

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council & Tooele City Redevelopment Agency will meet in a Work Session, on Wednesday, August 15, 2018 at the hour of 5:00 p.m. The Meeting will be Held in the Tooele City Hall Large Conference Room Located at 90 North Main Street, Tooele, Utah.

1. Open City Council Meeting

2. Roll Call

3. Discussion:

- **Public Safety Building Update**
Presented by Mayor Debbie Winn
- **Subdivision Plat Amendment Request for LKQ for the Purpose of Combining and Resubdividing Existing Lots 3102, 3201 and 3202 of the Utah Industrial Depot Minor Subdivision #32 and 3301 of the Utah Industrial Depot Minor Subdivision #33 on Approximately 98.41 Acres Located at Approximately 525 North Industrial Loop Road**
Presented by Jim Bolser
- **Ordinance 2018-13 an Ordinance of the Tooele City Council Amending Tooele City Code Provisions Relating to the Mixed Use – Broadway Zoning District**
Presented by Jim Bolser
- **Ordinance 2018 – 11 An Ordinance of Tooele City Amending Tooele City Code Chapter 4 – 11 Regarding Sidewalks**
Presented by Roger Baker
- **Ordinance 2018 – 12 An Ordinance of Tooele City Enacting Tooele City Code Chapter 5 – 26 Regarding Mobile Food Businesses**
Presented by Roger Baker
- **Resolution 2018 – 47 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Mobile Food Businesses**
Presented by Roger Baker

4. Close Meeting

- **Litigation & Property Acquisition**

5. Adjourn

Michelle Y. Pitt
Tooele City Recorder/RDA Secretary

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 843-2110 or michellep@tooelecity.org, Prior to the Meeting.

STAFF REPORT

August 2, 2018

To: Tooele City Planning Commission
Business Date: August 8, 2018

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: LKQ - Tooele – Subdivision Plat Amendment Request

Application No.: P18-516
Applicant: Gary McEntee, representing Ninigret Depot
Project Location: Approximately 525 North Industrial Loop Road
Zoning: I Industrial Zone
Acreage: 98.4058 Acres (Approximately 4,286,560 ft²)
Request: Request for approval of a Subdivision Plat Amendment in the I Industrial zone regarding the combination and resubdivision of lots 3102, 3201 and 3202 of the Utah Industrial Depot Minor Subdivision #32 and lot and 3301 of the Utah Industrial Depot Minor Subdivision #33.

BACKGROUND

This application is a request for approval of a Subdivision Plat Amendment for approximately 98.4058 acres located on the west side of Industrial Loop Road, at approximately 525 North. The property is currently zoned I Industrial. The applicant is requesting that a Subdivision Plat Amendment be approved to allow for the property currently made up three lots within the Utah Industrial Depot Minor Subdivision #32 and one lot within the Utah Industrial Depot Minor Subdivision #33 to be combined and resubdivided into two lots in preparation for the development of the currently vacant site that will become Lot 1. Mapping pertinent to the properties involved can be found in Exhibit “A” to this report.

ANALYSIS

General Plan and Zoning. The properties involved have all been assigned the I Industrial zoning classification, as has the entirety of the former Utah Industrial Depot. The subject request will not be affected by the zoning district assigned to the properties.

Subdivision Layout. The existing three lots within the Utah Industrial Depot Minor Subdivision #32 and one lot within the Utah Industrial Depot Minor Subdivision #33 involved in the proposed Subdivision Plat Amendment run end to end down the west side of Industrial Loop Road from approximately K Avenue to approximately Opal Street. The proposed Subdivision Plat Amendment would create two lots. Lot 1 would extend from the northern end of the subject properties at K Avenue to the approximate middle of the narrowed portion of the properties at the bend in Industrial Loop Road. Lot 2 would incorporate the remainder of the properties involved.

Criteria For Approval. The criteria for review and potential approval of a Subdivision Plat Amendment request would be the same as those for a Subdivision Final Plat, which can be found in Sections 7-19-10 and 11 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Subdivision Plat Amendment submission and has issued a recommendation for approval for the request.

Engineering Review. The Tooele City Engineering Division has completed their review of the Subdivision Plat Amendment submission and have issued a recommendation for approval for the request.

Noticing. The applicant has expressed their desire to amend the subdivision plats the subject properties as described herein and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Subdivision Plat Amendment by Gary McEntee, representing Ninigret Depot, application number P18-516.

This recommendation is based on the following findings:

1. The proposed Subdivision Plat Amendment meets the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed Subdivision Plat Amendment meets the requirements and provisions of the Tooele City Code.
3. The proposed Subdivision Plat Amendment will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed Subdivision Plat Amendment conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the anticipated development following the Subdivision Plat Amendment.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the LKQ - Tooele Subdivision Plat Amendment Request by Gary McEntee, representing Ninigret Depot for the purpose of combination and resubdivision of lots 3102, 3201 and 3202 of the Utah Industrial Depot Minor Subdivision #32 and lot and 3301 of the Utah Industrial Depot Minor Subdivision #33, application number P18-516, based on the findings and subject to the conditions listed in the Staff Report dated August 2, 2018.”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the LKQ - Tooele Subdivision Plat Amendment Request by Gary McEntee, representing Ninigret Depot for the purpose of combination and resubdivision of lots 3102, 3201 and 3202 of the Utah

Industrial Depot Minor Subdivision #32 and lot and 3301 of the Utah Industrial Depot Minor Subdivision #33, application number P18-516, based on the following findings:”

1. List findings...

EXHIBIT A

**MAPPING PERTINENT TO THE
LKQ - TOOELE SUBDIVISION PLAT AMENDMENT**

EXHIBIT B

PROPOSED PLAT AMENDMENT

LKQ Tooele Subdivision

**Amending Lot 3102 of Utah Industrial Depot Minor Subdivision No. 31,
Lots 3201 & 3202 of Utah Industrial Depot Minor Subdivision No. 32
and Lot 3301 of Utah Industrial Depot Minor Subdivision No. 33,
Being a part of the Southwest 1/4 of Section 19, T3S, R4W, the
Southeast 1/4 of Section 24, and the East Half of Section 25,
T3S, R5W SLB&M, U.S. Survey
Tooele City, Tooele County, Utah
July 2018**

NARRATIVE

This Plat was requested by Jim Nelson of Nelson Commercial Properties for the purpose of amending these Subdivisions into 2 Commercial Parcels.

A line between monuments found in the Southeast Corner of and the East Quarter Corners of Section 25 with a bearing of N 0°08'47" W was used as the Basis of Bearings for this Survey.

Parcel Lines were Established along the record locations shown on the following record documents:
Utah Industrial Depot Minor Subdivision No. 31 (Entry No. 341938).
Utah Industrial Depot Minor Subdivision No. 32 (Entry No. 341939).
Utah Industrial Depot Minor Subdivision No. 33 (Entry No. 341940).

The Southerly portion of the topography and site conditions of Parcel 4 were excluded as requested by the Client.

Property corners will be recovered or set with a 24" long 3/8" rebar and "Great Basin Engineering" Cap, or other standard marker as defined by Utah State Code.

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58 Chapter 22, Professional Engineers and Land Surveyors Licensing Act. I also do hereby certify that LKQ Tooele Subdivision, Tooele City, Tooele County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Tooele County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17. Monumented Lot corners have been set as shown on this drawing.

Signed this ____ day of _____, 2018.

Andy Hubbard

OWNER'S DEDICATION

I, the undersigned owner of the hereon described tract of land, hereby set apart and subdivide the same into a single lot, and name said tract LKQ Tooele Subdivision, and hereby dedicate to Tooele City, Tooele County, Utah, those certain strips of land designated as easements for Public Utility and Drainage purposes as shown hereon, as may be Authorized by Tooele City Utah.

Signed this ____ day of _____, 2018.

X

ACKNOWLEDGMENT

State of Utah } ss
County of Tooele }

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by _____.

Residing At: _____ A Notary Public commissioned in Utah
Commission Number: _____
Commission Expires: _____

Print Name _____

Legend

- (Note: All Items may not appear on drawing)
- Catch Basins
 - Exist. Fire Hydrant
 - Exist. Water Valve
 - Sanitary Sewer
 - Culinary Water
 - Gas Line
 - Irrigation Line
 - Storm Drain
 - Telephone Line
 - Secondary Waterline
 - Power Line
 - Fire Line
 - Land Drain
 - Power pole
 - Power pole w/guy
 - Light Pole
 - Fence
 - Flowline of ditch
 - Overhead Power line
 - Exist. Contour
 - Existing Asphalt
 - Existing Concrete
 - Tree To Remain in Place
 - Set 5/8"x 24" Long Rebar & Cap w/ Lathe



AS-SURVEYED DESCRIPTION

All of Lot 3102 of Utah Industrial Depot Minor Subdivision No. 31, Lots 3201 & 3202 of Utah Industrial Depot Minor Subdivision No. 32 and Lot 3301 of Utah Industrial Depot Minor Subdivision No. 33, being a part of the Southwest Quarter of Section 19, Township 3 South, Range 4 West, the Southeast Quarter of Section 24, and the East Half of Section 25, Township 3 South, Range 5 West, Salt Lake Base and Meridian, U.S. Survey, Tooele City, Tooele County, Utah:

More Particularly Described as:

Beginning at a point on the Westerly Right of Way Line of Industrial Loop Road (Entry No. 219594, Tooele County Recorder's Office), said point being 1610.57 feet North 0°08'59" West along the Section Line to a point on the Southerly Line of Lot 3101 of Utah Industrial Depot Minor Subdivision No. 31, and 325.36 feet South 60°23'15" East along said Southerly Line to said Westerly Right of Way Line of said Industrial Loop Road from the Northeast corner of said Section 25; and running thence along said Westerly Right of Way Line the following two (2) courses: (1) South 29°25'41" West 3695.67 feet to a point of curvature and (2) Southeasterly along the arc of a 2107.50 foot Radius curve to the left a distance of 2284.05 feet (Central Angle equals 62°05'44" and Long Chord bears South 1°37'11" East 2173.90 feet) to the Northeast corner of Utah Industrial Depot Minor Subdivision No. 4; thence South 58°52'55" West 506.97 feet along the Northerly Line of said Utah Industrial Depot Minor Subdivision No. 4 to the Southerly line of Utah Industrial Depot Southerly Boundary line; thence Nineteen (19) courses along the Southerly and Westerly lines of said Utah Industrial Depot as follows: (1) North 61°02'23" West 65.72 feet; (2) South 86°26'34" West 727.47 feet; (3) South 67°10'25" West 226.76 feet; (4) North 29°12'46" East 1877.84 feet; (5) North 13°27'30" West 172.80 feet; (6) North 5°10'15" West 98.74 feet; (7) North 1°15'19" West 52.83 feet; (8) North 20°42'18" East 61.03 feet; (9) North 25°48'03" East 182.76 feet; (10) North 16°46'11" East 48.45 feet; (11) North 1°18'12" West 85.08 feet; (12) North 17°22'17" West 84.66 feet; (13) North 23°45'37" West 84.08 feet; (14) North 33°20'52" West 131.09 feet; (15) North 7°42'17" West 227.74 feet; (16) North 7°34'55" East 119.34 feet; (17) North 7°50'36" West 156.30 feet; (18) North 23°59'49" East 447.85 feet; and (19) North 29°37'32" East 3052.87 feet to the Southwesterly Corner of said Lot 3101; thence South 60°23'15" East 779.43 feet along said Southerly Lot Line to the Westerly Right of Way Line of said Industrial Loop Road and the Point of Beginning.

Contains 98.405 Acres

ZONING INFORMATION:

Current Zone:
I (Industrial District)
Front Yard:
30 Feet
Side Yard:
30 Feet
Rear Yard:
30 Feet
Building Height:
Minimum - 1 Story
Maximum - 70 feet or 6 Stories

PRELIMINARY PLAN
Not for Recording

ROCKY MOUNTAIN POWER

I, _____, on behalf of Rocky Mountain Power am an authorized agent and have authority to sign on and in behalf of Rocky Mountain Power, signed this ____ day of _____, 2018.

Rocky Mountain Power

DOMINION ENERGY COMPANY

Dominion Energy approves this plat solely for the purpose of confirming that the plat contains Public Utility Easements. Dominion Energy may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities provided by law or equity. This approval does not constitute acceptance, approval, or acknowledgment of any terms contained in the Owners Dedication, and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Dominion Energy's Right of Way Department at 1-800-366-8532

Approved this ____ day of _____, 2018.

Dominion Energy Company

By: _____
Title: _____

DEVELOPER:
Nelson Commercial Properties
c/o Jim Nelson
5005 Riverway Drive, Ste 150
Joplin, Mo 64501
(715) 622-2600

SURVEYOR:
Great Basin Engineering Inc
c/o Andy Hubbard
5746 South 1475 East Suite 200
Ogden, Utah 84405
(801) 394-4515

CITY COUNCIL APPROVAL

Presented to the _____ this ____ day
of _____, 2018 at which time this
subdivision was approved and accepted.

Attest Recorder _____ Mayor _____

COUNTY HEALTH DEPARTMENT

Approved this ____ day of _____,
A.D. 2018 by the Tooele County Health Department.

Tooele County Health Department

COUNTY TREASURER

Approved this ____ day of _____,
A.D. 2018 by the Tooele County Treasurer.

Tooele County Treasurer

COUNTY SURVEYOR

Approved this ____ day of _____,
A.D. 2018 by the Tooele County Surveyor

Record of Survey Ref # _____

Tooele County Surveyor

LKQ Tooele Subdivision

**Amending Lot 3102 of Utah Industrial Depot Minor Subdivision No. 31,
Lots 3201 & 3202 of Utah Industrial Depot Minor Subdivision No. 32
and Lot 3301 of Utah Industrial Depot Minor Subdivision No. 33,
Being a part of the Southwest 1/4 of Section 19, T3S, R4W, the
Southeast 1/4 of Section 24, and the East Half of Section 25,
T3S, R5W SLB&M, U.S. Survey
Tooele City, Tooele County, Utah
July 2018**

Sheet 1 of 6



5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.L.C (801)521-0222 FAX (801)392-7544
WWW.GREATBASINENGINEERING.COM

CITY ATTORNEY'S APPROVAL

Approved this ____ day of _____,
A.D. 2018 by the Tooele City Attorney.

