

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council will meet in a Work Meeting, on Wednesday, May 1, 2024, at 5:30 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website www.utah.gov, the Tooele City Website www.tooelecitey.gov, and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or michellep@tooelecitey.gov.

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecitey> or by going to YouTube.com and searching "Tooele City Channel".

AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
 - a. **A Discussion on Proposed Amendments to Tooele City Code 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures, Regarding Architectural Elements Encroaching into the Rear Yard Setbacks**
Presented by Andrew Aagard, Community Development Director
 - b. **A Discussion on Proposed Amendments to Tooele City Code 7-14-6, Accessory Structures Requirements, Regarding Where an Accessory Structure is Permitted, Fire Wall Ratings Adjacent to Property Lines, Exceeding Minimum Building Height, Exceeding 8% Accessory Building Lot Coverage and Prohibiting Metal Shipping Containers as Storage Sheds in Residential Zones**
Presented by Andrew Aagard, Community Development Director
 - c. **A Discussion Regarding Compass Point Land Use and Zoning Map Amendment**
Presented by Jared Hall, City Planner/Zoning Administrator
6. **Closed Meeting**
~ Litigation, Property Acquisition, and/or Personnel
7. **Adjourn**

Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations should notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2111 or Michellep@Tooelecitey.gov, prior to the meeting.

MEMORANDUM

To: Tooele City Council
Cc: Mayor Debbie Winn
From: Andrew Aagard, AICP, Director
Date: April 24, 2024
Re: Rear Yard Setbacks and Architectural Elements

Subject:

The reasons for this proposed text amendment originate in the last Utah State legislative session in which a new bill was passed into law prohibiting cities from restricting certain building elements from encroaching within the rear yard setback. This new state requirement will affect Tooele City's ordinances as found in Tooele City Code 7-14-4, Table 3, Site Planning and Development Standards for Primary Buildings and Structures.

The state has passed legislation that permits certain building structures to encroach into the rear yard setback of a residential property. Basically, any architectural element such as a deck, balcony, porch, a walk out basement stairwell or anything similar to this may encroach into the setback as long as they are uncovered.

The proposed amendments insert a foot note #5 on the "minimum rear yard" setback row in the table of site planning and development standards and then refers the reader to note number 5 at the bottom of the table. The note then states that uncovered porches, stairwells, decks and balconies may extend or encroach into the rear yard setback. There is no restriction upon how far into the setback they may extend or how close to the property line they may be.

This is actually a beneficial change and, in staff's opinion, the state got this one right as this is a good opportunity to correct a long standing ambiguity resulting in difficult interpretations with city residents and developers. Tooele City's ordinances do not currently address decks, balconies, porches and stair wells and this was actually an ordinance correction that was on my "to do" list. The reason the current ordinance is fairly ambiguous is because these architectural items, if they are not covered by a roof held up by walls or columns, do not meet the definition of a structure and therefore are not subject the same restrictions as a covered structure.

That being said, if a deck, porch, balcony or walk out basement stairwell are proposed to be covered they then become a structure or an extension of the main structure and are subject to the setback requirements. Note #5 states that only "uncovered" elements may be able to encroach into the rear setback. If someone comes back later and requests to cover a deck or a porch and that porch is extending into the rear setback, they will not be able to obtain a building permit.

It should also be noted that the state legislative changes as well as these proposed amendments do not change or alter in anyway the side yard setbacks. These architectural elements are not permitted to encroach into a side yard setback and the state law does not mandate that we permit them to.

Total Lot Coverage (All Buildings)	40%	40%	40%	40%	35%	35%	35%	35%	35%	25%	20%	10%	10%	10%
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Table 7-14 Site Planning and Development Standards for Primary Buildings and Structures

(Ord. 2022-22, 07-06-2022) (Ord. 2020-45, 11-18-2020)

¹ The minimum rear yard setback may be reduced by up to 25% for not more than 20% of the width of the rear yard, measured at the rear yard property line.

