

## **CHAPTER 2. SUPPLEMENTARY AND QUALIFYING REGULATIONS**

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### **7-2-1. Effect of chapter.**

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Title. (Ord. 1983-05, 04-20-1983)

### **7-2-2. Lot standards.**

Except for planned unit developments and high-density single-family developments, or as otherwise provided in this Title, every lot or parcel of record, existing or intended to be created, shall have such area, width, and depth as is required by this Title for the district in which such lot or parcel of record is located and shall have frontage upon a dedicated street or upon a private street. These requirements shall be satisfied before any building permit is issued. Except in M-U, RR-1, and RR-5 districts, no lot or parcel of record shall be created which is more than three times as long as it is wide; however, the Planning Commission may waive this restriction at a public meeting upon a showing of unusual circumstances. Lots or parcels of record with frontage on private streets shall be allowed only by conditional use permit or planned unit development procedure, and shall be subject to all applicable requirements of this Title.

(Ord. 2013-16, 11-06-2013) (Ord. 1996-17, 06-19-1996) (Ord. 1983-05, 04-20-1983)

### **7-2-2.1. Historic plats.**

For purposes of this Title, the parcels of land shown in the historic Plats "A", "B", and "C" of Tooele City shall not be considered lots and shall be considered parcels of record unless otherwise included within a subdivision plat.

(Ord. 2013-16, 11-06-2013)

### **7-2-3. Every dwelling to be on a lot - Exceptions.**

Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot or parcel of record having no less than the minimum area, width, depth and frontage required by this Title for the district where located, except that dwelling groups, condominiums and other multi-structure dwelling complexes with single ownership and management, permitted by this Title and having Planning Commission approval, may occupy one lot or parcel of record for each such multi-structure.

(Ord. 2013-16, 11-06-2013) (Ord. 1983-05, 04-20-1983)

### **7-2-4. Sale or lease of required space.**

No space required by the provisions of this Title including side-yards, rear yards, coverage, etc. for a particular lot or building may be sold or leased away from such lot or building so as to defeat the provisions of this Title.

(Ord. 1983-05, 04-20-1983)

### **7-2-5. Sale of lots below minimum space requirements.**

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, for building or development as a lot.

(Ord. 1983-05, 04-20-1983)

### **7-2-6. Yards to be unobstructed - Exceptions.**

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental building features which project into a yard not more than two and one-half (2-1/2) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet.

Apparatus necessary to retrofit a dwelling for the operation of active and passive solar systems (as defined by the Utah State Energy Office) shall be allowed to project into a required yard a maximum of twenty percent (20%) of the required set-back from the property line. For purposes of this Section, "required set-back" is defined as that set-back allowed for the particular piece of property on which the dwelling in question has its situs.

(Ord. 1983-05, 04-20-1983)

**7-2-7. Repealed.**

(Ord. 2012-04, 02-15-2012).

**7-2-8. Additional height allowed.**

(1) Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the district height limited by a conditional use permit but maximum height shall not exceed 35 feet.

(2) Churches and religious worship facilities, as defined in the Religious Land Use and Institutionalized Persons Act (RLUIPA) and the Utah Religious Land Use Act (URLUA), in residential zoning districts that have more than 50,000 square feet of usable floor area may be erected to a height greater than the district height limit but shall not exceed 75 feet in height for the occupiable spaces, subject to Section 7-2-9.

(Ord. 2021-05, 02-17-2021) (Ord. 1983-05, 04-20-1983)

**7-2-9. Exceptions to height limitations.**

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire walls, skylights, steeples, flagpoles, chimneys, smokestacks, water tanks, radio or television masts, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

(Ord. 1983-05, 04-20-1983)

**7-2-10. Minimum height of main buildings.**

No dwelling shall be erected to a height less than one (1) story above grade.

(Ord. 1983-05, 04-20-1983)

**7-2-11. Clear vision area at intersecting streets.**

In all districts requiring a front yard, no view-obstructing object in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street back of curb lines. However, a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers, pedestal-type identification signs, and pumps at gasoline service stations may be allowed in such areas.

(Ord. 2000-18, 08-16-2000); (Ord. 1993-17, 11-11-1993)

**7-2-12. Fences, walls and hedges.**

(1) Fences, walls and hedges may be allowed to permitted heights within buildable areas. Any fence or wall over six feet high requires a building permit. Any

retaining wall over one foot high requires a building permit.

(2) In required front yards and except that area described in Section 7-2-11, view-obscuring fences, walls and hedges shall not exceed three feet in height. Non-view-obscuring fences, walls or hedges in front yards shall not be more than four feet high.