Tooele City Attorney

CITY ENGINEER'S APPROVAL

I hereby certify that the requirements of all
applicable statutes and ordinances prerequisite to city
engineer approval of the foregoing plat and
dedications have been complied with.
signed this ____ day of _____, 2018

Tooele City Engineer

COMMUNITY DEVELOPMENT

Approved this ____ day of _____,
A.D. 2018.

Tooele City Community Development

PLANNING COMMISSION APPROVAL

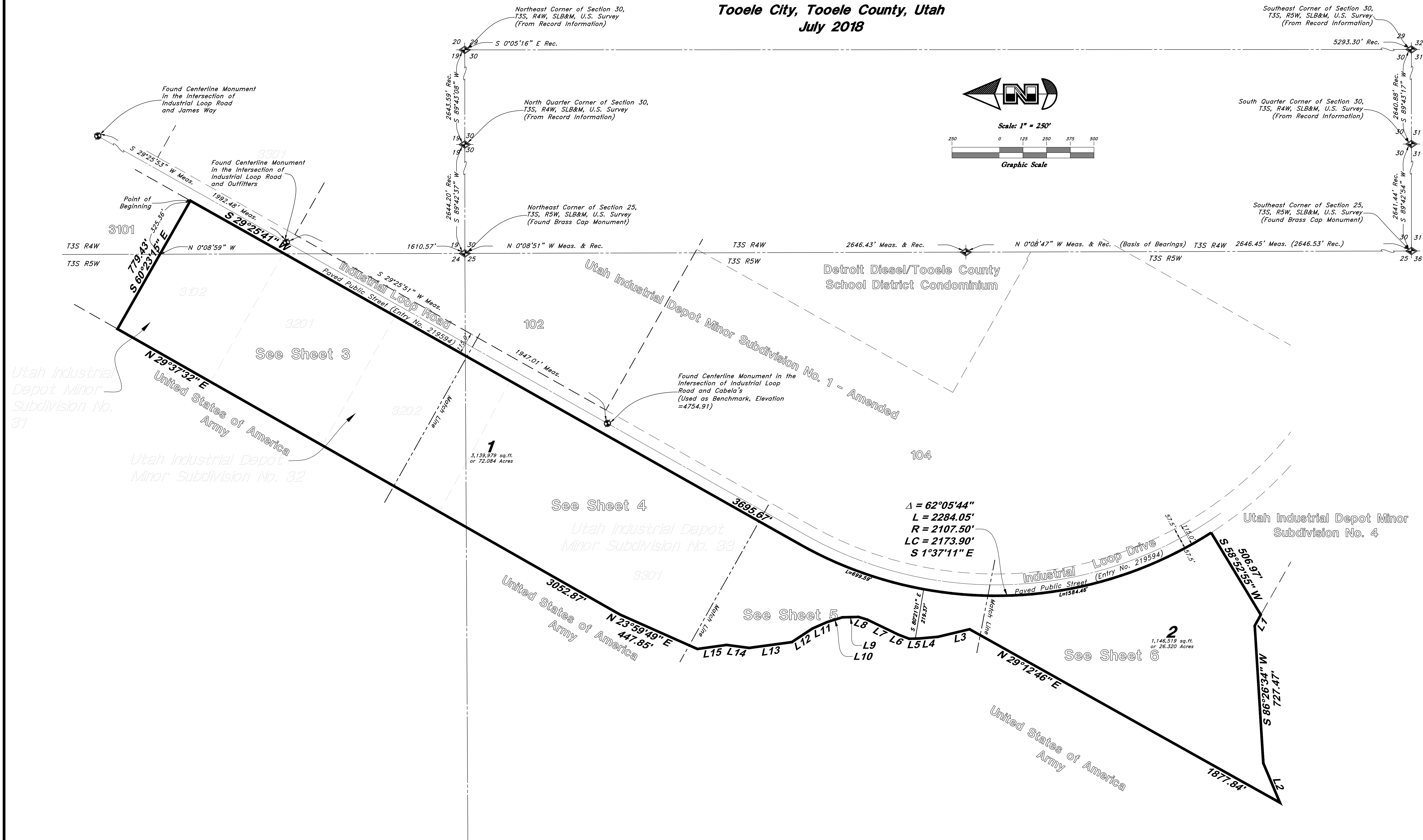
Approved this ____ day of _____,
A.D. 2018 by the Tooele City Planning Commission.

Chair, Tooele City Planning Commission

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LINE DATA		
Line	Bearing	Length
L1	N 61°02'23" W	65.72
L2	S 67°10'25" W	226.76
L3	N 13°27'30" W	172.80
L4	N 5°10'15" W	98.74
L5	N 1°15'19" W	52.83
L6	N 20°42'18" E	61.03
L7	N 25°48'03" E	182.76
L8	N 16°46'11" E	48.45
L9	N 1°18'12" W	85.08
L10	N 17°22'17" W	84.66
L11	N 23°45'37" W	84.08
L12	N 33°20'52" W	131.09
L13	N 7°42'17" W	227.74
L14	N 7°34'55" E	119.34
L15	N 7°50'36" W	156.30

Legend
(Note: All items may not appear on drawing)

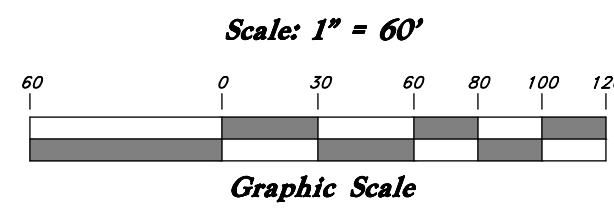
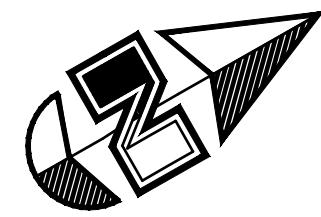
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- Exist. Fire Hydrant
- Exist. Water Valve
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- Culinary Water
- Gas Line
- Irrigation Line
- Storm Drain
- Telephone Line
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- Land Drain
- Power pole
- Power pole w/guy
- Light Pole
- Fence
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- Overhead Power line
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- Existing Asphalt
- Existing Concrete
- Tree To Remain in Place
- Set 5/8" x 24" Long Rebar & Cap w/ Lathe

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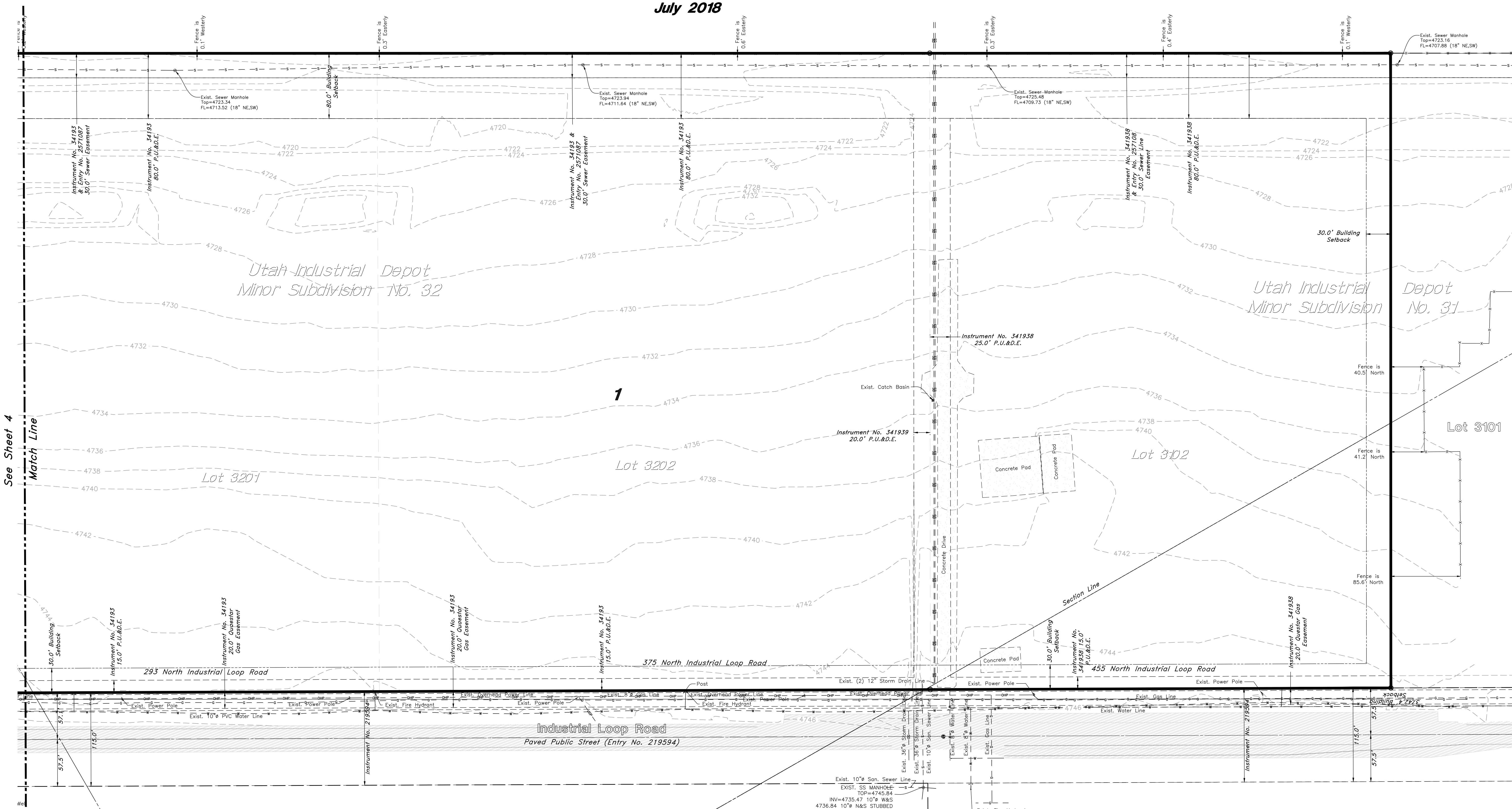
NOTES

1. Utilities shown are from observed evidence on the site and records available at the time of the survey.
2. No encroachments were found other than what is shown on the drawing.
3. There is no evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
4. There appeared to be no changes in street right of way, or evidence of recent street or sidewalk construction or repairs in the process of conducting the fieldwork.
5. There were no delineation markers observed in process of conducting the fieldwork indicating a prior delineation of wetlands.

Legend

(Note: All items may not appear on drawing)

- Catch Basins
- Exist. Fire Hydrant
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See Sheet 4
Match Line

Sheet 3 of 6

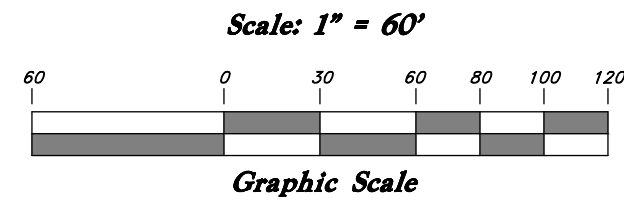
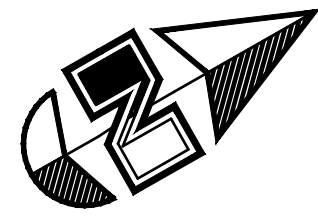
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NOTE
See Sheet 2 for Lot Line Dimensions
and Survey Monument Information

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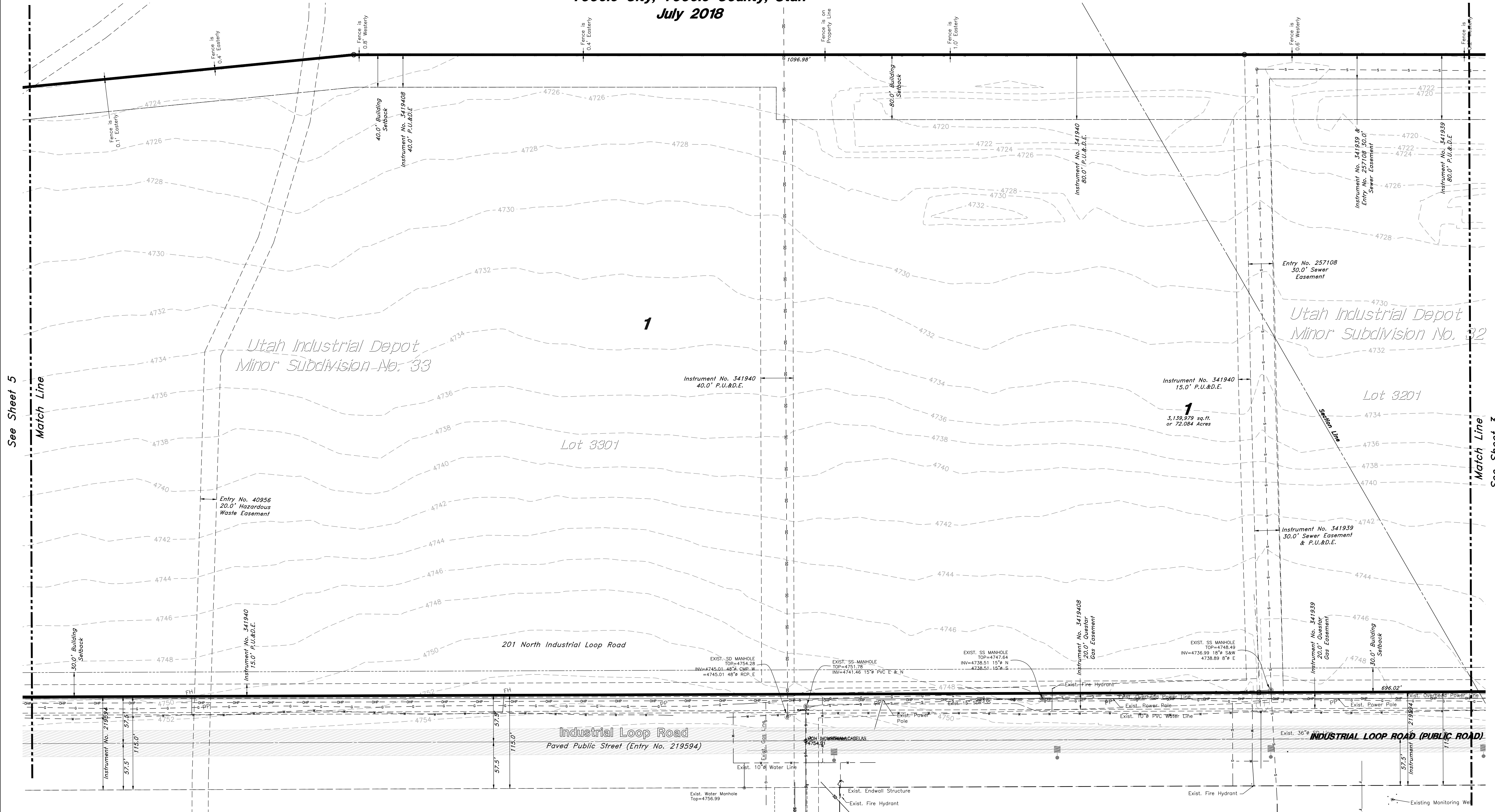
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- Catch Basins
- Exist. Fire Hydrant
- Exist. Water Valve
- Sanitary Sewer
- Culinary Water
- Gas Line
- Irrigation Line
- Storm Drain
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- Power pole w/guy
- Light Pole
- Fence
- Flowline of ditch
- Overhead Power line
- Exist. Contour
- Existing Asphalt
- Existing Concrete
- Tree To Remain in Place
- Set 5/8"x 24" Long Rebar & Cap w/ Lath