(Ord. 2020-45, 11-18-2020) (Ord. 2005-15, 06-15-2005) (Ord. 2003-24, 11-05-2003) (Ord. 2000-08, 06-07-2000)

² Multi-family developments subject to Chapter 7-11a of this Title shall follow setback requirements in Section 7-11a-6.

(Ord. 2019-08, 03-20-2019)

³ Minimum lot width for corner lots may be reduced to the minimum lot width requirement of interior lots when proper notation on the approved plat determines and restricts the orientation of the primary residential structure on the lot to that frontage only.

(Ord. 2020-45, 11-18-2020)

⁴ For churches and religious worship facilities over 50,000 square feet see Section 7-2-8.

⁵ [All uncovered porches, walk out basement stairwells, decks, and balconies may extend or encroach into the rear yard setback, subject to adopted uniform codes. .](#)

MEMORANDUM

To: Tooele City Council
Cc: Mayor Debbie Winn
From: Andrew Aagard, AICP, Director
Date: April 23, 2024
Re: Accessory Structure Requirements

Subject:

Quite often in my labors as the Tooele City Planner I would be required to interpret ordinances that are cumbersome, ambiguous and contradictory. As Community Development Director for the City I have it as my mission to review some of these ordinances and propose small changes to render the ordinance easier to read, interpret and easier to understand. In this case I am working on the Accessory Structures ordinance as found in Tooele City Code 7-14-6. This particular amendment proposal involves accessory structures being accessory only to a main dwelling, accessory building firewalls, exceeding the 8% accessory structure lot coverage restriction, building height measurement and the prohibition of metal shipping containers as storage structures.

The first part of the proposed amendment takes place at the beginning of the code section. The purpose of these changes is to clarify that in residential zones an accessory structure may only be permitted if there is an established primary residential structure or if the primary residential structure is being constructed at the same time as the accessory structure. If an accessory structure is constructed without a primary dwelling it is not accessory to anything and then becomes the primary structure. This is contrary to the code. This also creates a zoning issue because the first and primary use of a residential lot is a residential home. If an accessory structure is constructed on a lot without a primary dwelling the use of the lot then becomes storage or commercial or whatever the use of the structure is and is not residential, thus contrary to the code. It is therefore not a residential use. There have been numerous requests from land owners and developers to build storage structures on a vacant residential lot for the purposes of storing an RV or construction equipment and the code, as it is currently written, does not clearly convey that an accessory structure must be accessory to a primary residential structure in all residential zones, if it is not, it is not permitted. We wanted to clarify and firm up the ordinance in this regard.

Paragraph 2B of the code pertains to accessory buildings being permitted a 1 foot setback if they meet 3 minimum criteria. One of those criteria requires that the accessory building be constructed of a one hour fire wall rating. I'm not a building inspector but generally this means the walls are constructed with thicker sheet rock and additional fire resistant materials. Established building codes define fire wall rating so in this case the City Council need not worry about that. However, fire wall ratings do increase the cost of construction of a building. It is obvious the intention of Councils past in requiring the one hour fire wall rating for structures 1 foot from property line was to protect the structure from fires that may occur on the adjacent property. This is a good thing. The problem is that the entire building doesn't need to be 1 hour rated to protect it from fires on the adjacent lot. The same protection can be accomplished by just requiring the wall that is adjacent to the property line to be 1 hour fire rated. Requiring the entire building to be fire wall rated is excessive and unnecessary when taken in context of the purpose of this code.

The proposed amendments to Paragraph 9 of the code seek to make a clarification and simplification that is long overdue. You will note that paragraph 3 of the code section states that no accessory structure may

