

**PUBLIC NOTICE**

Notice is Hereby Given that the Tooele City Council and the Tooele City Redevelopment Agency will meet in a Work Meeting, on Wednesday, October 6th, 2021, 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.

*We encourage you to join the City Council meeting electronically by logging on to the Tooele City Facebook page at <https://www.facebook.com/tooelecity>.*

- 1. Open City Council Meeting**
- 2. Roll Call**
- 3. Mayor's Report**
- 4. Council Member's Report**
- 5. Resolution 2021-93** A Resolution of the Tooele City Council Supporting Tooele City's Utah Main Street Program Community Designation Application and Participation  
*Presented by Jared Stewart, Economic Development Coordinator*
- 6. Resolution 2021-94** A Resolution of the Tooele City Council Acknowledging Mayor Winn's Reconstitution of the Tooele City Downtown Alliance and Appointments of Alliance Committee Members  
*Presented by Jared Stewart, Economic Development Coordinator*
- 7. Discuss Illegal Camping Ordinance**  
*Presented by Roger Baker, City Attorney*
- 8. Discussion of New Development** Request for Water Credit via Payment in lieu of Conveyance for a New Commercial Development on 1000 N. 200 W.  
*Presented by Debbie Winn, Mayor*
- 9. Closed Meeting**  
*Litigation, Property Acquisition, and/or Personnel*
- 10. Adjourn**

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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 [Michelllep@Tooelecity.Org](mailto:Michelllep@Tooelecity.Org), Prior To The Meeting.

**TOOELE CITY CORPORATION**

**RESOLUTION 2021-93**

**A RESOLUTION OF THE TOOELE CITY COUNCIL SUPPORTING TOOELE CITY'S UTAH MAIN STREET PROGRAM COMMUNITY DESIGNATION APPLICATION AND PARTICIPATION.**

WHEREAS, Tooele City Corporation supports the revitalization and economic focus of the Utah Main Street Program and desires to become a designated community; and,

WHEREAS, Tooele City Corporation maintains a desire to revitalize Tooele City's downtown and to promote downtown area and merchants to ensure economic growth and beautification of the downtown area; and,

WHEREAS, the Utah Main Street Program has been established to assist communities that are interested in and committed to downtown revitalization; and,

WHEREAS, the Utah Main Street Program Advisory Committee will select communities to participate in a tiered structure designed to match community commitment and capabilities:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that Tooele City Corporation hereby supports the Utah Main Street Program Community Designation Application submitted by Tooele City, as well as Tooele City's participation in the Utah Main Street Program.

BE IT FURTHER RESOLVED that Tooele City Corporation hereby endorses the submission of the Application and Participation, if selected by the Utah Main Street Program Advisory Committee into the Utah Main Street Program tiered program.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, City Attorney

# IS THE UTAH MAIN STREET PROGRAM RIGHT FOR YOUR COMMUNITY?



The new Utah Main Street Program will help Utah communities revitalize their economy, appearance, and image of their downtown commercial districts. They do this by building a strategy centered around a community's unique heritage and attributes, lifting up what is special about it to make it a great place to live and visit.

The program will provide a framework and resources to support a community's downtown revitalization efforts, and will require the community to make a commitment to the Main Street approach. This is not just about getting a grant for your community, this is a process to support community downtown revitalization.

Main Street is about:

- Revitalization; giving new life to special areas of a community
- A traditional center for community life
- Home to local business
- Encouraging small business growth and entrepreneurship
- Encouraging community development by in-fill and adaptable uses
- Preservation of culture and history
- Place making

## Who Benefits from Main Street Revitalization?

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| <ul style="list-style-type: none"> <li>• <b>Property owners.</b><br/>Growth of rental income; increase in property values; safer environment.</li> <li>• <b>Business owners.</b><br/>Higher sales; safer work environment; access to business resources.</li> <li>• <b>District workers.</b><br/>Access to a broader range of goods and services; more pleasant work environment; rise in wages.</li> <li>• <b>Residents.</b><br/>Access to a broader range of goods and services; more pleasant living environment.</li> <li>• <b>Local government.</b><br/>Increased property tax revenues; stronger civic engagement.</li> <li>• <b>State government.</b><br/>Increased sales and income tax revenues; reduced burden of state support.</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Federal government.</b><br/>Increased income tax revenues; reduced burden of federal support.</li> <li>• <b>Social service agencies.</b><br/>Stronger local employment base; better range of goods and services for residents.</li> <li>• <b>Civic groups.</b><br/>Venue for holding events; partner in strengthening community.</li> <li>• <b>Arts organizations.</b><br/>Strengthened cultural environment; venue for holding events.</li> <li>• <b>Financial institutions.</b><br/>Safer investments; CRA compliance; more/larger commercial deposits.</li> <li>• <b>Police.</b><br/>Reduced crime; greater neighborhood involvement in community policing.</li> <li>• <b>Schools.</b><br/>Living laboratory for civics, local history, architecture, small business development.</li> </ul> |
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will target communities that are ready to explore downtown revitalization. Once the community application is completed, the UMSP Advisory Committee will review and approve.