See Sheet 5

See Sheet 3

Sheet 4 of 6

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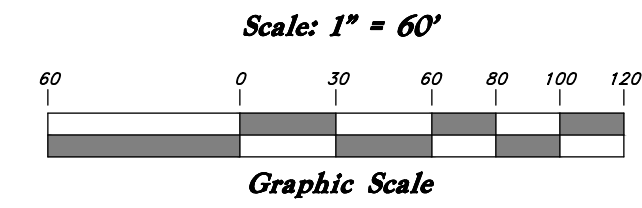
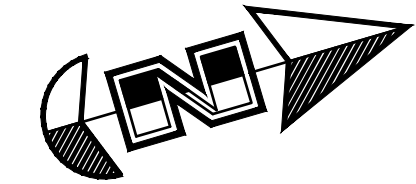
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 Tooele City, Tooele County, Utah
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NOTES

1. Utilities shown are from observed evidence on the site and records available at the time of the survey.
2. No encroachments were found other than what is shown on the drawing.
3. There is no evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
4. There appeared to be no changes in street right of way, or evidence of recent street or sidewalk construction or repairs in the process of conducting the fieldwork.
5. There were no delineation markers observed in process of conducting the fieldwork indicating a prior delineation of wetlands.

Topographic and Site Conditions Excluded in this Area, per Clients request.

Utah Industrial Depot Minor Subdivision No. 33

2

Lot 3301

NOTE

See Sheet 2 for Lot Line Dimensions and Survey Monument Information

PRELIMINARY PLAN
 Not for Recording

Sheet 6 of 6

GREAT BASIN ENGINEERING INC.
 5746 SOUTH 1475 EAST OGDEN, UTAH 84403
 MAIN (801)394-4515 S.L.C (801)521-0222 FAX (801)392-7544
 WWW.GREATBASINENGINEERING.COM

LKQ Tooele Subdivision

Amending Lot 3102 of Utah Industrial Depot Minor Subdivision No. 31,
 Lots 3201 & 3202 of Utah Industrial Depot Minor Subdivision No. 32
 and Lot 3301 of Utah Industrial Depot Minor Subdivision No. 33,
 Being a part of the Southwest 1/4 of Section 19, T3S, R4W, the
 Southeast 1/4 of Section 24, and the East Half of Section 25,
 T3S, R5W SLB&M, U.S. Survey
 Tooele City, Tooele County, Utah
 July 2018

TOOELE COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
 RECORDED _____ AT _____
 _____ IN BOOK _____ OF OFFICIAL
 RECORDS, PAGE _____, RECORDED
 FOR _____

TOOELE COUNTY RECORDER

BY: _____ DEPUTY

STAFF REPORT

August 2, 2018

To: Tooele City Planning Commission
Business Date: August 8, 2018

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: Mixed Use - Broadway Zoning Text Amendment – City Code Text Amendment Request

Application No.: P18-298
Applicant: Kevin Peterson, representing AmericaWest Investments, LLC
Project Location: Broadway Avenue North of Vine Street within the MU - B Zoning District
Zoning: MU - B Mixed Use Broadway Zone
Request: Request for approval of a City Code Text Amendment in the MU - B Mixed Use Broadway zoning district regarding revision to certain provisions related to development and redevelopment of properties.

BACKGROUND

This application is a request for approval of a City Code Text Amendment to the City Code to address provisions applicable to the MU - B Mixed Use Broadway zoning district which is generally located along both sides of Broadway Avenue between Vine Street and Utah Avenue, along the east side of Broadway Avenue from Utah Avenue to Elton Park, and along the north side of Vine Street from Broadway Avenue to Pinehurst Avenue. A map of the area of the community assigned to the MU - B zoning district can be found in Exhibit “A” to this report. The applicant owns or controls several properties within the zoning district including the former Broadway Hotel building and has expressed a desire to redevelop the properties owned in the area, including the former hotel building. The applicant has worked with the City Council and staff for a number of years on various aspects and multiple iterations of the proposed project. In doing so, the applicant is requesting that a City Code Text Amendment be approved to allow for this redevelopment utilizing development terms more conducive this type of work. In response to the application, staff performed an analysis of the submitted text amendment request for an initial discussion with the City Council. That analysis is attached as Exhibit “B” to this report. From that discussion, the Council requested that the application move forward into the formal approval process for further review. For this purpose, an ordinance document was drafted to serve as the mechanism for adopting the proposed text amendment, should it be approved. That draft ordinance is attached as Exhibit “C” to this report.

ANALYSIS

Analysis of the Request. The criteria for review and potential approval of a City Code Text Amendment request is found in Section 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

Criteria For Approval. The criteria for review and potential approval of a City Code Text Amendment request is found in Section 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
 - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
 - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
 - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the City Code Text Amendment submission and has issued a recommendation for approval of the request.

Noticing. The applicant(s) have expressed their desire to amend the terms of City Code as discussed herein and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a City Code Text Amendment by Kevin Peterson, representing AmericaWest Investments, LLC, application number P18-298.

This recommendation is based on the following findings:

1. The proposed City Code text amendment the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed City Code text amendment would facilitate redevelopment of properties within the MU - B Mixed Use - Broadway zoning district resulting in a positive effect on the character of this area of the community.
3. The proposed City Code text amendment would not adversely effect the consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties
4. The proposed City Code text amendment would not create development activity deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
5. The proposed City Code text amendment would not adversely effect the suitability of properties within the area for the development potential.

6. The proposed City Code text amendment would, by making redevelopment more conducive, provide an overall benefit to the area and the community as a whole.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Mixed Use - Broadway Zoning Text Amendment City Code Text Amendment Request by Kevin Peterson, representing AmericaWest Investments, LLC for the purpose of revising certain provisions related to development and redevelopment of properties, application number P18-298, based on the findings listed in the Staff Report dated August 2, 2018:”

1. List any additional findings...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Mixed Use - Broadway Zoning Text Amendment City Code Text Amendment Request by Kevin Peterson, representing AmericaWest Investments, LLC for the purpose of revising certain provisions related to development and redevelopment of properties, application number P18-298, based on the following findings:”

1. List findings...


EXHIBIT A

**MAPPING PERTINENT TO THE
MIXED USE - BROADWAY ZONING DISTRICT**

EXHIBIT B

STAFF ANALYSIS OF THE REQUEST

MEMORANDUM

To: Tooele City Council Members
Cc: Debbie Winn, Mayor
From: Jim Bolser, A.I.C.P., Director 
Date: July 12, 2018
Re: Broadway Heritage Project

Subject:

The City Council has been in discussions regarding the potential for development and redevelopment along the Broadway Corridor between Utah Avenue and Vine Street, more specifically centered around the former Broadway Hotel, for a number of years. The properties in this area have been assigned to the R1-7 Residential zoning classification with the bulk of the properties having the added assignment of the MU-B Mixed Use – Broadway zoning overlay district assigned to them. Since the last discussion with the Council, staff has met with the property owner of the former Broadway Hotel, who also owns several surrounding parcels, about the potential for a redevelopment project for their properties. The property owner has submitted a proposal package of amendments to the text of the Tooele City Code (TCC) that they suggest to make development and redevelopment efforts in this area more feasible. Their proposal, a copy of which is attached, identifies eight aspects of the City Code for revision. Those aspects according to their proposal are: 1) maximum lot size increased over 25,000 square feet; 2) no minimum setbacks for front and corner lot side yards; 3) maximum density increased above 16 units per acre; 4) existing building heights permitted above the maximum height limit of two stories; 5) minimum unit sizes reduced to 400 square feet for studio and one-bedroom units and 600 square feet for two bedroom units; 6) parking spaces reduced to one per unit for one bedroom units, and one and one half per unit for two bedroom units; 7) minimum parking layout standards for individual stalls to be 8'6" x 18'0" with 24'0" drive aisle width; and 8) dumpster and waste collection locations at any suitable location to minimize the impact of noise, dust and odors. Also attached are conceptual project drawings provided by the applicant for the overall project. This memo is intended to provide the Council with the analysis and commentary regarding the various point of this proposal as well as demonstrate what these proposed City Code revisions would entail if amenable to the Council. As an important precursor to this analysis and commentary comes from the notations in Chapter 16 of Title 7 which states that with the exception of single-family dwellings, all dwellings in the mixed use zoning districts must comply with the regulations and requirements of the HDR High Density Residential zoning district for their development standards. For this reason, much of the following analysis reflects proposed amendments to the land uses and zoning districts other than those the mixed use zoning districts. As such, the following examines each of these proposed aspects individually.

Maximum Lot Size

The applicant proposes to amend the provisions of the City Code that currently limits the maximum lot area by increasing the limit from its current 25,000 square feet. Currently Table 2 of Section 7-16-4 TCC contains a provision that calls for maximum lot sizes within the various mixed use and non-residential zoning districts. There are only two zoning districts which have an established limit for maximum lot sizes. The mixed use zones, both MU-G and MU-B, and the NC Neighborhood Commercial zoning districts list a maximum lot area of 25,000 square feet. This provision appears reasonable for the Neighborhood Commercial zoning district as the intent would be, as insinuated by its name, to integrate localized, smaller scale commercial uses within close proximity to residential areas that feed into those uses. Contrary to that, projects within mixed use areas typically integrate this philosophy much more closely and compactly, often within the same property or

structure. For this reason, it is relatively common for projects in mixed use areas to be on larger properties than smaller localized businesses or independent residential uses and allowing or encouraging larger property sizes can serve to encourage more true mixed use development. Therefore a revision to the maximum lot size allowed in the mixed use zoning district to accomplish the intent and goals of the applicant’s proposal would appear as follows:

7-16-4. Table 2, Table of Development Standards. Mixed Use, Commercial, Industrial and Special Purpose Districts.

TABLE 2
TABLE OF DEVELOPMENT STANDARDS
MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS

Development Requirement	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Maximum Lot Area	25,000 square feet No maximum	25,000 square feet	No maximum	No maximum	No maximum	No maximum	No maximum	No maximum	No maximum

Minimum Front & Corner Lot Side Yard Setbacks

The applicant proposes to amend the provisions of the City Code that establish minimum front and corner lot street side setback requirements by reducing them to have no minimum standard. Currently Table 2 of Section 7-16-4 TCC contains provisions that calls out development standards, including setbacks, that apply to properties assigned to the mixed use overlay zoning districts. In the case of the subject development proposal there are existing structures built with little or no front or corner lot street side setbacks. Table 2 currently identifies the minimum front setback and minimum front landscape area requirement to be a minimum of 20 feet with a built in allowance for that requirement to be reduced to 0 feet by approval of the Planning Commission through the design review process already established. For this reason it does not appear necessary to make an amendment to the City Code as the purpose of the requested Code amendment revision is already established. That being said, Table 2 contains a number of notations regarding this chart, a couple of which address this aspect of the proposal and may benefit from having some clarifying language being added to them. The impact to this proposed revision could be significant for development and redevelopment from a design perspective. The International Building Code (IBC) has specific limitations on openings (doors, windows, etc.) based on the separation (setback) of the wall containing those openings from property lines. Such openings for a building with a zero setback are strictly limited in allowance and/or requires often extensive design and structural accommodations. This isn’t as big of a concern for existing buildings which were built without a setback but could place possibly restrictive design requirements on new buildings utilizing this same provision. Therefore a revision to the front and corner lot side setback requirements in the mixed use zoning district to accomplish the intent and goals of the applicant’s proposal would appear as follows:

7-16-4. Table 2, Table of Development Standards. Mixed Use, Commercial, Industrial and Special Purpose Districts.