cover more than 8% of any residential lot and then it directs the reader to paragraph 8 (corrected to paragraph 9) with the clear intent to provide an avenue for an exception to this 8% requirement. When the reader refers to paragraph 9 they learn that the Planning Commission can grant an exception to the 8% lot coverage restriction if the applicant obtain a conditional use permit but it doesn't clearly state this. Given that paragraph 3 mentions 8% and then refers the reader to paragraph 9 for the PC granted exception, staff has always interpreted this code meaning that if any applicant wishes to exceed the 8% lot coverage restriction they must obtain a CUP after a public hearing with the Planning Commission. However, when the reader reads paragraph 9 the section makes no mention of the 8% lot coverage restriction other than the 2500 square foot size restriction and accessory buildings exceeding the 15 foot height requirement. We want this paragraph to also clearly include the 8% lot coverage restriction because in some cases, on smaller lots, a building doesn't have to be 2500 square feet to exceed the 8% lot restriction. We also have added a clarification to the code in how we measure building height to the mid-point of roof pitch between the roof peak and eave. This is not a change in how we measure building height as that is clearly defined in Tooele City Code 7-1-5, Definitions, but you'd be surprised how many people measure building height to roof peak. By placing this building height definition in this code we hope to make this information more readily to those within the City who wish to build a taller accessory structure rather than having this language hidden in the Definitions section.

We are proposing the addition of some new language as paragraph 10. This paragraph prohibits the use of metal shipping containers and other similar containers to be used as accessory storage sheds or buildings. Currently, the city code does prohibit these containers but it doesn't clearly prohibit them in language the general public can understand. They are prohibited in that they don't comply with the City code's definition of a structure as found in Tooele City Code 7-1-5, Definitions. Staff fields numerous requests from individuals who wish to purchase one of these containers and place it in their residential lots to use as a storage shed. Staff then has to explain how the City code defines a structure and that the storage containers do not meet or comply with that definition. It is a cumbersome process that leaves the applicant frustrated and the staff feeling less than confident in the information they just provided. This proposed amendment clarifies in bold terms that shipping containers are not permitted as storage sheds on residential properties. These containers are industrial and use and appearance, are usually rusted out, damaged or covered with graffiti and do not belong in a residential zone.

7-14-6 Accessory Structure Requirements

~~To facilitate the placement of a~~ Accessory buildings and structures on residential lots may only be permitted if they are accessory to on a residential lot that already has a principal an established primary residential structure, or, if they are constructed in conjunction with a primary residential structure. Accessory buildings and structures shall comply with the ~~established the~~ following requirements ~~are identified~~:

(1) All accessory buildings and structures shall be required to comply with the minimum front yard setback and shall be set back a minimum of at least six feet from the principal structure.

(2) All accessory buildings and structures shall be setback a minimum of five feet from the rear and side property lines. This five feet setback may be reduced to one foot provided the following requirements are met:

(a) accessory buildings are constructed in such a manner that the roof does not infringe or drain onto adjoining property;

(b) ~~all accessory buildings are~~ The wall adjacent to the property line is constructed of fire resistant materials which provide a one-hour or greater fire rating; and,

(c) no accessory structure may encroach upon a public utility and drainage easement.

(3) No accessory building or structure or group of accessory buildings or structures shall cover more than 8% of the total lot area, except as may be allowed by the provisions of 7-14-6(~~8~~ 9).

(4) No accessory building or structures shall encroach upon any easement or right-of-way.

(5) Detached garages and all other accessory buildings and structures shall be located at least ten feet from any dwelling or main building located on an adjoining lot.

(6) All accessory buildings accessed by vehicle (for example: detached garage) shall be set back a minimum of 25 feet from the public right-of-way from which the accessory building is vehicle accessed.

(7) Accessory buildings and structures located in the side yard of an interior lot or the street side yard of a corner lot shall not exceed 15 feet in height. Views of accessory buildings and structures from adjoining streets and properties shall be screened with a visual screening treatment. On corner lots all accessory buildings and structures shall be located to the rear of the main building.

(8) Separate meter connections for water, sewer, gas, or other utilities are not permitted for any accessory building or structure.

(9) All detached garages and other accessory structures greater than 2,500 square feet in size, which exceed the 8% lot coverage restriction for accessory buildings, or ~~greater~~ which are taller than 15 feet in height as measured at the mid-point of roof pitch, shall require a hearing before the Planning Commission and will be considered a Conditional Use in all residential zoning districts. The Planning Commission will determine and consider any adverse impacts the proposed building or structure may have on adjoining properties. Notice of the Planning Commission hearing shall be sent by regular mail to all adjoining property owners, the applicant being required to pay all the costs incurred by the City to provide the required notice. The Planning Commission shall approve or deny the conditional use application pursuant to Tooele City Code Chapter 7-5.