See the tiered framework on page 2 to review which tier most closely matches your community's interest & ability to develop your Main Street program. As the UMSP is a new initiative at Go Utah, communities will either be eligible for Engaged - Tier 1, or Vibrant - Tier 2. after 2-3 years of successful completion of the Vibrant Main Street Community Tier 2 level will the community be eligible to apply for Master - Tier 3 level.

The Utah Main Street Program Advisory Committee will review and assist in evaluation of community designation applications. Once the designation process is complete, the Advisory Committee will then assist in developing and designing the UMSP Community Grant process. Only Vibrant Main Street Communities (Tier 2) will be eligible to apply for UMSP Downtown Enhancement Grant funds.

Contact Info: Nan Anderson  
 nanderson@utah.gov  
 Utah Main Street Program  
 Governor's Office of Economic Opportunity



Utah Governor's Office of  
 Economic Opportunity

What is the process?

The Community Designation Application Process will be available to Utah communities in late August, see [business.utah.gov/rural](http://business.utah.gov/rural) The application

**UTAH MAIN STREET PROGRAM—COMMUNITY PARTICIPANT TIERS (8/20/21)**

	<b>Engaged Main Street Tier 1</b>	<b>Vibrant Main Street Tier 2</b>	<b>Master Main Street Tier 3</b>	<b>Accredited Main Street Tier 4</b>
Commitment Level from Community	1-3 years	3-5 years	2 years	
Traditional Main Street District		Yes	Yes	Yes
Use Main Street Four-Point Approach®		Yes	Yes	Yes
Steering Committee or Board of Directors		work toward	Yes	Yes
Local Government Support	Yes	Yes	Yes	Yes
Adequate Operating Budget		work toward	work toward	Yes
Employ Executive Director		work toward	part-time OK	Yes
Attend Network Meetings (3/yr)			Yes	Yes
Attend Workshops/Trainings	1/yr. min	3/yr. min	Yes	Yes
Outreach/Public Relations efforts	Yes	Yes	Yes	Yes
Serve as Mentors to Other Towns			Yes	Yes
Meet National Accreditation Standards			work toward	Yes
Current Main Street America member		Yes	Yes	Yes
Provide Annual/Quarterly Report(s)	annual	annual	quarterly	quarterly
Approved boundary (primary focus area)	gen. boundary	gen. boundary	Yes	Yes
Current Downtown Plan (less 5 years old)		work toward	Yes	Yes
<b><i>Training and Professional Development</i></b>				
Main Street 101	Yes	Yes	Yes	Yes
Quarterly Workshops (3/yr)	Yes	Yes	Yes	Yes
Executive Director Meetings (3/yr)		By invitation	Yes	Yes
Board Roles & Responsibilities Training		Yes	Yes	Yes
Committee Training		Yes	Yes	Yes
New Exec. Director Orientation		Yes	Yes	Yes
State Conference Attendance	Yes	Yes	Yes	Yes
“Main Street Now” Conference Scholarships			Yes	Yes
Main Street America Membership (1st yr.)			Yes	Yes
<b><i>Specialist and Technical Assistance</i></b>				
Start-up Visits		Yes	Yes	
Developing Mission & Vision Statements		Yes	Yes	Yes
New Exec. Director Hiring Assistance		as needed	Yes	Yes
Work Plan and Project Assistance		Yes	Yes	Yes
Progress Visits			Yes	Yes
Technical Assistance			Yes	Yes
Telephone/Video Consultation	Yes	Yes	Yes	Yes
Reconnaissance Level Historic Survey		Yes	Yes	Yes
Downtown Enhancement Grants		Yes	Yes	Yes
<b><i>Communications</i></b>				
Program Updates and Mailings	Yes	Yes	Yes	Yes
Public Relations		Yes	Yes	Yes
Utah Downtown Revitalization Awards		Yes	Yes	Yes