TABLE 2
TABLE OF DEVELOPMENT STANDARDS
MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS

Development Requirement	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Minimum Front Yard Setback	20 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	20 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	30 Feet. May be reduced to 20 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	40 Feet	30 Feet	30 Feet	20 Feet	10 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	30 Feet. May be reduced to 20 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code
Minimum Required Front Yard Landscape Area	20 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	20 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	15 Feet	40 Feet	15 Feet	15 Feet. No landscaping required for auto impound yard, military surplus yards, or vehicle storage yards.	15 Feet	10 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	20 Feet
Minimum Side Yard Setback	Note B when adjoining a Residential Zone. Otherwise See Note A	Note B when adjoining a Residential Zone. Otherwise See Note A	Note B when adjoining a Residential Zone. Otherwise See Note A	30 Feet	Note B when adjoining a Residential Zone. Otherwise See Note A	30 Feet	Note B when adjoining a Residential Zone. Otherwise See Note A	Note A	Note B when adjoining a Residential Zone. Otherwise See Note A

NOTE:

- A. As allowed by the International Building Code and any required or existing easements. [Side yard setbacks measured from a street right-of-way for corner lots in the MU-B overlay zoning district may be reduced to 0 feet upon approval of the Planning Commission as a part of design review in compliance with Title 7 Chapter 11 of the Tooele City Code.](#)
- B. The minimum setback requirements of the Residential Zoning District shall apply for all adjoining lots, buildings, parking areas, mechanical equipment, solid waste containers, and all other structures. [Side yard setbacks measured from a street right-of-way for corner lots in the MU-B overlay zoning district may be reduced to 0 feet upon approval of the Planning Commission as a part of design review in compliance with Title 7 Chapter 11 of the Tooele City Code.](#)

Maximum Density Increase

The applicant proposes to amend the provisions of the City Code that establish the maximum density

allowance within the HDR High Density Residential zoning district. Again, the development standards for the MU-B Mixed Use – Broadway overlay zoning district tie back to those established for the HDR zoning district for residential uses. Currently Table 2 from Chapter 7-14 TCC establishes the maximum allowable residential density for the various residential zoning districts. That table identifies the maximum allowable residential density to be 16 dwelling units per acre (du/ac) in the HDR zoning district. As depicted on the applicant’s project drawings, the project is split into two areas; one on the west side of Broadway Avenue and the other on the east side of Broadway Avenue. Through conversation with the applicant, the overall net density for the project shown on the attached drawings is approximately 42 du/ac; a net approximately 56 du/ac for the portion on the west side of Broadway Avenue and a net approximately 23 du/ac on the east side of Broadway Avenue. The discrepancy in the two densities comes from the inclusion of the former Broadway Hotel building. The desired densities within that building alone serve to skew the net density number of the portion of the project on the west side of Broadway Avenue. Without that building included in the calculation, the portion of the project on the west side of Broadway Avenue would be a net approximately 20-25 du/ac. As the Council is aware, there is a proposed amendment to this same aspect of the City Code already in the review and drafting stage that would examine a revision to the densities and various associated development provisions for the multi-family zoning districts that would increase the allowed densities. That revision would accommodate the desired densities and applicant proposed revisions in this aspect for the entirety of the project exclusive of the former hotel building. This aspect of the applicant’s proposal is closely tied to the aspect of minimum dwelling unit size discussed in that section elsewhere in this memo. In the case of allowable density, tying the allowable density to the minimum dwelling unit size requirement creates a self-limiting density based on the building being redeveloped for this housing type as an encouragement to redevelop and reutilize existing historical buildings while still allowing for a more standardized density elsewhere in the same project and district. Therefore a revision to the maximum allowable density in the HDR High Density Residential zoning district to be applied in this case to a proposed development in the MU-B Mixed Use – Broadway zoning district to accomplish the intent and goals of the applicant’s proposal would appear as follows:

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

**TABLE 2
TABLE OF ALLOWED RESIDENTIAL DENSITY**

	RESIDENTIAL ZONING DISTRICTS						
	High Density	Medium Density				Low Density	
	HDR	MDR	R1-7	R1-8	R1-10	R1-12	R1-14
Multiple-family Dwelling (Minimum 5 acres required ¹)	C / max. 16 units per acre ²	C / max. 8 units per acre					

¹ multi-family residential projects in a Mixed Use overlay zoning district proposed as a redevelopment of a registered historical building shall have no maximum density requirement as a permitted use subject to Note 1 of Table 4 of this Chapter.

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

TABLE 4
MINIMUM RESIDENTIAL DWELLING UNIT SIZE (Finished Square Feet)

RESIDENTIAL ZONING DISTRICTS	ONE STORY (includes Split Level and Split Entry)			TWO STORY (Total Both)		
	With Single Covered Parking	With Single Garage	With Double + Garage	With Single Covered Parking	With Single Garage	With Double Garage
HDR	900 ¹	850 ¹	800 ¹	1250 ¹	1165 ¹	1100 ¹

¹The minimum dwelling unit size for a multi-family residential project proposed as a redevelopment of a registered historical building within a Mixed Use overlay zoning district shall be 400 square feet when approved by the Planning Commission through design review in compliance with Title 7 Chapter 11 of the Tooele City Code.

Existing Building Heights

The applicant proposes to amend the provisions of the City Code that establish the maximum building height allowable in the MU-B Mixed Use – Broadway zoning district. Currently, Table 2 of Section 7-16-4 TCC identifies the maximum building height allowable within the various non-residential zoning districts. That table lists the maximum building height in the mixed use zoning districts to be 35 feet or two stories. The particular concern with this provision in the scope of the applicant’s proposal is that the existing former Broadway Hotel building already exceeds this allowance. The new construction portion of the applicant’s proposed project is not anticipated to exceed this allowance. As such the nature of the issue for this aspect is its application towards existing structures. Therefore a revision to the maximum allowable building height in the MU-B Mixed Use – Broadway overlay zoning district to accomplish the intent and goals of the applicant’s proposal would appear as follows:

7-16-4. Table 2, Table of Development Standards. Mixed Use, Commercial, Industrial and Special Purpose Districts.

TABLE 2
TABLE OF DEVELOPMENT STANDARDS
MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS

Development Requirement	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Maximum/ Minimum Building Height	35 Feet or Two Stories <i>for new construction</i> /1 story	35 Feet or Two stories/1 story	50 Feet or 4 stories/1 story	70 Feet or 6 stories/1 story	50 Feet or 4 stories/1 story	70 Feet or 6 stories/1 story	50 Feet or 4 stories/1story	45 Feet or 3 stories/1 story	As required by the Planning Commission for compliance with Chapter 7-11 Tooele City Code

Minimum Unit Sizes

The applicant proposes to amend the provisions of the City Code that establish the minimum dwelling unit area allowable in the HDR High Density Residential zoning district as it applies to MU-B Mixed Use – Broadway

overlay zoning district. Currently, Table 4 of Chapter 7-14 TCC establishes minimum dwelling unit sizes for the various residential zoning districts based on the design and type of the dwelling unit. That table identifies the smallest possible allowable dwelling unit in the HDR zoning district to be 850 square feet. The applicant has proposed reducing these minimums to 400 square feet for studio or one bedroom units and 600 square feet for two bedroom units. This proposed revision would more than double the allowable number of dwelling units in any one applicable application but potentially opens up a new dwelling unit type to the Tooele market depending on the individual proposed development. Discussions with the applicant have identified this aspect to be directly related to the former Broadway Hotel building and not necessarily the remainder of the overall development project proposal. This aspect of the applicant’s proposal is also tied to the density allowance aspect discussed elsewhere in this memo. This would make this aspect more pertinent to the portion of the project proposed for the former hotel building. Therefore a revision to the minimum allowable dwelling unit size in the HDR High Density Residential zoning district as it applies to the MU-B Mixed Use – Broadway overlay zoning district to accomplish the intent and goals of the applicant’s proposal would appear as follows:

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

**TABLE 4
MINIMUM RESIDENTIAL DWELLING UNIT SIZE (Finished Square Feet)**

RESIDENTIAL ZONING DISTRICTS	ONE STORY (includes Split Level and Split Entry)			TWO STORY (Total Both)		
	With Single Covered Parking	With Single Garage	With Double + Garage	With Single Covered Parking	With Single Garage	With Double Garage
HDR	900 ¹	850 ¹	800 ¹	1250 ¹	1165 ¹	1100 ¹

¹ The minimum dwelling unit size for a multi-family residential project proposed as a redevelopment of a registered historical building within a Mixed Use overlay zoning district shall be 400 square feet when approved by the Planning Commission through design review in compliance with Title 7 Chapter 11 of the Tooele City Code.

Parking Requirements

The applicant proposes to amend the provisions of the City Code that establish the minimum parking requirements for residential uses in the MU-B Mixed Use – Broadway overlay zoning district. Currently, Chapter 7-4 TCC sets the minimum standard for parking related issued of development. Section 7-4-3 TCC identifies, in part, the minimum required calculations based on use. Specific to dwellings, that section requires a minimum of two off-street parking spaces for each dwelling unit in a project. The requirements of this chapter are exclusive of zoning district. Furthermore, Table 2 of Section 7-16-4 TCC identifies the development standards for projects in the various non-residential zoning districts, including parking. On the topic of off-street parking requirements, that table refers to a notation for the standard. That notation appears to already provide a mechanism to accomplish the goals and intent of the applicant’s proposal, possibly providing even greater flexibility that discussed for this proposal. This aspect of the applicant’s proposal appears to be one already provided for in the City Code but a more defined path between the residential uses of the proposed project and the non-residential development standards of Chapter 7-16 TCC could potentially provide clearer connection in design for the potential project. Therefore a revision to the minimum parking requirements for dwelling units as it applies to the MU-B Mixed Use – Broadway overlay zoning district to accomplish the intent and goals of the applicant’s proposal would appear as follows:

7-4-3. Number of parking spaces.

The number of off-street parking spaces required shall be as follows:

- (5) Dwellings. Two (2) parking spaces for each dwelling unit, unless otherwise specified in Chapter 16 of this Title.

7-16-4. Table 2, Table of Development Standards. Mixed Use, Commercial, Industrial and Special Purpose Districts.

**TABLE OF DEVELOPMENT STANDARDS
MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS**

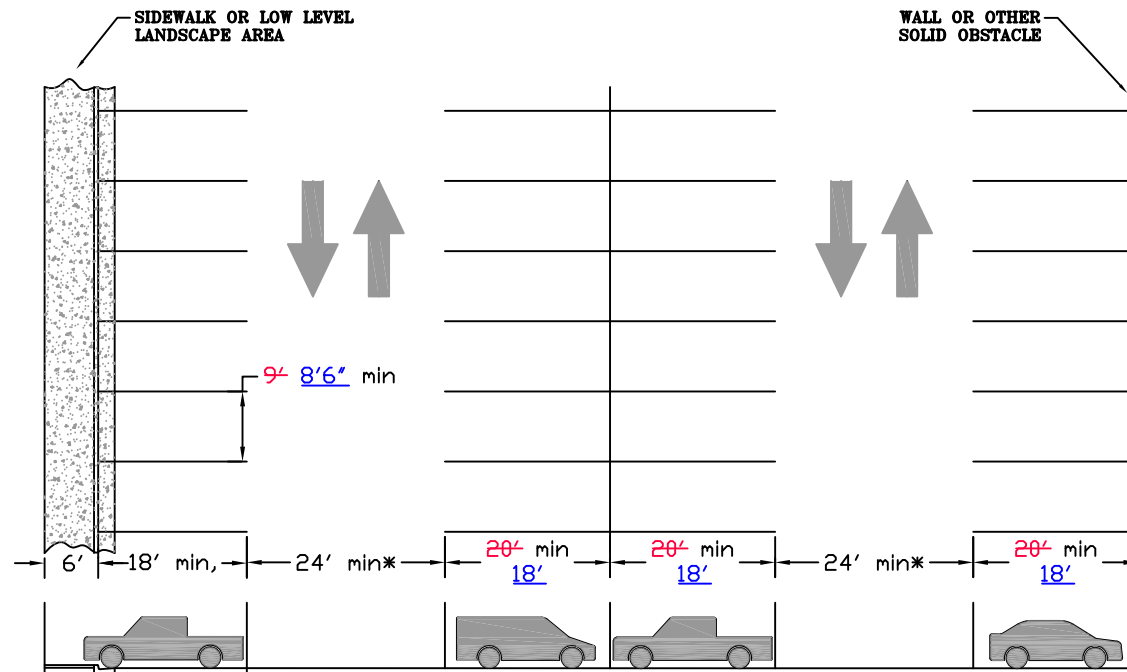
Development Requirement	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Off-Street Parking Requirements	See Note E	As Required by Table 3	As Required by Table 3	As Required by Table 3	As Required by Table 3	As Required by Table 3	As Required by Table 3	See Note E	As Required by Table 3

NOTES:

- E. No minimum off-street parking requirements are established. It is the policy of the City to maintain existing uses which do not meet the Off-Street Parking requirements of the City and to encourage additional uses and activities within the District. The number of required off-street parking shall be as determined and approved by the Planning Commission, following a recommendation from the City Staff, and recognizing the nature and location of the proposed use or activity. Joint use of parking areas will be encouraged.

Minimum Parking Layout Standards

The applicant proposes to amend the provisions of the City Code that establish the minimum parking space size and drive aisle widths for parking areas of development projects. Currently, the City has adopted parking lot layout standards. These standards address the various types of parking lot layouts, i.e. 90° parking stalls, 45° angle parking, and 60° angle parking alignments. Those standards call for parking stalls which have a front overhang, such as a parking stalls which have a sidewalk fronting them, being a minimum length of 18 feet and parking stalls which head into another parking stall or do not have a front overhang being a minimum 20 feet minimum length. In all cases, the standards call for the width of parking stalls to be a minimum of 9 feet. The standards also call for drive aisle widths in parking area to be a minimum of 24 feet for two-way traffic, a minimum of 16 feet for one-way traffic in 45° angle parking areas, and 18 feet for one-way traffic in 60° angle parking areas. These drive aisle width call outs all specify that these standards may be required to be wider if required by the fire department for fire access, an authority granted to them by the International Fire Code. This aspect of the applicant’s proposal calls for these standards to be amended to allow all parking stalls to be a minimum of 18 feet in length, 8’6” in width and drive aisle widths to be 24 feet. These standards are not tied to any one project or zoning district in the City so if they are amended it would apply to all projects City-wide equally. With regard to the drive aisle width standard, it appears that the applicant’s proposal is already in play for two-way traffic and regardless of whether or not this standard is amended it would not preempt the fire department’s authority to require wider drive aisles for fire access. With regard to the applicant’s proposal for parking stall length requirements, in many cases the proposed 18-foot length is already in play but would revise the standard for those situations where the parking stalls do not have a front overhang. The proposal regarding the width of parking stalls it is relatively common to see parking stall width requirements ranging from 8 feet to more than 9 feet depending on factors such as the setting or environment in which it’s being applied or community sentiment towards parking. Typically, but certainly not universally, the more urbanized and dense the area the smaller the parking space standards. A typical consideration to illustrate this relationship would be that in more urbanized dense downtown-type areas there are fewer residents utilizing large trucks, SUVs, or other vehicles for their personal use whereas more rural areas often times the opposite is true. Therefore a revision to the minimum parking area standards to accomplish the intent and goals of the applicant’s proposal would appear as follows:



CONDITION "A"

PARKING ADJACENT TO SIDEWALK OR LOW LEVEL LANDSCAPE AREA WHICH ALLOWS OVERHANG OF VEHICLE.
 MINIMUM PARKING STALL LENGTH 18-FOOT.
 ADJACENT SIDEWALK MUST BE 6-FOOT MINIMUM.

