other types of facilities that would serve the re-zoned area and how these facilities are affected by this proposal;

(o) approximate location and size of storm water detention and retention areas and calculations on the impact to those systems as a result of the change in density and use of land;

(p) an indication of the construction schedule of any project proposed;

(q) for multi-phased projects, a phasing plan that describes the anticipated timing and geographical extent of each phase;

(r) a detailed traffic study showing the vehicle trips per day on average at buildout and a determination how the project would significantly alter existing traffic patterns or volume;

(s) for applications involving a PUD, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks and a description of any requested exceptions to the requirements of the underlying zone; and

(t) any other study or information required by the planning commission or zoning administrator.

(3) The planning division of the engineering department shall review the proposal and submit to the applicant and the planning commission a staff report on the proposed application. The planning division shall analyze the impact of the proposed change on the development of the land within the community and county. In making a staff report, the planning division shall evaluate the proposal and address the following:

(a) whether requested zoning is in conformity with the county's general plan;

(b) a finding that there have been material changes in the character of the neighborhood, community or county such as to justify a change in the zoning as requested by the applicant;

(c) the extent to which the proposed development of the subject property in accordance with the requested zoning will be in harmony with and compatible with surrounding land uses and present development in the area;

(d) whether the subject property can be reasonably used and developed as presently zoned;

(e) how the requested zoning will affect traffic congestion and infrastructure in the area;

(f) whether the requested zoning will promote the public welfare;

(g) if a denial of the requested zoning would preclude use of the property for any purpose to which it is reasonably adaptable;

(h) how the land uses between the existing zone and the requested zoning afford any reasonable use of the property;

(i) whether failure to zone the property as requested would impose a hardship on the owner; and

(j) how the requested zoning will promote or disturb stability in the zoning of the neighborhood.

(4) The staff report shall be prepared and distributed before the item is considered at the business meeting.

(5) In making a recommendation on any zoning map amendment, the planning commission may approve or deny the application as proposed. The planning commission may modify the proposal to exclude those properties, the rezoning of which does not, in the opinion of the planning commission, meet the criteria and intent of the Tooele County General Plan. Such recommendation shall specifically address the impact such a change will have on the resources and infrastructure within the county. The planning commission may expand the proposed area proposed to be rezoned only if placed on the work meeting agenda of the next meeting and adequate notice is posted. (Ord.2002-26, 10/15/02)

3 - 10. County commission consideration for zoning map amendment--Hearing--Notice.

Before finally adopting any zoning amendment, the board of county commissioners shall hold a public hearing, with at least 14 days' notice of the time and place of which shall be given at least one publication in a newspaper of general circulation in the county, and by posting in three public places designed to give notice to the persons affected. (Ord.2002-26, 10/15/02)

3 - 11. Restriction on applications after decision of rezone application.

A final determination regarding an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final decision unless the county planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence to merit consideration of a second application within the one-year time period. (Ord.2002-26, 10/15/02)

3 - 12. Application for the initiation of zoning text amendments.

(1) The Uniform Zoning Ordinance of Tooele County is a principal means of implementing the land use policies of the Tooele County General Plan. The zoning ordinance is a regulatory document which classifies property within the county limits into various zoning districts. Certain land uses are allowed in each zoning district; for example, single-family residential, neighborhood commercial, and light industrial. Zoning district boundaries are established on a zoning map. For each zoning district, the ordinance text prescribes a set of development standards to be enforced by the county with respect to such physical factors as permitted, conditional and prohibited land uses, lot size, building setbacks, building heights, open space provisions, parking requirements, and so on.

(2) A proposal for an amendment to the zoning ordinance may be initiated by:

- (a) the planning commission, by majority vote of the board;
- (b) a county official through a request to the planning commission; or
- (c) an individual, through a application to the planning commission.

(3) Each applicant bears the burden of proof to show that the amendment requested furthers the goals and policies of the Tooele County General Plan. (Ord.2002-26, 10/15/02)

3 - 13. Determination of commissioners.

The board of county commissioners, after public hearing and review of the decision of the planning commission, may affirm, reverse, alter or remand for further review and consideration any action taken by the planning commission. (Ord.2002-26, 10/15/02)

3 - 14. Appeal procedure.

Any person shall have the right to appeal to the district court a decision regarding the amendment of a zoning text or map amendment by the Board of County Commissioners by filing an appeal in writing within 30 days following the date upon which the decision is made. (Ord.2002-26, 10/15/02)

CHAPTER 4

SUPPLEMENTARY AND QUALIFYING REGULATIONS

Section		4-4	Every dwelling to be on a lot - Exceptions.
4-1	Effect of chapter.	4-5	Yard space for one building only.
4-2	Substandard lots at time of ordinance passage.	4-6	Private garage with side yard - Reduced yards.
4-3	Lot standards.	4-7	Sale or lease of required space.

- 4-8 Sale of lots below minimum space requirements.
- 4-9 Yards to be unobstructed - Exceptions.
- 4-10 Area of accessory buildings.
- 4-11 Repealed.
- 4-12 Exceptions to height limitations.
- 4-13 Minimum height of main building.
- 4-14 Maximum height of accessory buildings.
- 4-15 Clear view of intersecting streets.
- 4-16 Maximum height of fences, walls, hedges.
- 4-17 Water and sewerage requirements.
- 4-18 Curbs, gutters and sidewalks.
- 4-19 Effect of official map.
- 4-20 Lots on private streets.
- 4-21 Lots divided by a zone boundary.
- 4-22 Disconnection or disincorporation of property.
- 4-23 Animal and fowl restrictions.
- 4-24 Off-site improvements.
- 4-25 Commercial renting of dwellings prohibited.
- 4-26 Temporary residences for emergency construction or repair.

4-1 Effect of chapter.

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the regulations of any zoning district appearing elsewhere in the Uniform Zoning Ordinance of Tooele County.

4-2 Substandard lots at time of ordinance passage.

- (1) Any legal substandard lot created prior to January 10, 1975, or having been granted a special exception by the board of adjustment pursuant to Tooele County Code 13-6-2, and having less than the requirements for lot area or width for the zoning district in which it is located, may be used for a single family dwelling if it is located in a zoning district that permits single family dwellings.
- (2) The method for determining side yard setback distances for lots described in Subsection (1) is to:
 - (a) determine the area of the lot;
 - (b) determine the equivalent zone by using Table 4-A;
 - (c) compare the actual front width with the equivalent zone frontage requirement;
 - (d) if the actual frontage equals or exceeds the equivalent zone frontage, use the setback distance of the equivalent zone; and
 - (e) if the actual frontage is less than the equivalent zone frontage, then use Table 4-B to determine the adjusted side yard setback.
- (3) All setbacks other than side yard setbacks shall remain as stated in the equivalent zone.
- (4) Notwithstanding anything to the contrary in this section, side yard setbacks in lots described in Subsection (1) shall not be less than eight feet.

Table 4-A	
Area of Lot:	Equivalent Zone:
Over 120 acres	MU-160
Over 60 acres, up to 120 acres	MU-80
Over 50 acres, up to 60 acres	MU-40
Over 15 acres, up to 50 acres	A-20
Over 7 acres, up to 15 acres	RR-10
Over 3 acres, up to 7 acres	RR-5
Over 0.75 acres, up to 3 acres	RR-1
Over 17,000 square feet, up to 32,670 square feet	R-1-21
Over 11,000 square feet, up to 17,000 square feet	R-1-12
Over 9,000 square feet, up to 11,000 square feet	R-1-10
Up to 9,000 square feet	R-1-8

Table 4-B		
(Actual Width x Side Yard Multiplier = Adjusted Side Yard)		
Equivalent Zone	=	Side Yard Multiplier
R-1-8	=	0.0857
R-1-10	=	0.1000
R-1-12	=	0.1250
R-1-20	=	0.1000
RR-1	=	0.1200
RR-5	=	0.1000
RR-10	=	0.0758
A-20	=	0.0909
A-40	=	0.0909
MU-40	=	0.0454
MU-80	=	0.0227
MU-100	=	0.0227

4-3 Lot standards.

(1) Except for planned unit developments and cluster subdivisions or as otherwise provided in this Uniform Zoning Ordinance of Tooele County, every lot shall have such area, width and depth as is required by for the zoning district in which such lot is located.

(2) Lots shall have frontage upon a dedicated or publicly-approved street before any building permit may be issued, except residential lots may front upon private roads approved by the planning commission, subject to Tooele County Code §15-2-6.

(3) In the residential and rural residential zoning districts, no lot shall be created which is more than three times as deep as it is wide. In rural residential zoning districts, a special exception thereto may be granted by the board of adjustment if it can be shown by the applicant that a deeper lot represents the most judicious configuration of the property, but in no case shall the exception be granted for more than five lots in any subdivision, neither shall it create a lot more than five times as deep as it is wide.

(4) Any lot or portion thereof that exceeds 30% slope is not buildable.

(5) Any lot created through 13-1-8 of the Tooele County Code or Title 17-27-806 UCA for an agricultural partition is not a buildable lot for a residential dwelling or use. To become a residential building lot, the lot or parcel shall first be divided as a subdivision under Title 13 of the Tooele County Code. (Ord.2003-34, 12/9/2003)

4-4 Every dwelling to be on a lot - Exceptions.

(1) Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot.

(2) Group and cluster dwellings, condominiums and other multi-structure dwelling complexes with single ownership and management may occupy one lot for each such multi-structure complex.

4-5 Yard space for one building only.

No required yard or other open space around an existing building or that is hereafter provided around any building shall be considered as providing a yard or open space for another building, nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

4-6 Private garage with side yard - Reduced yards.

(1) On any interior substandard lot where a private garage containing a sufficient number of parking spaces to meet the Uniform Zoning Ordinance of Tooele County has a side yard equal to the minimum side yard required for a dwelling in the same zoning district, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard for a recognized substandard lot.

(2) On any substandard lot where such a garage has a side yard as mentioned before, the rear yard of the dwelling may be reduced to 15 feet, provided the garage also has a rear yard of at least 15 feet.

4-7 Sale or lease of required space.

No space needed to meet the width, yard, area, coverage, parking or other requirements of the Uniform Zoning Ordinance of Tooele County for a lot or building may be sold or leased away from such lot or building.

4-8 Sale of lots below minimum space requirements.

No parcel of land may be divided or subdivided from a larger parcel of land which creates a lot that has less than the minimum width and area requirements for the zoning district in which it is located. This regulation applies whether the intent of the division or subdivision may or may not be for the purpose, whether immediate or future, of building, development or any other land use.

4-9 Yards to be unobstructed - Exceptions.

(1) Every part of a required yard shall be unobstructed and open to the sky, except for:

- (a) accessory buildings in a rear yard;
- (2) the ordinary projections of eaves, skylights, sills, belt courses, cornices, chimneys, flues, and like features which project into a yard not more than two and one-half feet; and

- (c) projections allowed by the building or fire codes for fire safety purposes shall be allowed to extend into a yard not more than five feet.

(2) In no case shall a stoop, cantilever, eave, or other projection extend into any designated easement for public utilities, drainage, access, etc. (Ord.2001-32, 9/04/01)

4-10 Area of accessory buildings.

No accessory building or group of accessory buildings in any residential district shall cover more than 25% of the rear yard.

4-11 Repealed.

4-12 Exceptions to height limitations.

All buildings and structures must conform to the height limit of the zoning district in which they are located. No space above the height limit shall be allowed for purposes of providing additional floor space. The following are the only exceptions which shall be allowed by conditional use permit to the height limits in any zoning district:

- (1) penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;
- (2) fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures; and
- (3) public and quasi-public utility buildings. (Ord.2000-19, 6/06/2000)

4-13 Minimum height of main building.

No dwelling shall be erected to a height less than one story above grade.

4-14 Maximum height of accessory buildings.

No accessory building to a one-, two-, three- or four-family dwelling shall contain more than one story or exceed 20 feet in height.

4-15 Clear view of intersecting streets.

(1) In all districts requiring a front yard, no obstruction to view in excess of two feet in height or twelve inches in width shall be placed on any corner lot within the clear view zone. Pole signs and a reasonable number of trees pruned to at least ten feet clearance to grade to permit unobstructed vision to automobile drivers and pedestrians are permitted.

(2) Signs or other advertising structures shall not be erected at the intersection of any street or driveway in such a manner as to obstruct free and clear vision. They shall not be erected at any location where by reason of the position, shape or color, they may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words, "Stop," "Drive-in," "Danger," or any other words, phrases,

symbols or characters in such a manner as to interfere with, mislead or confuse vehicle operators.

4-16 Maximum height of fences, walls and hedges.

(1) Fences, walls and hedges may be erected to permitted building height for the zoning district in which they are located when within the buildable area, provided that any such structure over six feet high requires a building permit.

(2) View-obscuring fences, walls, and hedges may not exceed three feet in height within any required front yard. Corner lots in residential zones are allowed a view obscuring fence, on the side of the house that does not face the street only, up to six feet in height at the property line provided the fence is at no time located less than 5 feet behind the front façade. No fences, walls, or hedges over two feet in height may be located in the clear view zone.

(3) Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line. (Ord.2003-04, 3/11/2003)

4-17 Water and sewerage requirements.

In all cases where a proposed building or proposed use will involve the use of sewerage facilities and a connection to a public sewer system as defined by the Utah State Department of Environmental Quality is not available, and in all situations where a connection to a public water system approved by the Utah State Department of Environmental Quality is not available the sewage disposal and the domestic water supply shall comply with the requirements of Tooele County Health Department. The application for a building permit shall be accompanied by a certificate of approval from the Tooele County Health Department.

4-18 Curbs, gutters and sidewalks.

The installation of curbs, gutters and sidewalks of a type approved by the director of the Tooele County Department of Engineering may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters or sidewalks may be required as a condition of a building permit or a use permit approval.

4-19 Effect of official map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line.

4-20 Lots on private streets.

Lots with frontage only on private streets shall only be allowed by conditional use permit or planned unit development. They are subject to all applicable requirements of this Uniform Zoning Ordinance of Tooele County.

4-21 Lots divided by a zone boundary.

A lot divided by a zone boundary shall be subject to the following special regulations:

(1) A use allowed in the less restrictive zone but not allowed in the more restrictive zone may be allowed to extend into the more restrictive zone but not more than 50 feet by approval of the board of adjustment, if the Board finds that the extension is required for the reasons of justice and equity and will not be harmful to neighboring property or human values.

(2) A substandard lot may have area added from a legally-existing, legally-created, or existing substandard lot through a subdivision approval or by a variance issued by the board of adjustment if the total lot area would not equal the minimum lot area of the zone, as long as the creation of the new lot or lots, or the addition of land to an existing lot:

(a) would not create undesirable land patterns or prevent desirable subdivision designs in the area;

(b) would not be detrimental to the development of required or desirable streets, utilities, or other public facilities or service; and

(c) would provide a usable and desirable lot for the uses and densities allowed.

(3) The uses allowed on any portion of the new lot shall only be those allowed in the district in which such portion of the lot is located.

(4) Any such enlarged lot shall not be re-subdivided except through submission and approval of a subdivision plat.

4-22 Disconnection or disincorporation of property.

Any parcel of property that becomes part of the unincorporated area of Tooele County because of disconnection from a municipality or disincorporation of a municipality shall be designated in the same county zoning district as the adjoining zone.

4-23 Animal and fowl restrictions.

No animal or fowl shall be kept or maintained closer than 40 feet to any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet to any street, except that in the RR-10, A-20, A-40, MU-40, MU-80 and MU-160 zoning districts, no corral or stable for the keeping of horses may be located closer to a public street or to any dwelling on an adjacent parcel of land than one hundred feet. No animal or fowl other than horses, cattle, sheep, poultry, swine or mink shall be kept on a parcel with out first obtaining a conditional use permit to insure the welfare,

safety and mitigation of nuisances arising from maintaining such animals.

4-24 Off-site improvements.

(1) The applicant of a building in an approved subdivision shall provide curb, gutter and sidewalk along the entire property line abutting any public street for all dwellings, commercial/industrial structures, public and quasi-public buildings in locations where it has been determined as being required, at Tooele County standards. Vehicular entrances to the property shall be provided as required in Chapter 6 and Chapter 23 of the Uniform Zoning Ordinance of Tooele County. Height, location, structural specifications and maximum roadway approach angles to the centerline of the street are subject to approval from the Department of Engineering.

(2) A fee may be paid in lieu of improvements when conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk. In such circumstances approved by the planning commission, the applicant shall pay Tooele County a fee equal to the cost of such improvements, as estimated by the director of the Department of Engineering. Upon payment of such fee, Tooele County shall assume responsibility for future installation of such improvements. The auditor shall deposit such fees in the special account established to hold such fees and shall credit to such account a proportionate share of interest earned from investment of county moneys. Records relating to the identification of properties for which such fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the Department of Engineering.

(3) The planning commission may grant an exception to installation of the sidewalk in industrial areas where it determines that the sidewalk is not necessary to serve the public need and the elimination of the sidewalk does not jeopardize the public health, safety and welfare.

(4) The planning commission may grant an exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.

4-25 Commercial renting of dwellings prohibited.

It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof within any residential, agricultural or multi-use zoning district for lodging or accommodation purposes for a period of less than 30 days except as specifically allowed in the zoning district regulations.

4-26 Temporary residences for emergency construction or repair.

If for reason of emergency construction or major repair there is need for a temporary residence on construction sites of non-residential premises in the remote areas of the

county where travel would exceed one hour at posted speed limits to a residence or a trailer park, a temporary use permit shall be considered to allow temporary placement of mobile homes, manufactured homes or the use of recreational vehicles to provide temporary housing. Any such use must be approved by the director of the Department of Engineering with the following terms and conditions:

(1) The temporary use approval of the structure, recreational vehicle, mobile home, or manufactured housing is temporary and is not to exceed six months, with the exception that the owner can apply for a six month extension, provided that substantial progress of the emergency, construction or repair is demonstrated. There shall be no more than three extensions granted for any temporary use permit or any lot, parcel or property.

(2) The temporary structure, mobile home, manufactured housing, or recreational vehicle shall be constructed or placed in accordance with the Uniform Building Code and the Uniform Zoning Ordinance of Tooele County and shall be required to have a permit from the Tooele County Health Department in regard to sanitation facilities and a building permit issued before commencement of construction or placement of the temporary structure.

(3) The temporary structure, mobile home, manufactured home, or recreational vehicle shall be removed:

(a) immediately following completion of the project, construction or repairs, or

(b) immediately upon the expiration of the term of the temporary use permit.

(4) The Department of Engineering and its employees may review the temporary use permit or the structures on the property to insure compliance and substantial progress.

(5) Mobile and manufactured homes will be placed in accordance with Chapter 10 of the Uniform Zoning Ordinance of Tooele County with the following exceptions:

(a) They shall leave the running gear intact.

(b) The skirting shall be of a temporary construction, not of masonry material.

(6) The temporary structure, mobile home, manufactured housing or recreational vehicle shall not be issued a building permit, placed, stored, located, or constructed on the property until a temporary use permit has been issued.

CHAPTER 6

OFF-STREET PARKING REQUIREMENTS

Section

6-1. Purpose and scope.

6-2. Off-street parking required.

6-3. Site plan requirements for a building permit.

6-4. Access to individual parking spaces.

6-5. Number of parking spaces.

- 6-6. **Parking for the disabled.**
- 6-7. **Access Requirements.**
- 6-8. **Location of Gasoline Pipe Lines.**
- 6-9. **Maintenance of Parking Lots.**
- 6-10. **Off-street parking dimensions.**

6 - 1. Purpose and scope.

(1) The requirements of this chapter are intended to promote the orderly use of land and buildings by identifying minimum and maximum standards for accessory parking and loading facilities that will promote safe and convenient vehicular transportation and movement of goods. These requirements are also intended to help lessen traffic congestion and promote a cleaner environment through reducing the number of vehicles trips. Encouraging non-motorized transportation and relating parking requirements to the local land use/transportation system are consistent with the objectives of this chapter.

(2) The off-street parking and loading provisions of this chapter shall apply to all buildings and structures erected and all uses of land established after the effective date of this chapter. Where a building permit has been issued prior to the effective date of this chapter and provided that construction is begun within six months of such effective date and diligently pursued to completion (completion to be accomplished within 18 months of the effective date of this chapter), parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this chapter. If such building permit pertains to a stage of development only, and subsequent stage for which a building permit is required shall comply with the parking and loading requirements set forth in this chapter.

(3) When the intensity of any building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, additional parking and loading facilities shall be provided in the amounts by which the requirements for the intensified use exceed those for the existing use. (Ord.2001-13, 3/27/01)

6 - 2. Off-street parking required.

At the time any building or structure is erected, enlarged, increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles in accordance with the requirements of this chapter. (Ord.2001-13, 3/27/01)

6 - 3. Site plan requirements for a building permit.

Any application for a building permit shall include a site plan, drawn to scale and fully dimensioned,

showing any off-street parking or loading facilities. (Ord.2001-13, 3/27/01)

6 - 4. Access to individual parking spaces.

Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street. (Ord.2001-13, 3/27/01)

6 - 5. Number of parking spaces.

(1) The minimum number of off-street parking spaces required shall be as follows:

(a) Apartments - Two and one half per apartment dwelling unit.

(b) Business or professional offices - One parking space for each 100 sq. feet of floor area.

(c) Churches with fixed seating - 1¼ space for each six feet of linear pew or four seats. However:

(i) Where a church building is designed or intended to be used by two congregations at the same time, parking of 2¼ parking spaces shall be provided for each six feet of linear pew or four seats.

(ii) For buildings designed or intended to be used for conferences or other special meetings involving more than the regular congregations, the necessary parking shall be determined by the planning commission.

(d) Dwellings - Two parking spaces for each dwelling unit.

(e) Furniture and Appliance Stores - One parking space for each 600 sq. ft. of floor area.

(f) Hospitals - One parking space for each bed plus 1.1 spaces for each employee, projected from the largest employment shift.

(g) Hotels, motels, motor hotels - One space for each living or sleeping unit, plus parking space for all accessory uses as herein specified.

(h) Nursing homes - One space for each five beds plus 1.1 spaces for each employee, projected for the largest employment shift.

(i) Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments - One parking space for each three and one-half seats or one parking space for each 100 sq. ft. of floor area (excluding kitchen, storage, etc.,) whichever is greater.

(j) Retail stores, shops, except as provided in (b) above - One parking space for each 100 sq. ft. of retail floor space.

(k) Wholesale establishments, warehouses, manufacturing establishments, and all industrial uses - As determined by conditional use permit or by planned unit development requirements, if applicable, or by the planning commission, but in no case fewer than one space for each employee projected for the highest employment shift.

(l) Shopping centers or other groups of uses not listed above - As determined by conditional use permit or planned unit development procedure, if applicable, or by the planning commission, but in no case less than one parking space for each 100 sq. ft. of total floor space.

(m) All other uses not listed above - as determined by the zoning administrator, based on the nearest comparable use standards. (Ord.2001-13, 3/27/01)

6 - 6. Parking for the disabled.

(1) Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate the disabled, and these shall be clearly marked as such. Parking spaces for the disabled shall be located in close proximity to the principal building. The designation of parking spaces for the disabled shall constitute consent by the property owner to the enforcement of the restricted use of such spaces to disabled motorists by Tooele County. Parking spaces for the disabled shall conform to the standards of the Americans with Disabilities Act.

(2) The number of required parking spaces accessible to the disabled shall be as follows:

Adequate ingress and egress to and from all uses shall be provided as follows:

(1) Residential Lots - For each residential lot not more than two driveways, each of which shall be a maximum of 20 feet wide at the street lot line. Driveways shall not be closer than:

- (a) 12 feet to each other, and
- (b) 40 feet from any intersection on the side of the street where the driveway is located. The measurement is taken from the point of the intersection of the two converging front lot lines lying tangent to and in the same direction as the front lot lines, to the edge of the driveway.

(2) Other than Residential Lots - Access shall be provided to meet the following requirements:

- (a) Not more than two driveways shall be used for each 100 feet or fraction thereof of frontage on any street.
- (b) No two driveways shall be closer to each other than 12 feet, and no driveway shall be closer to a side property line than five feet.
- (c) Each driveway providing access to a single lot shall not be more than 35 feet wide, and each driveway providing access to two lots shall not be more than 50 feet wide per 100 feet of frontage.

intersection of two property lines; (i) to 25 (ii) to 50 (iii) extend across any property line; and (iv) to 75 (v) to 100	be closer than 50 feet to the right of way line of any road or street corner; (iii) extend across any property line; and (iv) to 75 (v) to 100
(b) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a parking strip, with a minimum width of ten feet, along the entire frontage of the property, except for the permitted driveways. On the street side of the parking strip a concrete curb shall be constructed, the height and type shall be as follows:	
51 to 200 201 to 300 301 to 400 401 to 500 501 to 1000	6 6 6 6 2 percent of total
(c) In planned unit developments (when required) and subdivisions that have a density greater than one acre lots, and there is no existing curb and gutter or sidewalk, the applicant shall install a parking strip, sidewalk, curb and gutter, unless this requirement is waived by the Department of Engineering. (Ord.2001-13, 3/27/01)	

(Ord.2001-13, 3/27/01)

6 - 7. Access requirements.

6 - 8. Location of gasoline pumps.

Gasoline pumps shall be set back not less than 18 feet from any street line to which the pump island is vertical, and 12 feet from any street line to which the pump island is parallel, and not less than ten feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line. (Ord.2001-13, 3/27/01)

6 - 9. Maintenance of parking lots.

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

- (1) Each off-street parking lot shall be surfaced with an asphaltic or portland cement or other binder pavement so as to provide a dustless surface. The parking area shall be so graded as to contain all surface water, by an on site containment system. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.
- (2) The sides and rear of any non-residential off-street parking lot which faces or adjoins a residential district shall be screened from such district by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.
- (3) Each parking lot shall be adequately landscaped and permanently maintained.
- (4) Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises in any Residential or Commercial zoning district, and from street traffic. (Ord.2001-13, 3/27/01)

6 - 10. Off-street parking dimensions.

The dimensions for parking stalls and associated aisles are established in Table 6.2 with the following modifications and additions to those dimensions:

- (1) Parking stalls located adjacent to walls or columns shall be one foot wider to accommodate door opening clearance and vehicle maneuvering ability.
- (2) Parking angles between 0° and 45°, and between 75° and 90° are not allowed. Requests for parking angles other than those shown on Table 6.2 may be made to the planning commission. (Ord.2001-13, 3/27/01)

Table 6.2: Off-street parking dimensions						
Angle	Stall Width	Stall Depth	Stall Length	Stall Area	Stall Volume	Stall Height
0°	22'00"	9'00"	9'05"	27'05"	0'00"	2'00"
45°	9'00"	16'10"	12'06"	46'04"	2'03"	2'00"
50°	9'00"	17'05"	13'03"	48'01"	2'00"	2'00"

[REDACTED]						
55°	9'00"	17'11"	13'11"	49'09"	1'10"	2'01"
60°	9'00"	18'03"	14'07"	51'01"	1'07"	2'02"
65°	9'00"	18'06"	15'06"	52'06"	1'04"	2'03"
70°	9'00"	18'07"	16'04"	53'06"	1'01"	2'04"
75°	9'00"	18'06"	17'10"	54'10"	0'10"	2'05"
90°	9'00"	17'06"	22'07"	57'07"	0'00"	2'06"

(Ord. 2001-13, 3/27/01)

CHAPTER 7

CONDITIONAL USES

Section

- 7 - 1. **Definition of conditional use.**
- 7 - 2. **Permit required.**
- 7 - 3. **No presumption of approval.**
- 7 - 4. **Application.**
- 7 - 5. **Determination.**
- 7 - 6. **Fee.**
- 7 - 7. **Public hearing.**
- 7 - 8. **Appeals.**
- 7 - 9. **Compliance and inspection.**
- 7 - 10. **Substantial action required.**
- 7 - 11. **Notification required.**
- 7 - 12. **Amendment of a conditional use permit.**
- 7 - 13. **Revocation.**
- 7 - 14. **Special events - Temporary permits.**
- 7 - 15. **Professional filming.**

7 - 1. Definition of conditional use.

A conditional use is 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.

7 - 2. Permit required.

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be located, or if the use is specified as conditional use elsewhere in this Uniform Zoning Ordinance of Tooele County.

7 - 3. No presumption of approval.

The listing of a conditional use in any table of permitted and conditional uses found at the end of each chapter of this Uniform Zoning Ordinance of Tooele County for each category of zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location. (Ord.2001-13, 3/27/01)

7 - 4. Application.

(1) Application for a conditional use permit shall be made to the Tooele County zoning administrator. The

zoning administrator shall submit the application to the planning commission and schedule it for the commission's work meeting. The planning commission may authorize the zoning administrator to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as they deem necessary.

(2) Each application for a conditional use permit shall be accompanied by maps, drawings, statements or other documents as required by the planning commission. Submittals must be filed with the zoning administrator for staff and public review by noon of the fourteenth day prior to the planning commission meeting. (Ord.2001-13, 3/27/01)

7 - 5. Determination.

(1) The planning commission, or upon authorization, the zoning administrator, may permit a use to be located within a zoning district in which a conditional use permit is required by the use regulations of that zoning district or elsewhere in these ordinances.

(2) In authorizing any conditional use the planning commission or zoning administrator shall impose such requirements and conditions as are necessary for protection of adjacent properties and the public welfare. A conditional use permit shall not be authorized unless sufficient evidence is presented to establish that:

(a) such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;

(b) the conditions for the use will:

(i) comply with the intent, spirit and regulations of the Uniform Zoning Ordinance of Tooele County and the zoning district where the use is to be located;

(ii) make the use harmonious with the neighboring uses in the zoning district;

(c) nuisances that would not be in harmony with neighboring uses will be abated by the conditions imposed;

(d) protection of property values, the environment and the tax base for Tooele County will be assured;

(e) the conditions shall be in compliance with the general plan of Tooele County;

(f) some form of a guarantee is made assuring compliance to all conditions that are imposed; and

(g) the conditions imposed are not capricious, arbitrary or contrary to any precedent set by the planning commission on prior permits, which are similar in use and

district, unless prior approvals were not in accordance with the provisions and standards of this Uniform Zoning Ordinance of Tooele County. (Ord.2001-13, 3/27/01)

7 - 6. Fee.

The application for conditional use permit shall be accompanied by the appropriate fee as established by the board of county commissioners.

7 - 7. Public hearing.

A public hearing on the conditional use permit application may be held if the zoning administrator or planning commission shall deem a hearing to be necessary and in the public interest. (Ord.2001-13, 3/27/01)

7 - 8. Appeals.

(1) Any person aggrieved by a decision of the planning commission or the zoning administrator regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of county commissioners whose decision shall be final. All appeals to the county commission must be in writing and filed with the county commission within 30 days of the date of the decision appealed from.

(2) The decision of the county commission may be appealed to the district court provided such appeal is filed within 30 days of the county commission decision. The appeal shall be filed with the county commission and with the clerk of the district court. (Ord.2001-13, 3/27/01)

7 - 9. Compliance and inspection.

Following the issuance of a conditional use permit:

(1) The Department of Engineering shall receive an application for a building permit, if applicable, and insure that development is undertaken and completed in compliance with the conditional use permit, the Uniform Zoning Ordinance of Tooele County, and the building codes.

(2) The zoning administrator shall make periodic inspections to insure compliance with all conditions imposed. An Investigation Report will be issued to those who are out of compliance. If the discrepancy is not corrected in an allotted time, an Order to Show Cause will be issued for action by the planning commission. (Ord.2001-13, 3/27/01)

7 - 10. Substantial action required.

Unless there is substantial action under a conditional use permit within one year of its issuance, the permit shall expire. The planning commission may grant one extension up to six months, when deemed in the public interest.

7 - 11. Notification required.

When the planning commission considers an application for a conditional use permit at the work meeting, notification shall be mailed to all landowners appearing on the tax rolls of Tooele County that adjoin the property or are within an area that the planning commission and zoning administrator deem would be impacted. It is the intent to make notification to all landowners or residents in the area that may be directly impacted by the conditional use action. (Ord.2001-13, 3/27/01)

7 - 12. Amendment of a conditional use permit.

(1) A use granted by a conditional use permit shall not be enlarged, changed, extended, increased in intensity or relocated unless a new conditional use permit application is made to, and approved by the planning commission.

(2) Notwithstanding Subsection (1), the zoning administrator may administratively consider, approve, or disapprove modifications or changes that are consistent with the purpose and intent of the Uniform Zoning Ordinance of Tooele County. Such determinations may be made only where the additions, modifications, or changes are determined not to have significant impact beyond the site.

(3) The planning commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the zoning administrator determines not to make an administrative determination as provided in Subsection (2) and where: (a) the proposed modification or amendment complies with the intent and purpose of the Uniform Zoning Ordinance of Tooele County; and

(b) reasonable conditions are attached where and to the extent the planning commission finds that their imposition will directly mitigate or eliminate some aspect of the proposed amendment that violates the intent and requirements of this chapter. Impacts must be of the magnitude that without the mitigation or elimination thereof, the amendment to the conditional use permit could not be granted.

7 - 13. Revocation.

(1) A conditional use permit shall be revocable by the planning commission at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of the Uniform Zoning Ordinance of Tooele County in regard to the maintenance of improvements or conduct of the use or business as approved. The county shall also have a right of action to compel offending structures or uses to be removed at the cost of the violator or owner.

(2) No conditional use permit shall be revoked until a hearing is held by the planning commission. The

permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard. The permittee may call witnesses and present evidence. Upon conclusion of the hearing, the planning commission shall determine whether the permit should be revoked.

7 - 14. Special events - Temporary permits.

(1) A temporary conditional use permit shall be required for any special event that may last longer than eight hours.

(2) A temporary conditional use permit shall be issued for no longer than six months but may be extended one time for an equivalent period.

(3) A temporary conditional use permit may be issued by the zoning administrator provided the applicant agrees in writing to the conditions and posts a \$500.00 bond to ensure compliance. If the applicant requests Tooele County provide extraordinary services or equipment, or if the planning commission or zoning administrator determines that extraordinary services or equipment should be provided to protect public health or safety, the applicant shall pay a fee sufficient to reimburse Tooele County for the costs of such services. The bond shall not be released until the site has been inspected and remediation work has returned it back to its original condition.

(4) A temporary conditional use permit shall not be approved if the event will:

- (a) materially endanger the public health or safety;
 - (b) substantially injure the value of the adjoining or abutting property;
 - (c) not be in harmony with the area in which it is to be located;
 - (d) not be in general conformity with the land use plan or any other plan officially adopted by the board of county commissioners or the planning commission;
 - (e) have hours of operation not compatible with the uses adjacent to the activity;
 - (f) create noise which disrupts the activities of adjacent land uses;
 - (g) potentially create an amount of litter or property damage that the applicant can not reasonably control or remove; and
 - (h) require more parking than can be accommodated;
 - (i) will interfere with the normal flow of traffic;
- or
- (j) will interfere with the rights of adjacent and surrounding property owners.

7 - 15. Professional filming.

(1) A conditional use permit shall be required for professional filming to be performed in an area where the primary use is not that of an approved motion picture studio in a zoning district permitting such use. The permit shall be issued to cover the entire time that film crews are working and may be issued on an annual basis. (2)

The permit shall be issued by the zoning administrator provided the applicant files an application with the appropriate fee, agrees in writing to the conditions and posts a \$5,000.00 bond to ensure compliance with the permit's conditions. The amount of the bond may be adjusted by the zoning administrator for the particular request. The bond shall not be released until each site has been inspected and remediation work has returned the site back to its original condition.

(3) If the applicant requests Tooele County to provide services or equipment beyond that which is provided to the general public, or if the zoning administrator determines that those services or equipment should be provided to protect public health or safety, the applicant shall pay a fee sufficient to reimburse Tooele County for the costs of these services.