(3) Fences, walls or hedges shall not exceed eight feet in height in a required rear yard or interior side yard, except that on a corner lot the fence, wall or hedge shall be not more than six feet high in the rear yard area adjacent to a public street, and in the rear yard area abutting a required front yard area of an adjoining lot. Also, that fence, wall or hedge abutting the street and the adjoining lot's front yard area shall not be view-obscuring if the adjoining lot has a driveway closer than six feet to the rear yard of the subject lot.

(4) A fence, wall or hedge not more than six feet high may be allowed in a side yard adjacent to a public street on a corner lot, provided it does not extend into the required front yard area, does not extend into the clear vision area of a corner lot as defined by Section 7-2-11, and is not a sight distance hazard to vehicular or pedestrian traffic as determined by the building inspector.

(5) In residential districts where rear yards and side yards abut arterial and major collector streets, fences, walls and hedges may be eight feet high adjacent to such arterial or major collector street, subject to the clear view requirements of Section 7-2-11 at intersections.

(6) 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.

(7) "View-obscuring" means preventing the full view of property on one side of the fence, wall, or hedge by a viewer standing on the other side.

(8) It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence, razor wire fence, or electric fence along or adjacent to any street or as a division fence between adjoining lots or parcels of land, either of which is occupied as a place of residence. Any such fence so erected or maintained is hereby declared to be a nuisance, and any person so erecting or maintaining such a nuisance shall be deemed guilty of a class C misdemeanor.

(Ord. 1993-17, 11-11-1993)

**7-2-13. Tennis Courts.**

Notwithstanding other provisions of the city code:

(1) A private outside tennis court may be constructed as an accessory use to a principal building within the side or rear yard thereof, provided that it is set back from the side and rear lot lines not less than four feet and not less than 30 feet from any neighbor's dwelling. Where an adjacent lot is vacant, a tennis court

must be located at least 15 feet from any side lot line of such adjacent lot.

(2) When not located on a property line, fences used for tennis court enclosures may be erected to a height greater than eight feet, but shall not exceed a height of 18 feet.

(3) Lights for tennis courts shall be directed onto the court and away from adjoining properties.

(Ord. 1994-23, 05-17-1994)

**7-2-14. Repealed.** (Ord. 1987-16, 11-05-1987)

**7-2-15. Lots in two districts.**

Where a district boundary line is established by this Title, or shown on the zoning map, divides a lot which is in single ownership and of record, the use in the other district requirements applying to the least restrictive portion of said lot shall be considered to extend to the entire lot, provided the more restricted portion of such lot is entirely within thirty (30) feet of said dividing district boundary line. The use so extending shall be deemed to be conforming.

(Ord. 1983-05, 04-20-1983)

**7-2-16. Lots in business, commercial or industrial districts adjacent to residential zones.**

Where a lot in any business, commercial or industrial district abuts a lot in any residential district, there shall be provided along such abutting line a landscaped side yard. The size to be determined by the Planning Commission. Also, a privacy fence may be required on any lot which abuts a residential district.

(Ord. 1983-05, 04-20-1983)

**7-2-17. Transition zones.**

(1) Where the frontage on one side of a street between two intersecting streets is owned partially as residential and partially as business, commercial or industrial, or where any part of the street is so zoned as to require a front yard, a front yard shall be required for the entire block frontage equal to that required for the most restricted portion of the block.

(2) On any corner lot in a residential district, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said street, except that upon any corner lot under separate ownership which is less than sixty (60) feet wide, this provision may be waived allowing a residence to be erected to within twelve (12) feet of the side yard. The side street shall be held to be on that side of the corner lot having the greater length. When a dwelling is erected to within twelve (12) feet of the side yard in this manner, it must maintain a twenty-five (25) foot rear yard, regardless of the location of the garage, or accessory building.

(Ord. 1983-05, 04-20-1983)

**7-2-18. Public utilities in residential districts.**

Where not otherwise authorized by this Title, the Planning Commission, if it determines that the best interests of the community will be served thereby, may permit as a conditional use the use of land in a residentially zoned district for a public utility building, electrical substation, radio or television relay station, including necessary tower, and other similar public utilities, provided that in all such cases:

(1) From the evidence presented, the Planning Commission finds that it is essential in order to provide the area with adequate electrical, gas, telephone, television or radio service.

(2) It shall determine that due to certain peculiar conditions, the facility could not be located outside the residentially zoned district and properly serve the City.

(3) All structures on the premises are designed to conform to the residential character of the districts.

(4) All yard spaces as required for the permitted use in the district are provided.

(5) Adequate screening is provided for proper landscaping and fencing where the facility is not within a building.

(6) Such other conditions are met as may be deemed necessary by the Planning Commission to protect the character of the residential district.