CONDITION "B"

END TO END PARKING
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

CONDITION "C"

PARKING ADJACENT TO WALL OR OTHER SOLID OBSTACLE.
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

GENERAL NOTES:

MINIMUM STALL LENGTH SHALL BE BASED UPON PARKING CONDITION SHOWN, ABOVE.

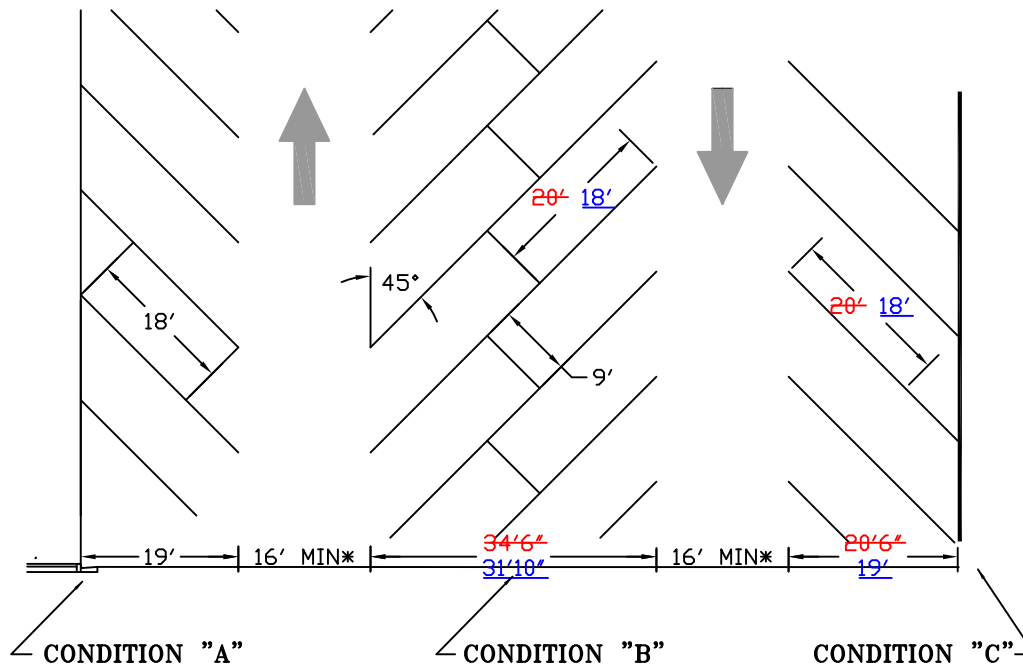
MINIMUM STALL WIDTH SHALL BE ~~9-FOOT~~ 8 FEET 6 INCHES.

THE NUMBER OF ACCESSIBLE PARKING STALLS REQUIRED SHALL BE PROVIDED PER FEDERAL GUIDELINES.

* MINIMUM AISLE WIDTH SHALL BE 24-FOOT. FIRE DEPT. MAY REQUIRE ADDITIONAL FOR FIRE ACCESS ROADS.

TOOELE CITY – PARKING LOT DESIGN STANDARDS
 90° PARKING

REVISED DEC 2010



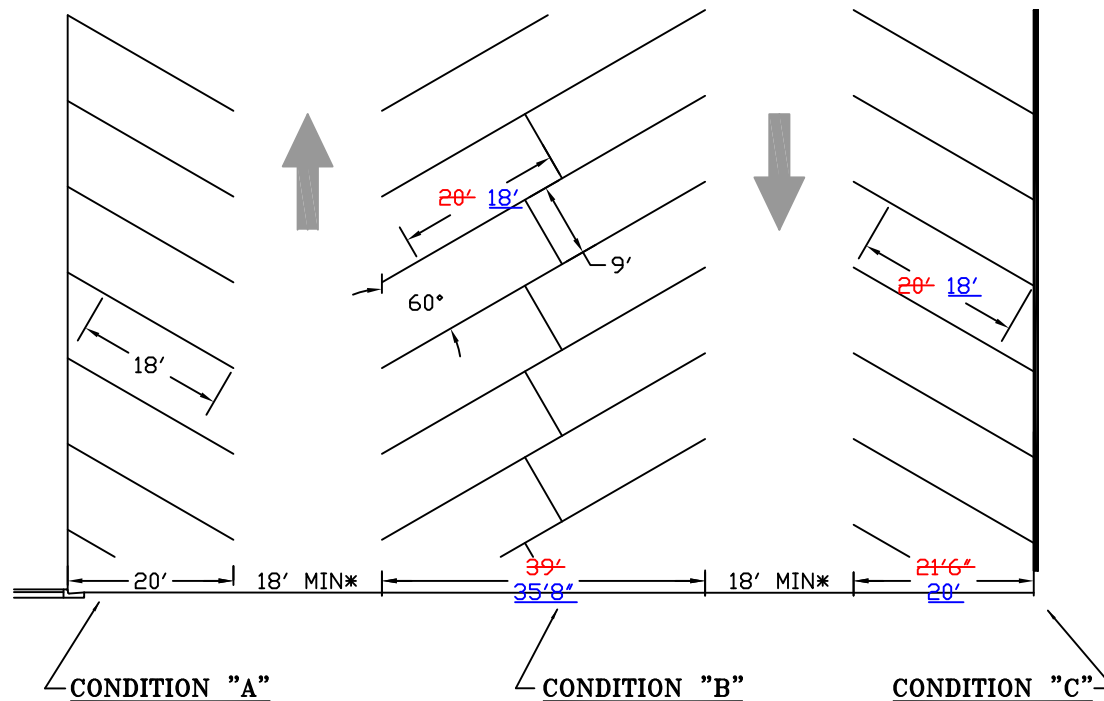
CONDITION "A"
 PARKING ADJACENT TO SIDEWALK OR LOW LEVEL
 LANDSCAPE AREA WHICH ALLOWS OVERHANG OF VEHICLE.
 MINIMUM PARKING STALL LENGTH 18-FOOT.
 ADJACENT SIDEWALK MUST BE 6-FOOT MINIMUM.

CONDITION "B"
 END TO END PARKING
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

CONDITION "C"
 PARKING ADJACENT TO WALL OR
 OTHER SOLID OBSTACLE.
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

GENERAL NOTES:

- MINIMUM STALL LENGTH SHALL BE BASED UPON PARKING CONDITION SHOWN, ABOVE.
- MINIMUM STALL WIDTH SHALL BE ~~9-FOOT~~ 8 FEET 6 INCHES.
- THE NUMBER OF ACCESSIBLE PARKING STALLS REQUIRED SHALL BE PROVIDED PER FEDERAL GUIDELINES.
- * MINIMUM ONE-WAY AISLE WIDTH SHALL BE 16-FOOT. FIRE DEPT. MAY REQUIRE ADDITIONAL FOR FIRE ACCESS ROADS.



CONDITION "A"
 PARKING ADJACENT TO SIDEWALK OR LOW LEVEL
 LANDSCAPE AREA WHICH ALLOWS OVERHANG OF VEHICLE.
 MINIMUM PARKING STALL LENGTH 18-FOOT.
 ADJACENT SIDEWALK MUST BE 6-FOOT MINIMUM.

CONDITION "B"
 END TO END PARKING
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

CONDITION "C"
 PARKING ADJACENT TO WALL OR
 OTHER SOLID OBSTACLE.
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

GENERAL NOTES:

MINIMUM STALL LENGTH SHALL BE BASED UPON PARKING CONDITION SHOWN, ABOVE.

MINIMUM STALL WIDTH SHALL BE ~~9-FOOT~~ 8 FEET 6 INCHES.

THE NUMBER OF ACCESSIBLE PARKING STALLS REQUIRED SHALL BE PROVIDED PER FEDERAL GUIDELINES.

* MINIMUM ONE WAY AISLE WIDTH SHALL BE 18-FOOT. FIRE DEPT. MAY REQUIRE ADDITIONAL FOR FIRE ACCESS ROADS.

TOOELE CITY – PARKING LOT DESIGN STANDARDS

60° PARKING

REVISED DEC 2010

Dumpster & Waste Collection Locations

The applicant proposes to amend the provisions of the City Code that address multi-family design standards for the placement of garbage dumpsters and their enclosures. Currently, Section 7-11a-21(3) TCC establishes a spacing for these features of a development from residential structures within the development or on adjacent properties. That section calls for a minimum of 100 feet between those residential structures and the garbage dumpster enclosures. The applicant's proposal would be to establish new flexibility to locate those features in any suitable location to minimize the impact of noise, dust or odors. Although this aspect of the applicant's proposal is a reasonable approach to locating a feature that generally is a necessary detractor from a project, there are still areas that would not be desirable for such features. Therefore a revision to the locational requirements for garbage dumpsters and their enclosures to accomplish the intent and goals of the applicant's proposal would appear as follows:

7-11a-21 Design Standards: Dumpster Enclosures.

- (1) Garbage dumpsters and receptacles shall be enclosed on all sides with opaque screening materials. For at least the three (3) non-vehicular access sides, screening materials shall be masonry (but not cinder block) or vinyl. Screening materials for the dumpster enclosure gate shall be vinyl or other solid, opaque materials.
- (2) Dumpster enclosures shall utilize the same colors and materials as the Buildings.
- (3) Dumpsters shall be located a minimum of 100 feet from any Building or Surrounding Property dwelling *except within in the MU-B overlay zoning district. Within the MU-B overlay zoning district, dumpsters and waste collection shall be located within a rear or interior side yard and may otherwise be located as suitable to minimize noise, dust, odors or other nuisances.*
- (4) Dumpster enclosures shall be located so as to not interrupt, encroach upon, or interfere with the Project's vehicular or pedestrian pathways or parking areas.
- (5) Dumpster enclosures shall be designed to minimize the public view thereof by placement near the rear perimeter of the Project.
- (6) Dumpster enclosures shall include landscaping on at least two (2) sides. Landscaping shall consist of shrubs, vines, and/or Dry-scape.

Additional Points of Consideration

The above discussion and analysis covers the specific aspects identified within the applicant's proposal. Through discussion with the applicant going through the analysis of those aspects, it appears to staff that there are additional provisions or aspects of the Tooele City Code that could be best served being analyzed for revisions of their own to avoid conflict or difficulties associated with the applicant's proposal. The following points and aspects, although not a part of the applicant's proposal, are those points for additional analysis.

Project Context & Integration

The basis upon which zoning classifications, design standards, or land use provisions are built comes from the statements of purpose and intent, also referred in the Tooele City Code as context and setting, i.e. those statements which outline the vision and purpose behind the various zones in the City. Chapter 7-11a TCC establishes and sets forth design standards for multi-family residential developments. Along with these design standards that chapter identifies the context and setting ideals upon which those standards are built. Therefore a revision to the context and setting statements for multi-family residential developments to help accomplish the intent and goals of the applicant's proposal would appear as follows:

7-11a-5 Context and Setting.

- (1) Projects shall be designed to as to preserve and incorporate the Site's natural features and other features contributing to a Project's Context and Setting, such as, natural grade, natural vegetation, natural storm water and flood channels, major vistas and panoramas (e.g., Oquirrh mountain range; Stansbury mountain range, the Great Salt Lake, and vast open space and agricultural areas), proximity to historical structures and areas, and the Surrounding Property (e.g., zoning,

- existing development).
- (2) Projects shall be designed so as to recognize existing natural and manmade Elements and Landmarks, where such Elements and Landmarks are consistent with the Purposes of this Chapter, by including in the Project Plan such Elements as are similar in appearance, design, and purpose.
 - (3) A Project that contains structures significantly larger or smaller than the Surrounding Property shall include Elements at the Project perimeter that provide a transitional effect to the Context and Setting of the Surrounding Property.
 - (4) A Project shall be designed so as to possess a functional relationship of the Project to its Context and Setting.
 - (5) [A project incorporating existing registered historical structures shall utilize the historical features, aesthetic elements, design, and architectural elements in redevelopment. Adjacent projects are encouraged to incorporate the same into adjacent development.](#)

Land Use Permissibility

Generally speaking, the mixed use zoning districts in Tooele City have been established in areas where there are existing and historical buildings and uses of somewhat varying types, ages, and purposes. Understanding that and the geographical areas of these districts, it is reasonable to assert that the opportunities for new development on vacant properties is somewhat limited leaving much of the development potential to be on somewhat confined properties or of a redevelopment nature. When examining the MU-B Mixed Use – Broadway overlay zoning district specifically, it is located in an area that is predominantly residential with smaller more localized businesses surrounded by additional residential uses. A natural transition into and through this mixed use overlay zoning district is a range of residential types and sizes. With this understanding it also benefits the area to permit these uses particularly where residential uses generally provides some of the lowest nuisance generation, which the point to be addressed through a Conditional Use Permit process, the highest likelihood coming from the most dense of residential uses. Therefore a revision to the land use permissibility to help accomplish the intent and goals of the applicant’s proposal would appear as follows:

7-16-3. Table 1, Table of Uses. Mixed Use, Commercial and Industrial Districts.