(4) The permit shall not be approved if the filming will:

- (a) materially endanger the public health or safety;
- (b) substantially injure the value of the adjoining or abutting property;
- (c) not be compatible with the current land uses in the area which it is to be located;
- (d) place permanent structures without a building permit;
- (e) have hours of operation not compatible with the uses on property adjacent to the activity;
- (f) create noise or glare which disrupts the activities of adjacent land uses;
- (g) potentially create an amount of litter or property damage that the applicant cannot reasonably control or remove; or
- (h) create more traffic congestion than can be accommodated or that will interfere with the normal flow of traffic.

(5) Structures left after completion of the filming of the site are considered and regulated as permanent and must pass all applicable building codes adopted by Tooele County for permanent structures.

(6) The application shall show an operation plan which addresses:

- (a) dates of filming;
- (b) permits issued by the Utah Department of Transportation for use of state roads;
- (c) coordination and agreement from applicable state and local law enforcement agencies;
- (d) areas where filming will take place with a site plan showing;

- (i) parking for staff and crews;
 - (ii) equipment and vehicle parking;
 - (iii) service and production trailers;
 - (iv) location and number of sleeping trailers;
 - (v) site traffic patterns; and
 - (vi) storage of pyrotechnics and explosives.
- (e) method of trash disposal;
- (f) vendor, location and number of restroom facilities;
- (g) hours of operation;
- (h) provisions and phone numbers for on-site security;
- (i) construction and demolition schedules and details for props and structures; and
- (j) names, permanent addresses, office, cellular, and fax phone numbers, e-mail, dates of birth, and driver license numbers for persons responsible for the activity.

(7) Prior to permit issuance, the zoning administrator shall have the site inspected and photographs taken. The zoning administrator shall notify the sheriffs department, the local fire department and the health department. Those departments shall have 48 hours to respond to the notification.

(8) Prior to releasing the bond, the zoning administrator shall have the site inspected and photographs taken to insure compliance with the permit.

(9) If the conditions of the permit have been violated, the zoning administrator shall leave notice in writing on the property and mail a copy to the responsible party ordering that the site be properly mitigated to the conditions given in the permit. The zoning administrator shall give a 30-day notice to comply, unless in his opinion the violation endangers the health or safety of the public, in which case such time frame may be shortened. At the conclusion of the time to comply, the zoning administrator shall have the site re-inspected and photographs taken. If the site is not in compliance, the zoning administrator shall post a request for proposal for the cleanup of the site.

(10) When the zoning administrator puts the cleanup of the site out to bid, he shall use those funds from the bond to accomplish that task in a timely manner. Any funds not used to mitigate the site shall be returned to the permittee. If the costs of the mitigation exceed the bond amount, the zoning administrator shall give an accounting of the costs to the permittee and the county attorney. The county attorney shall proceed with legal collection of the amount owed.

(11) As a condition of the issuance of the permit, the applicant shall:

- (a) provide traffic control and obtain properly issued permits to ensure the safety of the public;
- (b) maintain all pyrotechnics in secured enclosures;

(c) demolish all structures and remove all materials after completion of the filming;

(d) provide restroom facilities for personnel, which shall be removed when filming is completed;

(e) remediate any site disturbance and re-vegetate with plant materials indigenous to the area; and

(f) obtain inspection by the zoning administrator, the health department, the sheriff's office and the building inspector for compliance with the permit and local laws, regulations and ordinances.

(12) Any stop order issued by any official or agency shall cause the operations of filming to cease immediately.

(13) The applicant shall agree to the conditions imposed by signing the following statement: "I (We) as the applicant(s) for a professional filming conditional use permit, have read and do hereby agree to, and understand the above terms and conditions without reservation and place my/our signature below as a act of such agreement. It is further agreed and understood that should I (we) violate any of the above conditions, all operations shall be immediately suspended. This permit is issued specifically to the applicant for the land indicated in the application and is not transferable."

CHAPTER 8

NUISANCES

Section

- 8-1. Purpose.**
- 8-2. General provisions.**
- 8-3. Nuisance and abatement.**
- 8-4. Performance standards procedure.**
- 8-5. Enforcement provisions applicable to all uses.**
- 8-6. Exemptions from public nuisance for agricultural practices in an agricultural protection zone.**
- 8-7. Locations where determinations are to be made for enforcement.**
- 8-8. Dangerous and objectionable elements.**
- 8-9. Junk, disposal, dumping, display, collection and storage.**
- 8-10. Storage of unlicensed or inoperative vehicles and "junk yards."**
- 8-11. Agricultural, commercial, mining or specialized equipment storage, maintenance, placement, location, and disposal.**
- 8-12. Storage of explosives and hazardous materials.**
- 8-13. On site lighting.**

8-1. Purpose.

This chapter is established for the following purposes:

(1) to regulate and mitigate certain uses that may create an encroachment on the property rights of the community and therefore threaten the health, safety, comfort, convenience, order, prosperity and welfare of the inhabitants of Tooele County;

(2) to permit potential nuisances to be measured factually and objectively in terms of the potential nuisance itself;

(3) to ensure that all uses will provide necessary control methods for protection from hazards and nuisance elimination; and

(4) to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past. (Ord. 2003-11, 6/17/03)

8-2. General provisions.

(1) No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; vibration, smoke, dust, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbance; liquid or solid refuse or wastes; or other substance, condition or element in such

a manner or in such an amount as to adversely affect the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements".

(2) No use shall be undertaken or maintained unless it conforms to the regulations of this Chapter in addition to the regulations set forth for the zoning district in which such use is situated. (Ord. 2003-11, 6/17/03)

8-3. Nuisance and abatement.

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this chapter, and/or any use of land or premise established, conducted or maintained contrary to provisions of this chapter shall be, and the same is hereby declared to be unlawful and a public nuisance. The county attorney may, upon request of the zoning administrator, at once commence action or proceedings for abatement and removal or injunction thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, or use, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this chapter. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 2003-11, 6/17/03)

8-4. Performance standards procedure.

The zoning administrator may require performance standards review for any use in any district when there is reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this chapter. (Ord. 2003-11, 6/17/03)

8-5. Enforcement provisions applicable to all uses.

Initial and continued compliance with performance standards is required of every use. Provisions for enforcement of continued compliance with said standards shall be invoked by the zoning administrator against any use if there are reasonable grounds that the performance standards are being violated by such use. (Ord. 2003-11, 6/17/03)

8-6. Exemptions from public nuisance for agricultural practices in an agricultural protection zone.

No public nuisance definition or prohibition shall include any agricultural activity or operation conducted using sound agricultural practices unless that activity or

operation bears a direct relationship to public health or safety. (Ord. 2003-11, 6/17/03)

8-7. Locations where determinations are to be made for enforcement.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

(1) in any zoning district except a MD and MG districts, at the lot line of the establishment or use; and

(2) in an MD and MG zoning districts, at one or more points 500 feet from the establishment or use, or at the boundary or boundaries of the district, if closer to the establishment or use, or at the closest point within an adjacent district other than an MD and MG districts. (Ord. 2003-11, 6/17/03)

8-8. Dangerous and objectionable elements.

(1) No vibration other than from transportation facilities or temporary construction work shall be permitted which is discernible without instruments at the points of measurements specified in Section 8 - 6.

(2) All activities and storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion.

(3) No activities shall be permitted which emit dangerous radioactive, or electrical disturbance that adversely affect the operation of any equipment other than that of the creator of such disturbance.

(4) No emission shall be permitted except in accordance with air pollution provisions of the Utah State Department of Environmental Quality.

(5) No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the Utah State Department of Environmental Quality or standards equivalent to those approved by such department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces.

(6) Any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers. (Ord. 2003-11, 6/17/03)

8-9. Junk, disposal, dumping, display, collection and storage.

No person, firm or corporation shall place, store, maintain, dump, discard, toss, dispose of, scrap or locate solid waste or "junk" in any zoning district except at the Tooele County Solid Waste Disposal

Facility or at a location that is licensed and in business to landfill, store, recycle or handle "junk" which is located in a zoning district where it is a permitted or conditional use. Any display, accumulation, or collection of discarded, worn out, or abandoned material which may or may not be put to some use or have some value, which may or may not be offered for sale, trade in whole or part or kept for storage shall conform to the regulations of the zoning district in which it is located, as well as all applicable state and federal laws and shall be maintained in an area surrounded by a view obscuring fence. (Ord. 2003-11, 6/17/03)

8-10. Storage of unlicensed or inoperative vehicles and "junk yards."

(1) No person, firm or corporation shall keep, place, store, locate, maintain, discard, dispose of, or scrap more than two unlicensed and/or inoperative motor vehicles located outside of an enclosed structure upon any property in any zoning district unless it is a permitted or conditional use as a "Junk Yard" operation. An unlicensed or inoperable vehicle may be stored by covering it completely with a weather resistant material and placing it in a side yard, except a side yard which faces on a street, or a rear yard of the property for a period not to exceed two years.

(2) Any vehicle or portion thereof, which is used as a storage building must be placed, altered or constructed by obtaining a building permit and the removal of all running gear, axles, fuel tanks, engines, drive train components, seats, and instrumentation.

(3) Operation of a "junk yard", military surplus or vehicle recycling and storage shall conform to all zoning district requirements and be fully surrounded by a view obscuring fence at a height equal to the height of the materials stored within. (Ord. 2003-11, 6/17/03)

8-11. Agricultural, commercial, mining or specialized equipment storage, maintenance, placement, location, and disposal.

Equipment that is designed for commercial use in construction, mining, agricultural or specialized uses shall not be maintained, placed, stored, located, disposed of or discarded except in a zoning district in which it is a permitted or conditional use. Commercial, mining or specialized equipment may be located in an area that is used for a listed approved or a permitted conditional use while the project is on-going. (Ord. 2003-11, 6/17/03)

8-12. Storage of explosives and hazardous materials.

No person, firm or corporation shall keep, place, store, locate, maintain, discard, dispose of, or scrap any Class A, B or C explosives or any material which is

classified as Hazardous Material according to SARA Title 3 that exceeds the Threshold Planning Quantity except in a zoning district where it is a conditional use. The person firm or corporation shall obtain all required permits and report the name, quantity and storage site of the materials stored to the Department of Engineering, Tooele County Health Department and Tooele County Emergency Management as well as comply with all federal and state reporting requirements. (See SARA Title III, Sections 302 and 313). (Ord. 2003-11, 6/17/03)

8-13. On site lighting.

(1) All outdoor lighting devices or fixtures shall be shielded in such a manner that light rays emitted by the device or fixture, whether directly from the lamp or indirectly from the fixture, are restricted to regions below an angle 15 degrees beneath the horizontal plane running through the lowest point on the fixture where light is emitted. No significant intensity of light shall be emitted from the fixture horizontally, nor above the horizon, nor above the region defined above. All outdoor lighting shall be downward directed except where specified otherwise in this chapter. Luminaires meeting restricted emission requirements are sometimes described commercially as hooded, shielded, or full cut-off fixtures; however, not all luminaires so designated meet the above angular requirement.

(2) On-site lighting shall not penetrate beyond the property line in such a manner as to annoy or interfere with the use of adjacent properties. If a light is determined to be in violation, the owner shall take appropriate corrective action to assure compliance.

(3) All outdoor light fixtures maintained on public or private property shall be turned off between 11:00 PM local time and sunrise except when used for:

- (a) commercial and industrial uses such as sales, assembly and repair areas where business is conducted after 11:00 PM, but only while the business is open to the public;
- (b) illuminated advertising signs on the premises of a business while it is open to the public;
- (c) lighting necessary for security purposes or to illuminate walkways or roadways;
- (d) illuminated billboards; and
- (e) a recreational use that continues after 11:00 PM, but only for so long as such use continues.

(4) The outdoor operation of searchlights, lasers or other high-intensity beams is prohibited.

(5) No lighting fixture or device may be operated in such manner as to constitute a hazard or danger to persons or to safe vehicular operation.

(6) Illuminating fixtures for advertising or other signs shall be such that the illumination is confined to the area of the sign or billboard; no significant direct spill-over is permitted. Under no conditions may signs

or billboards be illuminated from below. Any such illuminating fixture shall be placed above its respective sign or billboard such that the secondary or specular reflected light from the surface of the sign or billboard is directed down toward the ground.

(7) No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in Section 8 - 7.

(8) Outdoor recreational facilities designed for specifically scheduled sporting events are exempt from the specific shielding requirements. Lighting for outdoor recreational facilities shall be so designed, installed and operated as to confine at least 90 percent of the illumination to the recreational area. Recreational facility fixtures shall be on elevated poles or structures so that illumination is directed downward. No significant illumination may extend above a horizontal plane from the lighting fixture. Illumination from recreational facility fixtures shall be shielded to minimize glare extending toward roadways or other places that causes an impairment of motorists' vision. All such recreational facilities shall have either:

- (a) automatic shut-off timer devices; or
- (b) a designated official with responsibility for extinguishing the illumination at close of the recreational activity.

(9) In situations of flags, statues or other top-of-pole mounted objects which cannot be illuminated with down-lighting, upward lighting may be used only in the form of one narrow-cone spotlight which confines the illumination to the object of interest.

(10) Decorator lamps having smaller than 25 watt rating, or strings of up to 25 such lamps, used for holiday decorations are exempt from the requirements of this chapter within 15 days of recognized annually occurring holidays. Decorator lamps smaller than 7.5 watt rating may be used in any desired string length under the same circumstances. (Ord. 2003-11, 6/17/03)

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 to the character of the County;
- (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 development 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 AREA¹.

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 Z o n i n g D i s t r i c t	
<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-160	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-10	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

¹ Amended Ord. 99-8, March 9, 1999

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 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 either 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, and the owner's signed consent to the filing of the application;
- (c)** the street address and legal description of the subject property;
- (d)** the zoning classification, zoning district boundaries and present use of the subject property;

- (e) 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;
- (f) the proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;
- (g) 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 use of each proposed building or structure;
 - iii the number, the size and type of dwelling units in each building, and the overall dwelling unit density;
 - iv the proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;
 - v architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross-sections;
 - vi the number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;
 - vii 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;
 - viii a traffic impact analysis;
 - ix the location and purpose of any existing or proposed dedication of easement;
 - xi the general drainage plan for the development tract;

- xii** the location and dimensions of adjacent properties, abutting public rights-of-way and easements, and utilities serving the site;
 - xiii** significant topographical or physical features of the site, including existing trees;
 - xiv** soils and subsurface conditions;
 - xv** the location and proposed treatment of any historical structure or other historical design element or feature; and
 - xvi** 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 redivision 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** when the 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.

(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 review the request in accordance with the procedures set forth in Section 9-7.

CHAPTER 12

SITE PLAN REVIEW

Section

- 12-1. Purpose.**
12-2. Scope of application.
12-3. Scope of modifications authorized.
12-4. Site plan content for single lot detached single-family and two-family/twin home dwellings and accessory buildings to dwellings for building permits.
12-5. General site plan content..
12-6. Stormwater drainage.
12-7. Utilities.
12-8. Procedures for site plan review.

12 - 1. Purpose.

(1) The intent of the site plan review is to promote the safe and efficient use of land, to contribute to an orderly and harmonious appearance in the county and to further enhance the value of property. This process is intended to supplement the review and administrative procedures which are carried out under the Uniform Zoning Ordinance of Tooele County and other county ordinances and regulations. The site plan review process is intended to help ensure that newly developed properties and redeveloped properties are compatible with adjacent development and that traffic, public safety issues, overcrowding, and environmental problems are minimized to the greatest extent possible. The purpose of the site plan review is to provide for a review of:

- (a) a project's compatibility with its environment and with other land uses and buildings existing in the surrounding area;
- (b) the quality, quantity, utility, size and type of a project's required open space and proposed landscaping improvements;
- (c) the ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;
- (d) the quantity, quality, utility and type of a project's required community facilities; and
- (e) the location and adequacy of a project's provision for drainage and utilities. (Ord.2004-28, 11/2/2004)

12 - 2. Scope of application.

Site plan approval shall be required as a condition to receiving a building or conditional use permit for all permitted or conditional uses in all zoning districts. (Ord.2004-28, 11/2/2004)

12 - 3. Scope of modifications authorized.

(1) The authority of the zoning administrator through the site plan review process to require modification of a proposed site development shall be limited to the following:

(a) minimizing dangerous traffic movements and promoting the smooth and efficient flow of traffic in accordance with standards in the Institute of Traffic Engineers' Transportation Handbook, and other local sources of authority as adopted by resolution;

(b) optimizing the efficient use of parking facilities through provisions for adequate interior circulation, parking stalls and travel aisles;

(c) promoting compatibility with adjacent and nearby properties;

(d) preserving and protecting valuable natural features and amenities to the greatest extent practical;

(e) promoting the efficient provision of public services;

(f) preserving existing healthy and long-lived trees wherever practically feasible;

(g) designing of drainage facilities to promote the use and preservation of natural watercourse and patterns of drainage;

(h) minimizing alterations to existing topography;

(i) protecting important views and vistas as identified in adopted plans;

(j) promoting the use of plant material compatible with the climate of the region and micro-climate conditions on the site;

(k) ensuring that plant material can be maintained for long term health and continued growth;

(l) maximizing water conservation;

(m) ensuring that the arrangement of required landscaping produces the optimal visual effect;

(n) ensuring that the location, size and orientation of signage do not impair the visibility of or distract motorists;

(o) ensuring that the location, size and orientation of signage minimize obstructions and hazards to pedestrians;

(p) designing or directing of outdoor lighting devices or fixtures; and

(q) ensuring the proposed site development conforms to all applicable requirements of the zoning ordinance and other ordinances and regulations.

(Ord.2004-28, 11/2/2004)

12 - 4. Site plan content for single lot detached single-family and two-family/twin home dwellings and accessory buildings to dwellings for building permits.

(1) The application form, fees, two copies of a site plan and other supporting material as required by the county shall be submitted to the planning division. The planning division, upon receipt of the application, shall determine whether the application is complete and ready for review based on the stated requirements for submittal and requests for exceptions to the submittal requirements. If the material that has been submitted is determined to be incomplete, all review of the submittal will be delayed until the planning division receives the necessary material to make the submittal complete. The zoning administrator may waive items on the application form that are not applicable due to the particular circumstances or conditions of that development proposal.

(2) Two copies of a site plan, drawn to a scale of 20 feet to the inch or such other scale as the zoning administrator shall deem appropriate, shall be submitted along with the permit application and shall contain the following information:

- (a) the owner's name, address and telephone number;
- (b) the street address and parcel number or legal description of the subject property;
- (c) the boundaries of the subject property, all existing property lines, setback lines, existing streets, buildings, water courses, water ways or lakes, wetlands, and other existing physical features in or adjoining on the project;
- (d) on-site storm water drainage and retention;
- (e) location of the on-site well, septic tank and drain field;
- (f) location of a septic drain field and areas that confine animals such as barns, corrals or stables of an adjoining property if within 100 feet of the on site well;
- (g) location of a well of an adjoining property if within 100 feet of the on-site septic drain field and areas that confine animals such as barns, corrals or stables;
- (h) distance of driveway from the intersection of the two front yard property lines on corner lots;
- (i) distance of the driveway to the nearest driveway if within 25 feet to any other driveway;
- (j) locations, heights and distances of any existing and proposed fences;
- (k) the location of all proposed buildings and structures, accessory and principal, showing:
 - (i) the number of stories and height;
 - (ii) the distance from all property lines and other existing or proposed structures; and
 - (iii) dwelling type and use.
- (l) a signature panel for zoning administrator approval. (Ord.2004-28, 11/2/2004)

12 - 5. General site plan content.

(1) Except for single lot detached single-family and two-family/twin home dwellings for a building permit, all other applications shall submit a site plan that complies with this section. The application form, fees, two copies of a site plan and other supporting material as required by the county shall be submitted to the planning division. The planning division, upon receipt of the application, shall determine whether the application is complete and ready for review based on the stated requirements for submittal and requests for exceptions to the submittal requirements. If the submitted material is determined to be incomplete, all review of the submittal will be delayed until the planning division receives the necessary material to make the submittal complete.

(2) Two copies of a site plan, drawn to a scale of 20 feet to the inch or such other scale as the zoning administrator shall deem appropriate, shall be submitted along with any permit application and shall contain the following information:

- (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) the street address and parcel number or legal description of the subject property;
- (d) the zoning district;
- (e) a vicinity map with north point, and scale;
- (f) the title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner, and engineer on the project if applicable;
- (g) the boundaries of the subject property, all existing property lines, setback lines, existing streets, buildings, water courses, water ways or lakes, wetlands, and other existing physical features on the project;
- (h) the finished grade for the entire site shall be shown as well as the first floor elevation of all buildings. Additionally, on all site plans the following information must be provided:
 - (i) significant topographical or physical features of the site, including existing trees;
 - (ii) the elevation of the curb if existing or proposed in front of each lot; and
 - (iii) elevations of the top and toe of slope, slope ratio of fill, and limits of fill, including access;
- (i) the location and size of sanitary and storm systems, water, gas, telephone, electric and other utility lines, culverts and other underground structures in or affecting the project, including existing and proposed facilities and easements for these facilities, and in the case of county-owned

utilities, such information may be obtained from the appropriate county department;

- (j) the location, and dimensions of:
 - (i) proposed streets;
 - (ii) access to the project and the distance from:
 - (A) those on adjoining properties within 150 feet;
 - (B) the property lines; and
 - (C) if a corner lot, all street intersections that abut the property;
 - (iii) alleys;
 - (iv) loading areas;
 - (v) parking lots to include ADA accessible spaces including numbers and dimensions of parking and loading spaces;
 - (vi) outdoor lighting systems;
 - (vii) sidewalks, curbs and gutters and all curb cuts;
 - (viii) gasoline or diesel pumps and islands if located on the site; and
 - (ix) points for the connections to major utilities;
- (k) the location of all proposed buildings and structures, accessory and principal, showing:
 - (i) the number of stories and height;
 - (ii) the distance from all property lines and other existing or proposed structures;
 - (iii) type of use that will be located in the structure;
 - (iv) the percent of building coverage of the lot; and
 - (v) the total square footage of the floor area by proposed use of each building;
- (l) the location, height, type and material of all fences and walls;
- (m) if the development includes signs, the location, character, size, height and orientation of proposed signs, as proposed to be erected and elevations of buildings showing signs to be placed on exterior walls;
- (n) adequate measures to prevent pollution of surface or ground water, to minimize erosion and sedimentation, and to prevent changes in ground water levels, increased runoff and potential for flooding, drainage designed so that runoff shall not be increased, ground water recharge is maximized, and neighboring properties will not be adversely affected;
- (o) when the public road frontage has existing curbs or is required to install curbs as part of the development improvements, street trees shall be required to be installed in the parkway;
- (p) on-site lighting showing compliance with the Uniform Zoning Ordinance of Tooele County;
- (q) the location of dumpsters or other outdoor trash receptacles;

(r) the location and dimensions of proposed recreation areas, open spaces and other required amenities and improvements;

(s) a tabulation of the total number of acres in the project and the percentage and acreage thereof proposed to be allocated to off-street parking, open space, parks, and other reservations;

(t) a tabulation of the total number of dwelling units in the project and the overall project density in the dwelling units per gross acre for residential projects; and

(u) a signature panel for zoning administrator approval.

(3) The zoning administrator may waive any of the above listed requirements upon making a determination that such requirements are unnecessary due to the scope and nature of the proposed development. (Ord.2004-28, 11/2/2004)

12 - 6 Stormwater drainage.

Provisions for storm surface drainage shall be in accordance with the design standards of the road department indicating location, size, types and grades of sewers, drainage structures, ditches, and connection to existing drainage system. Disposition of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right-of-way and in keeping with the above standards. The site plan must reflect compliance with this section. (Ord.2004-28, 11/2/2004)

12 - 7. Utilities.

Hook-ups to public utilities shall be the responsibility of the applicant. Connections shall be installed in accordance with the standards of the servicing utility. All connections shall be shown on the site plan. (Ord.2004-28, 11/2/2004)

12 - 8. Procedures for site plan review.

(1) Before filing an application for approval of a site development plan the applicant is encouraged to confer with the zoning administrator, county planner, sheriff department, health department, and fire department regarding the general proposal. Such action does not require formal application fees or filing of a site development plan or landscape plan and is not to be construed as an application for formal approval. No representation made by the zoning administrator or other county personnel or departments during such conference shall be binding upon the county with respect to an application subsequently submitted.

(2) After the site plan, other applicable plans and related materials and fees have been submitted and the application has been determined by the zoning administrator to be complete, the application shall be

reviewed and processed in coordination with the appropriate personnel and county departments. In considering and acting upon site plans and other applicable plans, the zoning administrator shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the immediate neighborhood in particular. If the plan is approved, the zoning administrator, shall certify approval on the site plan and state the conditions of such approval, if any. If the plan is disapproved, the zoning administrator shall indicate reasons in writing to the applicant. No permit may be issued by the zoning administrator, building inspector, or the planning commission without site plan approval.

(3) Any appeal of the zoning administrator's denial of a site plan shall be made to the board of adjustment. Any such appeal shall be filed within 30 days from the date of such denial.

(4) The action of the zoning administrator approving the application shall be noted on all copies of the site plan to be retained in the record, including any changes or conditions required as part of the site plan approval. One such copy shall be returned to the applicant, and others retained as required for records or further action by the zoning administrator or other affected agencies of the county.

(5) Building permits shall be issued in accordance with approved plans. A copy of the approved site plan shall be retained in the records of the office of the building inspector and all buildings and occupancy permits shall conform to the provisions of the site development plans.

(6) Amendments or modifications to approved site plans must be submitted to the zoning administrator. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate county departments for review. The zoning administrator may waive this requirement where the zoning administrator has determined that such modification of the site plan has no significant impact upon the original proposal and still remains in conformance with county standards and regulations.

(7) Approval of the site plan, shall be void unless a building permit, conditional use permit or use of the land has commenced within 12 months from the date of approval. Upon request, revalidation of the site plan may be granted for an additional 12 months if all factors of the original site plan review are the same; provided, however, that written notice requesting revalidation must be received by the zoning administrator prior to expiration of the original 12 month period.

(8) A stop work order shall be put on the project if any improvements are inconsistent with the approved site plan. (Ord.2004-28, 11/2/2004)

Chapter 13

CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARD

13 - 1 Requirements

- a. When the Planning Commission or the Director of the Department of Engineering deems it necessary, any application for a conditional use permit, building permit, subdivision or planned unit development approval, shall be accompanied by a geologic and soils survey, and/or hydrological report for the land, lot or parcel for which application approval is sought. The report shall be prepared at applicant's expense by a geologist or soils engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernible flood or earthquake hazards.
- b. Whenever a geologic and soils survey and/or hydrological report indicates a parcel to be subject to unusual potential or actual hazards, the applicant shall meet the special conditions required by the Planning Commission or Director of the Department of Engineering, to reduce or eliminate such hazard, or if such conditions cannot be met, or will not be met, the application shall be denied.

13 - 2 Artificial Obstructions within a Floodway Prohibited

No artificial obstruction shall be located within any floodway, except as provided in Section 13 - 3. For the purpose of this Chapter, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the water carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.

13 - 3 Permissible Uses within Floodways

No permit to make use of land within a floodway may be issued unless the proposed use is listed as permissible both in the zoning district regulations and in the following list:

- a. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses.

- b. Ground-level loading areas, parking areas, rotary aircraft ports, and other similar ground-level area uses.
- c. Lawns, gardens, play areas, and other similar uses.
- d. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space, and other similar private and public recreational uses.

13 - 4 Construction within Floodways and Floodplains Restricted

- a. No subdivision, planned unit development, building permit or conditional use permit shall be issued for any development within a floodplain until the permit-issuing authority has reviewed the plans for any such development to assure that:
 - 1. The proposed development is consistent with the need to minimize flood damage, and
 - 2. The area has had an evaluation by the U. S. Army Corp of Engineers to determine a classification as a wetlands, and
 - 3. All public utilities and facilities such as water, sewer, gas electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - 4. Adequate drainage is provided to minimize or reduce exposure to flood hazards, and
 - 5. All necessary permits have been received from those agencies from which approval is required by federal and state law.
 - 6. A geological survey establishes fifty (50) and one hundred (100) year flood levels,
- b. No building shall be constructed and no addition to an existing building shall take place within any floodway. Mobile home parks that are nonconforming because they are located within a floodway, shall be allowed to place mobile homes in such parks only if they comply with Section 13 - 4(g).
- c. No new residential building shall be constructed and no substantial improvement of a residential building may take place within any floodplain

unless the lowest floor (including basement) of the building or improvement is elevated to, or above the base flood level.

1. Residential accessory structures shall be allowed within floodplains provided that they are firmly anchored to prevent flotation.
 2. Anchoring of any accessory buildings shall be done by bolting the building to a concrete slab or by over-the-top ties. When bolting to a concrete slab, one-half inch bolts, six (6) feet on center with a minimum of two per side shall be required. If over-the-top ties are used, a minimum of two ties with a force adequate to secure the building is required.
- d. No new residential building shall be constructed and no substantial improvements of a nonresidential building shall take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or flood proof to, or above the base flood level. Where flood proofing is used in lieu of elevation, a registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact, and uplift forces associated with the base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water.
- e. For purposes of this section, "substantial improvement" means for a building constructed prior to the effective date of this chapter, any repair, reconstruction, addition, or improvement of a building the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
1. before the improvement or repair is started, or
 2. if the structure has been damaged and is being restored, before the damage occurred.

"Substantial improvement" occurs when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term shall not, however, include either:

1. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to insure safe living conditions, or

2. any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.
- f. No building permit or conditional use permit shall be issued for any development within a floodplain until the permit-issuing authority has reviewed the plans to assure that any new construction or substantial improvements shall be:
1. Designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement of the structure.
 2. Constructed with materials and utility equipment resistant to flood damage.
 3. Constructed by methods and practices that minimize flood damage.
- g. Notwithstanding any other provision of this chapter, no mobile home shall be located or relocated within that portion of the floodplain outside of the floodway, unless the following criteria is met:
1. Ground anchors for tie downs are provided in accordance with Chapter 10 of this ordinance.
 2. The following tie-down requirements are met:
 - A. Over the top ties are required at each of the four corners of the mobile home, with one additional tie per side at an intermediate location, for mobile homes less than fifty (50) feet long. Two additional ties per side are required for mobile homes more than fifty (50) feet long.
 - B. Frame ties are required in conjunction with each over-the-top tie.
 - C. All components of the anchoring must be capable of carrying a force of 4,800 pounds.
 3. Lots or pads are elevated on compacted fill or by any other method approved by the Department of Engineering so that the lowest habitable floor of the mobile home is at or above the base flood level.
 4. Adequate surface drainage and easy access for mobile home hauler is provided.

5. Load-bearing foundation supports such as piers or pilings shall be placed in accordance with Chapter 10 of this ordinance, except that if the support height is greater than seventy two (72) inches, the support must contain steel reinforcement.
- h. Whenever any portion of a floodplain is filled in with dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.

13 - 5 Setbacks from Streams Outside Designated Floodplains

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty (20) feet on each side, whichever is greater, or outside of the one hundred (100) year flood area if a geological survey has been conducted.

13 - 6 Natural Drainage System Utilized to Extent Feasible

To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting man-made drainage ways shall remain undisturbed. Drainage shall be directed to on-site containment and flow from there to the natural contours of the land.

CHAPTER 16

RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

Part

- 16-1. Residential Districts.
- 16-2. Multiple Residential Districts
- 16-3. Exemption from Area Requirements.
- 16-4. Use Tables, Codes, Symbols and Restrictions.

- (d) sidewalk;
- (e) on-site surface drainage facilities;
- (f) culinary water facilities;
- (g) wastewater disposal; and
- (h) street monuments.

PART 16-1

RESIDENTIAL DISTRICTS

Section

- 16-1-1. Purposes of Residential District R-1-8.
- 16-1-2. R-1-8 development restrictions.
- 16-1-3. Purposes of Residential District R-1-10.
- 16-1-4. R-1-10 development restrictions.
- 16-1-5. Purposes of Residential District R-1-12.
- 16-1-6. R-1-12 development restrictions.
- 16-1-7. Purposes of Residential District R-1-21.
- 16-1-8. R-1-21 development restrictions.

16-1-1. Purposes of Residential District R-1-8.

The purposes of Residential District R-1-8 are to provide areas for medium to high density single-family residential neighborhoods and minimize costs of infrastructure, development and maintenance.

16-1-2. R-1-8 development restrictions.

The development restrictions in R-1-8 zoning districts are as follows:

- (1) Minimum lot size: 8,000 square feet.
- (2) Minimum width: 70 feet.
- (3) Minimum frontage on a public street or an approved private street: 40 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard: 25 feet.
 - (b) rear yard:
 - (i) main building: 20 feet; and
 - (ii) accessory buildings: three feet providing that they do not encroach on any easement.
 - (c) side yard: eight feet.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height: 35 feet.
- (7) Maximum building coverage: 35 percent.
- (8) Required improvements:
 - (a) street grading;
 - (b) street base;
 - (c) curb and gutter;

16-1-3. Purposes of Residential District R-1-10.

The purposes of Residential District R-1-10 are to provide areas for medium to low density single-family residential neighborhoods and to minimize costs of infrastructure, development and maintenance.

16-1-4. R-1-10 development restrictions.

The development restrictions in R-1-10 zoning districts are as follows:

- (1) Minimum lot size: 10,000 square feet.
- (2) Minimum width: 80 feet.
- (3) Minimum frontage on a public street or an approved private street: 45 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard: 20 feet.
 - (b) rear yard:
 - (i) main building: 20 feet; and
 - (ii) accessory buildings: three feet providing that they do not encroach on any easement.
 - (c) side yard: eight feet.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height: 35 feet.
- (7) Maximum building coverage: 35 percent.
- (8) Required improvements:
 - (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; and
 - (h) street monuments.

16-1-5. Purposes of Residential District R-1-12.

The purposes of Residential District R-1-12 are to provide areas for medium to low density single-family residential neighborhoods of spacious, uncrowded character and to minimize costs of infrastructure, development and maintenance.

16-1-6. R-1-12 development restrictions.

The development restrictions in R-1-12 zoning districts

are as follows:

- (1) Minimum lot size: 12,000 square feet.
- (2) Minimum width: 80 feet.
- (3) Minimum frontage on a public street or an approved private street: 45 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard: 30 feet.
 - (b) rear yard:
 - (i) main building: 25 feet; and
 - (ii) accessory buildings: three feet providing that they do not encroach on any easement.
 - (c) side yard: ten feet.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height: 35 feet.
- (7) Maximum building coverage: 30 percent.
- (8) Required improvements:
 - (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; and
 - (h) street monuments.

16-1-7. Purposes of Residential District R-1-21.

The purposes of Residential District R-1-21 are to provide areas for low density single-family residential neighborhoods of spacious and uncrowded character and to minimize costs of infrastructure, development and maintenance.

16-1-8. R-1-21 development restrictions.

The development restrictions in R-1-21 zoning districts are as follows:

- (1) Minimum lot size: 21,780 square feet (½ acre).
- (2) Minimum width: 100 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: 30 feet; and
 - (ii) accessory buildings: three feet providing that they do not encroach on any easement.
 - (c) side yard: ten 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 percent
- (8) Required improvements:
 - (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; and
- (h) street monuments.

SECTION 16-2

MULTIPLE RESIDENTIAL DISTRICTS

Section

16-2-1. Purposes of Multiple Residential District R-M-7.

16-2-2. R-M-7 development restrictions.

16-2-3. Purposes of Multiple Residential District R-M-15.

16-2-4. R-M-15 development restrictions.

16-2-5. Purposes of Multiple Residential District R-M-30.

16-2-6. R-M-30 development restrictions.

16-2-1. Purposes of Multiple Residential District R-M-7.

The purposes of Multiple Residential District R-M-7 are to provide for areas for medium to high residential density with the opportunity for varied housing styles and character.