**TOOELE CITY CORPORATION**

**RESOLUTION 2021-94**

**A RESOLUTION OF THE TOOELE CITY COUNCIL ACKNOWLEDGING MAYOR WINN'S RECONSTITUTION OF THE TOOELE CITY DOWNTOWN ALLIANCE AND APPOINTMENTS OF ALLIANCE OF COMMITTEE MEMBERS.**

WHEREAS, the State of Utah Office of Economic Opportunity has initiated the Utah Main Street Program, part of the Main Street American movement, for the purpose of revitalizing Utah's downtowns; and,

WHEREAS, on October 6, 2021, the City Council approved Resolution 2021-93, indicating Tooele City Corporation's support for the revitalization and economic focus of the Utah Main Street Program and expressing its desire to become a designated community; and,

WHEREAS, Tooele City previously organized a Downtown Alliance, comprised of downtown property and business owners, to promote the success of Tooele City's downtown; and,

WHEREAS, Mayor Winn has reconstituted the Downtown Alliance and appointed six persons as committee members, under City Administration supervision; and,

WHEREAS, the City Administration seeks the City Council's acknowledgement of the reconstituted Downtown Alliance and the appointment of its committee members for purposes of establishing a clear record of the dates and names involved and of presenting united legislative and executive support for this important effort; and,

WHEREAS, the six appointees are Marcus Medina, Judy Schneider, Margaret Mondragon, Tyson Hamilton, Jon Gossett, and Dominic Santistevan (see Exhibit A, containing the appointees' expressions of interest):

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City Council hereby acknowledges the reconstituted Downtown Alliance and the appointments of Marcus Medina, Judy Schneider, Margaret Mondragon, Tyson Hamilton, Jon Gossett, and Dominic Santistevan as Downtown Alliance committee members.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: \_\_\_\_\_  
Roger Evans Baker, City Attorney

## Exhibit A

Downtown Alliance Committee Members  
Appointed by Mayor Winn



## Downtown Alliance - Committee Members (Resolution 2021-94)

Name	Why are you interested in joining the Tooele Downtown Alliance?	How can you contribute to this committee?
<b>Marcus Medina</b>	To better, grow our community and downtown appeal.	Tooele native, business owner, artist with 15 plus years experience.  Goals would be to have our downtown Main Street are catch everyone's eye that passes by and also bring out of towners to see our beautiful, unique downtown.
<b>Judy Schneider</b>	Would to help preserver the historical downtown of Tooele and the history of our pioneer ancestors.	I am the president of the Tooele County DUP and as such manage the Pioneer Museaum.
<b>Margaret Mondragon</b>	<p>I would love to be a part of creating excitement downtown. Street festivals, parades, retail events, and image development campaigns are some of the ways Main Street encourages customer traffic. Promotion involves marketing an enticing image to shoppers, investors, and visitors.</p> <p>Design enhances the attractiveness of the business district. Historic building rehabilitation, street and alley clean-up, colorful banners, landscaping, and lighting all improve the physical image of the downtown as a quality place to shop, work, walk, invest in, and live.</p> <p>Design improvements result in a reinvestment of public and private dollars to downtown. Economic Restructuring involves analyzing current market forces to develop long-term solutions.</p> <p>Recruiting new businesses, creatively converting unused space for new uses, and sharpening the competitiveness of Main Street's traditional merchants are examples of economic restructuring activities.</p>	Advertising, Marketing & Events for 15 years. Owning a building and being married to an artist I have a vision of bringing history through art and paint to help create a welcoming environment telling our history of Tooele. I have also been in sales for 25+ years. I think and can help create events and find partners to sponsor and support funding for some of these projects to attract consumers, tourists, new businesses, and excitement to our downtown.

<b>Name</b>	<b>Why are you interested in joining the Tooele Downtown Alliance?</b>	<b>How can you contribute to this committee?</b>
<b>Tyson Hamilton</b>	I own a business and a building in the downtown area.	I have owned Another Man's Treasures for 6 years now. I also manage a fleet of Bird scooters as well. I am the current chairman of the Tooele City planning commission. I also hold a bachelor's degree in business administration. I am a past chair of the Tooele County Chamber of Commerce as well.
<b>Jon Gossett</b>	I own a building in downtown and want to be a part of Tooele's future.	I have leadership skills and vision. I am a small business owner. I know a lot of people within the city. I grew up with a city planner as a father, and have ideas to improve our downtown.
<b>Dominic Santistevan</b>	To help promote the arts and economic vitality of the local businesses.	I have contacts with local artists and business owners who would be willing to donate time and resources to see the downtown area revitalized.