**TABLE 1
TABLE OF USES
MIXED USE, COMMERCIAL AND INDUSTRIAL DISTRICTS**

Use	DISTRICT							
	MU-B Mixed Use - Broadway	MU-G Mixed Use - General	NC Neighbor-hood Commercial	GC General Commercial	RC Regional Commercial	LI Light Industrial	I Industrial	RD Research and Development
Dwelling: Two-Family	<u>C P</u>	C						
Dwelling: Three-Family	<u>C P</u>	C						
Dwelling: Four-Family	<u>C P</u>	C						
Dwelling: Multi-Family	C <u>See Note 6</u>	C						

NOTES:

1. With the exception of detached single family dwellings, all dwellings in the M U (Mixed Use) zoning district must comply with the regulations and requirements, as amended, of the HDR (High Density Residential) zoning district, or its equivalent replacement, contained in Chapter 7-14, Tables 2, 3, and 4 [unless otherwise specified in this Chapter.](#)
2. For any Use allowed in a zoning district and proposing or requiring any area for Accessory Outside Storage, for any purpose, such use and outside storage area shall be considered as a Conditional Use. All Accessory Outside Storage is prohibited in the Mixed Use (M U) District and the Neighborhood Commercial (NC) District.
3. For any Use allowed in a zoning district and proposing or requiring a “Accessory Drive Through Facility”, such Drive Through Facility shall be considered as a Conditional Use. All Accessory Drive Through Facilities are prohibited in the

- Mixed Use (M U) District and the Neighborhood Commercial (NC) District.
4. For any Use allowed in a zoning district and proposing any Accessory Outside display and sales area, such Accessory Outside Display and Sales use and area, shall be considered as a Conditional Use for any Uses allowed in the District, except that it shall be a permitted use in the Downtown Overlay District. Accessory Outside Display and Storage is prohibited in the Mixed Use (M U) District, Neighborhood Commercial (NC) District, and the Research and Development (RD) District. Accessory Outdoor sales and display in the Downtown Overlay District shall be subject to the following requirements:
 - A. A 6-foot-wide unobstructed pedestrian pathway shall be maintained at all times on all sidewalks.
 - B. All sales and display items shall be removed from the sidewalk and brought indoors into the business at the end of the business' hours of daily operation.
 - C. No sales or display items may extend more than 24 inches from the building facade of the selling or displaying business.
 - D. No sales or display items may be located within the landscaped park strip, on the curb, in the gutter, or in the vehicular travel lanes.
 - E. All sales and display items shall be located directly in front of the business selling or displaying the items and may not be located in front of other businesses or properties. (Ord. 2012-22, 12-05-12)
 5. This use is not permitted if any part of the proposed or existing building containing the use is located within 1,500 feet from (a) any school (public or private kindergarten, elementary, middle, charter, junior high, high school), public park, public recreational facility, youth center, library, or church, (b) any other Tobacco Specialty Store, (c) any residential use or residential zoning boundary, including mixed-use zones, or (d) on Vine Street. Distances shall be measured in a straight line, without regard to intervening structures or zoning districts, from a Tobacco Specialty Store structure to the property line of a school, public park, library, church, youth center, cultural activity, residential use, zoning district boundary, or other Tobacco Specialty Store. (Ord. 2011-19, 01-18-12)
 6. [This use shall be a permitted use when proposed within and as a part of the redevelopment of an existing registered historical building.](#)

Landscaping

As discussed above, Tooele City Code establishes the design standards for multi-family residential developments. Those standards address many aspects of development and project layout and features. Generally speaking, these design standards contemplate design of developments that are new projects on vacant properties. Some aspects of the design standards, utilizing that built in assumption, could prove problematic in a redevelopment setting. One more poignant example is landscaping. In a redevelopment setting the property is already built upon with structures and features that were originally developed long ago that may not have the ability to comply with current code requirements without the removal of other features or the accumulation of additional properties. Therefore a revision to the design standards addressing landscaping for multi-family residential developments to help accomplish the intent and goals of the applicant's proposal would appear as follows:

7-11a-12 Design Standards: Landscaping.

[\(13\) Multi-family redevelopment projects within an existing registered historical building shall have no landscaping requirements specific to the historical building beyond those landscaping areas previously established with and around the building. Those previously established landscaping areas shall be developed according to the provisions of this section.](#)

Minimum Project Size

As discussed earlier, the development standards within mixed use zoning districts is based upon those established for the HDR High Density Residential zoning district. The development standard provisions of that zoning district, rightfully so, are contemplated and intended to address anticipated developments within those zoning classifications. With regard to the mixed use zoning districts where different setting and geographical considerations apply, some development standard provisions may not work as well. One such provision is a notation in the HDR zoning development standards that identifies a minimum project size for multi-family residential developments. Table 2 within Chapter 7-14 TCC specifies the densities allowable within the various

residential zoning districts. The land use callout for multi-family residential units includes a notation that specifies that use to require a minimum of five acres for such a land use. Also as discussed earlier in this memo, the confines and uses within the mixed use zoning district areas do not necessarily lend themselves to large areas of land being utilized for development projects. Therefore a revision to the development standards for multi-family residential developments to help accomplish the intent and goals of the applicant’s proposal would appear as follows:

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

**TABLE 2
TABLE OF ALLOWED RESIDENTIAL DENSITY**

	RESIDENTIAL ZONING DISTRICTS						
	High Density	Medium Density			Low Density		
	HDR	MDR	R1-7	R1-8	R1-10	R1-12	R1-14
Multiple-family Dwelling (Minimum 5 acres required ¹)	C / max. 16 units per acre ²	C / max. 8 units per acre					

¹ *minimum project size shall not apply to multi-family projects in a mixed use zoning district or when such use is being proposed as a redevelopment of a registered historical building.*

As always, should you have any questions or concerns please feel free to contact me at any time.

April 30, 2018

Tooele City
Community Development Department
90 N Main Street
Tooele, UT 84074

**RE: Ordinance Text Amendment
Broadway Mixed-Use (MU-B) Overlay Zone**

Søren D. Simonsen
FAIA, AICP, LEED AP

This supplemental information is provided as part of the proposed zoning ordinance text amendment, to clarify the purpose and intent of the recommended changes.

soren@communitystudio.us
Phone | 801-706-1055

Impact Hub Salt Lake
150 S State Street
First Floor

Existing Ordinance

Provide a copy of the ordinance, with chapter and section references, proposed for amendment.

PO Box 526082
Salt Lake City, UT 84152

There are multiple sections of Title 7 of the municipal code that address elements of this proposed project:

Chapter 4: Off Street Parking
Chapter 5: Conditional Use
Chapter 11: Design Review
Chapter 11a: Multi-family Design Standards
Chapter 16, Part 1: Zoning District Purpose & Intent
Chapter 16, Part 2: Tables of Uses & Development Standards
Parking Lot Layout (6/2014)

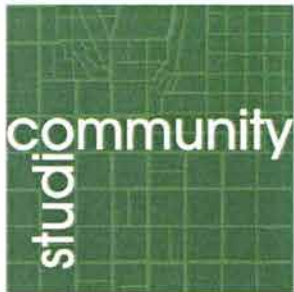
Copies of these documents are attached to this application.

Proposed Ordinance Amendment

Provide the proposed amendment to the text of the ordinance.

Notwithstanding any other provisions of the city ordinance, the following may be allowed only in the Mixed-Use Broadway District (MU-B) when approved by the Planning Commission through an established Conditional Use and/or Design Review process:

- Maximum lot size may be increased over 25,000 square feet.
- No minimum setbacks required at the front or corner side yard.
- Maximum density may be increased above 16 units per acre.
- Existing building heights shall be permitted above the maximum height limit of two stories.
- Minimum unit sizes may be reduced to 400 square feet for studio and one-bedroom units, and 600 square feet for two bedroom units.
- Required parking spaces may be reduced to one per unit for one-bedroom units, and one and one half per unit for two-bedroom units.
- Minimum parking layout standards for individual stalls may be 8'6" x 18'0" with 24'0" drive aisle width.



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Healthy
Beautiful
Prosperous

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- Dumpster and waste collection may be located at any suitable location to minimize the impact of noise, dust and odors.

Purpose and Need for Ordinance Amendment

Explain as specifically and detailed as possible why the amendment to the text is necessary or in the best interest of Tooele City and the community as a whole.

Given the constraints of some sites and structures in this historic area, and many conditions that pre-date the current regulations, these recommendations are necessary to provide some flexibility to the zoning ordinance, while still providing a reasonable means for oversight and review. These changes will allow for reasonable development of challenging properties that may not conform with some existing standards. Many, if not most, of the historic properties in this special purpose zoning district are non-conforming in some way.

The specific standards addressed in this amendment are issues that have been challenging or problematic with developing and re-using the historic structure(s) that are part of a specific development proposal, but which may also negatively impact other properties in this zoning district that are impacted by constrained structures, sites and existing conditions.

Effects on Land Uses and Properties

Explain how the proposed text amendment could potentially effect existing and potential land uses or properties within Tooele City.

Allowing greater flexibility for properties and structures in this special purpose district should generally help facilitate desired improvements within the district. Given that the proposed changes will remain subject to conditional permit and design review processes, there remains an opportunity for careful review and public input. The proposed changes generally are consistent with the stated purpose of this special zoning district.

Impact on Goals and Objectives of Tooele City

Explain how the proposed text amendment promotes the goals and objectives of Tooele City.

The stated purpose of this special purpose zoning district is to “provide an area for an appropriate mix of compatible residential, limited commercial and compatible business and professional offices” and to “preserve existing residential buildings and structures.” There was great foresight in creating special purpose districts for this and other historic areas of Tooele City. However, some standards remain challenging to developing and improving properties in this particular zone.

These changes should improve the efficiency and ability to develop challenging historic properties and structures within a limited area. While these changes can provide greater flexibility and opportunity, the continued oversight and input of the approval process provides the means to insure that the general intent and purposes of the city are met on a case by case basis.

Conclusion

We appreciate the opportunity to present these recommendations to Tooele City, and look forward to working through the process to help bring about these important improvements to the municipal code.

Please contact me by phone at 801-706-1055, or by email at soren@communitystudio.us, with any questions or comments, and to keep me informed about the review and input process as these changes are considered.

Warm regards,

A handwritten signature in black ink, appearing to read "Soren D. Simonsen", with a long horizontal flourish extending to the right.

Soren D. Simonsen, FAIA, AICP, LEED AP
Development Partner



Broadway Hotel/Apartment c. 1915

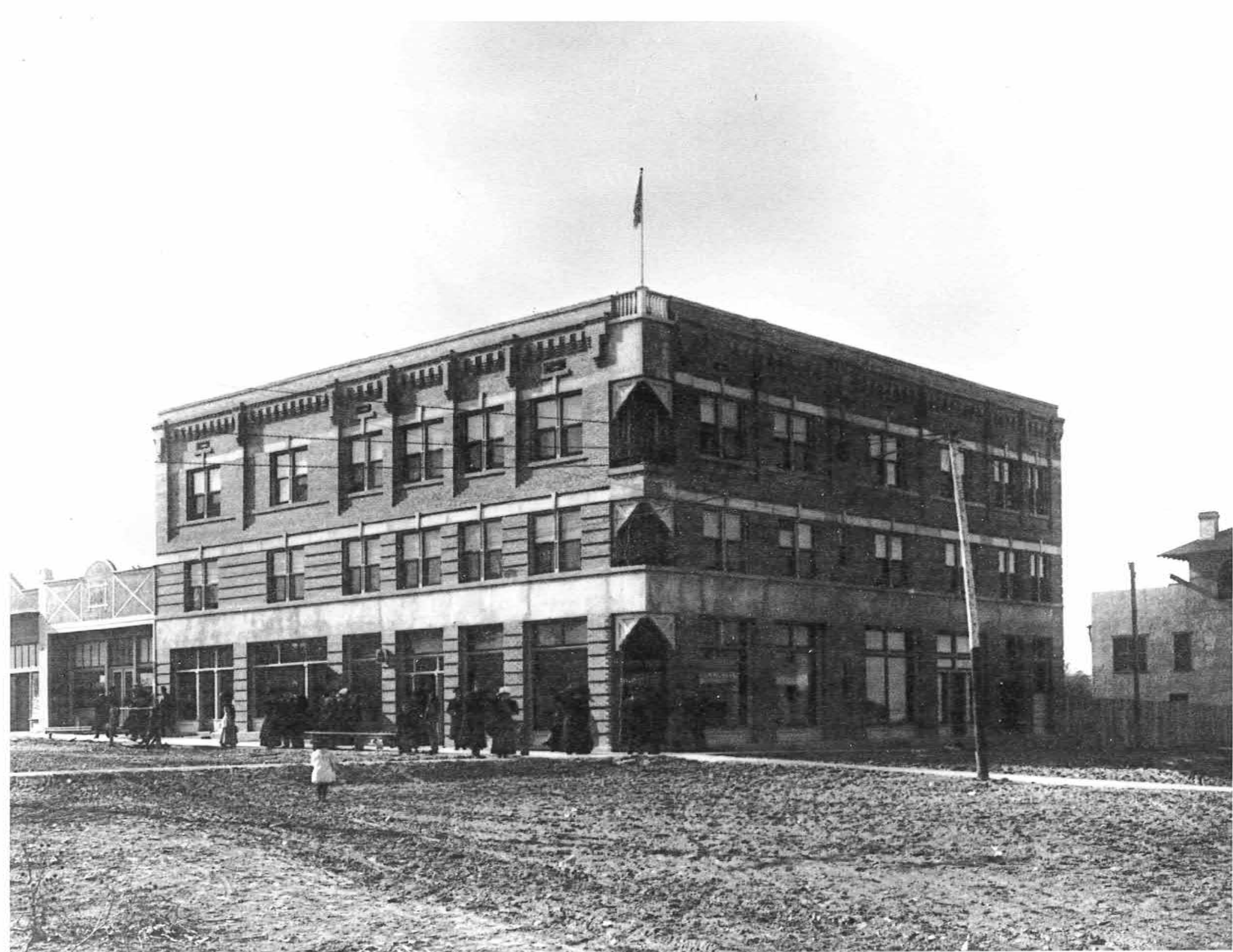
Photo courtesy Utah Historical Society

Broadway Heritage Village

145 North Broadway Street
Tooele, UT



AW
America West Investments, LLC



Photos of Existing Conditions



A – Historic Broadway Hotel building (vacant)



B – Vacant building and lot on west side of Broadway



C – Historic "Venus Club" building (vacant)



D – Lot on east side of Broadway & vacant apartment



Community Revitalization Plan

Broadway Heritage Village is a proposal to redevelop and help revitalize a blighted and underused mixed-use district, in an area of Tooele historically known as "New Town."