16-2-2. R-M-7 development restrictions.

The development restrictions in R-M-7 zoning districts are as follows:

- (1) Minimum lot size:
 - (a) 7,000 sq ft. for the first dwelling unit;
 - (b) 6,000 sq ft. for each additional dwelling unit; and
 - (c) maximum density is seven dwelling units per acre.
- (2) Minimum width: 70 feet.
- (3) Minimum frontage on a public street or an approved private street: 45 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard: 25 feet.
 - (b) rear yard:
 - (i) main building: 30 feet; and
 - (ii) accessory buildings: three feet providing that they do not encroach on any easement.
 - (c) side yard: six feet.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height: 35 feet.
- (7) Maximum building coverage: 35 percent.

- (8) Required improvements:
- (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; and
 - (h) street monuments.

16-2-3. Purposes of Multiple Residential District R-M-15.

The purposes of Multiple Residential District R-M-15 are to provide areas for high residential density with the opportunity for varied housing styles and character.

16-2-4. R-M-15 development restrictions.

The development restrictions in R-M-15 zoning districts are as follows:

- (1) Minimum lot size:
 - (a) 8,000 sq ft. for the first dwelling unit;
 - (b) 2,500 sq ft. for each additional dwelling unit; and
 - (c) maximum density is 15 dwelling units per acre.
- (2) Minimum width: 70 feet.
- (3) Minimum frontage on a public street or an approved private street: 45 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard: 25 feet.
 - (b) rear yard:
 - (i) main building: 20 feet; and
 - (ii) accessory buildings: three feet providing that they do not encroach on any easement.
 - (c) side yard: six feet.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height: 55 feet.
- (7) Maximum building coverage: 50 percent.
- (8) Required improvements:
 - (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; and
 - (h) street monuments.

16-2-5. Purposes of Multiple Residential District R-M-30.

The purposes of Multiple Residential District R-M-30 are to provide for high residential density with the opportunity for varied housing styles and character.

16-2-6. R-M-30 development restrictions.

The development restrictions in R-M-30 zoning districts are as follows:

- (1) Minimum lot size:
 - (a) 8,000 sq ft. for the first dwelling unit;
 - (b) 1,200 sq ft. for each additional dwelling unit; and
 - (c) maximum density is 30 dwelling units per acre.
- (2) Minimum width: 70 feet.
- (3) Minimum frontage on a public street or an approved private street: 45 feet.
- (4) Minimum yard setback requirements:
 - (a) front yard: 25 feet.
 - (b) rear yard:
 - (i) main building: 20 feet; and
 - (ii) accessory buildings: three feet providing that they do not encroach on any easement.
 - (c) side yard: six feet.
- (5) On corner lots, two front yards and two side yards are required.
- (6) Maximum building height: 75 feet.
- (7) Maximum building coverage: 50 percent.
- (8) Required improvements:
 - (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; and
 - (h) street monuments.

PART 16-3

EXEMPTION FROM AREA REQUIREMENTS

Section

16-3-1. Uses conditionally exempt from frontage, width and area requirements of the zoning district.

16-3-1. 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 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 fiberoptic 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 such 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 residential or residential multi-family 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 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. (Ord. 2002-08, April 2, 2002)

PART 16-4

USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Section

16-4-1. Codes and symbols.

16-4-2. Uses.

16-4-3. Use tables.

16-4-3.1. Agriculture, forestry and keeping of animals.

16-4-3.2. Commercial and industrial uses.

16-4-3.3. Dwellings, living quarters and long or short-term residences.

16-4-3.4. Public and quasi-public uses.

16-4-3.5. Recreational, camping and amusement uses.

16-4-3.6. Utilities and utility services.

16-4-1. Codes and symbols.

(1) In this Part are uses of land or buildings which are allowed in the various districts as follows:

(a) "permitted uses", indicated by a "P" in the appropriate column; and

(b) "conditional uses", indicated by a "C" or "C1" in the appropriate column.

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

(3) 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, "-".

(4) If a regulation applies in a given district, it is indicated in the appropriate column by a 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, "-".

16-4-2. 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 residential and multiple residential districts except as provided in this Chapter.

16-4-3. Use tables.

Table 16-4-3.1. Agriculture, forestry and keeping of animals.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M-___)		
		21	12	10	8	7	15	30
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses and buildings customarily incidental to conditional uses	C	C	C	C	C	C	C

Table 16-4-3.1. Agriculture, forestry and keeping of animals.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M -___)		
		21	12	10	8	7	15	30
c	Household pets (no more than 2)	P	P	P	P	P	P	P
d	Personal agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening	P	P	P	P	P	P	P

Table 16-4-3.2. Commercial and industrial uses.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M -___)		
		21	12	10	8	7	15	30
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses and buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Child day care or nursery	C	C	C	C	C	C	C
d	Home occupation	C1	C1	C1	C1	C1	C1	C1
e	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	-	-	-
f	Construction equipment and supply trailer, temporary	C1	C1	C1	C1	C1	C1	C1
g	Construction field office, temporary	C1	C1	C1	C1	C1	C1	C1

(Ord.2004-32, 11/30/2004, Ord. 2004-34, December 21, 2004, Ord. 2004-35, December 21, 2004)

Table 16-4-3.3. Dwellings, living quarters and long or short term residences.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M -___)		
		21	12	10	8	7	15	30
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses and buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Conservation subdivisions	C	C	C	C	C	C	C

Table 16-4-3.3. Dwellings, living quarters and long or short term residences.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M-___)		
		21	12	10	8	7	15	30
c	i within the Erda Township	-	-	-	-	-	-	-
	ii percent of open space required for 100% density	30	25	20	15	15	15	15
	iii minimum size of lots in square feet	18,000	8,000	7,000	5,000	5,000	5,000	5,000
	iv for every 15% in contiguous open space, awarded 10% in density	A	A	A	A	A	A	A
	v the minimum parcel size in acres to be divided by conservation subdivisions	15	10	5	5	10	10	10
d	Dwellings or residential facilities for elderly or disabled persons	P	P	P	P	P	P	P
e	Four-family dwellings (fourplex)	-	-	-	-	C	C	C
f	Groups of dwellings when approved as a conservation subdivision	-	-	-	-	C	C	C
g	Mobile home parks	-	-	C	C	C	C	C
h	Mobile home subdivisions	-	C	C	C	C	C	C
i	Multi-family dwellings	-	-	-	-	C	C	C
j	Single family dwellings	P	P	P	P	P	P	P
k	Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C1	C1	C1	C1	C1	C1	C1
l	Three-family dwellings (threeplex)	-	-	-	-	C	C	C
m	Two-family dwellings (duplex)	-	-	-	-	C	C	C

(Ord. 2004-36, December 21, 2004)

Table 16-4-3.4. Public and quasi-public uses.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M-___)		
		21	12	10	8	7	15	30
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P

Table 16-4-3.4. Public and quasi-public uses.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M - ___)		
		21	12	10	8	7	15	30
b	Accessory and buildings uses customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Church	C	C	C	C	C	C	C
d	Cemetery	C	C	C	C	C	C	C
e	Golf Course	C	C	C	C	C	C	C
f	Hospital; medical or dental clinic accessory to a hospital and located on the same premises	-	-	-	-	C	C	C
g	Private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C	C	C	C
h	Private road	C	C	C	C	C	C	C
i	Public parks and play grounds	P	P	P	P	P	P	P

Table 16-4-3.5. Recreational, camping and amusement uses.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M - ___)		
		21	12	10	8	7	15	30
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses and buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Private recreational ground and facilities not open to the general public and there is no charge for admission	C	C	C	C	C	C	C

Table 16-4-3.6. Utilities and utility services.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M - ___)		
		21	12	10	8	7	15	30
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P

Table 16-4-3.6. Utilities and utility services.								
#	Use	Residential (R-1-___)				Multiple Residential (R-M-___)		
		21	12	10	8	7	15	30
b	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Essential service facilities	C	C	C	C	C	C	C
d	Public, quasi-public, and public service utility lines, pipelines, power lines and etc., which extend more than 500 feet; that are used to transport their material, service or supply	C	C	C	C	C	C	C
e	Substations or transmission lines of 50 KV or greater capacity	C	C	C	C	C	C	C

CHAPTER 17

COMMERCIAL, INDUSTRIAL AND HAZARDOUS INDUSTRIES ZONING DISTRICTS

Part

- 17-1 Commercial Zoning Districts.
- 17-2 Industrial Zoning Districts.
- 17-3 Hazardous Industries Zoning Districts.
- 17-4 Exemption from Area Requirements.
- 17-5 Use Tables, Codes, Symbols and Restrictions.

PART 17-1

COMMERCIAL ZONING DISTRICTS

Section

- 17-1-1. Purpose of Commercial Neighborhood (C-N) zoning districts.
- 17-1-2. Purpose of Commercial Shopping (C-S) zoning districts.
- 17-1-3. Purpose of Commercial Highway (C-H) zoning districts.
- 17-1-4. Purpose of Commercial General (C-G) zoning districts.
- 17-1-5. Development restrictions in commercial zones.
- 17-1-6. Maximum building heights.

17-1-1. Purpose of Commercial Neighborhood (C-N) zoning districts.

The purpose of Commercial Neighborhood (C-N) zoning districts are to provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents.

17-1-2. Purpose of Commercial Shopping (C-S) zoning districts.

The purpose of Commercial Shopping (C-S) zoning districts are to provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.

17-1-3. Purpose of Commercial Highway (C-H) zoning districts.

The purpose of Commercial Highway (C-H) zoning districts are to provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained, and

protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway-related activities.

17-1-4. Purpose of Commercial General (C-G) zoning districts.

The purpose of Commercial General (C-G) zoning districts are to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses that are vital to economic life, some of which would be intrusive and disruptive in a shopping center-type of commercial development.

17-1-5. Development restrictions in commercial zones.

In commercial zoning districts:

- (1) Any parcel larger than one acre shall be divided or developed only as a planned unit development.
- (2) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except 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 no such building shall encroach on any easement.
- (3) Buildings and structures shall cover no more than 30% of the lot area except as may otherwise be allowed through planned unit development approval, except coverage shall not exceed 50% in C-G zoning districts.
- (4) All uses shall be free from objectionable noise, hazards, or nuisances.
- (5) 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.
- (6) Not more than 20% of the building shall be used for wholesale business.

7-1-6. Maximum building heights.

- (1) The maximum building height in C-N zones

shall be 35 feet.

(2) The maximum building height in C-S, C-G and C-H zoning districts shall be 75 feet.

**PART 17-2
INDUSTRIAL ZONING DISTRICTS**

Section

17-2-1 Purpose of Manufacturing Distribution (M-D) zoning districts.

17-2-2 Purpose of Manufacturing General (M-G) zoning districts.

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

17-2-4 Development restrictions specific to M-D zoning districts.

17-2-5 Maximum building heights.

17-2-1 Purpose of Manufacturing Distribution (M-D) zoning districts.

The purpose of Manufacturing Distribution (M-D) zoning districts are to provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

17-2-2 Purpose of Manufacturing General (M-G) zoning districts.

The purpose of Manufacturing General (M-G) zoning districts are to provide areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

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

In manufacturing zoning districts:

(1) Any parcel larger than one acre may be divided or developed only as a planned unit development.

(2) 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.

(4) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.

(5) 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.

17-2-4 Development restrictions specific to M-D zoning districts.

(1) Any area outside of a building used for any activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels.

(2) All uses shall be free from objectionable noise, hazards and nuisances.

17-2-5 Maximum building heights.

The maximum building height in M-D zoning districts shall be 35 feet. There is no maximum building height in M-G zoning districts.

**PART 17-3
HAZARDOUS INDUSTRIES
ZONING DISTRICTS**

Section

17-3-1 Purpose of Hazardous Industries (MG-H) zoning districts.

17-3-2 Permits - Compliance.

17-3-3 Development restrictions.

17-3-1 Purpose of Hazardous Industries (MG-H) zoning districts.

The purpose of Hazardous Industries (MG-H) zoning districts are to provide areas in appropriate remote locations where hazardous and radioactive wastes may be stored, treated and disposed of in a safe manner. The regulations of this district are designed to protect the environmental quality of the district and adjoining areas.

17-3-2 Permits - Compliance.

(1) All conditional use permits for development located in the MG-H district shall be reviewed and approved by the Tooele County Commission prior to taking effect.

(2) All activities relating to storage, treatment and disposal of wastes classified as "hazardous wastes" under the Utah Solid and Hazardous Waste Act, Utah Code Annotated 19-6-102, or otherwise regulated as a "waste" under the Toxic Substance Control Act (TSCA), the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or other federal or state

laws and regulations, are hereby declared a public nuisance. Such activities are prohibited except as may be authorized and permitted in an MG-H zoning district, and then only upon strict compliance with all industrial performance standards, ordinances, regulations, laws and permits of Tooele County, the State of Utah, and the United States of America. Any industry desiring to store, treat or dispose of hazardous wastes, having a prior-approved radioactive waste storage, treatment or disposal permit from all regulatory agencies, must nevertheless make separate application for a hazardous waste permit with no regard to prior permitting or studies made in that process.

(3) All wastes regulated by the Radiation Control Act, Title 19, Chapter 3 of the Utah Code Annotated as low-level waste or mixed wastes, or those wastes defined as such in 10 CFR 61.55, may be stored, treated, or disposed of in an MG-H zoning district but only upon strict compliance with all industrial performance standards, ordinances, regulations, laws and permits of Tooele County, the State of Utah, and the United States of America. Such storage, treatment or disposal shall be approved only upon compliance with the application procedure in this Part and in Chapter 18 of the Uniform Zoning Ordinance of Tooele County. Any industry desiring to store, treat or dispose of radioactive wastes, having a prior-approved hazardous waste permit from all regulatory agencies, must nevertheless make separate application for a radioactive waste storage, treatment or disposal permit, with no regard to prior permitting or studies made in that process.

(4) Whenever an applicant proposes that a new hazardous waste or radioactive waste storage, treatment or disposal facility be located within an existing MG-H zone or whenever a new MG-H zone is proposed, the applicant shall indicate how it will implement the special performance standards listed in Chapter 18 of the Uniform Zoning Ordinance of Tooele County, as they relate to the specific waste activity the applicant intends to conduct. The responses and information relative to the special performance standards shall accompany each request for the establishment of a new MG-H district and each request for a conditional use permit. The planning commission shall ensure that each item specified in Chapter 18 has been fully responded to by the applicant prior to making any recommendation concerning a proposed MG-H zoning district amendment or prior to issuing a conditional use permit for a waste activity to be located in an MG-H zone. If an MG-H zone is established in response to the information provided pursuant to Chapter 18, such information shall establish the basis of an application for a conditional use permit but

shall be updated or supplemented by additional relevant information if so required by the planning commission or Tooele County Commission.

17-3-3 Development restrictions.

In Hazardous Industries (MG-H) zoning districts:

(1) Any parcel larger than one acre shall be divided or developed only as a planned unit development.

(2) Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no building or structure shall be located closer than 300 feet to any district boundary line.

(3) There shall be no maximum building height.

(4) Buildings and structures shall cover no more than 50% of the lot area except as may be allowed through planned unit development approval.

(5) 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.

PART 17-4

EXEMPTION FROM AREA REQUIREMENTS

Section

17-4-1 Uses conditionally exempt from frontage, width and area requirements of the zoning district.

17-4-1 Uses conditionally exempt from frontage, width and area requirements of the zoning district.

In commercial, industrial and hazardous industries zoning districts, a bona fide division or partition of land for the purpose of siting an unmanned facility appurtenant to a pipeline, electrical service, telecommunications, transmission line, radio transmission, regeneration, or fiberoptic equipment owned or operated by a public or private utility service regulated by the Public Utility Commission or Federal Communications Commission may be sited on a parcel less than that required with no frontage subject to the following:

- (1) The parcel shall have a legal access to it.
- (2) A conservation easement or deed restriction shall be given to Tooele County that will prohibit any use or structure from being placed on the property than those listed in this section.
- (3) The site shall be fenced and approved through a conditional use permit.
- (4) Where a residential or manned structure is within 800 feet, the site shall be large enough that the height of the tallest structure placed in a vertical position from its base, plus ten feet, will mark the minimum property edge.
- (5) The site shall be fenced with chain link fencing, and screened by drought resistant landscaping and trees.
- (6) The applicant or landowner shall comply with the subdivision ordinance.

**PART 17-5
USE TABLES, CODES, SYMBOLS AND
RESTRICTIONS**

Section

- 17-5-1 Codes and symbols.**
- 17-5-2 Uses.**
- 17-5-3 Use tables.**
- Table 17-5-3.1 Agriculture, forestry and keeping of animals.**
- Table 17-5-3.2 Automobile, truck and recreational vehicle sales and service.**
- Table 17-5-3.3 Commercial sales and service.**
- Table 17-5-3.4 Dwellings, living quarters and long- or short-term residences.**
- Table 17-5-3.5. Industrial uses.**
- Table 17-5-3.6 Manufacturing, curing, compounding, processing, packaging, production and treatment.**

- Table 17-5-3.7 Public and quasi-public uses.**
- Table 17-5-3.8 Recreation, camping and amusement.**
- Table 17-5-3.9 Storage, shipping, transporting and warehousing.**
- Table 17-5-3.10. Utilities and utility services.**

17-5-1. Codes and symbols.

(1) In this Part are tables describing uses of land or buildings that are allowed in the various districts as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by a planning commission are indicated by a "C" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column.

(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 a 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, "-".

17-5-2. 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 commercial, industrial or hazardous industries zoning districts except as provided in this Part.

17-5-3. Use tables.

Table 17-5-3.1. Agriculture, forestry and keeping of animals.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Agricultural industries	-	-	-	-	P	-	-

Table 17-5-3.1. Agriculture, forestry and keeping of animals.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
d	Beauty shop for pets, dog grooming	-	P	P	P	-	-	-
e	Tilling of the soil, raising of crops, horticulture and gardening	-	-	-	-	P	-	-

Table 17-5-3.2. Automobile, truck and recreational vehicle sales and services.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Automatic car wash	-	P	P	P	C	C	-
d	Automobile service station	C	C	C	C	C	C	-
e	Automobile or recreation vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building	-	P	P	P	-	-	-
f	Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding.	-	-	-	C	P	P	-
g	Indoor auto parts sales	-	P	P	P	C	C	-
h	Parking lot incidental to a use conducted on the premises	P	P	P	P	P	P	P
i	Parking lot not incidental to a use conducted on the premises	C	C	C	C	C	C	C
j	Recreation vehicles, rentals, leases, sales and service, outdoor and indoor	-	P	P	P	P	-	-
k	Truck and heavy equipment service station and repair facility	-	-	P	C	P	P	C
l	Truck wash	-	-	P	C	P	P	C

Table 17-5-3.3. Commercial sales and service.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Addressograph shop	-	-	-	P	P	P	-
d	Animal hospital	-	C	-	P	P	-	-
e	Art needlework shop; art shop; art supply	C1	C1	C1	C1	C1	C1	C1
f	Awning sales/repair	-	P	-	P	-	-	-
g	Baby formula service; baby diaper service; sitter agency	P	P	P	P	-	-	-
h	Bakery, retail sales	P	P	P	P	-	-	-
i	Bank	P	P	P	P	P	-	-
j	Barber shop	P	P	P	P	-	-	-
k	Bath and massage (not part of medical or health spa)	-	-	C	C	-	-	-
l	Beauty shop	P	P	P	P	-	-	-
m	Beer outlet, Class A, Class B	-	C	C	C	-	-	-
n	Bookstore	P	P	P	P	-	-	-
o	Building material sales, enclosed area	-	P	-	P	P	P	-
p	Building material sales yard, outside, with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing	-	C	-	C	P	P	-
q	Café, cafeteria, catering establishment, restaurant (not a drive-thru)	P	P	P	P	P	C	C
r	Candy, confectionery, nut shop	P	P	P	P	-	-	-
s	Carbonated and purified water sales	P	P	P	P	-	-	-
t	Carpet and/or rug cleaning	-	C	-	P	P	-	-
u	Clothes cleaning, dyeing, pressing, dry cleaners	P	-	P	P	P	-	-
v	China and/or silver shop	P	P	P	P	-	-	-

Table 17-5-3.3. Commercial sales and service.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
w	Clothing store	P	P	P	P	-	-	-
x	Coal/fuel sales office	-	-	-	C	C	P	-
y	Convenience store with gasoline sales	C	C	C	C	P	P	-
z	Copy store, blueprinting, photostating, duplicating	-	P	-	P	-	-	-
A	Costume rental	-	P	P	P	-	-	-
B	Delicatessen	P	P	P	P	-	-	-
C	Department store	P	P	P	P	-	-	-
D	Dramatics school	P	P	-	P	-	-	-
E	Drapery-curtain store	P	P	P	P	-	-	-
F	Dressmaking	P	P	-	P	P	-	-
G	Drive-ins; refreshment stand, eating and/or drinking place	C1	P	P	P	C1	C1	-
H	Drugstore	P	P	P	P	-	-	-
I	Dry goods store	P	P	P	P	-	-	-
J	Electrical, appliances and fixtures, electronic instruments sales, repair and/or service	C1	P	P	P	P	-	-
K	Employment agency or employment office	-	P	P	P	-	-	-
L	Fix-it shop, repair shop, for household items	P	P	-	P	-	-	-
M	Flooring, carpet repair and sales	-	P	-	P	-	-	-
N	Florist shop	P	P	P	P	-	-	-
O	Frozen food lockers	-	C	-	P	P	-	-
P	Frozen food locker incidental to a main grocery store or food business	P	P	P	P	P	P	-
Q	Fountain equipment supply, restaurant supply	-	-	-	P	P	-	-
R	Fruit/fruit juice store; fruit and/or vegetable stand, or store; natural foods/health store	P	P	P	P	-	-	-
S	Fur sales, storage, repair	-	P	-	P	-	-	-

Table 17-5-3.3. Commercial sales and service.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
T	Furniture sales, and/or repair	-	P	-	P	-	-	-
U	Gift shop; hobby or crafts shop	P	P	P	P	-	-	-
V	Greenhouse, nursery; plant materials; soil & lawn service	-	P	-	P	C	-	-
W	Grocery; meat sales	P	P	-	P	-	-	-
X	Gunsmith	-	P	-	P	C	-	-
Y	Hardware store, not including the sale of lumber	P	P	P	P	P	-	-
Z	Hardware store, including the sale of lumber providing all lumber storage is in completely enclosed in a building	-	P	P	P	P	-	-
1	Heating, ventilating, air conditioning; equipment (HVAC), sales/repair	C	C	C	C	C	C	C
2	Hospital supplies	-	-	-	C	P	-	-
3	Household cleaning/repair, house equipment displays	-	P	-	P	-	-	-
4	Ice cream shop; ice sales, retail sales and rentals	P	P	P	P	-	-	-
5	Ice manufacture, storage, and wholesale sales	-	-	-	C	P	P	-
6	Ice vendor units and/or reach-in ice merchandise units, electric ice-maker; ice storage, not more than five (5) tons capacity	P	P	P	P	P	P	-
7	Insulation sales	-	-	-	P	P	P	P
8	Interior decorating store	P	P	-	P	-	-	-
9	Jewelry store	P	P	P	P	-	-	-
10	Kennel, conducted entirely within a soundproof and air conditioned building	-	C	-	C	C	-	-
11	Laundry, automatic self-help; laundry agency	P	P	P	P	-	-	-
12	Leather goods	-	P	-	P	-	-	-
13	Linen shop	P	P	-	P	-	-	-

Table 17-5-3.3. Commercial sales and service.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
14	Liquor and beer sales; places for the drinking of liquor or beer	-	C	C	C	-	-	-
15	Lithographing, including engraving, photo engraving	-	P	-	P	P	-	-
16	Luggage sales	-	P	P	P	-	-	-
17	Lumber yard	-	C	-	C	P	P	-
18	Manufactured home sales and storage	-	C	-	P	P	C	-
19	Medical/dental clinic, laboratories	-	P	P	P	P	-	-
20	Military store	-	-	-	C	C	C	-
21	Milk distributing station; sale of dairy products, excluding processing/bottling	P	P	P	P	-	-	-
22	Monument sales, retail	-	-	-	P	P	P	-
23	Mobile home sales and storage	-	C	-	P	P	C	-
24	Mortuary	-	C	-	P	-	-	-
25	Motorboat sales	-	P	P	P	P	-	-
26	Music store	P	P	P	P	-	-	-
27	News stand; magazine shop; book store	P	P	P	P	-	-	-
28	Notions, variety store	P	P	P	P	-	-	-
29	Novelty shop, variety store	P	P	P	P	-	-	-
30	Nurses' agency	P	P	-	P	-	-	-
31	Office, business or professional	C	P	C	P	P	P	-
32	Office, supply; office machines sales, repair	-	P	-	P	P	-	-
33	Oil burner shop	-	P	-	P	P	-	-
34	Optometrist; oculist	P	P	-	P	-	-	-
35	Ornamental iron, sales only	-	P	-	P	-	-	-
36	Package agency	-	C	C	C	-	-	-
37	Painter/paint store	-	P	P	P	P	-	-
38	Pest extermination and control office	-	-	-	P	P	P	-
39	Pet shop	P	P	-	P	-	-	-

Table 17-5-3.3. Commercial sales and service.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
40	Photographer or photography shop, sales and service	P	P	P	P	-	-	-
41	Plumbing shop	-	P	P	P	P	-	-
42	Popcorn and/or nut shop	P	P	P	P	-	-	-
43	Printing, including engraving, photo engraving	-	P	-	P	P	-	-
44	Printing and small paper reproduction service	P	P	P	P	P	-	-
45	Radio and television sales and repair	P	P	-	P	-	-	-
46	Radio and television station	-	-	-	C	C	P	-
47	Reception center and/or wedding chapel	C	C	-	C	-	-	-
48	Roofing sales	-	P	-	P	P	-	-
49	Second-hand shop, antiques, conducted within a building or enclosure	P	P	P	P	-	-	-
50	Seed/feed store	-	-	-	C	P	P	-
51	Sexually oriented businesses (Ord. 2004-08, February 24, 2004)	-	-	-	-	-	C	-
52	Sign painting shop	-	C	-	P	P	-	-
53	Sewing machine shop	P	P	-	P	-	-	-
54	Shoe shop; shoeshine; shoe repair	P	P	P	P	-	-	-
55	State store	-	C	C	C	-	-	-
56	Stationary and greeting card sales	P	P	P	P	-	-	-
57	Tailor shop	P	P	-	P	-	-	-
58	Taxidermist	-	P	-	P	P	-	-
59	Tire shop, sales and repair	-	P	P	P	-	-	-
60	Tobacco shop	P	P	P	P	-	-	-
61	Towel and linen supply service	-	-	-	P	P	-	-
62	Travel bureau	-	P	P	P	-	-	-
63	Variety store, notions	P	P	P	P	-	-	-
64	Wallpaper store	-	P	P	P	-	-	-

Table 17-5-3.3. Commercial sales and service.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
65	Wholesale business	-	-	-	P	P	P	-
66	Upholstery shop	-	-	-	-	C	C	-
67	Veterinary	-	-	-	C	C	-	-
68	Veterinary - providing operations are completely enclosed within an air-conditioned and soundproof building	-	C	C	C	C	-	-
69	Weather-stripping shop	-	C	-	P	-	-	-

Table 17-5-3.4. Dwellings, living quarters and long or short-term structures.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Hotel, motel, inn	-	C	P	P	P	C	-
d	Recreational vehicle park	-	-	C	C	-	-	-
e	Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C1	C1	C1	C1	C1	C1	C1
f	Construction equipment and supply trailer, temporary	C1	C1	C1	C1	C1	C1	C1
g	Construction field office, temporary	C1	C1	C1	C1	C1	C1	C1

(December 21, 2004, Ord. 2004-35, December 21, 2004)

Table 17-5-3.5. Industrial uses. (Ord.2001-05, 1/23/01)								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P

Table 17-5-3.5. Industrial uses. (Ord.2001-05, 1/23/01)								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Bag cleaning	-	-	-	-	P	P	-
d	Baking, ice cream making, and/or candy making	P	P	P	P	P	P	-
e	Blacksmith shop	-	-	-	-	P	P	-
f	Boiler works	-	-	-	-	P	P	-
g	Bottling works	-	-	-	-	P	P	P
h	Bookbinding	-	-	-	P	P	P	-
i	Breweries	-	-	-	-	C	C	-
j	Central mixing plant, related to construction industry for cement, mortar, plaster, or paving materials	-	-	-	-	-	C	-
k	Construction of buildings to be sold and moved off the premise	-	-	-	P	P	P	-
l	Dairy	-	-	-	P	P	P	-
m	Egg candling, sales, or processing	-	-	-	C	P	P	-
n	Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products & by-products are used	-	-	-	-	C	C	-
o	Forage plant	-	-	-	-	P	P	-
p	Foundry, casting light-weight non-ferrous metal	-	-	-	-	-	C	-
q	Hatchery	-	-	-	-	P	P	-
r	Honey extraction	-	-	-	P	P	P	-
s	Incinerator, non-accessory	-	-	-	-	C	C	C
t	Knitting mill	-	-	-	-	P	P	-
u	Laboratories	-	-	C	C	C	C	C
v	Laundry	P	-	P	P	P	-	-
w	Machine shop	-	-	-	C	P	P	C
x	Mobile lunch service	-	P	P	P	P	P	C

Table 17-5-3.5. Industrial uses. (Ord.2001-05, 1/23/01)								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
y	Monument works	-	-	-	C	P	P	-
z	Motion picture studio	-	-	-	-	P	P	-
A	Planning mill	-	-	-	-	C	C	-
B	Power generation (electrical) for on-site use:							
C	1. solar	P	P	P	P	P	P	P
D	2. wind under 5.9 kva	-	-	-	C	P	P	C
E	3. auxiliary, temporary, wind, with more than 6 kva, but less than 10 kva output	C	C	C	P	P	P	C
F	4. steam, hydro, or reciprocating engine with more than 10.05 kva, but less than 150 kva output	-	C	C	C	P	P	P
G	5. steam, hydro, or reciprocating engine with more than 150 kva	-	-	-	-	-	C	C
H	Printing - convenience for drop-in customers	P	P	P	P	P	P	-
I	Publishing and contract printing	-	-	-	P	P	P	-
J	Sandblasting	-	-	-	-	C	C	C
K	Saw mill	-	-	-	-	-	C	-
L	Tire, recycling into fuels and useable products	-	-	-	-	C	C	-
M	Tire retreading, or vulcanizing	-	-	-	-	C	P	-
N	Tire storage or landfilling not incidental to recycling facilities located in Tooele county	-	-	-	-	-	-	-
O	Treatment of materials from sand and grease interceptors, resulting in inert materials	-	-	-	-	-	C	C
P	Upholstering, including mattress manufacture rebuilding or renovating	-	-	-	P	P	P	-
Q	Weaving	-	C	-	C	P	P	-
R	Welding shop	-	-	-	C	P	P	-

Table 17-5-3.5. Industrial uses. (Ord.2001-05, 1/23/01)								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
S	Storage, treatment and disposal of wastes classified as "hazardous wastes" (Ord. 2004-08, February 24, 2004)	-	-	-	-	-	-	C
T	Production of salts in solid or liquid form by the collection, pumping and evaporation of naturally occurring brines and the processing of salts into salt products	-	-	-	-	-	P	-
U	Recycling, reformation, refinement and utilization of salts, and its byproducts, in solid or liquid form, to produce other materials, chemicals or products	-	-	-	-	-	C	-

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Acetylene gas	-	-	-	-	-	C	-
d	Acid	-	-	-	-	-	C	-
e	Airplane and associated parts	-	-	-	-	-	C	-
f	Alcohol	-	-	-	-	-	C	-
g	Ammonia	-	-	-	-	-	C	-
h	Animal by-products, offal or dead, reduction or dumping, fat rendering, grease or lard located at least 300 feet from any district boundary	-	-	-	-	-	C	C
i	Automobiles and their associated parts	-	-	-	-	-	C	-
j	Bakery goods	-	-	-	-	C	C	-
k	Batteries	-	-	-	-	C	C	-
l	Billboards and commercial advertising structures	-	-	-	C	P	P	-

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
m	Blast furnace or foundry located at least 300 feet from any district boundary	-	-	-	-	-	C	C
n	Bleaching powder	-	-	-	-	-	C	-
o	Boats	-	-	-	C	P	P	-
p	Bone	-	-	-	C	C	C	-
q	Brass	-	-	-	-	-	C	-
r	Business machines	-	-	-	C	P	P	-
s	Cameras and photo equipment, film	-	-	-	C	P	P	-
t	Candy	-	-	-	-	C	C	-
u	Candles	-	-	-	-	-	C	-
v	Canvas, cloth, textiles, wool or yarn	-	-	-	C	C	C	-
w	Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, pumice stone and gypsum products	-	-	-	-	-	C	-
x	Cellophane	-	-	-	C	C	C	-
y	Celluloid	-	-	-	-	-	C	-
z	Cereal	-	-	-	-	C	C	-
A	Chemicals of an objectionable or dangerous nature	-	-	-	-	-	C	-
B	Chlorine	-	-	-	-	-	C	-
C	Coal	-	-	-	-	-	C	-
D	Copper	-	-	-	-	-	C	-
E	Cork	-	-	-	C	C	C	-
F	Cosmetics	-	-	-	-	C	C	-
G	Creosote	-	-	-	-	-	C	-
H	Dairy products	-	-	-	-	C	C	-
I	Detergents	-	-	-	-	-	C	-
J	Dyestuffs	-	-	-	-	-	C	-
K	Disinfectants	-	-	-	-	-	C	-

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
L	Electric or neon signs	-	-	-	C	P	P	-
M	Emery cloth	-	-	-	-	-	C	-
N	Excelsior	-	-	-	-	-	C	-
O	Explosives and fireworks	-	-	-	-	-	C	-
P	Feathers	-	-	-	C	C	C	-
Q	Fertilizer and soil conditioner located at least 300 feet from any district boundary	-	-	-	-	-	C	C
R	Fish, sauerkraut, pickles vinegar, yeast and the rendering of fat	-	-	-	-	-	C	-
S	Food products (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat)	-	-	-	-	C	C	-
T	Repealed (Ord. 2004-08, February 24, 2004)							
U	Gasoline and petroleum	-	-	-	-	-	C	-
V	Gelatine	-	-	-	-	-	C	-
W	Glass	-	-	-	-	-	C	-
X	Glucose	-	-	-	-	-	C	-
Y	Glue	-	-	-	-	-	C	-
Z	Hair and horn	-	-	-	C	C	C	-
1	Hardware	-	-	-	-	-	C	-
2	Ink	-	-	-	-	-	C	-
3	Insecticides	-	-	-	-	-	C	-
4	Iron	-	-	-	-	-	C	-
5	Lampblack	-	-	-	-	-	C	-
6	Leather or hides	-	-	-	C	C	C	-
7	Linoleum	-	-	-	-	-	C	-
8	Lime	-	-	-	-	-	C	-
9	Lubricating grease, oil, oilcloth and oiled rubber goods	-	-	-	-	C	C	-

Table 17-5-3.6. Manufacturing, curing, compounding, processing, packaging, production and treatment.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
10	Machinery	-	-	-	-	-	C	-
11	Malt	-	-	-	-	-	C	-
12	Matches	-	-	-	-	-	C	-
13	Meat products	-	-	-	-	C	C	-
14	Musical instruments	-	-	-	C	P	P	-
15	Novelties	-	-	-	C	P	P	-
16	Oxygen	-	-	-	-	-	C	-
17	Paper	-	-	-	C	C	C	-
18	Paint	-	-	-	C	C	C	-
19	Pharmaceuticals	-	-	-	-	C	C	-
20	Pickles	-	-	-	-	-	C	-
21	Pipe for use in building construction or for sewer or drainage purposes (excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products) provided that such crushing facilities be located not closer than 200 feet to any property line	-	-	-	-	C	C	-
22	Plastics	-	-	-	C	C	C	-
23	Pottery, plaster, incidental plaster, plaster of paris, ceramic, and clay	-	-	-	-	-	C	-
24	Pyroxylin	-	-	-	-	-	C	-
25	Roofing or water proofing material	-	-	-	-	-	C	-
26	Rubber or guttapercha	-	-	-	C	C	C	-
27	Rubber and metal stamps	-	-	-	C	P	P	-
28	Sheetmetal products, light, (including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings)	-	-	-	C	P	P	-
29	Sheet metal heavy	-	-	-	-	-	C	-
30	Steel or metal crushing	-	-	-	-	-	C	-