10. Metal shipping containers and other similar containers are prohibited as accessory storage structures in all residential zoning districts.

MEMORANDUM

To: Tooele City Council
Cc: Mayor Debbie Winn
From: Jared Hall, City Planner / Zoning Administrator
Date: April 25, 2024
Re: Applications for Land Use and Zoning Map Amendments, Compass Point

Subject:

Background: Perry Homes is making application to amend the Land Use Map and Zoning Map designations for portions of a 119-acre parcel (see attachments, parcel #02-141-0-0026) in the vicinity of 50 West and a proposed new public right-of-way at 3100 North. The requested amendments are intended to facilitate new development in this larger area that Perry Homes is re-conceptualizing as “Compass Point.” While the larger concept will mix housing types and densities and will also include commercial components, the first phases of development will require higher density residential zoning, which is the goal of the current applications in process.

The acreage of the larger parcel which is covered by the applications is divided into three sections. These sections are intended to be subdivided into development lots with the dedication of the proposed rights-of-way at 3100 North, 50 West, and others. The application materials have listed them as Lots 101, 102, and 103. Although these lots don’t yet exist, they are helpful in understanding the requested changes to the Land Use and Zoning Map designations. Exhibits showing each of the lots are attached.

- **Lot 101** contains 16.78 acres, adjacent to the north side of proposed 3100 North and west of the acreage in Lot 102 (and a proposed 50 West right-of-way.) Lot 101 is the site of a concept plan which has also been included as an attachment.
- **Lot 102** contains 19.6 acres, adjacent to the north side of proposed 3100 North and SR 36.
- **Lot 103** contains 7.35 acres, adjacent to the south side of proposed 3100 North and SR 36.

Land Use Designation: The Land Use Map designation of most of the subject parcel is *Medium Density Residential*, but there is a portion adjacent to SR 36 which is designated *Regional Commercial*. The request is to re-designate the acreage of the areas described in Lots 101, 102, and 103 to *High Density Residential* in order to support the requested change of zoning.

Zoning Map: The current zoning designation of the subject parcel is *GC, General Commercial*. The GC zoning district is the City’s most broad commercial and retail zone, and is currently applied to the majority of properties adjacent to Main Street / SR 36. The GC zoning district does not allow residential uses. The current request is to re-zone the acreage contained in the areas described in Lots 101, 102, and 103 from GC to *MR-20, Multi-family*. The MR-20 zone will support multi-family developments with densities up to 20 dwelling units per acre.

Summary: The requested changes to Land Use and Zoning Map designations are intended to support the first phases of Perry Homes' re-conceptualization of this larger area as Compass Point. The change involves re-zoning some acreage in the larger project from commercial to high-density residential, but the Compass Point area is envisioned and planned to include commercial developments and projects mixed with residential development of varying density and housing types.

Attachments:

- 1) Exhibit – subject parcel, current Zoning Map and Land Use Map designations.
- 2) Exhibits – Lot 101, Lot 102, Lot 103 (acreage to be re-designated in applications)
- 3) Compass Point, Conceptual Site Plan

02-141-0-0039
 TUILLA WEST LAND
 COMPANY LLC

WEST QUARTER CORNER OF
 SECTION 4, T3S, R4W, SLB&M
 3 INCH FLAT TOP BRASS 1980

EAST QUARTER CORNER OF
 SECTION 4, T3S, R4W, SLB&M
 (RECORD)

(RECORD: S89°44'39"W 5283.58")

N89°44'39"E

779.00'

N0°17'31"W
 941.71'

833.72'
 S0°17'31"E

LOT 101
 16.78 acres
 730918 sqft



PERRY HOMES INC.
 02-141-0-0026
 ENTRY #356446

R=107.50'
 $\Delta=90^{\circ}00'00''$
 L=168.86'
 CH=S44°42'29"W 152.03'