Though the surrounding blocks are part of a stable, working-class neighborhood, the Broadway commercial district is in need of improvements to better contribute to the livability and long-term vitality of the area.

Broadway Heritage Village

The Broadway Heritage Village project is envisioned as a catalytic project that will seek to stabilize and improve the neighborhood, provide needed workforce housing, and improve the property values, community character, and economic vitality of this district.

Phase 1

Parcel 1 includes a vacant, historic hotel/apartment building that is in the process of listing on the National Register of Historic Places. It is proposed to be renovated as 30 one bedroom apartments, with yard space, parking and amenities. The historic building has not previously had any associated off-street parking, and a portion of Parcel 2 will be used for that purpose.

Future Phase(s)

Parcels 2 & 3 are mostly vacant properties that may include new construction of additional two and three bedroom row house style apartments, with play scapes, yards, parking and amenities. The proposed use and development of these parcels is subject to a current petition for a zoning text amendment.

Parcel 4 includes a vacant historic commercial building known most recently as the "Venus Club," a local tavern. The building could be renovated for either commercial or residential uses, or both.



150 S State Street, #100
PO Box 526082
Salt Lake City, UT
84152-6082
801-706-1055 | phone
mail@communitystudio.us
www.communitystudio.us

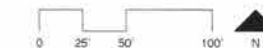
Seal

BROADWAY HERITAGE VILLAGE
Phase 1
145 NORTH BROADWAY STREET
TOOELE, UT

Date | 04/20/2018

Site Context & Conditions

G003





Design Precedents

Broadway Heritage has the goal to provide affordable urban housing that is also high quality and well-designed. These photos show a range of projects that use basic forms, simple materials, and subtle details to provide affordable, attractive solutions.

Legend:

Left column (top to bottom):

- Bainbridge Island – Seattle, WA
- Bainbridge Island – Seattle, WA
- Daybreak – South Jordan, UT

Middle column (top to bottom):

- Belmont – Portland, OR
- Bainbridge Island – Seattle, WA
- Daybreak – South Jordan, UT

Right column (top to bottom):

- Belmont – Portland, OR
- Pearl District – Portland, OR
- Pearl District – Portland, OR

Proposed Materials

Broadway Heritage will utilize economical yet durable materials and a simple palette of colors to produce attractive results.

The proposed Broadway Heritage buildings will utilize cement-fiber siding and trim, smooth cement stucco plaster, and brick accents.

Massing, details and colors will be complementary to the historic brick structure, with a subtle, modern flair.



150 S State Street, #100
 PO Box 526082
 Salt Lake City, UT
 84152-6082
 801-706-1055 | phone
 mail@communitystudio.us
 www.communitystudio.us

Seal

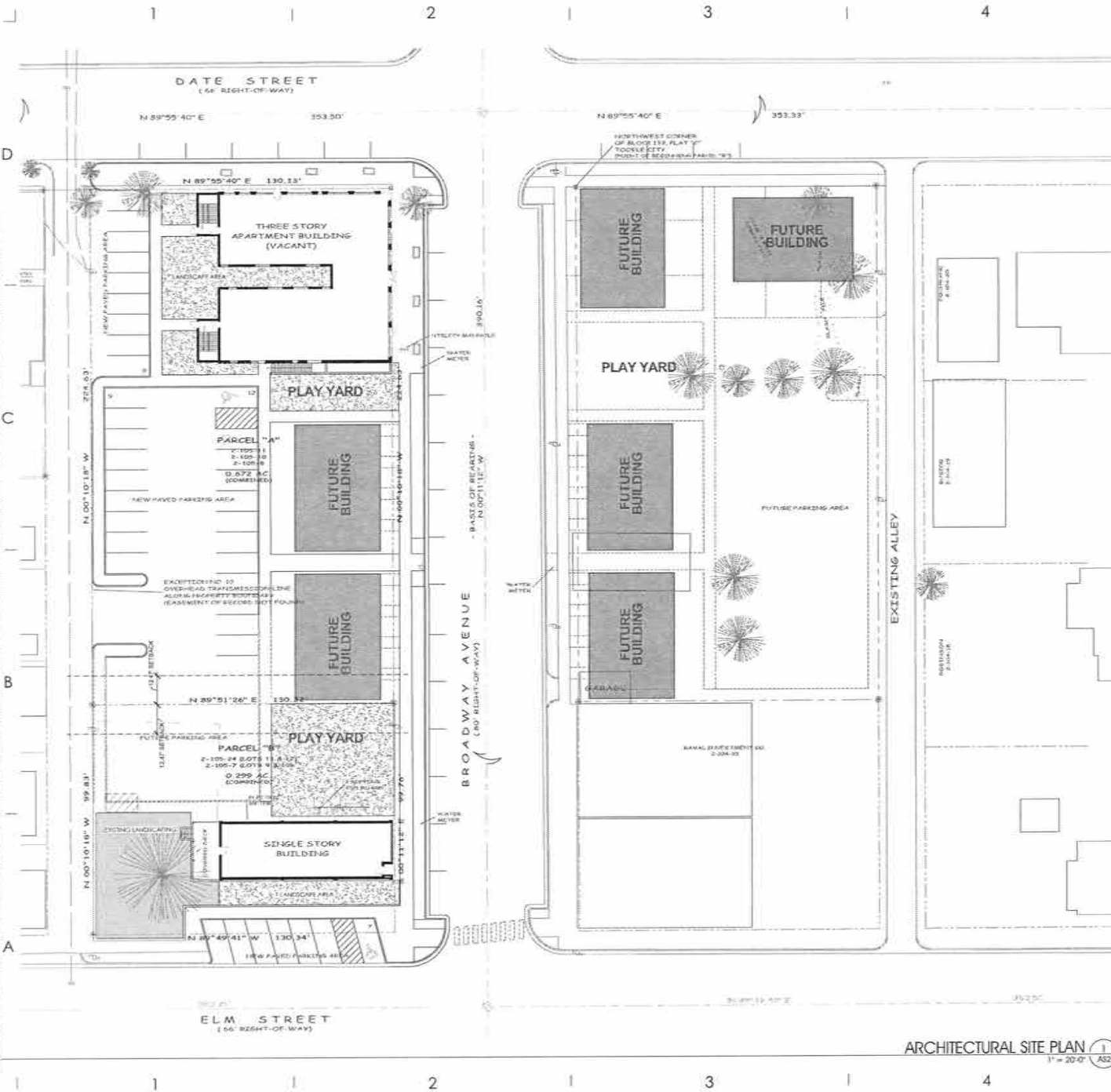
BROADWAY HERITAGE VILLAGE
Phase 1
 145 NORTH BROADWAY STREET
 TOOELE, UT

Date | 04/20/2018

Design Ideas
 & Materials

G004

3/7/2018 9:46:55 AM P:\1700\1751 Americo West Building A Renovation\02 Model\SitePlan_West_Broadway_117 Central - Different.dwg



ARCHITECTURAL SITE PLAN 1
1" = 20'-0" AS2

5
GENERAL NOTES:

- SEE SHEET A601 FOR GENERAL NOTES
- SEE TITLE SHEET FOR DRAWING INDEX
- DO NOT SCALE DRAWINGS
- CONTRACTOR/ENGINEER/CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE BEGINNING WORK AND SHALL REPORT TO THE ARCHITECT ANY ERRORS, INCONSISTENCIES OR OMISSIONS BEFORE BEGINNING WORK. SEE GENERAL NOTES AND SPECIFICATIONS.



NOT FOR CONSTRUCTION

ZONING REQUIREMENTS:

- PARKING REQUIREMENTS:**
1. APARTMENT BUILDING - 1 STALL PER UNIT (20 UNITS)
 - STALLS REQUIRED = 20 STALLS
 - STALLS PROVIDED = 35
 2. LAUNDRY BUILDING - 1 STALL PER 300 S.F.
 - STALLS REQUIRED = 7 STALLS
 - STALLS PROVIDED = 7

SIDEYARD SETBACKS:
PER TABLE 4-A = 12.47'

- LANDSCAPE REQUIREMENTS:**
5% OF PARKING AREAS & RELATED AREAS
1. APARTMENT BUILDING
 - PARKING AREA TOTAL = 12,069 S.F.
 - LANDSCAPE AREA REQUIRED (5%) = 603 S.F.
 - LANDSCAPE AREA PROVIDED = 3,176 S.F.
 2. LAUNDRY BUILDING
 - PARKING AREA TOTAL = 1,512 S.F.
 - LANDSCAPE AREA REQUIRED (5%) = 76 S.F.
 - LANDSCAPE AREA PROVIDED = 819 S.F.

ARCHITECT / CONSULTANT

PROJECT DESCRIPTION
BROADWAY SITE

BROADWAY AVENUE, TOOLE UT

AHJ STAMP

SHEET NAME:
SITE PLAN - OPTION 2

REVISIONS
MARK DATE DESCRIPTION

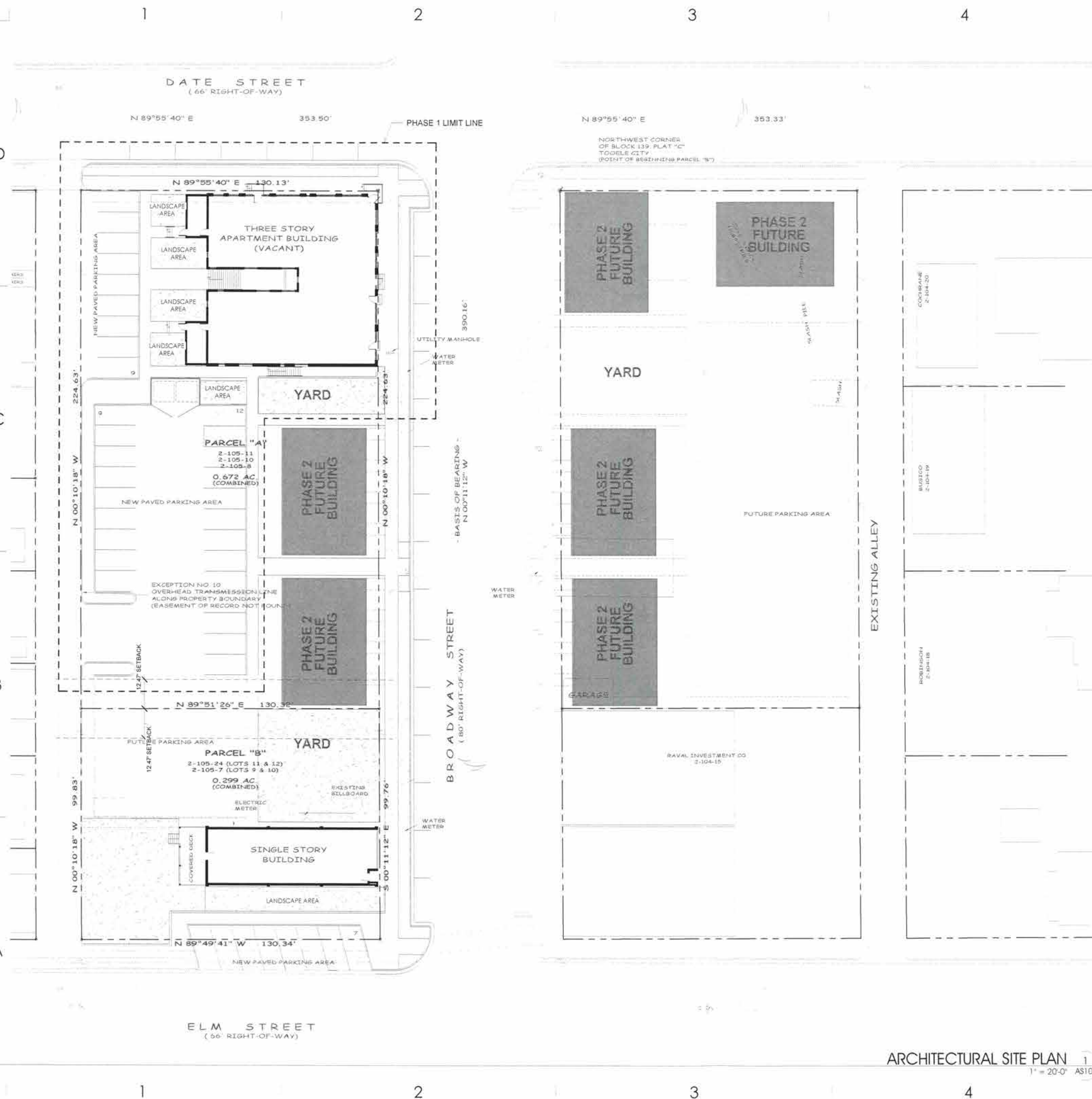
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ISSUE TYPE: CONCEPT DESK
DRAWN BY: Author
CHECKED BY: Checker
PROJECT#: XXXX

SHEET NUMBER:

AS2

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5

GENERAL NOTES:

- SEE SHEET AE001 FOR GENERAL NOTES
- SEE TITLE SHEET FOR DRAWING INDEX
- DO NOT SCALE DRAWINGS
- CONTRACTOR/SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE BEGINNING WORK AND SHALL REPORT TO THE ARCHITECT ANY ERRORS, INCONSISTENCIES OR OMISSIONS BEFORE BEGINNING WORK. SEE GENERAL NOTES AND SPECIFICATIONS.