	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		Ent 238946 Page 96 of 176				D	G	MG-H
		N	S	H	G	D	G	MG-H
31	Shell	-	-	-	C	C	C	-
32	Shellac, shoddy; and shoe polish	-	-	-	-	-	C	-
33	Straw	-	-	-	C	C	C	-
34	Soap	-	-	-	-	-	C	-
35	Soda	-	-	-	-	-	C	-
36	Starch	-	-	-	-	-	C	-
37	Tallow	-	-	-	-	-	C	-
38	Tar	-	-	-	-	-	C	-
39	Tobacco	-	-	-	C	C	C	-
40	Toiletries	-	-	-	-	C	C	-
41	Toys	-	-	-	C	P	P	-
42	Turpentine and varnish	-	-	-	-	-	C	-
43	Wood	-	-	-	C	C	C	-
44	Vinegar	-	-	-	-	-	C	-
45	Yeast	-	-	-	-	-	C	-

Table 17-5-3.7. Public and quasi-public uses.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
		a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Cemeteries	-	-	-	C	C	-	-
d	Churches	C	C	C	C	-	-	-

Table 17-5-3.7. Public and quasi-public uses.							
Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
	N	S	H	G	D	G	MG-H
e Correctional facilities (public and private) providing: (1) they are located at least 600 feet from any district boundary; (2) they are located at least 600 feet as measured from the property line on which the correctional facility is located to the property line of the following: A. Schools; B. Churches; C. Day care and preschools; D. Establishments that sell beer or liquor for on or off premise consumption; E. Motels or hotels; F. Residential (dwellings, lodging houses, dormitory, congregate residences, etc.	-	-	-	-	-	C	-
f Dams and reservoirs	-	-	-	C	C	P	C
g Parks, golf courses, swimming pools and other recreation areas	P	P	P	P	-	-	-
h Public buildings	C	C	C	C	C	C	C
i Public, quasi-public, and private service utility lines, pipelines, power lines, roads and etc., which extend more than 500 feet, that transport the material, service or supplies from one service area to another	C	C	C	C	C	C	C
j Radio/television transmitting towers	-	-	-	-	C	P	C
k Private road	C	C	C	C	C	C	C
l Private schools	C	C	C	C	C	-	-

Table 17-5-3.8. Recreation, camping and amusement.							
Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
	N	S	H	G	D	G	MG-H
a Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P

Table 17-5-3.8. Recreation, camping and amusement.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Archery shop/range, if conducted in enclosed building	-	P	P	P	-	-	-
d	Athletic club; health club; athletic goods store; gymnasium	-	P	P	P	P	-	-
e	Bicycle shop	P	P	P	P	-	-	-
f	Billiards or pool hall; commercial skating rink	-	P	P	P	-	-	-
g	Bowling alley	P	P	P	P	-	-	-
h	Boxing arena	-	-	C	C	-	-	-
i	Campground	-	-	C	C	-	-	-
j	Dance hall; dancing	-	C	C	C	-	-	-
k	Drag strip racing; auto racing; go-cart racing	-	-	-	-	C	C	-
l	Golf course; commercial miniature golf course	-	P	P	P	-	-	-
m	Night club / social club	-	C	C	C	-	-	-
n	Private non-profit locker club or private club	-	C	C	C	-	-	-
o	Recreational center, facilities or area that is private and/or commercial	-	C	C	C	C	C	-
p	Recreational coach parks	-	-	C	C	-	-	-
q	Swimming pool, commercial	-	C	C	P	-	-	-
r	Theater, indoor	P	P	P	P	-	-	-

Table 17-5-3.8. Recreation, camping and amusement.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
s	Theater, outdoor, providing: (1) A solid fence or masonry wall with a minimum height of six feet shall be constructed on all sides; (2) Driveways and parking areas shall be provided with properly maintained dustless surfaces; (3) Automobile off-street storage areas for automobiles awaiting entrance to theater shall have a capacity of at least fifteen percent of the number of auto parking spaces provided inside the theater; (4) Minimum area for single screen theater shall be ten acres, and the minimum area for a two screen theater shall be twelve acres.	-	-	C	C	-	-	-

Table 17-5-3.9. Storage, shipping, transporting and warehousing. (Ord.2001-13, 3/27/01)								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Bus terminal	-	C	C	P	P	-	-
d	Coal, fuel and wood yards	-	-	-	-	C	C	-
e	Contractors' equipment storage yard	-	-	-	C	-	P	-
f	Drive-it-yourself agency, car, equipment rental	-	-	P	P	C	-	-
g	Explosives, class a, b, and c	-	-	-	-	-	C	C
h	Express office	-	P	P	P	P	-	-
i	Freight or trucking yard or terminal	-	-	-	C	C	P	-
j	Garage, public	-	C	-	P	P	-	-
k	Hazardous material with in the threshold planning qualities of sara title iii	-	-	-	C	C	C	C

Table 17-5-3.9. Storage, shipping, transporting and warehousing. (Ord.2001-13, 3/27/01)								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
l	Hazardous material over the threshold planning qualities of SARA Title III, CERCLA, RCRA	-	-	-	-	-	-	C
m	Junk yard	-	-	-	-	-	C	-
n	Repealed (Ord. 2004-08, February 24, 2004)							
o	Railroad yards; shop and/or roundhouse for railroads	-	-	-	-	P	P	C
p	Storage units, self storage							
	1. Without outside storage	-	-	C	P	P	P	-
	2. With off-premise outside self service storage	-	-	C	C	C	C	-
q	Taxi stand	P	P	P	P	P	P	-
r	Terminal, parking and maintenance facilities	C	C	C	C	C	C	-
s	Transfer company	-	-	-	C	P	P	-
t	Warehouse	-	-	-	C	P	P	-

(Ord.2004-30, 11/2/2004)

Table 17-5-3.10. Utilities and utility services.								
	Use	Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory uses buildings customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Essential service facilities	C	C	C	C	C	C	C
d	Public, quasi-public, and public service utility lines, pipelines, power lines and etc., which extend more than 500 feet; that are used to transport their material, service or supply	C	C	C	C	C	C	C
e	Substations or transmission lines of fifty KV or greater capacity	C	C	C	C	C	C	C

CHAPTER 20

RESIDENTIAL FACILITIES FOR ELDERLY AND DISABLED PERSONS

Section

20 - 1. Purpose.

20 - 2. Residential facilities for elderly persons.

20 - 3. Residential facilities for persons with a disability.

20 - 1. Purpose.

The purposes of this section are:

(1) to comply with section 17-27-504 and 17-27-605 of the Utah Code; and

(2) establish an administrative process for the approval of permits to operate residential facilities for elderly and disabled persons that balances the need to prevent discrimination against elderly and disabled persons in the interests which are rationally related to legitimate land-use concerns. The county commission finds these equally valid and competing interests can be best accommodated and balanced by adopting an administrative process ensuring legitimate governmental interests are protected while guarding against discrimination and providing flexibility in residential facilities for elderly and disabled persons which do not cause undue hardship, fiscal or administrative burden on the County and do not undermine the basic purposes that the zoning ordinance seeks to achieve. (Ord.2003-09, 7/01/03)

20 - 2. Residential facilities for elderly persons.

(1) A "residential facility for elderly persons" shall not include any facility:

(a) operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;

(b) where persons being treated for alcoholism or drug abuse are placed;

(c) where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;

(d) which is a health care facility as defined by section 26-21-2 of the Utah Code; or

(e) which is a residential facility for persons with a disability.

(2) "Elderly person" means a person 60 years or older who desires or needs to live with other elderly persons in a group setting but who is capable of living independently.

(3) A residential facility for elderly persons shall:

(a) meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;

(b) be subject to the same minimum site development standards as those for a single-family dwelling or dwelling unit in the zone in which the facility is located; and

(c) be capable of use as such facility without structural or landscaping alterations that would change the structure's residential character.

(4) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for the elderly, or if the structure fails to comply with the applicable health, safety, and building codes. (Ord.2003-09, 7/01/03)

20 - 3. Residential facilities for persons with a disability.

(1) As used in this chapter, "Disability" is defined in Section 57-21-2 UCA.

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

(a) licensed or certified by the department of human services under Title 62A, Chapter 2 of the Utah Code, licensure of programs and facilities; or

(b) licensed or certified by the department of health under Title 26, Chapter 21 of the Utah Code, Health Care Facility Licensing and Inspection Act.

(3) A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:

(a) The facility shall comply with all building, safety, and health regulations applicable to similar structures. As part of this requirement the following site development standards and parking standards shall be applicable:

(i) Each facility shall be subject to minimum site development standards applicable to a single-family dwelling or other similar dwelling in the zone in which the facility is located; and

(ii) The minimum number of parking spaces required for a residential facility for persons with a disability shall be the same as those for a single-family dwelling located in the same zoning district in which the facility is located.

(b) No facility shall be made available to an individual whose tenancy would:

(i) constitute a direct threat to the health or safety of other individuals, or

(ii) result in substantial physical damage to the property of others. It is not the intention of this subsection to establish any legal basis for tort liability on the part of the facility operator.

(c) Prior to the occupancy of any facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the facility shall provide to the zoning administrator:

(i) a copy of such license or certification; and

(ii) a sworn affidavit that no person will reside or remain in the facility whose tenancy would likely:

(1) constitute a direct threat to the health or safety of other individuals, or

(2) result in substantial physical damage to the property of others.

(d) the use permitted by this section is nontransferable and shall terminate if:

(i) the facility is devoted to a use other than a residential facility for persons with a disability;

(ii) the license or certification issued by the department of human services or the department of health terminates or is revoked, or

(iii) the facility fails to comply with this section.

(4) None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

(5) Any person or entity who wishes to request a reasonable accommodation shall make application to the zoning administrator and articulate in writing the basis for the requested accommodation.

(6) Each application for a reasonable accommodation shall be decided within 30 days.

(7) If a request for a reasonable accommodation is denied, such decision may be appealed to the board of adjustment in the manner provided for appeals of administrative decisions. (Ord.2003-09, 7/01/03)

Chapter 23

HIGHWAY ACCESS DISTRICT (HA)

23 - 1 Purpose

This chapter is for the purpose of regulating access to land contiguous to highways in order to facilitate minimal impediments to traffic flow, mitigate potential and actual conditions that contribute to vehicular accidents, and allow reasonable and harmonious uses on such lands, as well as to insure unobstructed views of access points. Traffic safety and land uses are critical to the use of highways. Access must be reviewed and controlled by the planning commission within the standards established in this chapter. To this end, access to highways encumbered by a Highway Access District (HA) shall be at points controlled with respect for the safety of the traveling public.

23 - 2 Application

The Highway Access District (HA) is an over-layer district that fits over the existing zoning district and along highway right of way lines.

23 - 3 Land Uses

- a. All land uses, except any provisions for access, that are permitted or require conditional use permits under regulations relative to the underlying zoning district are allowed in the HA District.
- b. Permitted and conditional uses of the underlying zoning district do not affect or limit the application of this chapter.

23 - 4 Conditional Use Permits Required

- a. Access from adjoining land to a highway within a HA District shall require a conditional use permit. The permit shall insure compliance with Tooele County Zoning Ordinance Chapter 6 regarding off street parking requirements, except that the permit may allow a single access for two parcels on the property line if it is within the general purpose and intent of the Tooele County Zoning Ordinance.
- b. The planning commission may require a surety bond or other reasonable security which may be forfeited in the event the regulations or the conditions of a permit are breached.

23 - 5 Area, Width, Height, and Coverage Regulations

Area, width, height, and coverage regulations in HA Districts shall be the same as required in the underlying zoning district and for the clear view of intersecting streets.

23 - 6 Standards

- a. The minimum distance between accesses in HA Districts shall be 800 feet.
- b. Frontages which are equal to or less than the minimum distance in feet shall be allowed but limited to one access.
- c. Lots with frontages greater than 800 feet may have multiple accesses, which shall maintain the minimum standard in distance between the accesses on that property as well as those of neighboring properties on the same side of the highway.
- d. The planning commission may impose new setbacks for the construction, location, or placement of new structures, and modifications to existing structures along HA district roads to reflect approved plans that modify the routing or widening of right of ways. Imposing such setbacks shall supersede setbacks required in the underlying zone.
- e. This chapter shall not be applied so as to deny reasonable ingress and egress to property adjoining a public highway except where the county has acquired such right of ingress and egress by gift, agreement, purchase, eminent domain, or otherwise or where no right of ingress or egress exists between the right-of-way and the adjoining property, nor to restrict the height of agricultural crops or trees growing on private property along a highway, except at the point of access to allow clear view of traffic.

23 - 7 Violations

- a. No HA District shall have any approach road, driveway, or any other structure or object of any kind or character placed, constructed, or maintained except as permitted by, and in accordance with, the zoning ordinance, and other county codes.
- b. 1. If any person, firm, or corporation installs, places, constructs, alters, repairs, or maintains any approach road, driveway, outdoor advertising sign, or any other structure or object of any kind or character within the boundaries of a HA District without complying with this chapter, the department of engineering may:
 - A. give written notice to the person, firm, or corporation to remove the installation from the boundaries; or
 - B. remove the installation.
2. Notice under Subsection b.1. shall be served by:
 - A. personal service; or
 - B. (i) mailing the notice to the person, firm, or corporation by certified mail; and
 - (ii) posting a copy on the installation for ten days.

3. If the installation is not removed within ten days after the notice is served, the department of engineering may remove the installation at the expense of the person, firm, or corporation. The department of engineering may recover:

A. the costs and expenses incurred in removing the installation, serving notice, and the costs of a lawsuit if any; and

B. \$10 for each day the installation remained within the boundaries after notice was served.

4. If the person, firm, or corporation disputes or denies the existence, placement, construction, or maintenance of the installation, or refuses to remove or permit its removal, the department of engineering may cause an action be brought to abate the installation as a public nuisance, and may recover the costs of having the public nuisance abated.

5. The department, its agents, or employees, if acting in good faith, incur no liability for causing removal of an installation within a HA District.

23 - 8 Pre-Existing Accesses

Accesses that existed prior to a HA District being imposed on any highway will exist as legal non-conforming uses.

23 - 9 Abandonment

Any access in a HA District that is not used in any twelve consecutive months will be required to be removed. If a property owner desires to reinstate that access, it shall conform to this chapter.

SIGN REGULATIONS

Part

- 24-1. General Provisions.
- 24-2. Enforcement.
- 24-3. Non-conforming signs.
- 24-4. General sign regulations.
- 24-5. Signs allowed without a permit.
- 24-6. Temporary signs.
- 24-7. Sign area measurement.
- 24-8. Permanent signs.
- 24-9. Sign requirements by zoning district.

Part 24-1

GENERAL PROVISIONS.

Section

- 24-1-1. Purpose.
- 24-1-2. Scope.
- 24-1-3. Interpretation.
- 24-1-4. Sign Permit Process.
- 24-1-5. Signs Requiring a Permit.

24-1-1. Purpose.

It is the purpose of this chapter to:

- (1) regulate signs and to authorize signs that are compatible with their surroundings, legible under the circumstances in which they are seen, sensitive to the environment, and are conducive to promoting traffic safety and the convenience and enjoyment of public travel by preventing visual distraction;
- (2) protect pedestrians, attract tourists, preserve and enhance property values, establish first-class business and commercial districts, and eliminate fire hazards; and
- (3) promote short and long-term civic beauty and order by establishing standards and regulations for sign design, location, size, type, compatibility, and aesthetics.

(Ord.2002-13, 6/18/02)

24-1-2. Scope.

(1) The intent of this chapter is to regulate the design and placement of commercial and governmental identification and communication devices and structures that are built specifically to identify, inform, and direct patrons to a particular merchant, store, establishment, or service. It is not the intent to regulate the content of public speech.

(2) The regulations of this chapter apply to both on-premise and off-premise signs, but do not apply to hand-held placards and similar devices traditionally used for public protest and the exercise of free speech. Any non-commercial message may be substituted for any

commercial message permitted under this chapter.
(Ord.2002-13, 6/18/02)

24-1-3. Interpretation.

(1) The regulations of this chapter are declared to be the maximum allowable. If the zoning administrator determines that an application needs further interpretation, a planning commission shall review the proposal.

(2) If a person proposes or retains a sign that exceeds the standards of this chapter, he may apply to the board of adjustment for a variance.

(3) In the case that one or more part(s) of this chapter conflicts with another part of this or any other code, title or ordinance adopted by Tooele County, the State of Utah or the United States, the part with the strictest language or interpretation shall stand. (Ord.2002-13, 6/18/02)

24-1-4. Sign permit process.

Except for those signs allowed in Part 24-5, no person shall erect, install, or paint any sign or change the face of any sign, whether it be temporary or permanent in nature, without obtaining a sign permit from the Tooele County Department of Engineering except as specified in this chapter. This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed, or modified. (Ord.2002-13, 6/18/02)

Part 24-2

ENFORCEMENT.

Section

- 24-2-1. Illegal signs.
- 24-2-2. Enforcement Authorization.
- 24-2-3. Appeal.

24-2-1. Illegal signs.

(1) Any sign not expressly allowed by this chapter is prohibited.

(2) In no case shall the failure to remove illegal signs constitute approval by Tooele County of their illegal placement.

(3) All signs expressly prohibited by this or any other part of this or any other regulation, code, title or ordinance adopted by Tooele County, the State of Utah or the United States are prohibited.

(4) Any sign not placed in accordance with this or any other applicable regulation, code, title or ordinance adopted by Tooele County, the State of Utah or the

United States is considered an illegal sign and is therefore prohibited. (Ord.2002-13, 6/18/02)

24-2-2. Enforcement authorization.

(1) The zoning administrator or an authorized representative shall enforce this chapter and is empowered and directed to:

(a) issue permits to construct, alter, or repair signs. The expiration date for such permits shall be in conjunction with building permits.

(b) ascertain that all signs, constructions, and all reconstructions or modifications of existing signs are built in conformance with the zoning ordinance by conducting or causing to be conducted:

(i) an initial inspection after construction, including an inspection of temporary electrical signs.

(ii) a reinspection of any sign for which a permit was issued but which, upon initial inspection, was not built in complete compliance with the regulations of this chapter.

(c) institute an appropriate action or proceeding in any case where any sign is illegally erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of any county ordinance or code. To this end the zoning administrator or designee may:

(i) issue a written notice of violation to the person having charge or control or benefit of any sign found to be unsafe, dangerous, or in violation of this chapter, particularly when the Tooele County is contemplating removal of the sign;

(ii) abate and remove unsafe or dangerous signs not repaired or made safe within seven days after the owner has received written notice;

(iii) abate and remove illegal signs not made conforming within 30 days after written notice has been given.

(iv) abate and remove temporary signs posted upon private property without a permit or which are otherwise illegal, which, after written notice, have not been made conforming after 72 hours either through removal or by obtaining a temporary sign permit;

(v) remove any sign posted upon public property, but shall not destroy the sign for a period less than 30 days from the date of removal.

(vi) abate and remove non-maintained or abandoned signs or signs identifying a discontinued use. The zoning administrator shall require each such sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within 30 days after written notice is given to such person.

(vii) if a permanent sign is installed without a permit, or is illegal as defined by this Chapter and is not

made conforming within 30 calendar days after written notice has been given, the zoning administrator may at once abate and remove said sign. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the County is authorized to effect the collection of said cost.

(viii) initiate action with the Tooele County Attorneys Office for:

(1) injunctive relief; or

(2) the filing of criminal charges against violators.

(ix) issue citations to violators for non-compliance

(2) The person having charge, control, or benefit of or who posted any sign removed by Tooele County shall pay to Tooele County within 30 days after written notice and invoice is mailed to such person the costs incurred in such removal. (Ord.2002-13, 6/18/02)

24-2-3. Appeal.

Any person ordered to alter or remove any sign or any person whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the board of adjustment by serving a written notice to the department of engineering within ten days of the order or denial. An applicant may also appeal to the board of adjustment for an alleged error by the zoning administrator or staff. (Ord.2002-13, 6/18/02)

Part 24-3

NON-CONFORMING SIGNS.

Section

24-3-1. Regulation, containment and elimination.

24-3-2. Alterations.

24-3-3. Restoration.

24-3-4. Maintenance.

24-3-5. Abandonment.

24-3-6. Signs to be made conforming.

24-3-7. Special exceptions.

24-3-1. Regulation, containment and elimination.

In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy the current sign ordinance standards, the County intends to apply firm regulation of existing nonconforming signs with a view to their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment, and restoration. Excluding normal maintenance and repair, a nonconforming sign shall not be moved, altered (including face changes) or enlarged unless it is brought into complete compliance with this Chapter. The following alterations are exempt from this provision:

(1) Face changes in nonconforming multi-tenant signs; and

(2) Copy changes in nonconforming permanent signs that were originally approved by the County with a changeable copy feature. (Ord.2002-13, 6/18/02)

24-3-2. Alterations.

A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this Chapter. All alterations shall require conformance to the provisions of this Ordinance excluding any face changes in multi-tenant signs, normal maintenance/repair, and copy changes in signs previously approved by the County with a changeable copy feature.

Any sign that is located within or projects into the public right-of-way shall be made conforming when a change of ownership, lessee, or use occurs. (Ord.2002-13, 6/18/02)

24-3-3. Restoration.

Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of nature, or act of a public enemy, or damaged by any other cause, to the extent of more than 50 percent of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this Chapter. (Ord.2002-13, 6/18/02)

24-3-4. Maintenance.

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 shall not necessitate conformance to the requirements of this Chapter. (Ord.2002-13, 6/18/02)

24-3-5. Abandonment.

Within 45 days after vacation of a tenant or change of ownership in an existing business, all on-site nonconforming signs must be removed or brought into compliance by the property owner. Non-conforming off-premise signs lacking advertising for a period of 45 days shall also be considered abandoned. If removal does not occur voluntarily, Tooele County may remove the entire non-conforming sign, both face and structure and all costs incurred shall be the responsibility of the property owner. Once determined abandoned and non-conforming, such signs shall not regain any legal non-conforming status later, even if the original business re-occupies the property. (Ord.2002-13, 6/18/02)

24-3-6. Signs to be made conforming.

To minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy pre-existing sign standards, Tooele County intends to apply firm regulation of existing nonconforming signs with a view to their eventual elimination. This goal shall

be achieved by strictly construing limits on change, expansion, alteration, abandonment, restoration, and by amortization. Excluding normal maintenance and repair, a nonconforming sign shall not be moved, altered or enlarged unless it is brought into complete compliance with this chapter. The following alterations are exempt from this provision:

(1) face changes in multi-tenant signs; and

(2) copy changes in permanent signs which were originally approved with a changeable copy feature by the zoning administrator. (Ord.2002-13, 6/18/02)

24-3-7. Special exceptions.

(1) Upon appeal by a sign owner or business, the board of adjustment may grant a special exception to allow the retention, alteration, movement, or expansion of a nonconforming sign, provided the board determines that:

(a) the nonconforming sign poses an alternative equivalent means of meeting the intent of this chapter and Tooele County's comprehensive plan;

(b) the action will not impose a burden on other properties beyond that posed by a conforming sign; and

(c) approval will provide a forum for free expression or other benefits to the public. Unfair competitive disadvantage of businesses in Tooele County whose signs do comply with this chapter is to be construed as a burden to be considered by the board of adjustment.

(2) A new business generally shall not qualify for a special exception for reuse of a nonconforming sign left by a previous business. Purely economic factors such as the expense of removing or altering a nonconforming sign or of purchasing a new conforming sign are not to be considered as reasons for granting a special exception by the board.

(3) The board may attach conditions with which the petitioner must comply as a condition of approval of a special exception.

(4) The duration of the special exception shall not extend beyond that period allowed by the board of adjustment from the date the exception is granted.

(5) Any special exception shall be conditioned on the posting of a bond sufficient to cover the cost of timely removal of such sign.

(6) The board of adjustment may attach to a special exception a reasonable limit on the period of noncompliance of nonconforming signs. (Ord.2002-13, 6/18/02)

Part 24-4

GENERAL SIGN REGULATIONS.

Section

24-4-1. General sign requirements.

- 24-4-2. Site plan review and design.
- 24-4-3. Permit tags.
- 24-4-4. Prohibited sign devices.
- 24-4-5. Dangerous, defective and non-maintained signs.
- 24-4-6. Repealed.

24-4-1. General sign requirements.

(1) Signs shall not be placed within any public right-of-way, within the clearview zone on corners, or in any place that would impede traffic visibility or safety. Signs shall not be placed on public property except:

- (a) by the owning public entity when such placement is in accordance with the other applicable regulations of this chapter; or
- (b) when specifically provided for in this chapter.

(2) The zoning administrator or designee may defer to the planning commission the decision on any sign application that is deemed to be of questionable compatibility with the Tooele County Zoning Ordinance, Tooele County Code or the Tooele County General Plan.

(3) All signs erected shall comply with the provisions of the National Electrical Code, International Building Code and this chapter as in effect at the time the permit is issued.

(4) No sign, fixture or device involving electrical wiring or connections shall be erected or installed except by a licensed and bonded contractor.

(5) All signs shall be engineered to demonstrate conformance with the applicable provisions of the International Building Code. Where required by the chief building official, the permit application shall be accompanied by a drawing stamped by a structural engineer licensed by the State of Utah attesting to the adequacy of the proposed construction of the sign and its supports.

(6) No sign or other advertising structure shall be erected which in any manner may be confused with an official traffic sign or signal, or that bears words normally used in such signs, i.e., stop, go slow, caution, danger, warning. No sign or any advertising structure shall be erected which by reason of its size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control device. No sign shall have lighting that impairs the vision of anyone traveling upon a public street or distracts any driver so as to create a public nuisance. Specifically, no sign or group of signs may exceed one foot-candle in brightness as measured at the property line

(7) No sign more than three feet in height above the top back of curb shall be erected at any intersection for vehicular traffic within a triangular area formed by the intersection of straight lines extended from the back of curb or future curb and a line connecting them at points 40 feet from the intersection of the lines. Monument signs may be erected in the above mentioned area if they

are less than three feet above the curb grade to the top of the sign. See Figure 1 and 2. 109

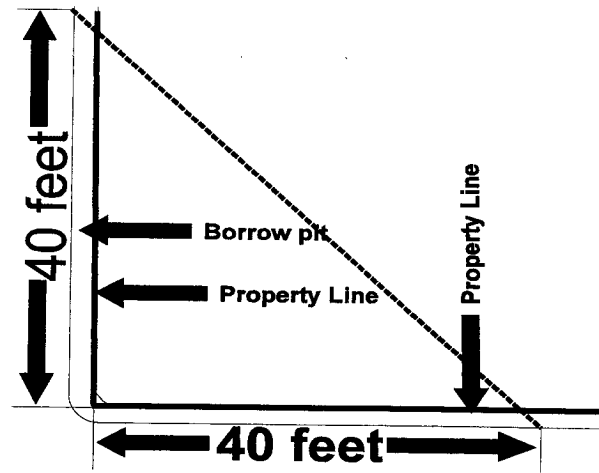


Figure 1 Clearview of intersecting roads, 40 foot clearview zone without sidewalk, curb and gutter.

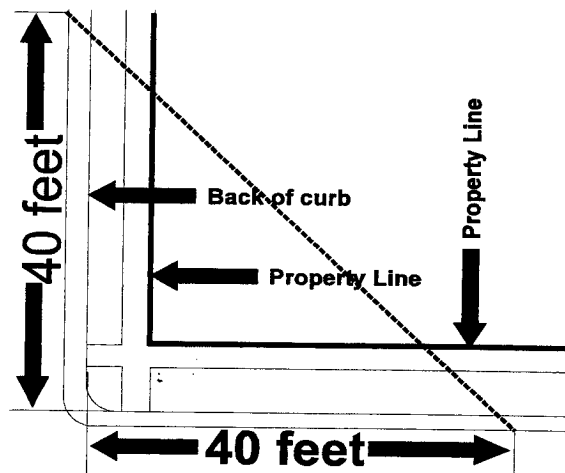


Figure 2 Clearview of intersecting roads, 40 foot clearview zone with sidewalk, curb and gutter.

24-4-2. Site plan review and design.

(1) All sign devices must have site plan and design approval by the zoning administrator or designee prior to placement.

(2) All signs applications must be submitted with sight plans, sign elevations, sign design drawings and any other drawings the zoning administrator or designee deems necessary to evaluate the sign for compliance with this code and any other applicable law or code as well as architectural compatibility, color, style, size, scale, proportion and balance, location, landscaping and any other factor deemed important by the reviewer.

(3) When new buildings or developments are presented for site plan review, signs proposed for the development shall be reviewed concurrently by staff. All planned centers and multi-tenant buildings must

submit a sign theme for approval by the planning commission. The center must have an approved sign theme before any sign permits will be issued. If a plan for a sign package is not submitted at site plan review, the developer will be notified of sign ordinance standards and shall submit plans that adhere to the code.

(4) Applicants for sign permits shall give serious consideration to the following elements when submitting plans for signs:

- (a) architectural compatibility;
- (b) color and style;
- (c) size, scale, proportion and balance;
- (d) location; and
- (e) landscaping.

(5) The zoning administrator may refer an application for a sign permit to the planning commission if the zoning administrator feels adherence to the criteria of this section is not shown in submitted plans.

(Ord.2002-13, 6/18/02)

24-4-3. Permit tags.

(1) Each new sign requiring a sign permit shall have affixed to the sign a certification tag, issued by the zoning administrator, visible from the nearest public access.

(2) Each tag shall be of a weatherproof material and will have a tag number that corresponds to the permit number retained in the department of engineering.

(3) The zoning administrator or designee shall apply tags only to the sign for which the permit has been issued. (Ord.2002-13, 6/18/02)

24-4-4. Prohibited sign devices.

(1) The following sign devices used to attract pedestrian or vehicular attention are prohibited in any zone:

(a) hot or cold air balloons or inflatable, except as specifically allowed by this chapter for temporary signs or as part of a grand opening period or special promotion;

(b) any sign which flashes, blinks, uses chaser lights, or moves in any way, animate or inanimate, except commercial signs with time/temperature or electronic message center capability, and subtle lighting changes of low intensity;

(c) statuary bearing the likeness or suggestion of any product or logo;

(d) projecting signs;

(e) snipe signs;

(f) rapidly spinning wind-driven signs;

(g) temporary signs, except as allowed in Section 24-5;

(h) signs on bus benches;

(i) any truck, trailer, or other vehicle conspicuously or regularly parked on- or off-premise with an

advertising message or logo displayed to attract attention to the business or product, or for

(j) graffiti;

(k) spotlights directed into the night sky except as part of an approved promotional period for temporary signs;

(l) "A" frame, sandwich board, or other portable signs unless specifically allowed elsewhere in this chapter;

(m) portable trailers or flashing signs;

(o) any sign that emits an audible sound, odor, or visible substance; and

(p) off-premise signs including billboards, except as allowed herein.

(2)(a) No person shall paint, mark or write on, post or otherwise affix any hand-bill or sign to or upon any sidewalk, crosswalk, curb, curbstone, park strip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign or traffic sign.

(b) Any hand-bill or sign found posted upon any public property contrary to the provisions of this section may be removed by the sheriff's department, the road division, or the zoning division. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof.

(c) Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location, or personality for which the department of engineering or an authorized public agency has granted a written permit.

(d) Nothing in this section shall apply to the painting of house numbers upon curbs.

(3) Any sign not expressly allowed by this chapter is prohibited.

(4) All signs expressly prohibited by this or any other part of this or any other regulation, code, title or ordinance adopted by Tooele County, the State of Utah or the United States are prohibited. (Ord.2002-13, 6/18/02)

24-4-5. Dangerous, defective and non-maintained signs.

(1) A property owner or occupant may not maintain or allow any sign which is dangerous or defective on any premises he owns, occupies or controls.

(2) Any sign deemed to be dangerous or defective shall be torn down within five days of receiving notice.

(3) Any sign that is not properly maintained shall be either repaired or torn down within 14 days of receiving notice.

(4) If the sign is not removed by the owner of the

sign or occupant or the owner of the premises within the time allotted after receiving notice, Tooele County may remove the entire sign, both face and structure and all costs incurred shall be the responsibility of the property owner.

(5) No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.

(6) No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Utah or its agencies.

(7) No sign shall be located on publicly-owned land or inside street rights-of-way, except signs owned and erected by permission of an authorized public agency or as specifically authorized in this chapter.

(8) Every sign shall be maintained in complete operating condition. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. "Maintenance" includes the repair of facades where signs have been removed, the painting, cleaning, and repairing of the sign. "Maintenance" does not include structural alterations, cosmetic or style changes or enlargements of face changes. (Ord.2002-13, 6/18/02)

24-4-6. Repealed.
(Ord.2002-29, 10/15/02)

Part 24-5

SIGNS ALLOWED WITHOUT A PERMIT.

Section

- 24-5-1. General provisions.**
- 24-5-2. Notice bulletin boards.**
- 24-5-3. Political or campaign signs.**
- 24-5-4. Development and real estate signs in residential areas.**
- 24-5-5. Development and real estate signs in commercial and industrial areas.**
- 24-5-6. Signs allowed in any zoning district.**

24-5-1. General provisions.

(1) Any one sign on private property shall not exceed 24 square feet in aggregate area and, if freestanding, shall not exceed six feet in height unless provided for in this section. Such sign shall not be erected in a manner as to constitute a roof sign.

(2) There may be only one non-illuminated sign not to exceed twelve square feet in sign area, per lot or premises for sale of agricultural products grown or raised on site.

(3) Signs may not be placed within any public right-of-way, within the 40-foot clearview zone on corners, or in

any place that would impede traffic, visibility or safety. Signs may not be placed on public property unless otherwise provided for in this section (Ord.2002-13, 6/18/02)

24-5-2. Notice bulletin boards.

Notice bulletin boards not over 32 square feet in area for medical, public, charitable or religious institutions where the bulletin board is accessory to a permitted or conditional sign on the same premises of such institutions and are oriented solely to the interior of the property and are not used to direct exterior vehicular attention to any product or service of the institution. (Ord.2002-13, 6/18/02)

24-5-3. Political or campaign signs.

(1) Political or campaign signs on behalf of candidates for public office or measures on election ballots may be displayed, except:

(a) such signs may not be erected earlier than 60 days prior to a primary or general election and shall be removed no later than two weeks following the election. However when the general election falls within six weeks of the primary election, the winner of the primary election will be allowed to maintain the signs until two weeks after the general election. Signs relating to elections on special issues may be installed and must be removed on the same basis;

(b) campaign signs for candidates for public office or an issue on an upcoming election may not be placed on public property, within any public right-of-way, on public utility poles, or in any place which would impede traffic visibility or safety;

(c) campaign signs may not be placed closer than 150 feet to a building where an official voting station is located;

(d) campaign signs shall not exceed 12 square feet in residential zones and 32 square feet in all other zones; and

(e) written permission of the property owner must be obtained before such signs are erected. (Ord.2002-22, 9/10/02)

24-5-4. Development and real estate signs in residential areas.

(1) Signs in residential [R-1], rural residential [RR], and residential multifamily [R-M] zoning districts announcing the location, availability, or development of property are necessary and do not require a permit, subject to the following:

(a) On-Premise Development Identification Signs:

(i) Individual Lots: One sign announcing the name of the construction/development company is allowed. The area of the sign may not exceed 12 square feet nor five feet in height. The sign may not be erected more than five days prior to the beginning of construction for which a building permit has been

issued. It must be removed before final occupancy.