POINT OF
 BEGINNING

671.50'

S89°42'29"W

PROPOSED 3100 NORTH
 (PUBLIC - 106' WIDE)

PERRY HOMES INC.
 02-141-0-0026
 ENTRY #356446

N0°19'23"W
 1697.64' (TIE)

812.91' (TIE)

BASIS OF BEARING: S89°40'37"W 2640.94'

SOUTH QUARTER CORNER OF
 SECTION 4, T3S, R4W, SLB&M
 3 INCH FLAT TOP BRASS

SOUTHEAST CORNER OF
 SECTION 4, T3S, R4W, SLB&M
 3 INCH FLAT TOP BRASS



FOCUS
 ENGINEERING AND SURVEYING, LLC
 6949 S. HIGH TECH DRIVE SUITE 200
 MIDVALE, UTAH 84047 PH: (801) 352-0075
 www.focusutah.com

LOT 101
 SE1/4 OF S4, T3S, R4W, SLB&M
 TOOELE CITY, TOOELE COUNTY, UTAH

Date Created:
 03/15/24
 Scale: N/A
 Drawn: ARS
 Job: 23-0382
 Sheet:

1 OF 3

Z:\2023\23-0382 Overlay\3100 North Backbone Roadway\design\23-0382\wp\entails\23-0382 Lot 101-103 exhibit.dwg

02-141-0-0039
TUILLA WEST LAND
COMPANY LLC

02-141-0-0038
TUILLA EAST LAND
COMPANY, LLC

EAST QUARTER CORNER OF
SECTION 4, T3S, R4W, SLB&M
(RECORD)

WEST QUARTER CORNER OF
SECTION 4, T3S, R4W, SLB&M
3 INCH FLAT TOP BRASS 1980

(RECORD: S89°44'39"W 5283.58")

N89°44'39"E

908.86'



LOT 102
19.60 acres
853643 sqft

N0°17'31"W

833.67'

940.60'

S0°25'12"E

SR36 HIGHWAY
(PUBLIC - VARIABLE WIDTH)

N0°25'43"W 2637.41'

R=107.50'
Δ=90°00'00"
L=168.86'
CH=N45°17'31"W 152.03'

POINT OF
BEGINNING

803.46'

S89°42'29"W

PROPOSED 3100 NORTH
(PUBLIC - 106' WIDE)

PERRY HOMES INC.
02-141-0-0026
ENTRY #356446

N0°19'23"W
1696.69' (TIE)

ALONG SECTION LINE 2568.87' (TIE)

BASIS OF BEARING: S89°40'37"W 2640.94'

SOUTH QUARTER CORNER OF
SECTION 4, T3S, R4W, SLB&M
3 INCH FLAT TOP BRASS

SOUTHEAST CORNER OF
SECTION 4, T3S, R4W, SLB&M
3 INCH FLAT TOP BRASS



LOT 102
SE1/4 OF S4, T3S, R4W, SLB&M
TOOELE CITY, TOOELE COUNTY, UTAH

Date Created:
03/15/24
Scale:
N/A
Drawn:
ARS
Job:
23-0382
Sheet:

2 OF 3

Z:\2023\23-0382 Overlay 3100 North Backbone Roadway\design\23-0382.dwg\entabls\23-0382 Lot 101-103 exhibit.dwg

WEST QUARTER CORNER OF SECTION 4, T3S, R4W, SLB&M
3 INCH FLAT TOP BRASS 1980

EAST QUARTER CORNER OF SECTION 4, T3S, R4W, SLB&M
(RECORD)

(RECORD: S89°44'39"W 5283.58")

PERRY HOMES INC.
02-141-0-0026
ENTRY #356446

PROPOSED 3100 NORTH
(PUBLIC - 106' WIDE)

SR36 HIGHWAY
(PUBLIC - VARIABLE WIDTH)

803.70'

N89°42'29"E

LOT 103
7.35 acres
320181 sqft

S0°40'54"E

272.06'