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

- 7-2-1. Effect of chapter.**
- 7-2-2. Lot standards.**
- 7-2-2.1. Historic plats.**
- 7-2-3. Every dwelling to be on a lot - Exemptions.**
- 7-2-4. Sale of lease of required space.**
- 7-2-5. Sale of lots below minimum space requirements.**
- 7-2-6. Yards to be unobstructed - Exceptions.**
- 7-2-7. Repealed. (Ord. 2012-04, 02-15-12).**
- 7-2-8. Additional height allowed.**
- 7-2-9. Exceptions to height limitations.**
- 7-2-10. Minimum height of main buildings.**
- 7-2-11. Clear vision area at intersecting streets.**
- 7-2-12. Fences, walls, hedges.**
- 7-2-13. Tennis Courts.**
- 7-2-14. Repealed.**
- 7-2-15. Lots in two districts.**
- 7-2-16. Lots in business, commercial or industrial districts adjacent to residential zones.**
- 7-2-17. Transition zones.**
- 7-2-18. Public utilities in residential districts.**
- 7-2-19. Home occupations.**
- 7-2-20. Temporary Uses and Temporary Seasonal Uses.**
- 7-2-21. Camping.**

### **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, welding, musical instrument instruction and practice consisting of more than two persons at a time;

(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.

(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)

#### **7-2-22. Camping.**

(1) It shall be unlawful for any person to camp on public grounds, except as follows:

(a) in cases of local emergency as declared by the Mayor; or,

(b) with a City permit or other City written authorization.

(2) For any person camping in violation of this Section, it shall be unlawful for that person to fail to remove that person's camping equipment within 30 minutes of being request to do so by a police officer.

(3) It shall be unlawful for any person to camp on private land outside of a legal campground for more than three consecutive days or nights, or for more than three days or nights in any given calendar month.

(4) Definitions.

(a) "Camp" means live in a tent, fly, lean-to, tarpaulin, or any other type of camping equipment, for any length of time.

(b) "Public grounds" means any land owned or operated by Tooele City.

(5) Violations and Penalties. A violation is this section shall constitute a class C misdemeanor.

(Page 7-9.2 Reserved)



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September 21, 2021

Tooele City  
Office of the Mayor  
90 N Main St,  
Tooele, UT 84074

RE: Request for Water for a New Commercial Development on 1000 N. and 200 W.

Dear Madam Mayor:

I represent John Potter (“Applicant”) with regards to the acquisition and development of certain property containing approximately 4.23 acres located at the NWC of 1000 N. and 200 W. in Tooele City (the “Property”). Applicant desires to improve the Property as a commercial development to include hospitality and retail uses (the “Development”). With the rapid growth in Tooele, the Development will help meet the increased demands for lodging, food and retail, and will produce a significant amount of sales and occupancy tax revenue for the City.

Applicant has several ties to Tooele. Applicant relocated to Utah, in part, due to Applicant’s connections to the Utah Motorsports Campus. Shortly after moving to Utah and seeing the growth in Tooele County, Applicant developed the Comfort Inn & Suites in Lake Point. Most recently, Applicant developed self-storage units at 11 N. 1100 W., and remains bullish on future investments in the City.

In order for the Development to be feasible, Applicant estimates that it would need twenty-acre feet of water. Based on water usage at the Comfort Inn & Suites, approximately ten-acre feet would be necessary for a hotel with approximately 81 rooms. The remaining ten-acre feet would be necessary for approximately 10,000 square feet of restaurant/retail space. Due to the lack of available water in this area, Applicant submits this request to the City to acquire the necessary water via a payment in lieu of conveyance. It is Applicant’s understanding that the City charges \$15,000 per acre feet for City water to be allocated to commercial projects.

If this request is approved, it would significantly increase the likelihood of the Development coming to fruition. Please inform me of any additional information or documentation you need from Applicant in order to make a decision as to this matter.

Please feel free to contact me if you should have any questions about this offer.

Sincerely,

/s/ Steven R. Lovell, Esq.  
Mobile: 801-214-4826  
Email: [steve@freemanlovell.com](mailto:steve@freemanlovell.com)