(ii) Subdivisions or Planned Unit Developments: One development promotional sign may be placed on the premises of each development having five or more lots or approved unit sites in any residential zone. The size allowed for the sign depends on the number of lots to be developed:

5-24 units (lots): 24 square feet

25-49 units: 32 square feet

50 or more units: 48 square feet

Maximum height: 10 feet

Such signs shall be removed within five years of the issuance of the first building permit in the project or if the lots are sold out before five years, immediately upon sale of the last lot.

(b) On-Premise Real Estate Signs:

(i) Signs advertising the sale, rent, or lease of property shall be limited to one real estate sign on each lot. Each such sign shall not exceed six square feet in size and six feet in height.

(ii) One real estate sign per street frontage is allowed for any multi-use residential or professional office building or lot intended for such and may not exceed 16 square feet in area and six feet in height. If the parcel is over two acres in size, the sign may not exceed 64 square feet.

(iii) Model home signs shall not exceed 16 square feet in area nor exceed six feet in height and shall be placed entirely upon the premises of the model.

(iv) Temporary/Open House Real Estate Signs shall not exceed six square feet in area and four feet in height. Advertising real estate open for inspection may be placed on private property in the vicinity of the property open for inspection. They may be placed in the parking strip with the consent of the immediately adjacent property owner. They shall not be attached to trees, poles or street signs. Open house signs should be displayed only during those hours and days during which the house is open for actual inspection. (Ord.2002-13, 6/18/02)

24-5-5. Development and real estate signs in commercial and industrial areas.

(1) Signs in commercial and industrial zones announcing the location, availability, or development of property are necessary and require no permit subject to the following:

(a) On-Premise Development Identification Signs: Signs announcing or identifying the future development of commercial or industrial property are allowed at the rate of one per street frontage. Such signs may not be erected before the proposed development has been submitted for site plan review. They must be removed before final inspection or before permanent signs are installed. The size of the sign depends on the number of acres involved in the project

as follows:

Less than 2 acres:	10 square feet
2 to 5 acres:	24 square feet
5 to 10 acres:	32 square feet
10 to 20 acres:	48 square feet
More than 20 acres:	64 square feet
Maximum height:	10 feet

(b) On-Premise Real Estate Signs:

(i) One on-premise real estate sign advertising the sale of property per street frontage is allowed for any lot and may not exceed 12 square feet in area or eight feet in height. If the parcel is over two acres in size, the sign may not exceed 16 square feet.

(ii) One on-premise real estate sign advertising the sale of property per street frontage is allowed for any planned center, building or lot zoned for such and may not exceed 16 square feet in area or eight feet in height. If the parcel is over two acres in size, the sign may not exceed 24 square feet.

(iii) One on-premise sign advertising commercial or industrial space for lease or sale, for space within a multi-tenant building or for a pad within the same center is allowed. The sign must be securely attached to the vacancy in question. It may not exceed 16 square feet in area. (Ord.2002-13, 6/18/02)

24-5-6. Signs allowed in all zoning districts.

(1) The following signs are allowed without a permit in any zoning district, except on public property, unless specified otherwise:

(a) Directional or instructional signs such as for restrooms, telephones, walkways, or parking lot entrances and exits, that are located entirely on-premise and do not in any way advertise a business or commercial activity, but such signs shall not exceed four square feet in area or four feet in height;

(b) "No Trespassing" or "No Dumping" signs, but they may not exceed four square feet in area for a single sign unless the zoning administrator makes a written finding that larger signs are required to prevent violation;

(c) Plaques or name plate signs not more than two square feet which are fastened directly to the building;

(d) Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such sign shall exceed eight square feet in area and provided further that all such signs be placed flat against the building;

(e) Neighborhood identification signs of masonry, wall, landscaping and other similar materials or features, provided the legend of such sign or display shall consist of only the neighborhood name and/or address;

(f) Institutional use signs for churches, public schools, public utility companies, libraries,

TEMPORARY SIGNS.

governmental buildings, parks, public golf courses, etc., but such uses are allowed one monument sign of 24 square feet, but if the institution has more than one frontage and is located on an arterial street, then an additional sign of the same size is allowed;

(g) The flags, emblems, or insignia of any corporation, nation or political subdivision, but not to include corporation flags, may not exceed 12 square feet and may be flown in tandem with the State or National flag; provided large flags flown in high wind may cause a noise nuisance and are subject to removal upon investigation;

(h) Public necessity signs installed by a unit of the government for control of traffic and other regulatory purposes including street signs, danger and warning signs, railroad crossing signs, hospital signs, directional or warning signs for public service companies, utilities or institutions, or signs erected by or on the order of a public officer in the performance of his public duty;

(i) Memorial signs or tablets with the names of buildings and date of erection cut into any masonry surface or inlaid so as to be part of the building;

(j) Holiday decorations and non-commercial signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday, and such signs may be of any type, number, area, but they shall be contained entirely within the boundaries of the lot or premise on which they are erected and should be placed so as to avoid confusion with authorized traffic lights and signals and shall conform to traffic safety standards, and shall be removed within a reasonable period after the holiday is over;

(l) Changing copy or message on a permitted sign that has an approved marquee, reader board, electronic message center, or other replaceable copy area;

(m) Agricultural signs identifying permitted agricultural uses, but such signs shall be on-premise signs not exceeding 32 square feet in area, and they may be placed on arches that serve as a gate or entrance.

(n) Signs required or specifically authorized for a public purpose, notice or posting by any law or statute. These signs may be of any type, number, area, height above grade and location authorized by the law or statute under which the signs are erected.

(o) On-Premise Signs for Home Occupations in Residential Zones do not require a permit. They may have one non-illuminated flat wall sign two square feet in area which identifies the name of the business. This applies to uses operated out of a single family home.
(Ord.2002-13, 6/18/02)

Section

24-6-1. General regulations.

24-6-2. Permit application requirements.

24-6-3. Business related temporary signs.

24-6-4. Community event banners.

24-6-5. Temporary signs not requiring a permit.

24-6-1. General regulations.

Temporary signs shall not be placed in or over a public right-of-way, may not flash, blink, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance. They shall not be attached to telephone poles, fences, or trees. They must be firmly secured to the building or ground. Temporary signs may be attached to existing permanent signs only for the grand opening period. Temporary signs may cover or obscure an existing permanent sign only if the business has changed ownership or changed names. No off-premise temporary signs are allowed except those specifically for real estate purposes or otherwise noted in this chapter. (Ord.2002-13, 6/18/02)

24-6-2. Permit application requirements.

(1) Temporary signs are permitted through a sign permit. The zoning administrator or designee may approve temporary signs.

(2) Temporary signs require the following information to be issued permits:

(a) a plot plan showing relationship of the signs to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways; and

(b) the length of period for display and type of request.

(3) The following information is required on all sign permit applications:

(a) proof of current Tooele County business license;

(b) business address and phone number;

(c) address of property owner and phone number;

(d) general or electrical contractor license, phone and address; and

(e) value of the sign. (Ord.2002-13, 6/18/02)

24-6-3. Business related temporary signs.

(1)(a) Temporary signs announcing the initial opening of a business or the relocation or change of ownership of an existing business may be allowed provided the event shall not continue for more than 60 days and that the permit is issued within the first year of operation. There shall be no more than two such signs allowed per business. A combination banner and portable sign is

acceptable. The signs must comply with general size and location standards in this chapter and must be removed at the end of the 60 day period. A temporary sign permit is required.

(b) Signs advertising a business's special promotions require a permit. Such promotions shall not exceed two periods during the calendar year. Each period may not exceed seven days in length. The periods may be combined to run consecutively. A temporary sign permit is required. A banner or portable sign is allowed.

(c) Signs advertising the liquidation of inventory for a failing business require a permit, which shall not exceed 90 days. Such permit will be allowed only once for any business license. A banner or portable sign is allowed during this period. (Ord.2002-13, 6/18/02)

24-6-4. Community event banners.

(1) The zoning administrator or designee may issue a 30 day temporary sign permit for community event banners that are non-profit and non-partisan in nature, and further a legitimate government or community purpose such as those for:

- (a) the Benson Grist Mill and other similar historical structures or areas;
- (b) non-profit athletic/recreation leagues;
- (c) the Tooele County Fair;
- (d) cultural or arts events; and
- (e) the Deseret Peak Complex and other similar recreational areas.

(2) These banners are allowed subject to the following:

(a) banners may be erected on private property with the expressed written consent of the property owner and public property with the expressed written consent of the applicable government entity only. No banner shall be erected in a public right of way, within the clearview zone on corners, or in any place which would impede traffic visibility or safety.

(b) no more than 7 total signs are allowed per applicant or organization in the entire unincorporated county area and they shall be separated by no less than 1 mile.

(c) all banners must be removed within two days of the conclusion of the event.

(3) The Tooele County Engineering Department shall evaluate each application for conformance with the requirements of this section, written owner permission, and the placement of each banner subject to the regulations of this section, this chapter and any and all other applicable county, state or federal codes, ordinances or laws.

(a) A Community Event Banner application will meet the same requirements as all other temporary sign applications in terms of plot plans, display period, sign value and any other requirements deemed necessary by

the zoning administrator or designee so that they are able to make a final decision about the application.

(b) The applicant may appeal any decision by the zoning administrator or designee to the planning commission, who will make a final decision regarding conformance with this section. The zoning administrator or designee may defer to the planning commission any application that is questionable in conformance with this section. (Ord.2002-13, 6/18/02)

24-6-5. Temporary signs not requiring a permit.

(1) Temporary signs are allowed without a permit for:

(a) The following holidays:

Civil Rights Day – January, 5 days

Independence Day – July 4th, 5 days

Pioneer Day - July 24th, 5 days

Presidents Day - February, 5 days

Easter - March or April, 5 days

Memorial Day - May, 5 days

July 4th and July 24th, 5 days each

Labor Day - September, 5 days

Thanksgiving - November, 7 days

Hanukkah, Christmas, and New Year's; 21 days starting December 15 and ending January 2.

One banner sign only is allowed during these periods. The sign must be mounted on the building. The sign must be removed by the end of the first working day after the holiday period ends.

(b) Directions to subdivisions and planned unit developments, subject to the following:

(i) Written permission of the property owner must be obtained and presented to the zoning administrator before such signs are erected.

(ii) Three directional signs may be allowed for a developer to guide traffic to the site. They are limited to 32 square feet in area and eight feet in height and must be placed entirely upon private property. The zoning administrator may allow two additional 16 square foot directional signs if an unusual circumstance can be demonstrated. They may not encroach upon any public right-of-way and may not be located within the 40-foot clearview zone on corners except where they are not more than three feet in height or receive approval from the zoning administrator.

(iii) Such signs shall be removed within two years of the issuance of the first building permit in the project or if the lots are sold out before two years immediately upon sale of the last lot. The zoning administrator may grant an extension if a substantial number of the lots have not been sold at the end of the two-year period. (Ord.2002-13, 6/18/02)

Part 24-7

SIGN AREA MEASUREMENT.

Section

- 24-7-1. Regulated sign area.
- 24-7-2. Wall sign.
- 24-7-3. Multiple face sign.
- 24-7-4. Monument sign.
- 24-7-5. Freestanding sign.
- 24-7-6. Spherical, free-form, sculptural, or other non-planer signs.

24-7-1. Regulated sign area.

The regulated area of all signs includes all parts of the sign or structure that contains words or symbols and information. (Ord.2002-13, 6/18/02)

24-7-2. Wall sign.

(1) Wall sign copy mounted or painted on a background panel or wall area distinctly painted, textured or constructed as a background for the sign copy shall be measured as that area contained within the outside dimensions of the background panel or surface. Any illuminated bands or illuminated structures which contain sign copy or corporate logos are by definition wall signs in their entirety and as such may not exceed 30% of the wall area.

(2) Sign copy mounted as individual letters or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the area shall be defined as the area enclosed by the smallest single rectangle that will enclose all of the lettering or graphics.

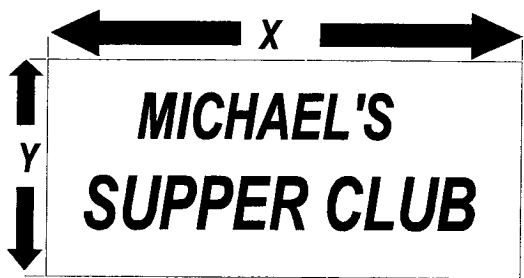


Figure 3 - Area measurement on a wall sign mounted or painted on a background panel

(3) Sign copy on an illuminated sign or illuminated architectural element of a building, the entire illuminated surface or illuminated architectural element that contains

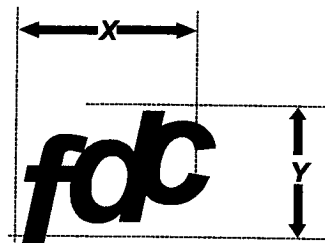


Figure 4 - Measurement of area on letters for a wall sign

24-7-3. Multiple face sign.

(1) The regulated area of a multiple face sign having a single panel of copy on each side is measured by the length times the width of the single face only.

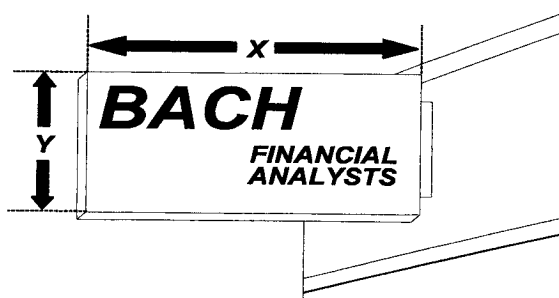


Figure 5 - Measurement of multiple face signs

(2) If the interior angle between the top two faces is 45 degrees or less, the regulated area of the sign will be the area of one face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two faces.

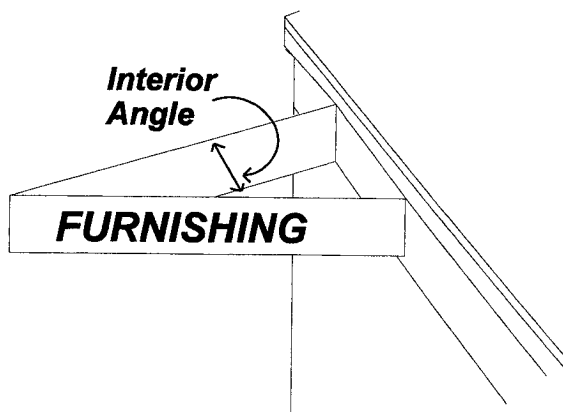


Figure 6 - Interior angle determination

(3) The sign area of a sign having three or more panels shall be the sum of the areas of the three or more faces. (Ord.2002-13, 6/18/02)

24-7-4. Monument sign.

The regulated area of a monument sign includes all parts of the sign or structure that contains words or symbols and information. The height of a monument sign shall be the distance from the highest point of the sign to the height of the street, curb or sidewalk. (Ord.2002-13, 6/18/02)



Figure 7 - Monument sign height, width and area.

24-7-5. Freestanding sign.

The regulated area of a freestanding sign includes all parts that contain words or symbols and information. The height of a freestanding sign is the distance from the highest point of the sign to the top of the curb or sidewalk or crown of the street when there is no curb or sidewalk. (Ord.2002-13, 6/18/02)

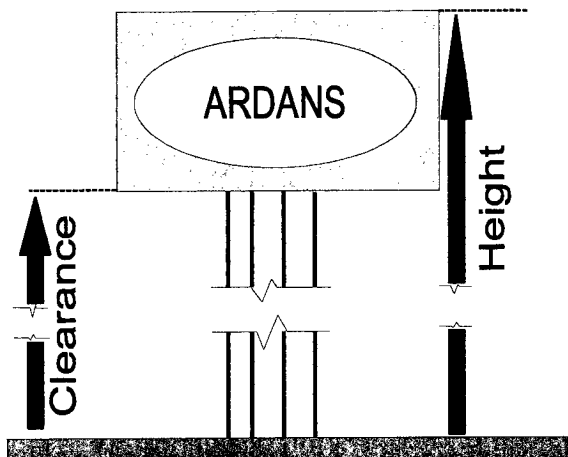


Figure 8 - Measure of height and clearance.

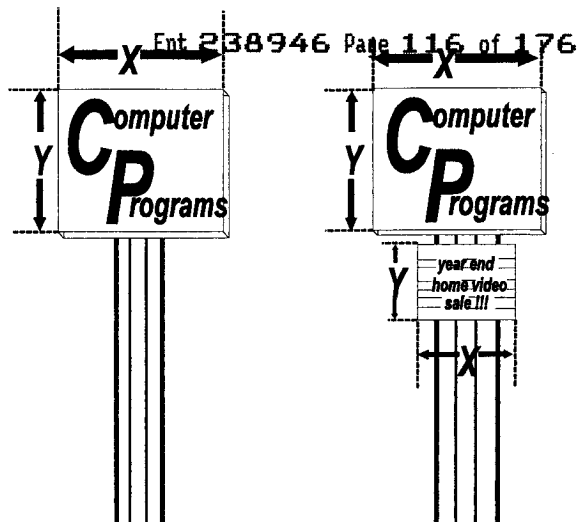


Figure 9- How the sign face(s) are measured.

24-7-6. Spherical, free-form, sculptural, or other non-planer signs.

For spherical, free-form, sculptural, or other non-planer signs the sign area shall be the sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure. (Ord.2002-13, 6/18/02)

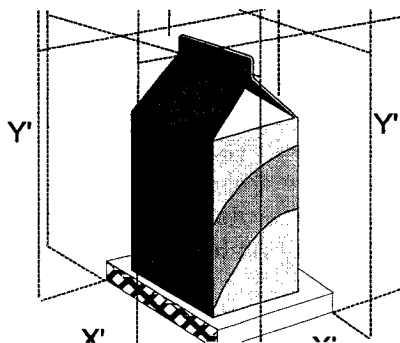


Figure 10 - Spherical, free-form, sculptural, or other non-planer signs area measurement

Part 24-8

PERMANENT SIGNS.

Section

- 24-8-1. Purpose and intent
- 24-8-2. Permit application requirements.
- 24-8-3. Safety and location standards for permanent signs.
- 24-8-4. Community signs.
- 24-8-5. On-premise freestanding signs.
- 24-8-6. Monument signs.
- 24-8-7. Wall and painted signs.
- 24-8-8. Billboard (off premise advertisement) signs
- 24-8-9. Suspended signs..

24-8-10. Awning signs.

24-8-11. Canopy signs.

24-8-1. Purpose and intent.

(1) The streetscape is the combination of vehicles, buildings, signs, landscaping, roads, utility poles, etc., that dominate the view of the driver or pedestrian. The streetscape tells residents and visitors how Tooele County as a whole feels about the environment, safety, aesthetics, and its sense of order, among other things. A useful, attractive, and safe streetscape is one that necessarily regulates the size, location, and design of business signs. Because a proliferation of poorly designed, oversized, and inappropriately located signs in commercial and industrial areas can be detrimental to the achievement of effective, safe and attractive streetscapes, it is important that the permanent signs in these areas receive permits.

(2) Commercial and industrial uses are generally more intensive than those found in residential zones. Signs for such uses are designed by size, location, and style to attract attention and provide services to the public. Business signs of any kind in residential neighborhoods can diminish the quality of life for which those zones were specifically created. However, there may be some residential uses which merit a sign, though much smaller and subdued than in commercial or industrial zones.

(3) It is the intent and purpose of this section to establish regulations and design standards for signs in commercial, industrial and residential areas that will allow the business to identify itself while allowing Tooele County to create and maintain safe and aesthetically pleasing streetscapes regardless of the zone.

(4) All Permanent signs are subject to the requirements and restrictions of the applicable zoning district as stated in this chapter and the International Building Code (Ord.2002-13, 6/18/02)

24-8-2. Permit application requirements.

(1) Permanent signs are permitted through the building permit process. An approved permanent sign will be issued a building permit and will be followed through with until all required inspections are completed and a county building official issues an occupancy permit.

(2) The following information is required on all sign permit applications:

- (a) proof of current Tooele County business license;
- (b) business address and phone number;
- (c) address of property owner and phone number;
- (d) general or electrical contractor license, phone and address;
- (e) value of the sign; and
- (f) a site plan subject to the requirements of the sign type; and
- (g) all other information as required by each sign type.

(3) All applicable zoning, building and sign type

requirements must be met for a permanent sign to be approved. Ent 238946 Page 117 of 176 (Ord.2002-13, 6/18/02)

24-8-3. Safety and location standards for permanent signs.

(1) All signs must be built of durable and permanent materials.

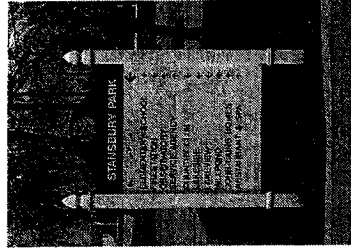
(2) Permanent power sources for signs must be concealed underground away from public view.

(3) Deviations from the requirements of this section must be reviewed and approved by the Tooele County engineer and may be approved only if found to maintain an acceptable degree of safety.

(4) All signs must be permanently mounted on foundations and footings that conform to the International Building Code.

(5) The light from the illumination of signs shall be carefully directed so that the light is not obtrusive or a nuisance to adjacent properties, especially residential areas. (Ord.2002-13, 6/18/02)

24-8-4. Community signs.



(1) Permanent or temporary signs:	Either
(2) Community signs shall be allowed on parcels with the permission of the owner and approval of the zoning administrator.	
(3) Approval needed;	Community signs are a conditional use reviewed by the zoning administrator.
(4) Design and construction standards;	No sign shall be permitted that is unsafe for vehicular or pedestrian traffic, is inappropriate with respect to location, size, time or duration of display, or is maintained in a deteriorated condition. Such a sign:
(a)	must be made of durable, weather resistant, material;
(b)	shall not be permitted which is unsafe for vehicular or pedestrian traffic, is inappropriate with respect to location, size, time or duration of display, or is maintained in a deteriorated condition;
(c)	must use logos or symbols instead of copy where possible, where copy would cause a distraction to vehicular traffic;
(d)	may be located at various gateway areas to Tooele County, along major streets and important intersections adjacent to non-residential properties;
(e)	shall be uniform in size for each individual display and shall be no larger than four feet wide and ten feet tall. Signs attached to a building may be larger but must be appropriate in scale and location as approved by the zoning administrator;
(f)	shall not be located on any parcel where a dwelling is or will be placed; and
(g)	freestanding community signs may not be attached to another temporary sign or a permanent traffic or business sign.

(5) The size of the sign shall be according to the following standards:

Less than 5 acres:	24 square feet	10 to 20 acres:	20 or more acres:
5 to 10 acres:	32 square feet	48 square feet	64 square feet
Maximum height:	12 feet		

(6) Community signs may be part of a "rotating permanent feature" of Tooele County or a community for such events as:

- (a) the Benson Grist Mill;
- (b) holidays;
- (c) cultural or arts events;
- (d) non-profit athletic/recreation leagues;
- (e) the Deseret Peak Recreational Convention Center; and
- (f) general community promotions, such as business with the prohibition of commercial endorsement or name on any such sign.

(5) Temporary freestanding community signs for any single purpose or event may not be displayed for more than 30 days. However, the zoning administrator may approve temporary community purpose signs for long-term purposes subject to review on a 90-day basis.

(Ord 2002-13, 6/18/02)

24-8-5. On-premise freestanding signs.

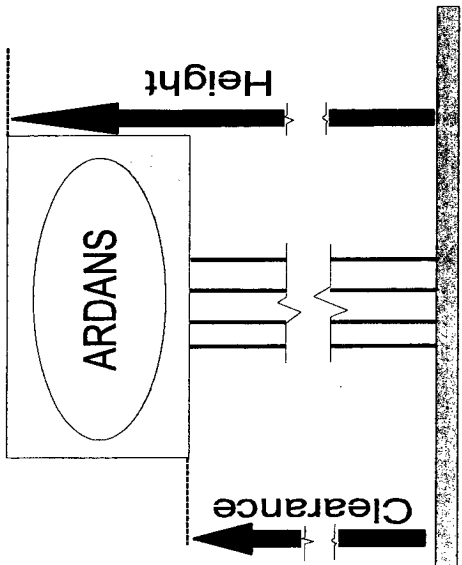


Figure 13 - Freestanding sign, measurements in 24-7-5.

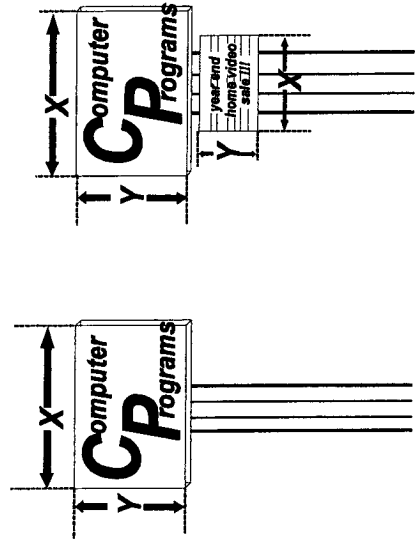


Figure 14 - Freestanding sign, measurements in 24-7-5.

(1) Permanent or temporary signs: Permanent

(2) On-premise freestanding signs are only allowed as follows:

- | | |
|------|--|
| (a) | conditional use in all commercial (C) zones except the commercial neighborhood (C-N) zoning district; |
| (b) | limited to only one per business or planned center/commercial complex whichever is fewer; |
| (a) | if located on a corner lot or double frontage lot the planning commission may approve two such signs by conditional use only if one double sided or angled sign is conclusively proven to be unfeasible; |
| (c) | reader boards, changeable copy areas and electronic message centers are allowed but discouraged. No such device may exceed 50% of the total sign copy area of the sign; |
| (d) | shall not extend over any pedestrian or vehicular access area unless specifically approved by the county engineer; |
| (e) | all on-premise freestanding signs must have the structural supports covered or concealed with pylon covers and the covers must be architecturally and aesthetically designed to match the building; |
| (f) | on parcels within 1000 ft. of an exit off of Interstate 80: |
| (i) | signs shall have a height not greater than 25 feet above the nearest traffic lane of Interstate 80; |
| (ii) | signs must be located within a 30-foot setback from property line on such parcel; |

	(iii)	the allowable sign area for one of these signs is 56 square feet for sites with less than one acre of property and 72 square feet for sites with more than one acre of property; and
	(a)	locations that are adjacent to a freeway overpass or similar view-obscuring structure may request an additional height allowance from the planning commission which shall only minimally give enough height provide reasonable visibility above the view-obscuring structure.
	(g)	all other locations:
	(i)	sign shall have a measurable area of 40 square feet for sites with less than one acre of property and 56 square feet for sites with more than one acre of property.
	(ii)	the sign structure shall not exceed 25 feet in height as measured from the highest point of the sign to the crown of the street unless specifically authorized by the Planning Commission;
	(h)	all lighting and/or illumination must face downward or be contained in a cabinet and must illuminate only the sign such that it remains unobtrusive and does not constitute a nuisance.;
	(i)	unless excepted by the planning commission, all signs must be incorporated into a landscape design or planter box;
	(j)	the planning commission must also approve any permanent removal of landscaping for the purpose of situating a sign; and
	(k)	in no case shall the permitted freestanding sign be placed closer than 100 feet to any other monument, freestanding or pole sign located on the same side of street.
(3) On-Premise Freestanding signs require the following information to be issued permits:		
(a)		a plot plan showing relationship of the sign to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways;
(b)		two accurately dimensioned, scaled drawings showing height, color, square foot dimensions, landscaping, sign composition, type of illumination and how the sign will appear from the street;
(c)		details of the sign construction including the electrical plan, foundation scheme, and value of the sign; and
(d)		the number of acres and length of lineal frontage of property.

(Ord.2002-13, 6/18/02)

24-8-6. Monument signs.

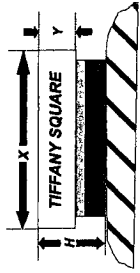
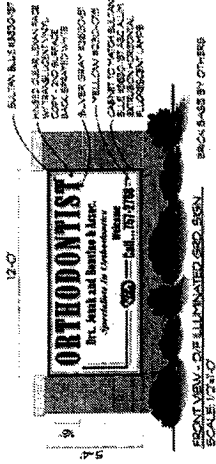


Figure 15 - Monument sign height, measurements in 24-7-4



(1) Permanent or temporary signs:	Permanent
(2) Monument signs are only allowed as follows:	
(a)	conditional use in all zoning districts except the residential, residential multi-family and rural residential districts;
(b)	the use of monument signs in place of freestanding signs is encouraged;
(c)	signs shall have a logo/identification theme as part of the sign;
(d)	signs must be separated by at least 100 feet as measured diagonally across the property from center to center of both signs or only one sign will be allowed;
(e)	the sign structure shall not exceed six feet in height as measured from the ground at the highest point unless another height is specifically authorized by the planning commission;
(f)	if entire frontage of the property is bermed, the height to the top of the sign as measured from the street curb may vary depending upon landscaping, but the combined height of the sign and berming or landscaping may not exceed nine feet;
(g)	signs must have at least a one foot opaque pedestal designed as part of the foundation that conceals any pole support, and the illuminated cabinet may not exceed five feet for a total of six feet;
(h)	the pedestal should run at least 50% of the horizontal length of the sign, and there may not be any exposed space between the pedestal and the ground or landscaped area;
(i)	signs shall be placed not less than two feet and not more than four feet from the frontage property line and not less than 25% of the total distance from either of the side boundaries as measured along the frontage unless allowed by the planning commission;
(j)	the planning commission must approve any proposal that would place a sign on each street;

	(k) reader boards, changeable copy areas and electronic message centers are allowed but discouraged. No such device may exceed 50% of the total sign copy area of the sign;
	(l) shall not extend over any pedestrian or vehicular access area;
	(m) allowed for any size parcel provided the parcel has 30 feet of street frontage;
	(n) the allowable sign area for monument signs is 40 square feet for sites with less than one acre of property and 56 square feet for sites with more than one acre of property;
	(o) signs within the clearview zone are prohibited;
	(p) all lighting and/or illumination must face downward or be contained in a cabinet and must illuminate only the sign such that it remains unobtrusive and does not constitute a nuisance;
	(q) unless excepted by the planning commission, all signs must be incorporated into a landscape design or planter box;
	(r) the planning commission must also approve any permanent removal of landscaping for the purpose of situating a sign;
	(s) the regulated area of a monument sign includes all parts of the sign or structure that contains words or symbols and information; and
	(t) signs for planned commercial centers:
	(i) centers with two or more street frontages are allowed one sign on each street frontage;
	(ii) signs must be separated by at least 100 feet as measured diagonally across the property from center of sign;
	(iii) in no case shall the approved monument sign be placed closer than 100 feet to any other monument or freestanding pole sign located on the same side street;
	(iv) in the case of the development of a planned commercial center on multiple parcels of property having common frontages, regardless of the number of separately owned parcels or buildings of separate occupancy within the planned commercial center, the frontage shall be considered to be the composition of the entire commonly used parcels or buildings and not the frontage of each individual business or occupancy; and
	(v) in the event a planned commercial center has several freestanding buildings, each permitted monument sign shall be separated from each other by no less than 100 feet.
(2)	Placement and design of monument signs are regulated by the following:
	(a) a plot plan showing relationship of the sign to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways;
	(b) two accurately dimensioned, scaled drawings showing height, color, square foot dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street;

	(c) details of the sign construction including the electrical plan, foundation scheme, and value of the sign; and
	(d) the number of acres and length of lineal frontage of property.

(Ord.2002-13, 6/18/02)

24-8-7. Wall and painted signs.



Figure 17 - Wall sign, measurement in 24-7-2

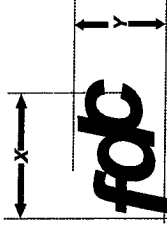


Figure 18 - Wall sign, measurement in 24-7-2

(1) Permanent or temporary signs: Permanent

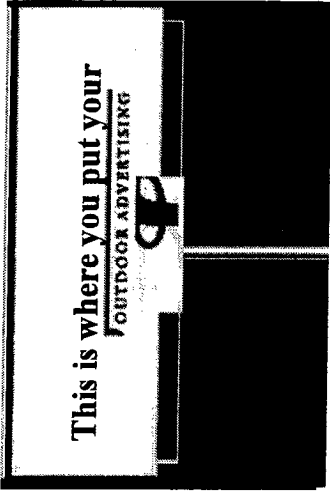
(2) Wall signs are only allowed as follows:

- (a) conditional uses in all in all commercial (C) and industrial (M) zoning districts;
- (b) signs should be the primary form of identification for business uses;
- (c) the sign may not occupy more than 15% of the flat wall area;
- (d) if a sloping facade or roof exists, the sign may not exceed 15% of that area;
- (e) a wall sign may not use a combination of both flat and sloping areas in calculating the 15%;
- (f) the 15% area may be divided into more than one sign with the approval of the planning commission;
- (g) wall signs with changeable copy, reader board, or electronic message capability are allowed with the approval of the planning commission;
- (h) buildings or businesses with exposure on the sides and front may choose which wall to mount their sign upon;
- (i) signs are allowed on the rear of the building with planning commission approval;
- (j) a proposal for a secondary wall sign may be approved by the zoning administrator if the sign does not exceed 5% of that wall;
- (k) the planning commission must approve a sign on a third wall;
- (l) reader boards, changeable copy areas and electronic message centers are allowed but discouraged. No such device may exceed 50% of the total sign copy area of the sign;

(m)	buildings that have small offices inside, accessory or secondary to the main use, are required to create a building identification / tenant sign instead of trying to obtain a sign for every tenant;
(n)	copy mounted or painted on a background panel or area distinctly painted, textured or constructed as a background for the sign copy shall be measured as that area contained within the outside dimensions of the background panel or surface;
(o)	any illuminated bands or illuminated structures which contain sign copy or corporate logos are by definition wall signs in their entirety and as such may not exceed 30% of the wall area;
(p)	signs on sloping roofs shall be erected so as to appear as a sign applied to a similarly vertical wall surface and finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building itself. All such signs shall be installed or erected that there is no visual support structure such as guy wires or braces;
(q)	no part of any wall sign or of the sign structure shall project above or below the highest or lowest part of the wall upon which the sign is mounted or painted;
(r)	no wall sign including any light box or structural part shall project more than 18 inches from the face of the building to which it is attached
(Z) Placement and design of monument signs are regulated by the following:	
(a)	a plot plan showing relationship of the sign to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways;
(b)	two accurately dimensioned, scaled drawings showing height, color, square foot dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street;
(c)	details of the sign construction including the electrical plan, foundation scheme, and value of the sign; and
(d)	the number of acres and length of lineal frontage of property.

(Ord.2002-13, 6/18/02)

24-8-8. Billboard (off premise advertisement) signs.



(1) Permanent or temporary signs: Permanent

(2) Off-premise billboard signs are allowed only along Interstate 80 and shall:

- (a) conditional use only in M-D or M-G industrial or C-G or C-H commercial zoning districts;
- (b) be oriented for viewing from Interstate 80;
- (c) be located within one hundred feet of the nearest freeway lane and within one and one half miles of an existing freeway exit;
- (d) reader boards, changeable copy areas and electronic message centers are allowed but discouraged, But such devices may not exceed 50% of the total sign copy area of the sign;
- (e) shall not extend over any pedestrian or vehicular access area;
- (f) have a maximum area of 675 square feet for one side of a sign, whether single or double faced;
- (g) be a maximum height of 25 feet above the grade of the edge of the traveled way or ground level, whichever is higher;
- (h) not be erected within 500 feet of another existing billboard sign;
- (i) all lighting and/or illumination must face downward or be contained in a cabinet and must illuminate only the sign such that it remains unobtrusive and does not constitute a nuisance;
- (j) not be erected within 1,500 feet of any residential zoning district boundary; and
- (k) be of a monopole construction.