Nothing in this section shall be interpreted as giving the Planning Commission the authority to permit a privately owned or operated commercial radio or television tower or station in any residential district. (Ord. 1983-05, 04-20-1983)

**7-2-19. Home occupations.**

Home occupations are permitted upon compliance with the following:

(1) shall be carried on entirely within the dwelling unit or accessory building on the premises;

(2) shall not include the outside storage of goods, materials, or equipment;

(3) shall not involve any use of any outside yard area about the premises whereupon the dwelling unit or accessory building is located, except for customer parking and except for fenced outdoor areas associated with a home occupation day care;

(4) shall be customarily incidental to the use of the dwelling for dwelling purposes;

(5) shall not change the primary character and use of the dwelling unit as a dwelling;

(6) shall be carried on only by persons residing in the dwelling unit;

(7) shall have no employees or assistants other than members of the immediate family, and only if such family members reside in the dwelling unit, except as otherwise permitted by this Chapter;

(8) reasonable inventory related to the Home Occupation shall be allowed so long as such inventory is stored entirely within the dwelling unit or accessory

building on the premises;

(9) shall not create a nuisance;

(10) shall specifically exclude: vehicle repair work, body and fender work, firewood sales, commercial stables, kennels, livestock, auctions, restaurants, nursing homes, funeral houses, and welding;

(11) shall not display signs;

(12) shall comply with all Federal, State, and local license and permit requirements;

(13) nothing contained in this section shall be construed to supersede or otherwise render inoperative the provisions of the Tooele City Code concerning business licenses;

(14) Child day care and preschool home occupations:

(a) shall be permitted one non-residential employee at the home;

(b) child care and preschool home occupations involving 7 children or less shall be permitted;

(c) child care and preschool home occupations involving 8 to 16 children shall require a Conditional Use Permit and shall adhere to the following guidelines:

(i) a traffic & parking plan shall be submitted, reviewed by the Planning Department and includes acceptable traffic flow, drop-off and turnaround areas;

(ii) child preschools shall not include more than two sessions per day;

(iii) No child day care or preschool requiring a conditional use permit shall be established within 300 feet from property line to property line of another properly licensed child day care or preschool.

(iv) the total number of students/children shall include the licensee's and any employee's children if they are under the care of the licensee at the time the home occupation is conducted.

(15) Musical instrument instruction and practice home occupations:

(a) involving 7 students or less at one time shall be permitted;

(b) involving 8 to 16 students at one time shall require a conditional use permit and shall adhere to the following guidelines:

(i) a traffic and parking plan shall be submitted, reviewed by the Planning Department, and include acceptable traffic flow, drop-off, and turnaround areas;

(ii) no musical instrument instruction and practice home occupation requiring a conditional use permit shall be established within 300 feet from property line to property line of another similar home occupation;

(iii) no artificial or electrical amplification of musical instruments shall be allowed;

and,

(iv) shall be subject to noise control laws and ordinances.

(c) involving more than 16 students at one time are prohibited.

(Ord. 2022-04, 03-02-2022) (Ord. 2019-27, 10-02-2019) (Ord. 2017-14, 06-07-2017) (Ord. 1987-24, 01-02-1988) (Ord. 1983-05, 04-20-1983)

## **7-2-20. Temporary Uses and Temporary Seasonal Uses.**

(1) Temporary Uses. Temporary uses shall occur over a period not to exceed 40 days in any calendar year including uses incidental to set up and take down of the temporary use.

(2) Temporary Seasonal Uses. Temporary seasonal uses, as permitted in this Title, shall not exceed the time limits listed herein, or 120 calendar days, whichever is shorter.

(a) Permitted Temporary Seasonal Uses. Where temporary seasonal uses are identified in this Title as permitted, the following shall be permitted uses. Where temporary seasonal uses are identified in this Title as conditional, the following shall be conditional uses permissible only following issuance of a Conditional Use Permit:

(i) Christmas tree lot, not to exceed 45 calendar days;

(ii) Pumpkin patch, not to exceed 45 calendar days;

(iii) Corn maze, not to exceed 45 calendar days;

(iv) Firework sales stand, limited to the period of time as set forth under state law; and,

(v) Agricultural produce stand and open-air farmer's market, located in a non-residential zone, for the sale of agricultural produce, not to exceed the length of the local outdoor growing season.

(b) Conditional Temporary Seasonal Uses. Where temporary seasonal uses are identified in this Title as allowed, the following uses shall be conditional uses allowed only following issuance of a Conditional Use Permit:

(i) Agricultural produce stand and open-air farmer's market, located in a residential zone, for the sale of agricultural produce, not to exceed the length of the local outdoor growing season; and,

(ii) Other uses determined by the Zoning Administrator to be substantially similar to any of the above.

(3) Exclusive Uses. For the purposes of this Title, temporary uses and temporary seasonal uses shall be mutually exclusive of each other and mutually exclusive of other uses defined within this Title.

(Ord. 2020-46, 11-04-2020) (Ord. 2018-24, 12-05-2018)