S89°42'38"W

592.41'

02-141-0-0025
ALLRED LAND
DEVELOPMENT LLC
ENTRY #340388

02-141-0-0024
ALLRED LAND
DEVELOPMENT LLC
ENTRY #340388

02-141-0-0023
ALLRED LAND
DEVELOPMENT LLC
ENTRY #340388

POINT OF BEGINNING

SOUTHEAST CORNER OF SECTION 4, T3S, R4W, SLB&M
3 INCH FLAT TOP BRASS



PERRY HOMES INC.
02-141-0-0026
ENTRY #356446



ALONG SECTION LINE
1979.31' (TIE)

SOUTH QUARTER CORNER OF SECTION 4, T3S, R4W, SLB&M
3 INCH FLAT TOP BRASS

BASIS OF BEARING: S89°40'37"W 2640.94'

FOCUS
ENGINEERING AND SURVEYING, LLC
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

LOT 103
SW1/4 OF S4, T3S, R4W, SLB&M
TOOELE CITY, TOOELE COUNTY, UTAH

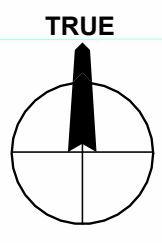
Date Created:	03/15/24
Scale:	N/A
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Job:	23-0382
Sheet:	3 OF 3

Z:\2023\23-0382 Overlay\3100 North Backbone Roadway\design\23-0382\cadd\entblks\23-0382 Lot 101-103 exhibit.dwg



COMPASS POINT CONCEPTUAL SITE PLAN

SCALE: 1" = 40' - 0"



SITE LEGEND:

- ASPHALT SURFACE
- CONCRETE WALKWAYS / POOL DECK
- LANDSCAPE - XERISCAPE
- LANDSCAPE - GRASS
- WATER
- GARAGE PARKING STALLS
- CARPORT PARKING STALLS
- OPEN PARKING STALLS
- TYPE 'A' APARTMENTS (24-PLEX)
- TYPE 'B' APARTMENTS (36-PLEX)
- CLUBHOUSE

SITE SUMMARY: (BUILDINGS)

SITE AREA = 731,853 SF (16.8 ACRES)
 (10) BUILDINGS OF 24-PLEX = 240 UNITS
 (2) BUILDINGS OF 36-PLEX = 72 UNITS
TOTAL UNITS = 312

SITE SUMMARY: (PARKING REQUIREMENTS)

MULTI-FAMILY; (2) SPACES PER DWELLING UNITS
 VISITORS; (1) SPACE PER (4) DWELLING UNITS
 624 STALLS REQ'D FOR RESIDENTS
78 STALL REQ'D FOR VISITORS
 702 STALLS TOTAL
 8% NATURAL ADJUSTMENT REDUCTION
 (FROM RESIDENT STALLS) = 49.92 STALLS
 THUS, (49) STALLS CAN BE ELIMINATED
 624 - 49 = 575 STALLS REQ'D FOR RESIDENTS
575 + 78 = 653 STALLS REQ'D FOR PROJECT

SITE SUMMARY: (PARKING PROVIDED)

GARAGE STALLS = 246
 CARPORT = 300
 OPEN SURFACE STALLS = 112
TOTAL STALLS = 658

SITE SUMMARY: (OPEN SPACE / LANDSCAPE)

ASPHALT AREA = 224,861 SF
 LANDSCAPE (LAWN) = 73,894 SF
 XERISCAPE (GRAVEL) = 224,861 SF
 CONCRETE SIDEWALKS = 55,359 SF
 CONCRETE CURBS = 1,140 SF
 24-PLEX FOOTPRINT = 90,230 SF
 36-PLEX FOOTPRINT = 27,462 SF
 GARAGE FOOTPRINT = 68,629 SF
 CLUBHOUSE FOOTPRINT = 5,325 SF
 POOL DECK = 9,778 SF
 SWIMMING POOL / SPA = 3,463 SF
TOTAL AREA = 731,853 SF