(3) Off-premise billboard signs require the following information to be issued permits:	
(a)	a plot plan showing relationship of the sign to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways;
(b)	two accurately dimensioned, scaled drawings showing height, color, square foot dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street;
(c)	details of the sign construction including the electrical plan, foundation scheme, and value of the sign; and
(d)	the number of acres and length of lineal frontage of property.

(Ord.2002-13, 6/18/02)

24-8-9. Suspended signs.

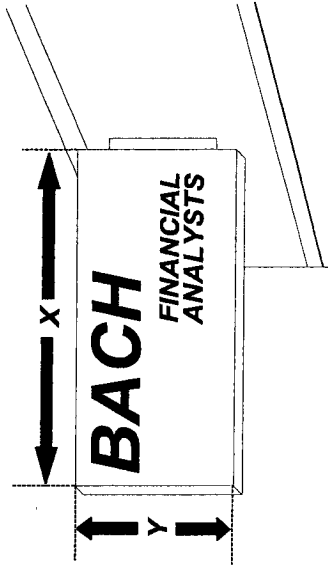


Figure 21 - Suspended sign, measurement in 24-7-3

(1) Permanent or temporary signs: Permanent

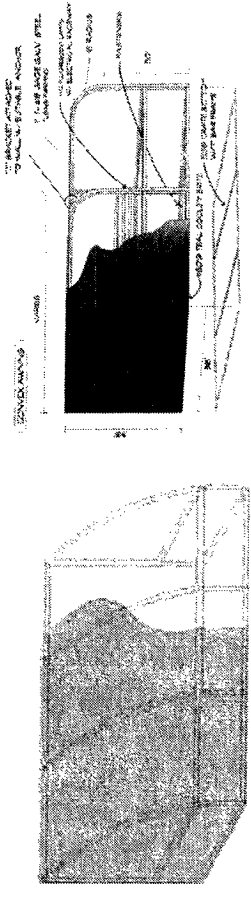
(2) Suspended signs are only allowed as follows:

- (a) allowed by conditional use in all zoning districts except the residential, multiple residential, rural residential, agriculture, multiple use and hazardous industry districts, if the architecture of the building or planned center lends itself to that design and a sign theme is submitted to and approved by the planning commission;
- (b) in lieu of a wall sign and should primarily be used as identification for tenants in a planned commercial development where suspended signs are part of an overall theme;
- (c) the planning commission may approve suspended signs for purely directional or instructional purposes that do not include commercial messages in addition to a wall sign as part of an overall theme;
- (d) reader boards, changeable copy areas and electronic message centers are allowed but discouraged and no such device may exceed 50% of the total sign copy area of the sign;
- (e) shall not extend over any pedestrian or vehicular access area;
- (f) the zoning administrator must review any proposal for a suspended sign for compatibility with this section, the development theme, and the individual building;
- (g) a suspended sign may not exceed 15% of the flat wall of the tenant space;

(h)	buildings or businesses with exposure on the sides and front may choose which wall to mount their sign upon and in no case will a second suspended sign be allowed;
(i)	all lighting and/or illumination must face downward or be contained in a cabinet and must illuminate only the sign such that it remains unobtrusive and does not constitute a nuisance;
(j)	no part of any suspended sign shall project above or below the highest or lowest part of the sign structure upon which the sign is mounted;
(k)	no suspended sign including any light box or structural part shall project more than 18 inches from the face of the building to which it is attached;
(l)	a suspended sign must have at least an eight-foot clearance above the sidewalk or seven feet above any landscaped area;
(m)	there must be a minimum horizontal distance of five feet on both sides between suspended signs;
(n)	no sign may project beyond the outside limit of the arcade, marquee, or canopy or facade to which it is attached; and
(o)	be of a monopole construction.
(3)	Off-premise billboard signs require the following information to be issued permits:
(a)	a plot plan showing relationship of the sign to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways;
(b)	two accurately dimensioned, scaled drawings showing height, color, square foot dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street;
(c)	details of the sign construction including the electrical plan, sign structure, and value of the sign;
(d)	a profile drawing of how the sign will appear from the street and parking area and on the building; and
(e)	the number of acres and length of lineal frontage of property.

(Ord.2002-13, 6/18/02)

24-8-10. Awning signs.



(1) Permanent or temporary signs: Permanent

(2) Awning signs are only allowed as follows:

- (a) allowed by conditional use in all zoning districts except the residential, multiple residential, rural residential, agriculture, multiple use and hazardous industry districts;
- (b) the zoning administrator may approve any application for an awning sign which fully complies with this chapter;
- (c) signs in planned centers must be designed to conform to an approved sign theme;
- (d) no awning signs will be allowed on multi-tenant buildings or in planned centers unless the building or center has consistent treatment;
- (e) signs shall be limited to single story buildings or to the first level only of multi-story buildings;
- (f) signs must function as true awnings by being placed over a doorway, window, or walkway to protect such from the elements;
- (g) signs are not allowed on or above sloping or mansard roof;
- (h) signs shall be maintained in a clean, safe and attractive condition and failure to do so will result in revocation of the sign permit;
- (i) all lighting and/or illumination must face downward and must illuminate only the sign such that it remains unobtrusive and does not constitute a nuisance;
- (j) signs shall conform to all provisions of the current building code;
- (k) signs shall not project out from the wall more than eight feet, nor less than two feet;
- (l) in the case of entrance canopies the awning may project out from the building over a walkway and must lead to a bona fide business entrance;
- (m) signs shall not project above the roofline, defined as the highest part of the vertical wall;

(n)	the area of awning signs shall be a maximum of 15% of the primary wall upon which the sign is mounted. Awning signs for secondary walls are limited to 5% of the wall area;
(o)	the area of copy and logo on awnings shall be limited to 40% of the awning;
(p)	signs shall maintain a minimum clearance of seven feet to the bottom of the valance and eight feet to the frame above the sidewalk and comply with all other clearance requirements; and
(q)	be of a monopole construction.
(3)	Awning signs require the following information to be issued permits:
(a)	a plot plan showing relationship of the sign to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways;
(b)	two accurately dimensioned, scaled drawings showing height, color, square foot dimensions of both the building and the sign, sign composition, and type of illumination;
(c)	details of the sign construction including the electrical plan, sign structure, and value of the sign;
(d)	a profile drawing of how the sign will appear from the street and parking area and on the building; and
(e)	the number of acres and length of lineal frontage of property.

(Ord.2002-13, 6/18/02)

24-8-11. Canopy signs.



(1) Permanent or temporary signs: Permanent

(2) Canopy signs are only allowed as follows:

- (a) allowed by conditional use in zoning districts that allow gas stations, over gas islands;
- (b) copy and corporate logos shall be a maximum of 15% of one face of the canopy;
- (c) the height to the top of the canopy may not exceed 20 feet from grade and no canopy fascia may exceed four feet in height;
- (d) individual letters, logos, or symbols may not exceed four feet in height or project out from the surface of the canopy more than 18 inches or project above or below the canopy face; and
- (e) up to a maximum of four sets of double faced gas price signs with a maximum area of four square feet are allowed on the monument sign or below the canopy over the pumps.

(3) Canopy signs require the following information to be issued permits:

- (a) a plot plan showing relationship of the sign to buildings, property lines, the setback from public rights-of-way, intersections, easements and driveways;
- (b) two accurately dimensioned, scaled drawings showing height, color, square foot dimensions of both the building and the sign, sign composition, and type of illumination;
- (c) details of the sign construction including the electrical plan, foundation scheme, and value of the sign;
- (d) a profile drawing of how the sign will appear from the street and parking area and on the building; and
- (e) the number of acres and length of lineal frontage of property.

(Ord.2002-13, 6/18/02)

SIGN REQUIREMENTS BY ZONING DISTRICT

USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Section.

24-9-1. Codes and symbols.

Table 24-9-1. Residential and multiple residential zones.

Table 24-9-2. Rural residential, agricultural and multiple use zones.

Table 24-9-2. Rural residential, agricultural and multiple use zones.

Table 24-9-3. Commercial and industrial zones.

24-9-1. Codes and symbols.

(1) In this Part are tables describing uses of signs that are allowed in the various districts as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a conditional use permit issued by a planning commission are indicated by a "C" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column.

(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, "-".

Table 24-9-1. Residential and multiple residential zones.

Sign type	Residential						Multiple residential districts		
	R-1-8	R-1-10	R-1-12	R-1-21	R-M-7	R-M-15	Ent		
(1) Certain signs may be allowed by conditional use permit in residential zones. If deemed appropriate upon planning commission review, conditional uses are limited to one monument sign of 32 square feet. Such signs may not have changeable copy capability. Wall signs shall be regulated as set forth in this section. Multi-tenant buildings with monument signs must identify the center primarily.	C	C	C	C	C	C	238946	Page 134	of 176
(2) 24-8-4. Community signs	C1	C1	C1	C1	C1	C1			
(3) 24-8-5. Freestanding signs	-	-	-	-	-	-			
(4) 24-8-6. Monument signs	-	-	-	-	-	-			

Sign type	R-1-8	R-1-10	R-1-12	R-1-21	R-M-7	R-M-15	R-M-30
(5) 24-8-7. Wall and painted signs	-	-	-	-	-	-	-
(6) 24-8-8. Billboard (off premise advertisement) signs	-	-	-	-	-	-	-
(7) 24-8-9. Suspended signs	-	-	-	-	-	-	-
(8) 24-8-10. Awning signs	-	-	-	-	-	-	-
(9) 24-8-11. Canopy signs	-	-	-	-	-	-	-
(10) 24-5-2. Notice bulletin boards that are accessory to a permitted or conditionally permitted sign	P	P	P	P	P	P	P
(11) 24-5-3. Political or campaign signs	P	P	P	P	P	P	P
(12) 24-5-4. Development and real estate signs in residential areas	P	P	P	P	P	P	P
(13) 24-5-6. Directional or instructional signs	P	P	P	P	P	P	P
(14) 24-5-6. "No Trespassing" or "No Dumping" signs	P	P	P	P	P	P	P
(15) 24-5-6. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies	P	P	P	P	P	P	P
(16) 24-5-6. Neighborhood identification signs of masonry, wall, landscaping and other similar materials or features	P	P	P	P	P	P	P
(17) 24-5-6. Institutional use signs for churches, public schools, public utility companies, libraries, governmental buildings, parks, public golf courses	P	P	P	P	P	P	P
(18) 24-5-6. The flags, emblems, or insignia of any corporation, nation or political subdivision	P	P	P	P	P	P	P
(19) 24-5-6. Public necessity signs installed by a unit of the government	P	P	P	P	P	P	P
(20) 24-5-6. Memorial signs or tablets with the names of buildings and date of erection	P	P	P	P	P	P	P
(21) 24-5-6. Holiday decorations and non-commercial signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday	P	P	P	P	P	P	P
(22) 24-5-6. Signs required or specifically authorized for a public purpose, notice or posting by any law or statute.	P	P	P	P	P	P	P

Sign type							
(23) 24-6-4. Community event banner sign							
(Ord.2002-13, 6/18/02)							
	R-1-8	P					
	R-1-10	P					
	R-1-12	P					
	R-1-21	P					
	R-M-7	P					
	R-M-15	P					
	R-M-30	P					

Table 24-9-2. Rural residential, agricultural and multiple use zones.

Sign type	Rural residential			Agricultural		Multiple use		
	RR-1	RR-5	RR-10	A-20	A-40	MU-40	MU-80	MU-160
(1) 24-8-4. Community signs	CI	CI	CI	CI	CI	CI	CI	CI
(2) 24-8-5. Freestanding signs	-	-	-	-	-	-	-	-
(3) 24-8-6. Monument signs	-	-	-	C	C	C	C	C
(4) 24-8-7. Wall and painted signs	-	-	-	-	-	-	-	-
(5) 24-8-8. Billboard (off premise advertisement) signs	-	-	-	-	-	-	-	-
(6) 24-8-9. Suspended signs	-	-	-	-	-	-	-	-
(7) 24-8-10. Awning signs	-	-	-	-	-	-	-	-
(8) 24-8-11. Canopy signs	-	-	-	-	-	-	-	-
(9) 24-5-2. Notice bulletin boards that are accessory to a permitted or conditionally permitted sign	P	P	P	P	P	P	P	P
(10) 24-5-3. Political or campaign signs	P	P	P	P	P	P	P	P
(11) 24-5-4. Development and real estate signs in residential areas	P	P	P	P	P	P	P	P
(12) 24-5-6. Directional or instructional signs	P	P	P	P	P	P	P	P
(13) 24-5-6. "No Trespassing" or "No Dumping" signs	P	P	P	P	P	P	P	P
(14) 24-5-6. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies	P	P	P	P	P	P	P	P
(15) 24-5-6. Neighborhood identification signs of masonry, wall, landscaping and other similar materials or features	P	P	P	P	P	P	P	P
(16) 24-5-6. Institutional use signs for churches, public schools, public utility companies, libraries, governmental buildings, parks, public golf courses	P	P	P	P	P	P	P	P
(17) 24-5-6. The flags, emblems, or insignia of any corporation, nation or political subdivision	P	P	P	P	P	P	P	P

Sign type	RR-1	RR-5	RR-10	A-20	A-40	MU-40	MU-80	MU-160
(18) 24-5-6. Public necessity signs installed by a unit of the government	P	P	P	P	P	P	P	P
(19) 24-5-6. Memorial signs or tablets with the names of buildings and date of erection	P	P	P	P	P	P	P	P
(20) 24-5-6. Holiday decorations and non-commercial signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday	P	P	P	P	P	P	P	P
(21) 24-5-6. Signs required or specifically authorized for a public purpose, notice or posting by any law or statute.	P	P	P	P	P	P	P	P
(22) 24-5-6. Agricultural signs identifying permitted agricultural uses	-	P	P	P	P	P	P	P
(23) 24-6-4. Community event banner sign	P	P	P	P	P	P	P	P

(Ord.2002-13, 6/18/02)

Part 24-8

SIGN REQUIREMENTS BY ZONING DISTRICT

Table 24-9-3. Commercial and industrial zones.

Sign type	Commercial						Industrial			
	C-N	C-S	C-H	C-G	MG-EX	M-D	M-G	MG-H	C1	C1
(1) 24-8-4. Community signs	C	C	C	C	C	C	C	C	C	C
(2) 24-8-5. Freestanding signs	-	C	C	C	-	-	-	-	-	-
(3) 24-8-6. Monument signs	C	C	C	C	C	C	C	C	C	C
(4) 24-8-7. Wall and painted signs	-	-	C	C	C	C	C	C	C	C
(5) 24-8-8. Billboard (off premise advertisement) signs	-	-	C	C	C	C	C	C	C	C
(6) 24-8-9. Suspended signs	C	C	C	C	C	C	C	C	C	C
(7) 24-8-10. Awning signs	C	C	C	C	C	C	C	C	C	C

Sign type	C-N	C-S	C-H	C-G	MG-EX	M-D	M-G	MG-H
(8) 24-8-11. Canopy signs	C	C	C	C	C	C	C	-
(9) 24-5-2. Notice bulletin boards that are accessory to a permitted or conditionally permitted sign	P	P	P	P	P	P	P	P
(10) 24-5-3. Political or campaign signs	P	P	P	P	P	P	P	P
(11) 24-5-4. Development and real estate signs in commercial and industrial areas	P	P	P	P	P	P	P	P
(12) 24-5-6. Directional or instructional signs	P	P	P	P	P	P	P	P
(13) 24-5-6. "No Trespassing" or "No Dumping" signs	P	P	P	P	P	P	P	P
(14) 24-5-6. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies	P	P	P	P	P	P	P	P
(15) 24-5-6. Neighborhood identification signs of masonry, wall, landscaping and other similar materials or features	P	P	P	P	P	P	P	P
(16) 24-5-6. Institutional use signs for churches, public schools, public utility companies, libraries, governmental buildings, parks, public golf courses	P	P	P	P	P	P	P	P
(17) 24-5-6. The flags, emblems, or insignia of any corporation, nation or political subdivision	P	P	P	P	P	P	P	P
(18) 24-5-6. Public necessity signs installed by a unit of the government	P	P	P	P	P	P	P	P
(19) 24-5-6. Memorial signs or tablets with the names of buildings and date of erection	P	P	P	P	P	P	P	P
(20) 24-5-6. Holiday decorations and non-commercial signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday	P	P	P	P	P	P	P	P
(21) 24-5-6. Signs required or specifically authorized for a public purpose, notice or posting by any law or statute.	P	P	P	P	P	P	P	P
(22) 24-5-6. Agricultural signs identifying permitted agricultural uses	P	P	P	P	P	P	P	P
(23) 24-6-3. Business related temporary sign	P	P	P	P	P	P	P	P
(24) 24-6-4. Community event banner sign	P	P	P	P	P	P	P	P

(Ord.2002-13, 6/18/02)

CHAPTER 28

SITING OF WIRELESS TELECOMMUNICATIONS FACILITIES

Section

- 28-1. Purpose and scope.**
- 28-2. Definitions.**
- 28-3. Applicability.**
- 28-4. Site location master plan.**
- 28-5. Facility types and standards.**
- 28-6. Co-location of antennas.**
- 28-7. Location on residential lots prohibited.**
- 28-8. Color.**
- 28-9. Sites in foothills and canyons.**
- 28-10. Interference with other communications.**
- 28-11. Notice to neighboring jurisdictions.**
- 28-12. Additional requirements.**
- 28-13. Accessory buildings.**
- 28-14. Non-maintained or abandoned facilities.**
- 28-15. Building permit required.**

28 - 1. Purpose and scope.

(1) The purpose of this chapter is to establish general requirements for the siting of wireless telecommunications facilities. The intent of this chapter is to:

- (a) promote the location of facilities in nonresidential areas;
- (b) minimize the total number of monopole facilities throughout the community;
- (c) encourage joint use and co-location as a primary option rather than construction of additional facilities;
- (d) promote the functional delivery of low-power radio communications service with lower costs and increased efficiency by promoting competition between providers of low-power radio communications service;
- (e) encourage facilities providers to use innovative design to minimize adverse visual impact, promoting careful placement and siting, and requiring landscaping, screening, and camouflage techniques;
- (f) promote the long-term viability and adequacy of low-power radio communications service by requiring development plans showing the anticipated number of facilities required to provide service for the near future;
- (g) enhance telecommunication service providers ability to provide such services to the community quickly, effectively, and efficiently.

(2) This chapter addresses planning issues brought on by the rapid growth, continuing development, and increasing demand of low-power radio communications. This chapter distinguishes low-power radio from other broadcast-type telecommunication technologies and establishes provisions that deal with issues of demand, visual mitigation, noise, engineering, residential impacts, safety and facility siting.

(Ord.2001-28, 10/23/01)

28 - 2. Definitions.

As used in this chapter:

(a) "Applicant" means any individual person, group of persons, business entity or government unit applying for a permit to locate communications towers within the unincorporated areas of Tooele County.

(b) "Antenna" means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

(c) "Lattice tower" means a self-supporting multiple-sided, open steel frame structure used to support telecommunications equipment.

(d) "Monopole facility" means an antenna or series of individual antennas mounted on a single cylindrical pole, including associated equipment. For the purposes of this chapter, if a facility does not fit the definition of a roof- or wall-mounted facility it shall be considered a monopole facility.

(e) "Quantifiable detrimental impacts" means specific problems attributable to the location of the facility that affect adjoining properties, including, but not limited to, reduced visibility for commercial signs, restricted access, or interference with utility service.

(f) "Roof-mounted facility" means an antenna or series of individual antennas mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure. This facility includes associated equipment.

(g) "Stealth facility" means a wall, roof, or monopole facility which is disguised as another object or otherwise concealed from view. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, or architectural elements such as dormers, steeples, and chimneys.

(h) "Wall-mounted facility" means an antenna or series of individual antennas mounted against the vertical wall of a building or structure. This facility includes associated equipment.

(i) "Wireless telecommunications facility" means an unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio-wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached. (Ord.2001-28, 10/23/01)

28 - 3. Applicability.

(1) The requirements of this chapter apply to both commercial and private wireless telecommunications services such as "cellular" or "PCS" (personal communications services) communications and paging systems. This chapter does not pertain to commercial 2 way radios that are not open

to use by the public, public safety radio, amateur radio (ham radio), or citizen band radio facilities. All "cellular" or "PCS" facilities shall comply with the following regulations of this chapter and all other ordinances of the county and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

(2) All sites and facilities for commercial and private wireless telecommunications services are a conditional use in any zone. (Ord.2001-28, 10/23/01)

28 - 4. Site location master plan.

(1) (a) Each person or company desiring to locate wireless telecommunication facilities or other telecommunications facilities within the unincorporated areas of Tooele County shall submit a site location master plan to the planning commission. The site location master plan shall be submitted and accepted by the planning commission prior to any application for a permit for wireless telecommunication facilities or other telecommunications facilities.

(b) Applications to locate wireless telecommunication facilities may be considered by the planning commission prior to submission of a site location master plan, on condition that the plan be submitted within 120 days following the date of application. If the site location master plan is not submitted within 120 days, any approvals granted shall be automatically revoked and all operations of facilities granted permission under this condition shall cease. Tooele County, its employees and agents shall be held harmless for costs incurred and loss of revenue if an order is issued to discontinue service for failure of the applicant/operator to submit the site location master plan within the 120 days. The planning commission may grant one extension to the 120-day period, provided the extension does not exceed 60 days.

(2) Each site location master plan shall identify existing locations of facilities and approximate proposed locations of new facilities. The plan shall indicate area coverage, if known, location, antenna height above existing grade, and antenna type for each site and be updated upon request from the planning commission. The existing facilities identified in the plan shall be updated at least annually, and no permit for new wireless telecommunication facilities shall be allowed unless the plan has been updated at least once during the 12 months preceding the permit application date. The applicant shall provide Tooele County with the current name and address of the facility owner and an emergency telephone number for each wireless telecommunication facility.

(3) The site location master plan shall include a reasonable estimate of the number and general location of facilities necessary to provide service within the unincorporated areas of Tooele County for the ten years following the date the plan is originally submitted. These estimates shall be based on projected population growth and anticipated development. The estimates required by this chapter do not need to be updated on an annual basis, but

should be updated at least every five years. (Ord.2001-28, 10/23/01)

28 - 5. Facility types and standards.

(1) Wireless telecommunications facilities are characterized by the type and location of the antenna structure. There are four general types of antenna structures: wall-mounted; roof-mounted; monopoles; and lattice towers. Standards for the installation of each type of antenna are as follows:

(a) Wall-mounted Antenna. The following provisions apply to wall-mounted antennas:

(i) Wall-mounted antennas shall not extend above the wall line of the building or structure or extend more than four feet horizontally from the face of the building or structure.

(ii) Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structures on buildings should be architecturally compatible with the building.

(iii) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roof-line of such structures, shall be considered a wall-mounted antenna.

(iv) Wall-mounted antennas shall be located not lower than 30 feet from the ground level of the wall on which the antenna is located.

(v) The total area for wall-mounted antennas and supporting structures combined shall not exceed a total of 100 square feet on each exterior wall of the building. The total area shall be the sum of the areas of all antennas and support structures located on that wall. The antenna area shall be determined as the area of each individual antenna face and the visible portion of the supporting structure as viewed looking directly at the wall.

(vi) A maximum of three carriers may locate antennas on one building wall. For each additional carrier, a separate conditional use permit must be obtained.

(vii) No permit to install a wall-mounted antenna shall be issued unless the owner of the building grants written permission to install the antenna.

(viii) Non-stealth wall-mounted antennas may not be installed on a building wall or walls facing a public street, or on a wall or walls constituting the building's front or main entrance.

(ix) Stealth wall-mounted antennas are encouraged and shall be allowed to vary from the provisions of this section as determined by the planning commission. Stealth wall-mounted antennas are not required to be

located with public or quasi-public uses in Multiple use (MU), Agricultural (A), Commercial (C), and Manufacturing (M) zones.

(b) Roof-mounted Antenna. The following provisions apply to roof-mounted antennas:

(i) Roof-mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms provided the antennas and antenna mounting structures shall not extend more than eight feet above the existing roof-line of the penthouse or mechanical equipment room.

(ii) For antennas not mounted on a penthouse or mechanical equipment room and on a flat roof:

a) Setback. The antennas shall be mounted at least five feet from the exterior wall or parapet wall of a building or structure.

b) Height. The height shall be measured from the top of the antenna to the roof-line of the building or structure, or to the top of the parapet wall if a parapet wall exists. For antennas mounted between five and 14 feet from the exterior wall or parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the exterior wall or parapet wall. For antennas setback more than 14 feet the maximum height shall be 14 feet.

(iii) Roof-mounted antennas on a pitched roof shall be allowed provided the antennas and antenna support structures do not extend higher than the peak of the roof measured by a horizontal line from the peak extending over the roof.

(iv) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet from the exterior wall of a building.

(v) For antennas mounted between five and ten feet from the exterior wall, the maximum height of a roof-mounted antenna is equal to the distance the antenna is set back from the exterior wall up to a maximum height of ten feet above the roof-line of the building to which the antenna is attached.

(vi) Antennas shall be mounted at least five feet behind any parapet wall. For antennas mounted between five and ten feet behind a parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the wall up to a maximum of ten feet as measured from the top of the parapet wall.

(vii) Roof-mounted antennas shall be constructed and/or colored to match the surroundings in which they are located.

(viii) No permit to install a roof-mounted antenna shall be issued unless the owner of the building grants written permission to install the

antenna.

(ix) Non-stealth roof-mounted antennas shall not exceed a total of eight carriers for a single building's roof, including penthouses or mechanical rooms.

(x) Stealth roof-mounted antennas are encouraged and shall be allowed to vary from the provisions of this section as determined by the planning commission. Stealth roof-mounted antennas are not required to be located with public or quasi-public uses in all Multiple use (MU), and Agricultural (A), Commercial (C), and Manufacturing (M) zones.

(c) Monopole. The following provisions apply to monopoles:

(i) The height limit for monopoles is 60 feet in all Rural Residential (RR), Residential (R-1) and Residential Multifamily (RM) zones, except the planning commission may allow a monopole up to 120 feet in the Multiple use (MU), Agriculture (A), Commercial (C), and Manufacturing (M) zones if it finds:

a) that the monopole will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses,

b) the monopole will be available for co-location with other wireless telecommunications facilities, and

c) the monopole will be set back at least 300 feet from any residential zone boundary. The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the monopole.

(ii) In all Rural Residential (RR), Residential (R-1) and Residential Multifamily (RM) zones, monopoles will only be allowed in conjunction with an existing public or quasi-public use. Such uses include but are not limited to churches, schools, utilities, and parks.

(iii) No monopoles shall be allowed in the front yard setback of any lot.

(iv) Monopole towers shall only be located in the rear yard of a lot.

(v) Monopole towers shall only be located in the rear yard of a lot.

(vi) Monopoles shall be set back from any residential structure a distance equal to its height plus ten feet.

(vii) No permit to install a monopole facility shall be issued unless the owner of the property grants written permission to install the facility.

(viii) Stealth monopole facilities are encouraged and shall be allowed to vary from the provisions of this section as determined by the planning commission. Stealth monopoles are not required to be located with public or quasi-public uses in Multiple use (MU) and

Agricultural (A) zones.

(d) Lattice Tower. The following provisions apply to lattice towers:

(i) The planning commission may permit a height limit for lattice towers up to 300 feet in the Multiple use (MU), Agriculture (A), Commercial (C), and Manufacturing (M) zones if it finds:

a) that the lattice tower will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses,

b) the lattice tower will be available for co-location with other wireless telecommunications facilities, and

c) the lattice tower will be set back at least 500 feet from any residential zone boundary. The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the lattice tower.

(ii) Lattice towers are prohibited in all Rural Residential (RR), Residential (R-1) and Residential Multifamily (RM) zones.

(iii) No lattice tower shall be allowed in the front yard setback of any lot.

(iv) Lattice towers shall be set back from any residential structure a distance equal to its height plus ten feet.

(v) No permit to install a lattice tower facility shall issued unless the owner of the property grants written permission to install the facility.

(vi) Stealth lattice tower facilities are encouraged and shall be allowed to vary from the provisions of this section as determined by the planning commission.

(2) Free-standing wireless telecommunications facilities shall be surrounded by a fence that is at least six feet high and constructed out of a material appropriate to the location of the facility, as approved by the Tooele County Department of Engineering. Antennas that are roof- or wall-mounted shall be secured from access in a manner appropriate to the location.

(3) Climbing pegs shall be removed from the lower 20 feet of all communications towers.

(4) All wireless telecommunication facilities shall comply with applicable laws, regulations, and approvals regarding aircraft and airport operations.

(5) No application for a building permit to construct or install a facility, and no application for a conditional use permit for a wireless telecommunication facility, shall be processed unless the applicant provides proof of each proposed carrier's current license from the Federal Communications Commission to operate as a telecommunications carrier.

(6) No wireless telecommunication facilities shall overhang, encroach upon, or block a public right-of-way or public sidewalk. (Ord.2001-28, 10/23/01)

28 - 6. Co-location of antennas.

(1) It is the policy of Tooele County that location of

two or more antennas on a single wireless telecommunication facility should be encouraged as the primary option for applicants, rather than installation of single-use wireless telecommunication facilities.

(2) Co-location of an antenna on an existing wireless telecommunication facility shall be addressed as part of the conditional use permit application. The applicant shall also submit proof of each proposed carrier's current license from the Federal Communications Commission to operate as a telecommunications carrier.

(3) All applications for new wireless telecommunication facilities submitted after the effective date of this chapter shall be for facilities designed and constructed to be of sufficient size and capacity to accommodate two or more antennas, unless otherwise approved by the planning commission for conditional uses. Conditional use approval may include a condition that the applicant allow co-location for other personal wireless providers on such terms as are common in the industry.

(4) Each applicant shall make a good faith effort to seek co-location on existing antenna structures. All applications for new wireless telecommunication facilities submitted after the effective date of this chapter shall provide the reason or reasons why co-location on an existing structure is not feasible.

(5) (a) An application for a conditional use permit to construct a wireless telecommunication facility with a single antenna shall not be approved by the planning commission, unless the applicant presents evidence showing that co-location is not feasible, or that the applicant undertook reasonable efforts seeking co-location.

(b) A wireless telecommunication facility capable of supporting two or more antennas may be approved with a single antenna, provided the applicant shows that there is a reasonable likelihood that other antennas will be located on that facility in the future. (Ord.2001-28, 10/23/01)

28 - 7. Location on residential lots prohibited.

No wireless telecommunication facility may be located on a lot upon which a residential structure is located, notwithstanding the zoning designation for the lot. (Ord.2001-28, 10/23/01)

28 - 8. Color.

Monopoles, lattice towers, antennas, and any associated buildings or equipment shall be painted to blend with the surroundings which they are most commonly seen. The color shall be determined on a case-by-case basis by the planning commission. Within six months after the wireless telecommunication facilities have been constructed, the planning commission may require the color be changed if it is determined that the color does not blend with the surroundings. (Ord.2001-28, 10/23/01)

28 - 9. Sites in foothills and canyons.

(1) Any grading for wireless telecommunication facilities, including access roads and trenching for utilities, shall comply with the Uniform Building Code. Wireless

telecommunication facilities in the foothills and canyons shall utilize the natural grade, vegetation and existing utilities. Disturbance of the natural environment shall be minimized.

(2) A computer-generated visual simulation of the proposed structures is required for all sites in the foothills and canyons. The simulation shall show all structures including but not limited to monopoles, lattice towers, antennas, and equipment buildings.

(3) Disturbance of the visual environment shall be minimized. Site placement and color should be carefully considered to blend in with the surroundings.

(4) Continuous outside lighting is prohibited unless required by the Federal Aviation Administration for the monopole. (Ord.2001-28, 10/23/01)

28 - 10. Interference with other communications.

(1) No permit to construct a wireless telecommunication facility shall be approved if the operation of the facility will interfere with emergency or airport communications.

(2) Wireless telecommunication facilities shall be located and shall operate in such a manner as to minimize or eliminate interference with communications other than emergency or airport. Such communications include commercial, private, amateur and governmental communications. (Ord.2001-28, 10/23/01)

28 - 11. Notice to neighboring jurisdictions.

In order to promote efficient delivery of low-power radio communications service and to avoid duplication or overlap of service, applicants shall inform the planning and zoning directors of neighboring jurisdictions when a proposed wireless telecommunication facility is intended to provide service in the neighboring jurisdiction's boundaries. For the purposes of this chapter, "neighboring jurisdictions" means municipal or county units whose boundaries are contiguous to the County. (Ord.2001-28, 10/23/01)

28 - 12. Additional requirements.

(1) The following shall be considered by the planning commission for telecommunication sites:

(a) compatibility of the proposed structure with the height and mass of existing buildings and utility structures;

(b) locating the antenna on other existing structures in the same vicinity such as other monopoles, lattice towers, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc. where possible without significantly impacting antenna transmission or reception;

(c) whether co-location of the antenna on existing structures in the same vicinity has been sought by the applicant, but installation of a new tower without co-location is necessary to provide service;

(d) whether the facility creates quantifiable detrimental impacts to adjoining properties;

(e) location of the antenna in relation to existing vegetation, topography including ridge lines, and buildings to obtain the best visual screening;

(f) spacing between monopoles and lattice towers which creates detrimental impacts to adjoining properties;

(g) the impact of the proposed tower on future development in the area, according to the County's general plan; and

(h) installation of curb, gutter, sidewalk, landscaping, and fencing.

(2) In considering a conditional use application for a communications facility, the planning commission shall not consider evidence that the electromagnetic or microwave radiation used by low-power radio communications services detrimentally affects public health or the environment. The planning commission may, however, consider other valid health and safety concerns raised by the location and operation of the communications facility, such as structural integrity, and electrical safety.

(3) No conditional use application shall be considered unless the application fee is paid and the following information is provided by the applicant:

(a) the applicant's and property owner's name, address, and telephone number, as well as an emergency telephone number;

(b) a written statement signed by all owners of the property where the facility is proposed to be located, stating that the owners have reviewed the plans for the proposed facility, understand the type of facility that is being installed and the obligations the owners are undertaking, and granting permission for the applicant to install and maintain the facility;

(c) the site location site location master plan, as required by this chapter;

(d) a site-specific plan showing in reasonable detail the location of the proposed facility, required fencing and landscaping, and the design plans for the proposed facility;

(e) certification from the Federal Communications Commission and the Federal Aviation Administration, if necessary, that the proposed facility meets all applicable laws and regulations;

(f) a permit from the Army Corps of Engineers if the facility will affect wetlands;

(g) statements, when appropriate, from the owners of underground utility facilities, such as water, electrical, or natural gas delivery, that the installation of the facility will not directly interfere with the operation of the utility; and

(h) notice to neighboring jurisdictions, as required by this chapter.

(4) The planning commission may require landscaping or other screening to mitigate the visual impact of a proposed communications facility.

(5) The planning commission may reduce the required setback from a residential zone if practical difficulties are demonstrated by the applicant, such as public park location or public buildings. (Ord.2001-28, 10/23/01)

28 - 13. Accessory buildings.

Accessory buildings to antenna structures must

comply with the required setback, height and landscaping requirements of the zoning district in which they are located. All utility lines on the lot leading to the accessory building and antenna structure shall be underground. (Ord.2001-28, 10/23/01)

28 - 14. Non-maintained or abandoned facilities.

The zoning administrator may require each non-maintained or abandoned wireless telecommunication facility to be removed from the building or premise when such a facility has not been repaired or put into use by the owner or agent within 90 calendar days after notice of non-maintenance or abandonment is given to the owner or agent. The applicant shall post a site-specific bond when a permit is issued to guarantee removal of the facility and site restoration. The type of bond and amount shall be determined upon review by county staff. No bond shall be required for roof or wall-mounted facilities. (Ord.2001-28, 10/23/01)

28 - 15. Building permit required.

A building permit from the Tooele County Department of Engineering is required for all wireless telecommunication facilities. (Ord.2001-28, 10/23/01)

EXHIBIT "D"
Title 13 of the Tooele County Code

TITLE 13
SUBDIVISIONS

Chapter

- 1. **General.**
- 2. **Subdivision Application Procedure.**
- 3. **Minor Subdivisions.**
- 4. **Standard Subdivisions.**
- 5. **Major Subdivisions.**
- 6. **Planned Unit Development Subdivisions.**
- 7. **Design Standards.**
- 8. **Cluster Subdivisions.**
- 9. **Financial Assurance.**
- 10. **Vacation, Alteration, and Amendment of Subdivision Plats.**

adopted by Tooele County that sets forth general guidelines for proposed future development of land, as set forth in Utah Code Annotated 17-27-301 and 17-27-302.

(ii) "General plan" includes what is also commonly referred to as a "master plan."

(c) "Interstate pipeline company" means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

(d) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

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

(f) "Municipality" means a city or town.

(g) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(h) "Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Annotated 17-27-804 and this title.

(i) "Record of survey map" means a map of a survey of land prepared in accordance with Utah Code Annotated 17-23-17.

(j) "Special district" means

CHAPTER 1

GENERAL

Section

- 13-1-1. **Short title.**
- 13-1-2. **Purpose.**
- 13-1-3. **Definitions -- Notice.**
- 13-1-4. **Penalties.**
- 13-1-5. **Creation of substandard lots prohibited.**
- 13-1-6. **Protection of land in an agriculture protection area.**
- 13-1-6.5. **Notice of shooting range area.**
- 13-1-7. **Plats required.**
- 13-1-8. **Agricultural partitions.**

13-1-1. Short title.

This title is known as the "Subdivision Ordinance of Tooele County, Utah." (Ord.2000-38, 1/02/01)

13-1-2. Purpose.

The purpose of this title is to provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions; ensure that all proposed subdivisions are consistent with the General Plan and applicable specific plans; and to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare and the physical, social and economic development of the area. (Ord.2004-33, 11/16/04)

13-1-3. Definitions -- Notice.

(1) As used in this chapter:

(a) "County" means the unincorporated area of Tooele County.

(b) (i) "General plan" means the document

all entities established under the authority of Utah Code Annotated Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

(k) "Street" means public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

(l) (i) "Subdivision" means 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.

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

(i i i)

"Subdivision" does not include:

a)

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

b)

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;

c)

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

d) 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;

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

(i v)

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision".

(m) "Unincorporated" means the area outside of the incorporated boundaries of cities and towns.

(2) (a) The county meets the requirements of reasonable notice required by this title if it:

(i) posts notice of the hearing or meeting in at least three public places within the jurisdiction and publishes notice of the hearing or meeting in a

newspaper of general circulation in the jurisdiction, if one is available; or

(ii) gives actual notice of the hearing or meeting.

(b) (i) Proof that one of the two forms of notice authorized by this subsection was given is prima facie evidence that notice was properly given.

(i i)

If notice given under authority of this section is not challenged as provided in Utah Code Annotated 17-27-1001 within 30 days from the date of the meeting for which the notice was given, the notice shall be deemed adequate and proper.

(Ref UCA §17-27-103, Ord.2004-33, 11/16/04)

13-1-4. Penalties.

(1) (a) An owner of any land located in a subdivision, as defined in this chapter, who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded as required in this part violates this part for each lot or parcel transferred or sold.

(b) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this Subsection (1), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; and

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable county ordinances on land use and development.

(2) (a) The county may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted

under the authority of this part.

(b) An action under this Subsection (2) may include an injunction, abatement, merger of title, or any other appropriate action or proceedings to prevent, enjoin, or abate the violation.

(c) The county need only establish the violation to obtain the injunction. (Ref UCA §17-27-804, 17-27-811, 17-27-1003, Ord.2004-33, 11/16/04)

13-1-5. Creation of substandard lots prohibited.

No lot shall be created that does not conform to the requirements of this title and the zoning district in which it is located. (Ord.2004-33, 11/16/04)

13-1-6. Protection of land in an agriculture protection area.

For any subdivision located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the subdivision shall provide notice on any plat filed with the county recorder the following notice:

Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities. (Ref UCA §17-41-403, Ord.2004-33, 11/16/04)

13-1-7. Notice of shooting range area.

For any new subdivision development located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed or operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the county recorder the following notice:

Shooting Range Area

This property is located in the vicinity of an established shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities. (Reference UCA §47-3-3, Ord.2004-33, 11/16/04)

13-1-8. Plats required.

(1) Unless exempt or not included in the definition of a subdivision, whenever any lands are divided, the owner of those lands shall have an accurate plat made of them that sets forth and describes:

- (a) all the parcels of ground divided, by their

boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and

(b) the lot or unit reference, the block or building reference, the road or site address, the road name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.

(2)(a) The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate.

(b) The surveyor making the plat shall certify it.

(c) The county commission may approve the plat as provided in this title. Before the county commission may approve a plat, the owner of the land shall provide the county commission with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the plat has been acknowledged, certified, and approved, the plat shall be kept in the engineering department until the owner of the land shall file and record it in the county recorder's office. (Reference UCA §17-27-804, Ord.2004-33, 11/16/04)

13-1-9. Agricultural partitions.

(1) A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this title if the lot or parcel:

(a) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;

(b) meets the minimum size requirement of applicable zoning ordinances; and

(c) is not used and will not be used for any nonagricultural purpose.

(2) The boundaries of each lot or parcel exempted under Subsection (1)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under this title, shall be recorded with the county recorder.

(3) If a lot or parcel exempted under Subsection (1)(a) is used for a nonagricultural

purpose, the lot or parcel shall comply with the requirements of the subdivision plat provisions of this title. (Reference UCA §17-27-806, Ord.2004-33, 11/16/04)

CHAPTER 2

SUBDIVISION APPLICATION PROCEDURE

Section

- 13-2-1. Diligence.**
- 13-2-2. Application procedure.**
- 13-2-3. Concept plan requirements.**
- 13-2-4. Design stage preliminary plat requirements.**
- 13-2-5. Design stage infrastructure design and engineering drawings requirements.**
- 13-2-6. Final plat requirements.**

13-2-1. Diligence.

Each development shall be actively pursued to completion. Any application that exceeds the time limits stated in this title will be deemed null and void and all vested rights are waived by the subdivider for that development. Any extension must be requested prior to the expiration of the original approval. Should an application become void, the applicant must reapply at the concept stage. (Ord.2004-33, 11/16/04)

13-2-2. Application procedure.

(1) Each application for a subdivision shall have all required submittals before it is accepted as a complete application. No application for the next stage shall be accepted until such time that the planning commission has approved the application for the stage of the development currently under consideration.

(2) There shall be no presumption of approval of any aspect of the process.

(3) No application shall be accepted for any approval stage if the time limit has expired on the previous approval stage.

(4) The planning commission may request specific information found to be incomplete in its review and table further action until the information is submitted.

(5) A denial shall include written findings of fact and decision. Denial may be based, in addition to other reasons of good cause, upon incompatibility with the general plan, lack of a culinary water supply, insufficient fire suppression system, geological concerns, location, incompatibility with surrounding land uses, the inability of county service or utility providers to provide public services, or the adverse effect on the health, safety, and general welfare of the county and its residents. (Ord.2004-33, 11/16/04)

13-2-3. Concept plan requirements.

(1) The concept plan shall show:

- (a) the general location of the subdivision, the property boundaries, adjoining properties with ownership;
- (b) lot and road layout indicating general scaled dimensions;

(c) county, township, range, section, quarter section, blocks, the number of lots and true north;

(d) a vicinity map showing significant natural and man-made features on the site;

(e) the acreage of the entire tract and the acreage of the portion to be developed;

(f) the area for which approval will be requested for the first phase of development except for a minor and standard subdivisions;

(g) an area plan showing the total area on a single sheet for subdivisions requiring more than one sheet at the required scale;

(h) the sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses exclusive of single-family dwellings;

(i) total development area, and the number of proposed dwelling units.

(j) easements and rights-of-way;

(l) parcels of land that are to be dedicated for schools, roads, parks, or other public purposes; and

(m) an approval signature block for the planning commission chair. (Ord.2004-33, 11/16/04)

13-2-4. Preliminary plat requirements.

(1) The design stage preliminary plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the State of Utah. Every detail of the plat shall be legible. A poorly-drawn or illegible plat is cause for its denial. A traverse shall not have an error of closure greater than one part in 10,000.

(2) The general location of the subdivision, adjoining properties with ownership shall be shown on the plat.

(3) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

(4) If a plat is revised, a copy of the

old plat shall be provided for comparison purposes.

(5) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the Department of Engineering and shall be shown on the plat with the corresponding lot number.

(6) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, tangent, and arc length.

(7) Show all fence and deed lines.

(8) Excepted parcels shall be marked, "Not included in this subdivision."

(9) All public lands shall be clearly identified.

(10) All public roads shall be clearly marked as "dedicated public road."

(11) All private roads shall be clearly marked as "private road."

(12) All roads shall be identified by names approved by the department of engineering.

(13) All easements shall be designated as such and dimensions given.

(14) The 100 foot radius wellhead protection zone on all existing wells within and outside of the subdivision where the protection zone falls within the boundary of the subdivision.

(15) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, streets, or as excepted parcels.

(16) Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(17) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(18) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(19) Surveys shall tie into the state grid or other permanent marker established by the county surveyor and shall give the name and the date on survey monuments found.

(20) Bearing and distance tie in to the historic and dependant survey and at least one established monument must be shown on the plat. If no historic monument can be located, it must be stated upon the plat.

(21) County, township, range, section, quarter section blocks, and true north shall be included on the plat.

(22) Graphic scale of the plat.

(23) Existing ground contours at 20 foot intervals.

(24) The plat shall be labeled "Preliminary plat."

(25) The name of the subdivision as approved by the county recorder.

(26) If the subdivision does not have a public water system connection, the amount of water allocated to each lot in acre feet.

(27) approval signature blocks for:

(a) any improvement, service and special districts where all or part of the development is located;

(b) the county engineer;

(c) the county planner; and

(d) an approval signature block for the planning commission chair
(Ord.2004-33, 11/16/04)

13-2-5. Infrastructure design and engineering drawings requirements.

(1) Infrastructure design and engineering drawings and documents shall be submitted in the design stage, and shall include:

(a) plan, profile and typical cross-section drawings of the roads, bridges, culverts, sewers, and drainage structures;

(b) a grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography;

(c) the general location of trees over six inches in diameter measured at four and one-half feet above the ground, and in the case of heavily-wooded areas, an indication of the outline of the wooded area and location of trees which are to remain;

(d) proposed and existing sewage system layouts;

(e) proposed future road layout in dashed line for any portion of the property to be developed in a later phase;

(f) water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas or swamps;

(g) areas within the 100 year flood plain;

(h) soil types and soil interpretations taken from the National Cooperative Soils Survey;

(i) a signature block for the county engineer on each design and construction drawing;

(j) when the subdivision is located within the jurisdiction of a service or improvement district or area, a signature block for such service or improvement district or area;

(k) geologic maps and investigation reports regarding area suitability when land

configurations dictate lot configuration and buildable space; and

(1) a design report stamped by a engineer licensed in the State of Utah as may be required by the planning commission or the department of engineering.

(2) All drawings shall be drawn to a scale not less than one inch equals 100 feet, and shall indicate the basis of bearings, true north, the name of the subdivision, township, range, section, and quarter section, and lot numbers of the property.

(3) Poorly-drawn or illegible design and engineering drawings are cause for denial.

(4) To change any aspect of the design of the off-site improvements, a new set of infrastructure design and engineer drawings shall be submitted for approval. A signed set of drawings are to be on site at all times during construction. All construction must conform to the plans approved. (Ord.2004-33, 11/16/04)

13-2-6. Final plat requirements.

(1) The final plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the State of Utah. Every detail of the plat shall be legible. A poorly-drawn or illegible plat is cause for denial. A traverse shall not have an error of closure greater than one part in 10,000.

(2) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

(3) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(4) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the department of engineering and shall be shown on the plat with the corresponding lot number.

(5) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, tangent, and arc length.

(6) Excepted parcels shall be marked, "Not included in this subdivision."

(7) All public lands shall be clearly identified.

(8) All public roads shall be clearly marked as "dedicated public road."

(9) All private roads shall be clearly marked as "private road."

(10) All roads shall be identified by names approved by the department of engineering.

(11) All easements shall be designated as such and dimensions given.

(12) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, roads, or as excepted parcels.

(13) Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for

interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(14) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(15) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(16) Surveys shall tie into the state grid or other permanent marker established by the county surveyor.

(17) The plat shall be labeled "Final Plat."

(18) The information on the final plat shall include:

(a) the name of the subdivision, true north arrow and basis thereof, and date;

(b) names of the owner or owners of record under the signature lines in the owners dedication;

(c) square footage of each lot under one acre or the lot acreage if one acre or larger;

(d) township, range, section and quarter section if a portion;

(e) graphic scale;

(f) the State plane coordinate on the subdivision boundary;

(g) survey monuments;

(h) the total water allocation in acre/feet for each lot for its allocation of water;

(i) the 100 foot radius wellhead protection zone on all existing wells;

(j) signature blocks for:

(i) any improvement, service and special districts or areas where any part of the platted property is located;

(ii) the county engineer;

(iii) the county surveyor;

(iv) the county attorney;

(v) the county health department;

(vi) the county treasurer indicating at the time of signing that the property taxes due and owing have been paid in full;

(vii) the county fire

warden;
(viii) the county or township planning commission chair recommending the subdivision; and
(ix) the county commission chair and attest by the county clerk.
(Ord.2004-33, 11/16/04)

CHAPTER 3

MINOR SUBDIVISIONS

Section

13-3-1. Purpose.

13-3-2. Approval process.

13-3-1. Purpose.

(1) A minor subdivision is a division of land into no more than four lots. A minor subdivision shall not:

- (a) include the construction and dedication of new infrastructure;
- (b) be a part or a phase of a larger subdivision;
- (c) be allowed further division of land within three years from final approval; and
- (d) include commercial or industrial uses.

(2) All lots shall front on a county road or an approved private road.

(3) Land may be dedicated along existing county roads to increase the right of way to current county standards.

(4) A minor subdivision shall be filed on a plat drawn and stamped by a licensed surveyor, and shall not be done by deed alone. (Ord.2004-33, 11/16/04)

13-3-2. Approval process.

(1) The application for a minor subdivision shall be submitted to the department of engineering. When the staff determines that the application is complete and all signatures are on the plat, the application shall be placed on the planning commission agenda. The planning commission shall discuss and review the application at a work meeting/ The planning commission shall then recommend approval or denial at a planning commission business meeting, from where it will be forwarded to the county commission with the recommendation.

(2) A minor subdivision application shall include:

- (a) the application form;
- (b) one 24" X 36" final plat on Mylar drawn by a surveyor licensed in the state of Utah;
- (c) seven 24" X 36" prints of the plat, for distribution to:
 - (i) department of engineering, two copies;
 - (ii) the county health department;
 - (iii) Tooele County School District;
 - (iv) the soil conservation district within which the subdivision is located;
 - (v) the county recorder; and
 - (vi) the county fire warden.

(d) eight 8½" X 11" copies of the plat for distribution to each planning commission member;

and

(e) an additional 8½" X 11" copy of the plat in each of the following circumstances:

(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;

(ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district or area;

(iii) when applicable for review by any State or federal agency;

(iv) for each servicing utility;

(v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway; and

(vi) when the subdivision is located wholly or partially within the boundary of a township planning commission district.

(f) proof of ownership demonstrated by a title search;

(g) utility approval forms;

(h) evidence of water rights for all lots;

(i) a letter showing a completed Tooele County Health Department Subdivision Feasibility Study deeming the project feasible;

(j) names and addresses of the owners of all properties adjoining the proposed subdivision;

(k) a plat map from the recorder's office showing the property and all adjoining properties around it;

(l) approval of the subdivision name from the recorder's office;

(m) geologic maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;

(n) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application; and

(o) a letter from the local fire district acknowledging fire

protection can and will be provided to the subdivision.

(3) All signature blocks excepting those for the planning commission and county commission shall be signed by each approving authority before the plat is taken to the business meeting.

(4) Upon planning commission recommendation and signature, the plat shall be forwarded to the county commission for placement on their agenda. (Ord.2004-33, 11/16/04)

CHAPTER 4

STANDARD SUBDIVISIONS

Section

- 13-4-1. Application.**
- 13-4-2. Approval process.**
- 13-4-3. Design stage application.**
- 13-4-4. Utility and agency response.**
- 13-4-5. Final plat stage application.**

13-4-1. Application.

A standard subdivision is a division of land into no more than fourteen lots. It may be phased for development. Infrastructure and public facilities may be dedicated. (Ord.2004-33, 11/16/04)

13-4-2. Approval process.

A standard subdivision shall be processed in two stages:

- (1) the design stage, which will go to planning commission work and business meetings; and
- (2) the final plat, which will be placed on the planning commission business meeting agenda. (Ord.2004-33, 11/16/04)

13-4-3. Design stage application.

(1) A complete application for design stage approval of a standard subdivision shall be submitted to the department of engineering.

(2) Within 14 days after the applicant or authorized representative submits a complete application, a pre-design conference shall be set up with the applicant, the department of engineering staff, all servicing utility companies, the Tooele County School District, county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.

(3) After the pre-design conference, the applicant shall submit to the department of engineering all construction drawings, design reports and the preliminary plat. When it is determined that these items are complete, the submittal will be placed on the planning commission work meeting agenda for review. After the planning commission has reviewed the material and being satisfied with the submittal, it shall place the submittal on the next business meeting agenda where it shall recommend approval or denial to the county commission. The submittal will then be forwarded to the county commission with the recommendation.

(4) The design stage application shall include:

- (a) the application form;
- (b) seven 24" X 36" prints of the preliminary plat and infrastructure design and engineering drawings for distribution to the following:

- (i) department of engineering, two copies;
- (ii) county health department;
- (iii) Tooele County School District;
- (iv) the soil conservation district within which the subdivision is located;
- (v) county recorder; and
- (vi) the county fire warden.

(c) eight 8½" X 11" copies of the preliminary plat and infrastructure design and engineering drawings for distribution to each planning commission member; and

(d) an additional 8½" X 11" copy of the preliminary plat in each of the following circumstances:

- (i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;
- (ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;
- (iii) when applicable for review by any State or federal agency;
- (iv) for each servicing utility; and
- (v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway or road.

(e) Three 24" X 36" prints of the infrastructure design and engineering drawings for distribution to:

- (i) the department of engineering, two copies; and
- (ii) the county road department.

(f) proof of ownership demonstrated by a title search;

- (g) utility approval forms;
- (h) evidence of water rights for all lots;
- (i) names and addresses of the

owners of all properties that border the proposed subdivision;

(j) a plat map from the recorder's office showing the property and all adjoining properties around it;

(k) approval of the subdivision name from the recorder's office;

(l) a list of off-site improvements and an estimate of the cost to complete such improvements;

(m) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;

(n) the type of water system proposed, historic water use, the estimated number of gallons per day of water system requirements, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression;

(o) geologic maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;

(p) a letter showing a completed Tooele County Health Department Subdivision Feasibility Study where the project is deemed feasible; and

(q) a letter from the local fire district showing that they fire protection can and will be provided to the subdivision.

(5) Where generated on a computer, the plat shall also be submitted on a computer disk in a format compatible with AutoCAD version 11 or higher for entry into the County database.

(6) The design stage approval shall be valid for a period of not more than one year. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative. (Ord.2004-33, 11/16/04)

13-4-4. Utility and agency response.

Failure of any utility or agency to respond to requested approval shall be deemed an approval by such agency. (Ord.2004-33, 11/16/04)

13-4-5. Final plat stage application.

(1) The applicant or authorized representative shall submit a final plat with all required fees and copies of all materials to the department of engineering to start the final plat stage. When staff determines that the application is complete, and all signatures are on the plat, the application shall be placed on the planning commission agenda. The final plat shall conform in all major respects to the approved design stage plat. A final plat submittal shall not be accepted more than six months from the date of the design and engineering stage approval or approved extension.

(2) The final plat stage application shall include:

(a) the application form;

(b) an original 24" X 36" Mylar of the final plat;

(c) a cost estimate for construction of infrastructure, approved and signed by the county

engineer;

(d) an agreement for subdivision improvements; and

(e) eight 8½" X 11" copies of the final plat for distribution to each planning commission member.

(3) If generated on a computer, the final plat shall also be submitted on a computer disk in a format compatible with AutoCAD version 11 or later to be entered into the County database.

(4) All signature blocks except those for the planning commission and county commission shall be signed by the appropriate authority before the plat is taken to the business meeting.

(5) Upon planning commission recommendation and signature, the plat shall be forwarded to the county commission for consideration. (Ord.2004-33, 11/16/04)

CHAPTER 5

MAJOR SUBDIVISIONS

Section

13-5-1. Application.

13-5-2. Approval process.

13-5-3. Phase development.

13-5-4. Concept plan application.

13-5-5. Design stage application.

13-5-6. Utility and agency response.

13-5-7. Final plat stage application.

13-5-1. Application.

A major subdivision is a division of land into 15 to no more than 99 lots. A major subdivision of more than 25 lots shall be phased for development. Infrastructure and public facilities may be dedicated. (Ord.2004-33, 11/16/04)

13-5-2. Approval process.

(1) A major subdivision shall be processed in three stages:

(a) the concept stage, which will go to a planning commission work meeting where the planning commission shall discuss and review the application and then move the application to the business meeting to make a decision to approve or deny the application;

(b) the design stage, which will go to a planning commission work meeting where the planning commission shall discuss and

review the application and then it will be placed on the planning commission business meeting agenda for a decision to approve or deny; and

(c) the final plat, which will be placed on the planning commission business meeting agenda where it shall recommend an approval or denial, which shall be forwarded to the county commission for decision.

(Ord.2004-33, 11/16/04)

13-5-3. Phase development.

(1) The preliminary and final platting of subdivisions containing more than 25 lots shall be done in phases, except as provided in Subsection (3). Development shall be performed so that the phases will be contiguous and the required improvements will be continuous.

(2) When off-site improvements are complete and approved by the county engineer, and the lots are 70 percent sold, the subdivider may submit the next phase for final plat approval. (Ord.2004-33, 11/16/04)

(3) A preliminary and final plats including more than 25 lots will be accepted only upon the submission of evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in the final plat will be completed within two years.

(4) Where it is prudent to engineer road or utility lines that extend into the next phase, such work may be done if shown in the prior phase. (Ord.2004-33, 11/16/04)

13-5-4. Concept plan application.

(1) The application for concept plan approval of a major subdivision shall be submitted to the department of engineering. When staff determines that the application is complete, the application shall be placed on the planning commission agenda. A concept plan application shall include:

- (a) the application form;
- (b) six 24" X 36" prints of the concept plan, for distribution to each of the following:
 - (i) department of engineering, two copies;
 - (ii) the county health department;
 - (iii) Tooele County School District;
 - (iv) the appropriate soil conservation district within which the subdivision is located; and
 - (v) the county fire warden.
- (c) eight 8½" X 11" copies of the concept plan for distribution to each planning commission member; and
- (d) an additional 8½" X 11" copy of the concept plan in each of the following circumstances:
 - (i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;
 - (ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;
 - (iii) when applicable for review by any State or federal agency;
 - (iv) for each servicing utility;
 - (v) for the Utah State Department of

Transportation if the property being subdivided abuts a state highway or road; and

(vi) when the subdivision is located wholly or partially within the boundary of a township.

- (e) proof of ownership demonstrated by a title search;
- (f) utility approval forms;
- (g) evidence of water rights for all lots;
- (h) names and addresses of the owners of all properties that border the proposed subdivision;
- (i) approval of the subdivision name from the recorder's office;
- (j) a plat map from the recorder's office showing the property and all adjoining properties around it; and
- (k) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application.

(2) The concept plan approval shall be valid for a period of not more than six months. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative. (Ord.2004-33, 11/16/04)

13-5-5. Design stage application.

(1) Within six months of concept stage approval or within an approved six month extension, a complete application for the design stage of a major subdivision shall be submitted to the department of engineering.

(2) Within 14 days after the applicant or authorized representative submits an application, a pre-design conference shall be set up with the applicant, the department of engineering staff, all servicing utility companies, the Tooele County School District, county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.

(3) After the pre-design conference, the applicant shall submit to the department of engineering all construction drawings, design reports and the preliminary plat.

When it is determined that these items are complete, the submittal will be placed on the planning commission work meeting agenda for review. After the planning commission has reviewed the material and being satisfied with the submittal, it shall place the submittal on the next business meeting agenda.

(4) The design stage must be completed within one year unless an extension of no more than six months is granted by the planning commission.

(5) The design stage application shall include:

- (a) the application form;
 - (b) seven 24" X 36" prints of the preliminary plat and infrastructure design and engineering drawings, for distribution to each of the following:
 - (i) department of engineering, two copies;
 - (ii) the county health department;
 - (iii) Tooele County School District;
 - (iv) the appropriate soil conservation district within which the subdivision is located;
 - (v) Tooele County Recorder; and
 - (vi) the county fire warden.
 - (c) eight 8½" X 11" copies of the preliminary plat for distribution to each planning commission member; and
 - (d) an additional 8½" X 11" copy of the preliminary plat in each of the following circumstances:
 - (i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;
 - (ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;
 - (iii) when applicable for review by any State or federal agency;
 - (iv) for each servicing utility;
 - (v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway; and
 - (vi) when the subdivision is located wholly or partially within the boundary of a township;
 - (e) a list of off-site improvements and an estimate of the cost to complete such improvements;
 - (f) the type of water system proposed, historic water use, the estimated number of gallons per day of water system requirements, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression;
 - (g) proof of ownership demonstrated by a title search;
 - (h) geologic maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;
 - (i) a letter showing a completed Tooele County Health Department Subdivision Feasibility Study deeming the project feasible; and
 - (j) a letter from the local fire district acknowledging it can and will provide fire protection to the subdivision.
- (6) Approval of the design stage shall be valid for not

more than one year. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative. (Ord.2004-33, 11/16/04)

13-5-6. Utility and agency response.

Failure of any utility or agency to respond to requested approval shall be deemed an approval by such agency. (Ord.2004-33, 11/16/04)

13-5-7. Final plat stage application.

(1) The applicant or authorized representative shall submit a final plat and copies of all required material to the department of engineering to start the final plat stage. When staff determines that the application is complete and all signatures are on the plat, the application shall be placed on the planning commission agenda. The final plat shall conform in all major respects to the approved design stage plat. A final plat submittal shall not be accepted more than one year from the date of the design stage approval.

- (2) An application shall include:
 - (a) an application form;
 - (b) an original 24" X 36" Mylar of the final plat;
 - (c) cost estimate for construction of infrastructure signed by the county engineer;
 - (d) agreement for subdivision improvements; and
 - (e) eight 8½" X 11" copies of the plat for distribution to each planning commission member.
- (3) The final plat shall also be submitted on a computer disk in a format compatible with AutoCAD version 11 or later to be entered into the County data base.
- (4) All signature blocks excepting those for the planning commission and county commission shall be signed by the appropriate approving authority before the plat is taken to the business meeting.
- (5) Upon planning commission recommendation and signature, the plat shall be forwarded to the county commission for consideration. (Ord.2004-33, 11/16/04)

CHAPTER 6

PLANNED UNIT DEVELOPMENT SUBDIVISIONS

Section

13-6-1. Application.

13-6-2. Approval process.

13-6-1. Application.

- (1) A planned unit development is required for:
 - (a) a division of land into 100 or more lots;
 - (b) a master planned community being presented with mixed uses; or
 - (c) commercial or industrial land divisions.

(2) A planned unit development shall follow the procedures in Chapter 5 of this title.

(3) Re-zone recommendations shall be forwarded to the county commission at completion of the concept stage.

(4) Infrastructure and public facilities may be dedicated in a planned unit development. A planned unit development shall have a public water system serving all lots be created that provide for fire flow storage of water to supply hydrants that comply with the current state adopted fire code and NFPA guidelines for the type of occupancy and level of development.

(5) A planned unit development shall be filed on a plat drawn and stamped by a licensed surveyor. (Ord.2004-33, 11/16/04)

13-6-2. Approval process.

(1) A planned unit development shall be processed in three stages:

(a) the concept stage which will go to a planning commission work and business meeting;

(b) the design stage preliminary plat, which will be placed on the planning commission business meeting agenda, while the design and engineering infrastructure drawings will be reviewed and approved by the department of engineering staff; and

(c) the final plat which will be placed on the planning commission business meeting agenda.

(2) Planned unit developments may be excused from statutory time limits imposed by Chapter 5 if the planning commission agrees to receiving progress updates by the developer every six months. (Ord.2004-33, 11/16/04)

CHAPTER 7

DESIGN STANDARDS

Section

13-7-1. Application.

13-7-2. Lots.

13-7-3. Roads.

13-7-4. Frontage on arterial and collector roads.

13-7-5. Sidewalks, curbs and gutters.

13-7-6. Blocks.

13-7-7. Monuments.

13-7-8. Easements.

13-7-9. Utilities to be underground.

13-7-10. Sewer systems.

13-7-11. Sanitary sewer mains, laterals, and house connections — Future.

13-7-12. Water supply.

13-7-13. Storm drainage and flood plains.

13-7-14. Fire mitigation standards.

13-7-1. Application.

(1) All subdivisions shall comply with the design standards set forth in this Chapter.

(2) The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

(3) Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated by the construction of the subdivision. (Ord.2004-33, 11/16/04)

13-7-2. Lots.

(1) No single lot shall be divided by a municipal, service or improvement district, or county boundary line.

(2)(a) A lot shall not be divided by a road or another lot.

(b) The board of adjustment may issue a special exception to Subsection (a) if a division of land by a publicly dedicated or maintained road existing prior to January 10, 1975, creates a substandard lot that cannot be absorbed into another parcel or lot under the same ownership on the same side of the road to create standard sized lot or parcel. The special exception must be applied for and issued prior to application for final plat being submitted. Upon issuance of a special exception, the board of adjustment may:

(i) allow a connection across the road to combine with the acreage of a larger parcel increasing the total acreage; or

(ii) make the lot buildable by classifying it as a legal non-conforming lot. If the board

determines that the lot is to be a legal nonconforming lot, it shall issue setbacks in proportion to the minimum lot size in the zoning district where the lot is located.

(3) The frontage of a wedge-shaped lot shall not be less than 30 feet in width.

(4) Side lot lines shall be at substantially right angles or radial to road lines.

(5) All lots shall front on a publicly dedicated road except as may be approved in planned unit developments, or upon private roads approved by the planning commission, subject to the standards set in the Tooele County Manual of Road and Highway Design Standards and Title 6, Chapter 20 of the Tooele County Code on Interface area requirements.

(6) All lots shall conform to area requirements of the existing zoning district. (Ord.2004-33, 11/16/04)

13-7-3. Roads.

(1) Roads shall be designed in accordance with standards adopted by Tooele County.

(2) Roads shall bear the names of existing aligned roads. There shall be no duplication of road names. All road names shall be approved by the Department of Engineering.

(3) The subdivider shall bear the cost of all road and public safety signs which shall be erected by the County Road Department.

(4) Building permits for any lot within a subdivision shall not be accepted until:

(a) cobble and at least 3" of base course of road material is in and accepted by the county road inspector for any roads within that phase;

(b) if it is required in the infrastructure design and engineering drawings, curb and gutter are installed; and

(c) temporary road signs are installed by the developer with the road names approved on the plat.

(5) No certificate of occupancy shall be issued for any structure until all off-sites are accepted by Tooele County.

(6) Temporary road signs shall be maintained by the developer until permanent road signs are installed by Tooele County.

(7) Dead-end stubbed roads shall be terminated with a cul-de-sac and shall be allowed only with the following conditions:

(a) "L", "T" or branch turnarounds shall not be allowed.

(b) Cul-de-sac roads that terminate with a 60-foot radius bulb shall be designed with a maximum trip generation of 120 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition.

(c) Roads terminating with a loop shall be designed with a maximum trip generation of 400 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition.

(d) Roads in commercial and industrial zoning districts shall be determined by the engineering department using the Institute of Transportation Engineers Trip Generation, current edition for road load

and design for the transportation system.

(e) Cul-de sac and loop end roads shall have intermediate turnarounds (roundabouts) every 1,500 feet and terminate with a skewed loop.

(8) Half roads shall not be permitted. (Ord.2004-33, 11/16/04)

13-7-4. Frontage on arterial and collector roads.

No residential dwelling lots shall directly access arterial or major collector roads. Subdivision design shall provide local access roads to lots along arterial and major collector roads. (Ord.2004-33, 11/16/04)

13-7-5. Sidewalks, curbs and gutters.

(1) Sidewalks, curbs and gutters shall be provided in accordance with the requirements of the zoning district or the planning commission.

(2) Sidewalks, curbs and gutters shall be installed in accordance with standards adopted by Tooele County. (Ord.2004-33, 11/16/04)

13-7-6. Blocks.

Block lengths shall be approved by the planning commission. They shall provide for convenient access and circulation for emergency vehicles. (Ord.2004-33, 11/16/04)

13-7-7. Monuments.

(1) Permanent reference monuments shall be installed in accordance with standards adopted by Tooele County. They shall be set on the external boundary of the subdivision, at all road centerline intersections and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.

(2) Block and lot monuments shall be set.

(3) At least one second order benchmark shall be set within every subdivision. (Ord.2004-33, 11/16/04)

13-7-8. Easements.

(1) A ten-foot public utility easement shall traverse the front of each lot.

(2) Guying easements at corners may be required. (Ord.2004-33, 11/16/04)

13-7-9. Utilities to be underground.

All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all subdivisions. The developer shall establish final utility grades

prior to utility lines being placed underground. (Ord.2004-33, 11/16/04)

13-7-10. Sewer systems.

(1) Except as otherwise provided in this section, the subdivider shall provide a piped sanitary sewer system to the property line of every lot in the subdivision. The sewer system shall meet the minimum standards and requirements of the county health department.

(2) On-site wastewater disposal systems will be approved only when an existing sewer system is more than one-half mile away from the boundary line of the subdivision. All on-site wastewater disposal systems shall be approved in writing by the county health department. Subdivisions proposing to use on-site wastewater disposal systems shall submit a feasibility report to the county health department, per Tooele County Health Department Regulation #12. Percolation tests and soil exploration pits shall be required to determine the adequacy of the soil involved for on-site wastewater disposal systems to absorb sewage effluent. At the time an application is made for a building permit, every individual lot which will be serviced by a septic system will require a soil evaluation test where the proposed drain field will be located. The following requirements shall also be met:

(a) Lands filled within the last ten years shall not be divided into building sites which are to be served by septic systems.

(b) Each septic system shall be installed at a depth and location approved by the county health department.

(c) Land with unacceptable soil evaluations as determined by the county health department shall not be divided into building sites to be served by septic systems.

(d) Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, or Natural Resource Conservation Service, shall not be divided into building sites to be serviced by septic systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for building construction and installation of a septic system.

(e) An applicant desiring to install septic system in soils having severe limitations shall have additional on-site investigations made, including soil evaluation tests. The applicant shall obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed septic system. The facilities shall meet county health department standards and regulations. To be approved, the county health department must find that proposed corrective measures have overcome the severe soil limitations. (Ord.2004-33, 11/16/04)

13-7-11. Sanitary sewer mains, laterals, and house connections — Future.

Where county and regional general plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the planning commission may require the installation and capping of sanitary

sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that those facilities be installed prior to or during the construction of the principal building. No building permit shall be issued until such installation is assured. In all other cases, sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sewer system. (Ord.2004-33, 11/16/04)

13-7-12. Water supply.

(1) Standard, major and planned unit development subdivisions shall have a public water supply:

(a) when more than 70% of the lots in the subdivision are less than two acres in area; and

(b) when it is determined by the county health department that conditions exist that a public water supply is necessary to protect the health of the public. The water system shall meet all applicable state and local laws.

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow and quality meeting the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number. In the concept stage, the subdivider shall show possession of sufficient water rights to provide domestic use for the total number of dwellings being proposed for the entire development. The design stage for the first phase of development shall include the engineering for the water system, if required, for the entire development to include the water tank and treatment facilities with a fire flow calculation. The county health department shall approve the location of the test wells prior to the subdivider drilling them. The samples shall be taken by, and have a complete chemical analysis performed and approved by the county health department. All non-public drinking water systems shall meet the standards of Tooele Health Department Regulation #5. (Ord.2004-33, 11/16/04)

13-7-13. Storm drainage and flood plains.

(1) A storm drainage system for the entire subdivision shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work. Existing storm drainage features which are to be incorporated in the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the design and engineering stage. Appropriate development stages for the storm drainage system for each phase shall be indicated.

(2) No lot one acre or less in area shall include flood lands. All lots of more than one acre shall contain not less than 40,000 square feet of land at an elevation at least two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.

(3) Storm drainage systems shall be designed to consider the storm drainage basin as a whole and shall accommodate not only runoff from the subdivision but also, where applicable, the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream. (Ord.2004-33, 11/16/04)

13-7-14. Fire mitigation standards.

(1) The zoning administrator, fire warden, and local fire department having jurisdiction shall perform a wildland fire protection analysis of all developments, existing or planned, to determine wildland fire protection ratings. The ratings developed under the analysis shall be the basis for the implementation of fire safe design and construction criteria and fire protection systems. The higher the relative value, the higher the wildland/urban interface and the fire protection hazard rating.

(2) The analysis shall contain, as a minimum, the following components:

- (a) wildland/urban interface or wildland/urban inter-mix boundaries;
- (b) means of access;
- (c) vegetation (fuel models);
- (d) topography within 300 feet of structures;
- (e) structure hazard rating;
- (f) history of fire occurrence in the area;
- (g) available fire protection in place and proposed; and
- (h) other ratings as they apply.

(3) Subdivision design shall reflect mitigation for those hazards identified in the fire protection analysis and those standards required in Title 6, Chapter 20 of the Tooele County Code.

(4) Except for minor subdivisions, fire suppression water sources shall be reviewed and approved by the local fire department or fire warden. The system shall provide for fire flow storage of water that complies with the current state adopted fire code, local ordinances, local fire department regulations and NFPA guidelines for the type of occupancy and level of development. Any fire hydrants shall be placed in accordance to the National Fire Protection Association standards and shall be identified with a reflectorized marker.

(5) Defensible space for structures and buildings shall

be used in all covenants, contracts and subdivisions in conformance with development standards adopted by Tooele County.

(6) Roads and streets shall provide for safe access for emergency equipment and civilian evacuation. They shall be designed for unobstructed traffic circulation during an emergency. All subdivisions with internal roads longer than 650 feet shall have more than one access route, each of which will provide egress to different locations. The design of access routes shall consider traffic circulation and employ looped road networks. Private roads in existence before January 10, 1975 are exempted from the 650 foot length provided that no more than five lots use it for a primary access. (Ord.2004-33, 11/16/04)

CHAPTER 8**CLUSTER SUBDIVISIONS****Section****13-8-1. Design standards.****13-8-2. Common open space.****13-8-3. Guarantee of completing improvements.****13-8-4. Continuation of common open space.****13-8-5. Maintenance of common open space.****13-8-6. Density allowed.****13-8-1. Design standards.**

The design of a cluster subdivision in relation to roads, blocks, lots, and common open spaces shall be in harmony with the intent of the zoning ordinance and the general plan. (Ord.2004-33, 11/16/04)

13-8-2. Common open space.

(1) The subdivider shall explain the intended use of the open space.

(2) The subdivider shall submit plans of landscaping and improvements for the common open space and provide detail of how the improvements are to be financed and the area maintained.

(3) Roads in cluster subdivisions shall be designed to take advantage of open space vistas and to create drives with a remote or open space character.

(4) The planning commission may impose conditions or restrictions it deems necessary to ensure development and maintenance of the common open space, including plans for disposition or re-use of

property if the open space is not maintained in the manner agreed upon or if it is abandoned by the owners. (Ord.2004-33, 11/16/04)

13-8-3. Guarantee of completing improvements.

As assurance of completion of common open space improvements, the subdivider shall file with the county treasurer an improvement installation guarantee. Upon completion of the improvements, the subdivider shall call for final inspection by the department of engineering. If the inspection shows that landscaping and construction have been completed in compliance with the approved plan, the department of engineering shall authorize release of the guarantee. If the guarantee is not released, the reason therefor shall be given to the subdivider in writing. (Ord.2004-33, 11/16/04)

13-8-4. Continuation of common open space.

As assurance of continuation of common open space use in accordance with the approved subdivision, the subdivider shall grant an open space easement to an association of lot owners or to Tooele County, or place title of the land as open space in perpetuity with a land trust. The subdivider shall show an open space easement on the final plat. The easement need not give the general public the right of access, but shall provide that the common open space will remain. (Ord.2004-33, 11/16/04)

13-8-5. Maintenance of common open space.

(1) As assurance of maintenance of the common open space and related improvements, the subdivider shall cause to be formed, prior to recording the final plat, a homeowners' association and shall establish articles of incorporation, bylaws and covenants outlining the purpose, organization, and operation of the association.

(2) Such articles of incorporation, bylaws, and covenants shall, among other things, provide that:

- (a) membership shall be mandatory for each lot purchaser and any successive buyer;
- (b) common open space restrictions must be permanent, not just for a period of years; and
- (c) the association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

(3) In the event the homeowners' association fails to maintain the common open space and improvements as approved, Tooele County may, at its option, perform or contract to have performed the required maintenance and recover the costs incidental thereto by means of a lien against the involved properties of the members of the association, or a civil lawsuit against the homeowners association or the offending property owner. (Ord.2004-33, 11/16/04)

13-8-6. Density allowed.

Lot sizes and dimensions in approved cluster subdivisions may be reduced as provided in the zoning ordinance, and the standards of the subdivision ordinance may be modified by the planning commission and county commission as determined desirable and necessary to accomplish the purposes of cluster subdivision design and construction. (Ord.2004-33, 11/16/04)

CHAPTER 9

FINANCIAL ASSURANCE

- Section**
13-9-1. Improvement installation guarantee.
13-9-2. Default.
13-9-3. Maintenance guarantee.
13-9-4. Acceptance release of surety.
13-9-5. Engineering review and inspection fee.

13-9-1. Improvement installation guarantee.

(1) In lieu of actual installation of off-site and common open space improvements required by this title, and before final plat approval by the county commission, the subdivider shall guarantee the installation of such improvements by a combination of one or more of the following financial guarantee methods: a corporate surety bond, a deposit in escrow with an escrow holder, a letter of credit with a financial institution, or a deed of trust in the name of Tooele County.

(2) The guarantee shall be in an amount equal to the cost of required improvements as estimated by an engineer retained by the subdivider and approved by the county engineer, or in an amount estimated by the county engineer. The guarantee shall assure the actual construction of such improvements within two years immediately following the approval of the final plat by the county commission.

(3) The guarantee shall be filed with the treasurer.

(4) The guarantee shall be approved as to method, institution and form by the county attorney. (Ord.2004-33, 11/16/04)

13-9-2. Default.

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within two years from date of approval of the final plat, the county commission may declare the bond, escrow, deed of trust, or letter of credit forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The subdivider shall be responsible for all costs incurred by the

county to complete the required improvements in excess of the proceeds of the guarantee amount. (Ord.2004-33, 11/16/04)

13-9-3. Maintenance guarantee.

The subdivider shall guarantee all off-site improvements will remain in good condition for a period of one year after the date of final acceptance by the county. The subdivider shall make all repairs to and maintain the improvements in good condition during that one-year period at no cost to the county. Upon completion of the improvements, the county shall retain at least 20% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined by the county engineer. Identifying necessary repairs and maintenance rests with the county engineer, whose decision upon the matter shall be final and binding upon the subdivider. The guarantee shall extend to and include, but shall not be limited to the entire street, subgrade, base, and surface and all pipes, joints, valves, backfill and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by construction operations. Whenever, in the judgment of the county engineer, the improvements shall need repairs, maintenance, or re-building, the county engineer shall cause a written notice to be mailed or given to the subdivider. Upon receipt, the subdivider shall undertake and complete such repairs, maintenance or re-building. If repairs are not completed within the specified time, the county shall have such repairs made and the cost of such repairs shall be paid by the subdivider or by the county using the guarantee. (Ord.2004-33, 11/16/04)

13-9-4. Acceptance and release of surety.

(1) The subdivider shall submit to the department of engineering a copy of the as-built construction drawings. Acceptance of all improvements shall be in writing from the county engineer.

(2) Final inspection by the county engineer shall be made one year after all work has been completed and before release of the guarantee. All defects shall be corrected before acceptance by the county.

(3) Upon completion of off-site improvements and approval by the county engineer, the financial assurances may be released, at which time the subdivision will be deemed accepted. (Ord.2004-33, 11/16/04)

13-9-5. Engineering review and inspection fee.

In addition to the improvement and maintenance guarantee, the subdivider shall deposit with the county auditor a sum equal to three percent of the cost of the improvements to cover engineering review and inspection. (Ord.2004-33, 11/16/04)

CHAPTER 10

VACATION, ALTERATION, AND AMENDMENT OF SUBDIVISION PLATS

Section 13-10-1. Vacating or changing a subdivision plat.

13-10-2. Notice of hearing for plat change.

13-10-3. Grounds for vacating or changing a plat.

13-10-4. Exchange of title for portions of parcels by adjacent property owners of record.

13-10-1. Vacating or changing a subdivision plat.

(1) Subject to Subsection (2), the county commission may, with or without a petition, consider any proposed vacation, alteration or amendment of a subdivision plat, any portion of a subdivision plat, or any road, lot or alley contained in a subdivision plat at a public hearing.

(2) If a petition is filed, the county commission shall hold the public hearing within 45 days after receipt of the planning commission's recommendation under Subsection (1) if:

(a) the plat change includes the vacation of a public road;

(b) any owner within the plat notifies the County of their objection in writing within ten days of receiving mailed notification; or

(c) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(3) (a) Before the county commission may consider a proposed vacation, alteration, or amendment, the county commission shall refer the proposal to the planning commission for its recommendation.

(b) The planning commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it.

(4) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted may, in writing, petition the county commission to have the plat, any portion of it, or any road or lot contained in it, vacated, altered or amended.

(5) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a

road or lot contained in a plat shall include:

- (a) the name and address of all owners of record of the land contained in the entire plat;
- (b) the name and address of all owners of record of land adjacent to any road that is proposed to be vacated, altered, or amended; and
- (c) the signature of each of these owners who consents to the petition.

(6) A petition that lacks the consent of all owners may not be scheduled for consideration at a public hearing before the county commission until the notice required by this title is given. The petitioner shall pay the costs of the notice.

(7) Subject to Subsection (1), if the county commission proposes to vacate, alter or amend a subdivision plat or any road or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this title.

(8) Subject to Subsection (2), if the county commission proposes to vacate, alter, or amend a subdivision plat, or any road or lot contained in a subdivision plat, the matter shall be considered at a public hearing after giving the notice required by this title.

(9) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section. The recording of all other declaration or document that purports to change the name of a recorded plat is void. (Reference §17-27-808 UCA, Ord.2004-33, 11/16/04)

13-10-2. Notice of hearing for plat change.

(1) The county commission shall give notice of the proposed plat change by mailing the notice to all owners, addressed to their mailing addresses appearing on the rolls of the county assessor. The county commission shall ensure that the notice includes:

- (a) a statement that anyone objecting to the proposed plat change must file a written objection to the change within ten days of the date of the notice;
- (b) a statement that if no written objections are received by the county commission within the time limit, no public hearing will be held; and
- (c) the date, place and time when a hearing will be held, if one is required, to consider a vacation, alteration or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all land owners.

(2) If the proposed change involves the vacation, alteration or amendment of a road, the county commission shall give notice of the date, place and time of the hearing by:

- (a) mailing notice as required in subsection (1); and
- (b) publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in Tooele County. (Reference §17-27-809 UCA, Ord.2004-33, 11/16/04)

13-10-3. Grounds for vacating or changing a plat.

(1) Within 30 days after the public hearing, the county commission shall consider the petition.

- (a) If the county commission is satisfied that

neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the county commission by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any road or lot.

(b) The county commission may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed containing a stamp or mark indicating approval by the responsible body or officer.

(c) The county commission shall ensure that the vacation, alteration or amendment is recorded in the office of the county recorder.

(2) Any aggrieved party may appeal the county commission's decision to district court as provided in Utah Code Annotated Section 17-27-1001. (Reference §17-27-810 UCA, Ord.2004-33, 11/16/04)

13-10-4. Exchange of title for portions of parcels by adjacent property owners of record.

(1) The owners of record of adjacent parcels described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the zoning administrator or county engineer in accordance with Subsection (2).

(2) The zoning administrator or county engineer shall approve an exchange of title under Subsection (1) if:

- (a) no new dwelling lot or housing unit will result from the exchange of title; and
- (b) the exchange of title will not result in a violation of applicable zoning requirements.

(3) If an exchange of title is approved under Subsection (2), a notice of approval shall be recorded by the zoning administrator or county engineer in the office of the county recorder which:

- (a) is executed by each owner included in the exchange and by the zoning administrator or county engineer ;

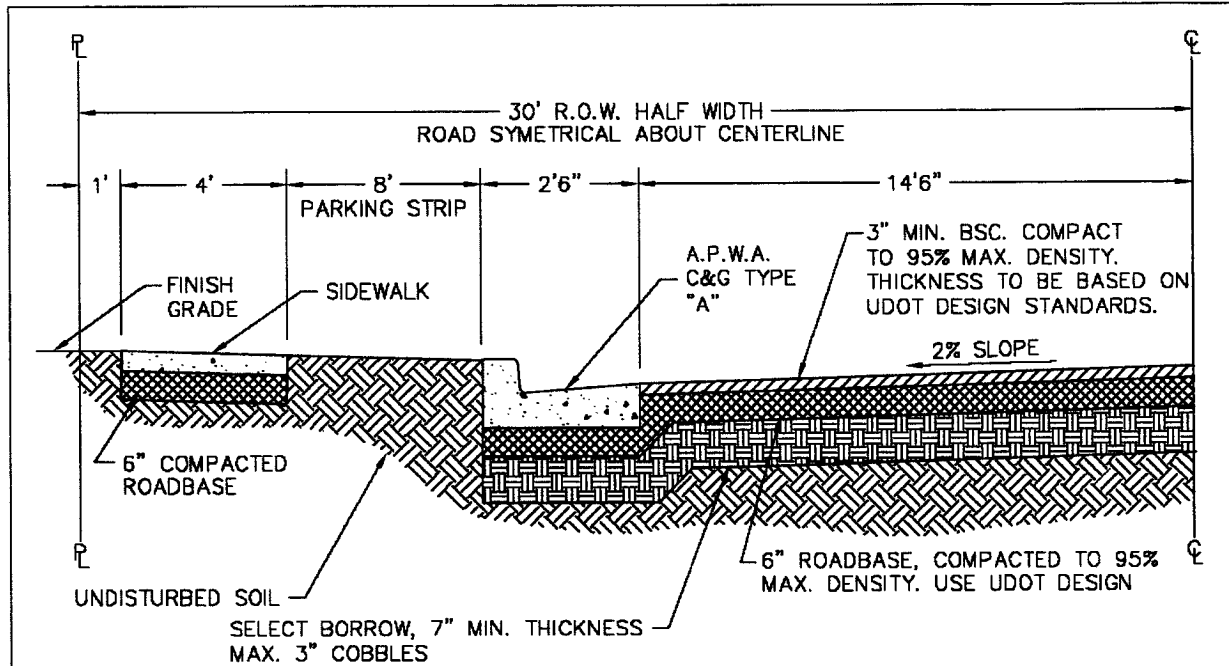
(b) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of

Acknowledgments Act; and

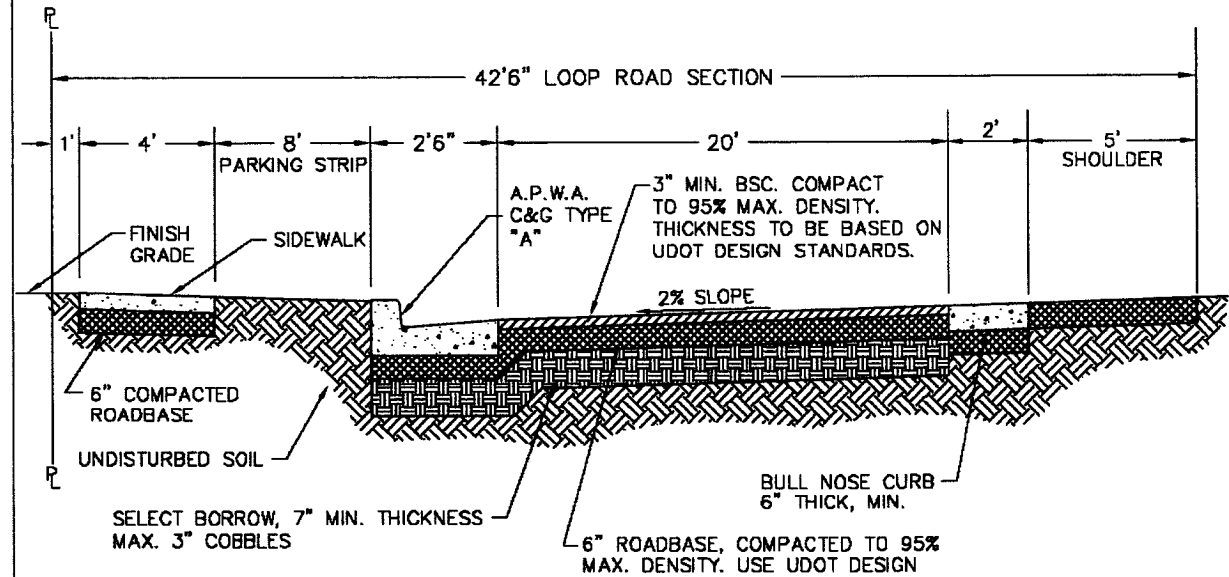
(c) recites the descriptions of both the original parcels and the parcels created by the exchange of title.

(4) A notice of approval recorded under Subsection (3) does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property. (Reference §17-27-808(7) UCA, Ord.2004-33, 11/16/04)

EXHIBIT "E"
Street cross sections



NEIGHBORHOOD STREETS WITH CURB AND GUTTER



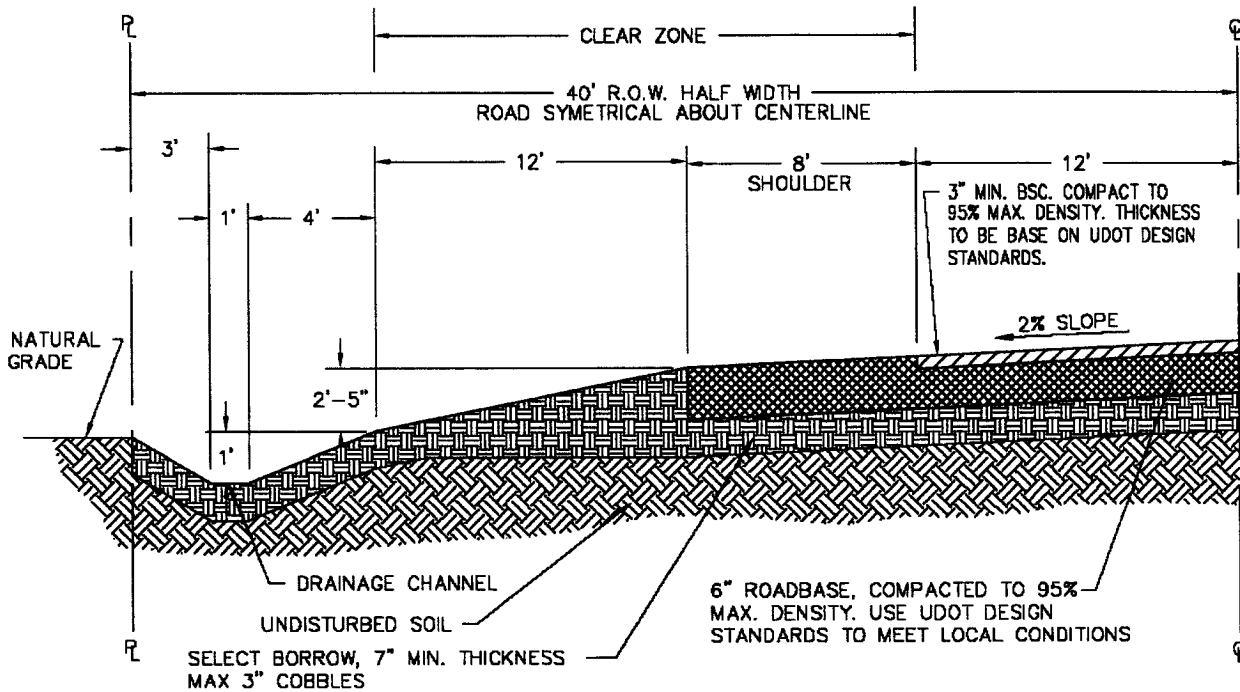
NEIGHBORHOOD STREETS WITH CURB AND GUTTER
LOOP ROAD SECTION

ROAD DETAILS		TOOELE COUNTY ENGINEERING	
NEIGHBORHOOD STREETS		/S/ J. RAYMOND JOHNSON Approval	10/6/04 Date

EXHIBIT "E"

S
CROSS
SECTION

tree
sections

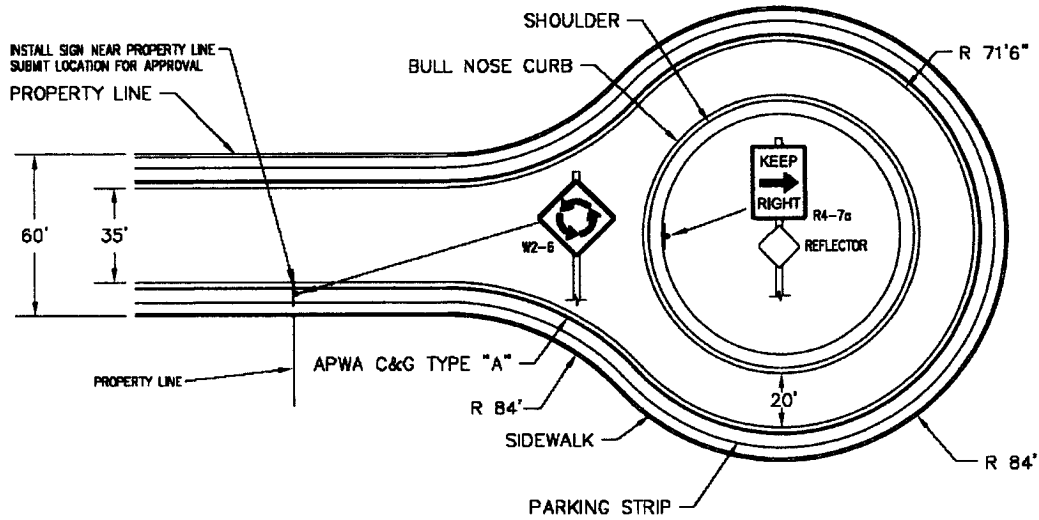


COLLECTOR ROAD

ROAD DETAILS
COLLECTOR ROADS

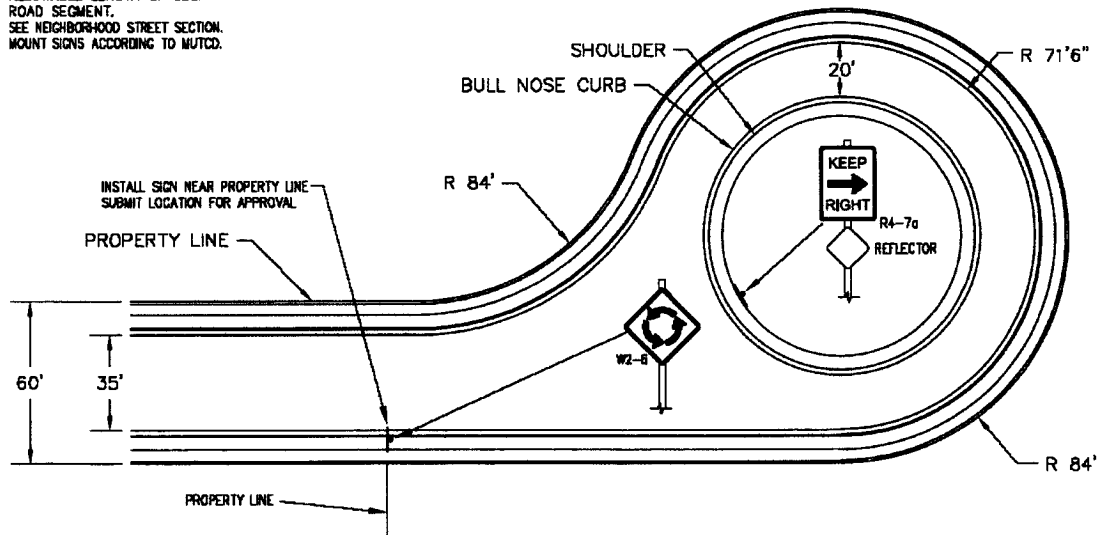
TOOELE COUNTY ENGINEERING
/S/ J. RAYMOND JOHNSON 9/11/01
Approval Date

EXHIBIT "E"
Street cross sections



STREETS WITH CURB, GUTTER, & SIDEWALK
STRAIGHT LOOP

GENERAL NOTES:
SEE TOOELE COUNTY CODE TITLE
13 - "SUBDIVISIONS" FOR THE
ALLOWABLE LENGTH OF LOOP
ROAD SEGMENT.
SEE NEIGHBORHOOD STREET SECTION.
MOUNT SIGNS ACCORDING TO MUTCD.



STREETS WITH CURB, GUTTER, & SIDEWALK
OFFSET LOOP

<p>ROAD DETAILS LOCAL ACCESS ROADS</p>	<p>TOOELE COUNTY ENGINEERING</p>	
	<p>/S/ J. RAYMOND JOHNSON Approval</p>	<p>10/6/04 Date</p>

EXHIBIT "F"
Corporate Resolution

RECEIVED

AUG 17 2004

Utah Div. of Corp. & Comm. Code

**ARTICLES OF ORGANIZATION
OF**

BOYER-PLUMB STANSBURY L.L.C.

The undersigned, acting pursuant to the Utah Revised Limited Liability Company Act (the "Act"), adopts the following Articles of Organization for the purpose of organizing a Utah limited liability company (the "Company"):

- FIRST:** The name of the Company is Boyer-Plumb Stansbury L.L.C.
- SECOND:** The Company will continue until December 31, 2039, unless sooner dissolved by law or as provided in the Company's operating agreement ("Operating Agreement").
- THIRD:** The Company is organized to engage in and pursue any legal and lawful business purpose or purposes pursuant to the Act or by Utah law, including, without limitation, the acquisition, ownership, leasing, construction, development, management, maintenance, financing or sale of interests in real property, whether owned by the Company or by any third person. The purpose or purposes of the company may be restricted by agreement of the members in the Company's Operating Agreement.
- FOURTH:** The street address of the initial registered agent and the designated office of the Company is 809 Edgehill Road, Salt Lake City, Utah 84103, and the name of its initial registered agent at such address is Walter J. Plumb III. The signature of the initial registered agent of the company, as such is set forth below.
- FIFTH:** The director of the Division of Corporations and Commercial Code is appointed the agent for the Company for service of process if the agent has resigned, the agent's authority has been revoked, or the agent cannot be found or served with the exercise of reasonable diligence.
- SIXTH:** The Company is to be managed by a manager or managers. The name and address of the initial manager is:

Plumb Holdings, LLC 809 Edgehill Road
Salt Lake City, Utah 84103

Date: 08/17/2004
Receipt Number: 1226314
Amount Paid: \$52.00

IN WITNESS WHEREOF, the undersigned manager of Boyer-Plumb Stansbury L.L.C., has executed these Articles of Organization as of this 17th day of August, 2004.

PLUMB HOLDINGS, LLC

By: Walter J. Plumb
Name: Walter J. Plumb
Its: Manager

REGISTERED AGENT:

Walter J. Plumb IV
Walter J. Plumb IV

**CERTIFICATE OF AMENDMENT TO ARTICLES OF ORGANIZATION
AND CHANGE OF REGISTERED AGENT OF
BOYER-PLUMB STANSBURY L.L.C.**

This Certificate of Amendment to Articles of Organization and Change of Registered Agent of BOYER-PLUMB STANSBURY L.L.C. (the "Company"), is being filed in accordance with the §§48-2c-303 and 48-2c-408 of the Utah Revised Limited Liability Company Act.

1. NAME. The name of the Company is BOYER-PLUMB STANSBURY L.L.C.
2. INITIAL REGISTERED OFFICE AND AGENT. The street address of the initial registered agent and the initial designated office of the Company was 809 Edgehill Road, Salt Lake City, Utah 84103, and the name of the Company's initial registered agent at such address was Walter J. Plumb III.
3. NEW REGISTERED OFFICE AND AGENT. The street address of the new registered agent and the new designated office of the Company is 90 South 400 West, Suite 200, Salt Lake City, Utah 84101, and the name of the Company's new registered agent at such address is Paul D. Kelley. The signature of the new registered agent at such address is set forth below. The street address of the designated office and the business office of the new registered agent will be identical.
4. AMENDMENT. The Articles of Organization of the Company are hereby amended by striking in its entirety the Sixth Paragraph of the Articles of Organization and by substituting in lieu thereof the following:

SIXTH: The Company is to be managed by a manager or managers. The names and addresses of the initial managers are:

Plumb Holdings, L.L.C.	809 Edgehill Road Salt Lake City, Utah 84103
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Boyer Stansbury Residential, L.C.	90 South 400 West, Suite 200 Salt Lake City, Utah 84101
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5. APPROVAL OF AMENDMENT. This Certificate of Amendment has been duly approved and adopted by all of the members of the Company on November 2, 2004.
6. EFFECTIVE DATE. This Certificate of Amendment shall be effective upon filing with the Division of Corporations and Commercial Code of the State of Utah.

IN WITNESS WHEREOF, the undersigned manager of Boyer-Plumb Stansbury L.L.C. has executed this Certificate of Amendment as of this 32nd day of November, 2004.

BOYER-PLUMB STANSBURY L.L.C.

By: Plumb Holdings, L.L.C., its Manager

By: W J Plumb
Name: _____
Its: manager

REGISTERED AGENT:

Paul D. Kelley
Paul D. Kelley

EXHIBIT "G"

Open Space agreement between Boyer-Plumb, Tooele County and the Stansbury Park Service Agency

**STANSBURY PLACE OPEN SPACE AGREEMENT
BETWEEN TOOELE COUNTY, BOYER - PLUMB STANSBURY LLC AND THE
STANSBURY PARK SERVICE AGENCY**

THIS OPEN SPACE AGREEMENT (the "Agreement") is entered into as of the 5th day of April, 2005, by and between TOOELE COUNTY, UTAH, a political subdivision of the State of Utah ("the County"), Boyer - Plumb Stansbury LLC, a Utah Corporation ("the Developer"), and STANSBURY PARK SERVICE AGENCY ("the Agency").

The County, Developer and Agency through our joint signatures below hereby agree as follows in regards to the open space within the Stansbury Place PUD:

Developer's Responsibilities:

1. Developer shall dedicate ground for six parks within the development to Stansbury Recreation Service Area. The dedicated ground shall include one park of no less than 5.83 acres, one park of no less than 5.41 acres, one park no less than 1.2 acres, one park no less than 2.61 acres, one park no less than 1.51 acres, one park of ½ acre located adjacent to the park at Lakeside 13. Location shall be roughly as shown on the county approved concept plan, but may be changed by Developer to accommodate development concerns.
2. Developer shall be responsible for the design and installation of the landscaping along Village Blvd. The final design shall be approved by Stansbury Service Agency. In as much as most of existing Village Blvd. has been developed with high back curb, it is only reasonable that future development of Village Blvd. also include high back curbs. In as much as a substantial portion of existing Village Blvd., on the north side, as been developed without high back curb and has made proper maintenance of any park strip impossible, the Stansbury Service Agency cannot accept maintenance responsibilities for grass park strip that are not protected by high back curbs. In the event that Tooele County not allow high back curbs or require bull nose curb, some material, other than grass, would need to be specified in order to allow for proper maintenance.
3. Developer shall be responsible for design and installation of perimeter drainage channel and trail along southern and western boundaries. The minimum width of the perimeter drainage channel shall be forty (40) feet. The landscaping is anticipated to be natural with limited need for ongoing maintenance. Perimeter trail drainage channel and trail system shall be dedicated to Stansbury Recreation Service Area, and design shall be subject to the approval of Stansbury Service Agency.
4. Developer shall be responsible for installation of trail portion of interior trail system. Any property for the interior trail system that is not included in the road dedication shall be dedicated to Stansbury Greenbelt Service Area. It is anticipated that the trail will be sidewalk with a width to be agreed upon by Tooele County, Stansbury Park Service

Agency and the Developer. Landscaping and maintenance along the trail system shall be the responsibility of the property owners who adjoin the trail.

- 5. Developer shall be responsible for the design and installation of the entry feature. The ground shall be dedicated to Stansbury Greenbelt Service Area.
- 6. Total Open Space within the Stansbury Place PUD shall not be lower than 10% of the total acreage.

Agency Responsibilities:

- 1. The Agency shall be responsible for the design, construction and maintenance of the six parks outlined in #1 of Developer's Responsibilities.
- 2. The Agency shall be responsible for the maintenance of the landscaping and improvements along Village Blvd.
- 3. The Agency shall be responsible for the maintenance of the perimeter drainage channel along the southern and western boundary of the project. In the event that the Stansbury Service Agency elects not to own and maintain the perimeter drainage and trail system, the property shall be dedicated to Tooele County. If the property is dedicated to Tooele County the design of the perimeter drainage and trail system shall not be subject to the approval of Stansbury Special Service Agency.
- 4. Stansbury Special Services agency shall maintain the entry feature.

County Responsibilities:

- 1. The County shall work with both the Developer and the Agency in locating the open space areas within each phase of development.
- 2. The County shall work with the Agency in the construction design of all neighborhood trails.
- 3. The County acknowledges that open spaces conveyed to the Stansbury Park Service Agency will carry with it the responsibility for the construction, maintenance and repair of the property.

Agreed to and Accepted this 5TH day of April, 2005

ATTEST:

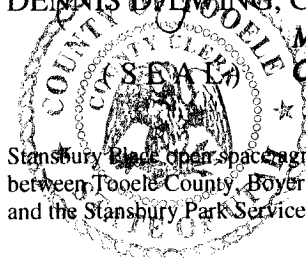
TOOELE COUNTY

Marilyn K. Gillette

 DENNIS DREWING, Clerk
Marilyn K. Gillette
 Chief Deputy Clerk

Dennis Rockwell

 DENNIS ROCKWELL, Chairman



Stansbury Place open space agreement between Tooele County, Boyer - Plumb Stansbury Llc and the Stansbury Park Service Agency

M. Gary Ziser
Stansbury Park Service Agency

F. GARY ZISER
Printed Name

Chairman
Position

Walter Plumb
Boyer-Plumb Stansbury LLC

STEVEN B. OSTLER AND WALTER J. PLUMB
Printed Name

MANAGERS
Its