 703 east 1700 south
 salt lake city, utah 84105
 www.ajcarchitects.com

NOT FOR CONSTRUCTION

ARCHITECT / CONSULTANT

PARKING SUMMARY:

PHASE 1:

- APARTMENT BUILDING - 30 UNITS
 ON SITE STALLS PROVIDED = 30 SPACES (1 PER UNIT)
 ON STREET SPACES AVAILABLE = 9 SPACES

PHASE 2:

PARKING TO BE DETERMINED FOLLOWING A PETITION FOR ZONING AMENDMENT

PROJECT DESCRIPTION

BROADWAY HERITAGE VILLAGE
PHASE 1-HISTORIC RENOVATION

145 N BROADWAY STREET
TOOELE, UTAH 84074
AHJ STAMP

SHEET NAME:
SITE PLAN

REVISIONS

MARK	DATE	DESCRIPTION

ISSUE DATE: 04.10.18
 ISSUE TYPE: CONCEPT DESIGN
 DRAWN BY: A LARSEN
 CHECKED BY: Checker
 PROJECT#: XXXX

SHEET NUMBER:

AS101

ARCHITECTURAL SITE PLAN 1
1" = 20'-0" AS101

KEYED NOTES:

GENERAL NOTES:

	1-BED UNIT 'A'	1-BED UNIT 'B'	1-BED UNIT 'C'
BASEMENT	2	0	0
GROUND	0	8	0
SECOND	0	8	2
THIRD	0	8	2
TOTAL	2	24	4 = 30

(E) BASEMENT	=	4,800 SF +/-
(E) GROUND FLOOR	=	5,486 SF +/-
(E) SECOND FLOOR	=	5,486 SF +/-
(E) THIRD FLOOR	=	5,486 SF +/-
TOTAL	=	21,258 SF +/-



703 east 1700 south
salt lake city, utah 84105
www.ajcarchitects.com

NOT FOR
CONSTRUCTION

ARCHITECT / CONSULTANT

PROJECT DESCRIPTION

**BROADWAY
HERITAGE VILLAGE
PHASE I-HISTORIC
RENOVATION**

145 N BROADWAY STREET
TOOELE, UTAH 84074
AHJ STAMP

SHEET NAME:

FLOOR PLANS

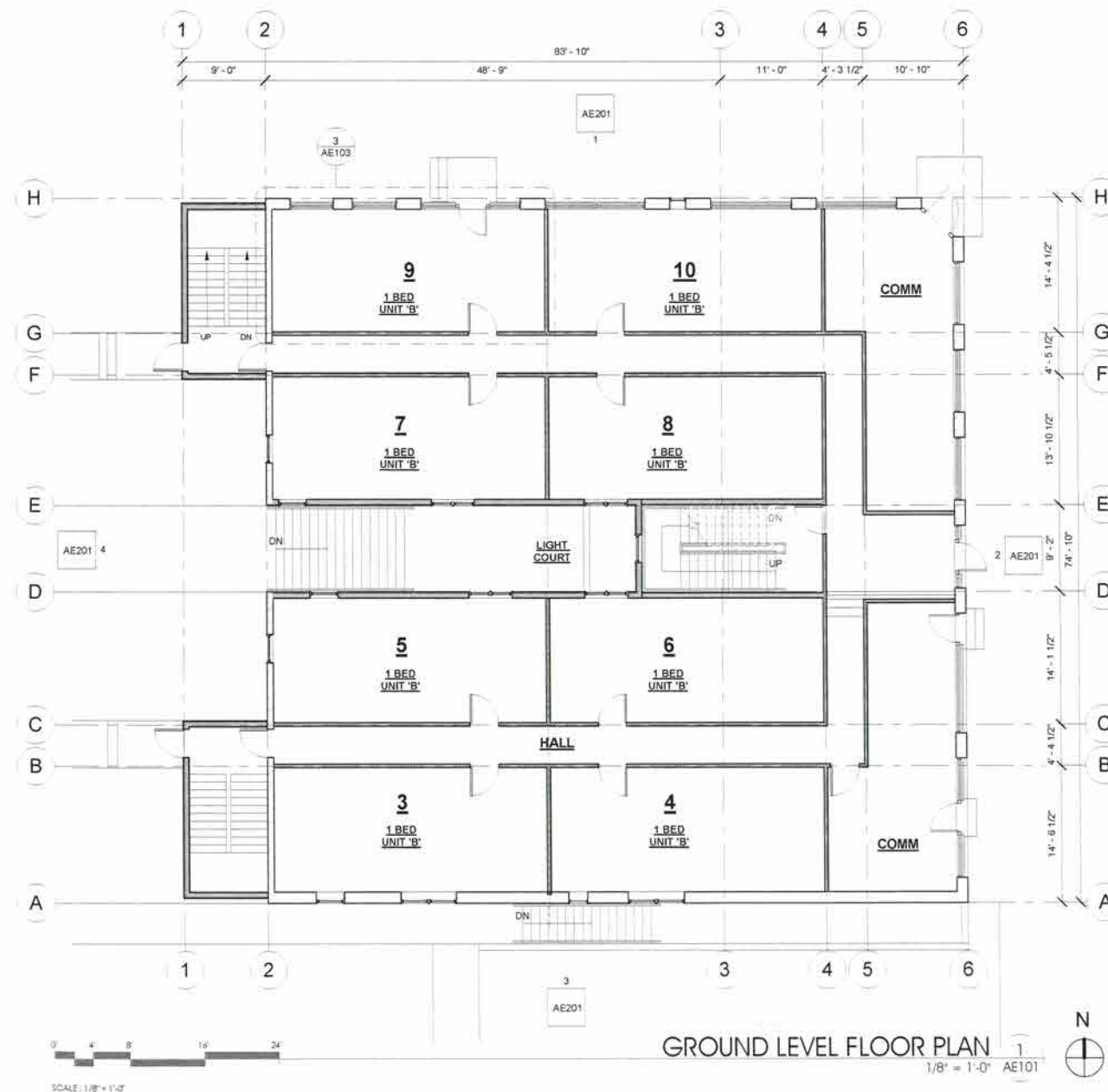
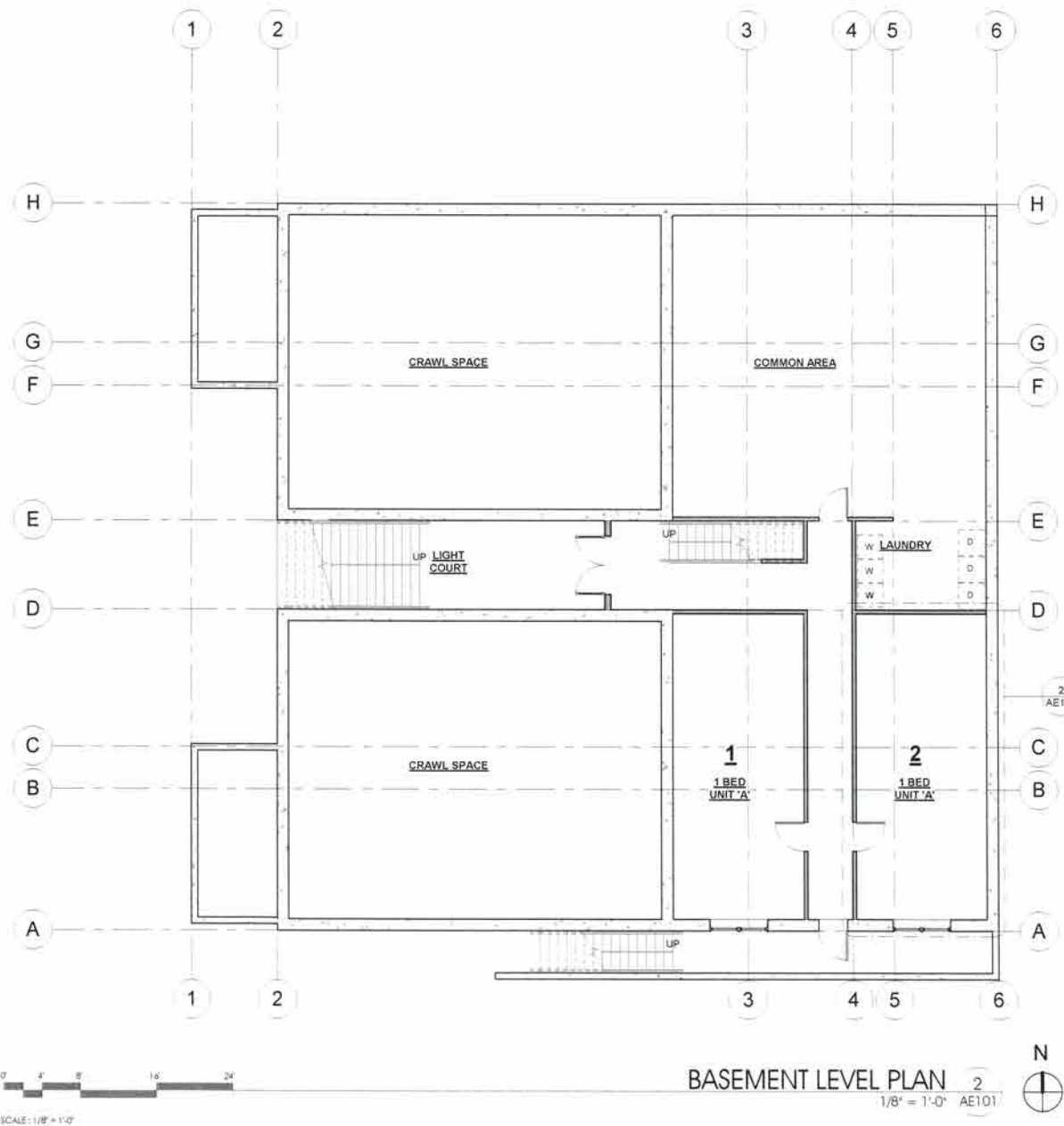
REVISIONS

MARK	DATE	DESCRIPTION

ISSUE DATE:	04.12.18
ISSUE TYPE:	CONCEPT DESIGN
DRAWN BY:	A LARSEN
CHECKED BY:	Checker
PROJECT#:	XXXX

SHEET NUMBER:

AE101



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KEYED NOTES:

GENERAL NOTES:

	1 BED UNIT 'A'	1 BED UNIT 'B'	1 BED UNIT 'C'
BASEMENT	2	0	0
GROUND	0	8	0
SECOND	0	8	2
THIRD	0	8	2
TOTAL	2	24	4 = 30

(E) BASEMENT = 4,800 SF +/-
 (E) GROUND FLOOR = 5,486 SF +/-
 (E) SECOND FLOOR = 5,486 SF +/-
 (E) THIRD FLOOR = 5,486 SF +/-
 TOTAL = 21,258 SF +/-



703 east 1700 south
 salt lake city, utah 84105
 www.ajcarchitects.com

NOT FOR
 CONSTRUCTION

ARCHITECT / CONSULTANT

PROJECT DESCRIPTION

BROADWAY
 HERITAGE VILLAGE
 PHASE 1-HISTORIC
 RENOVATION

145 N BROADWAY STREET
 TOOELE, UTAH 84074
 AHJ STAMP

SHEET NAME:

FLOOR PLANS

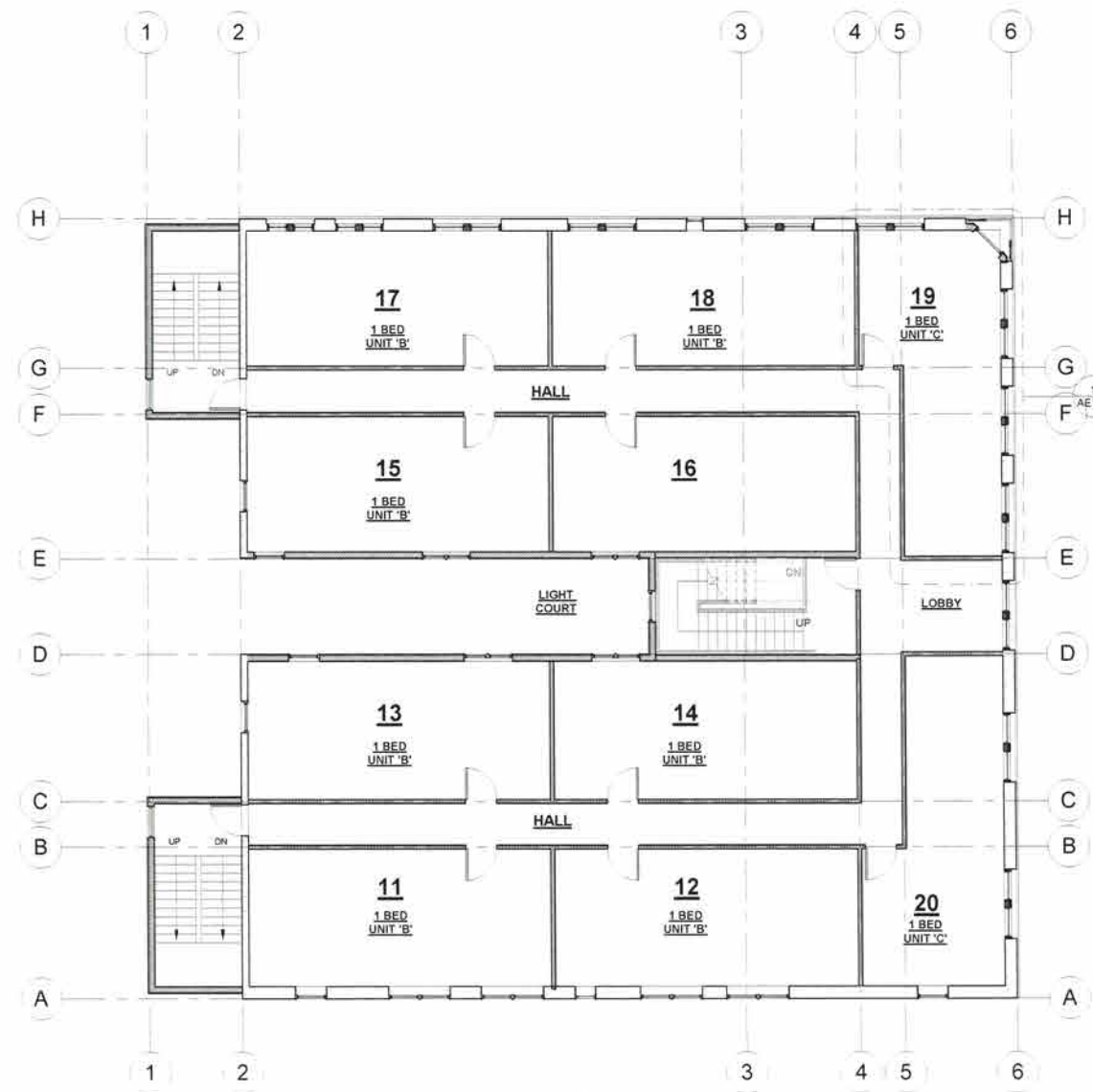
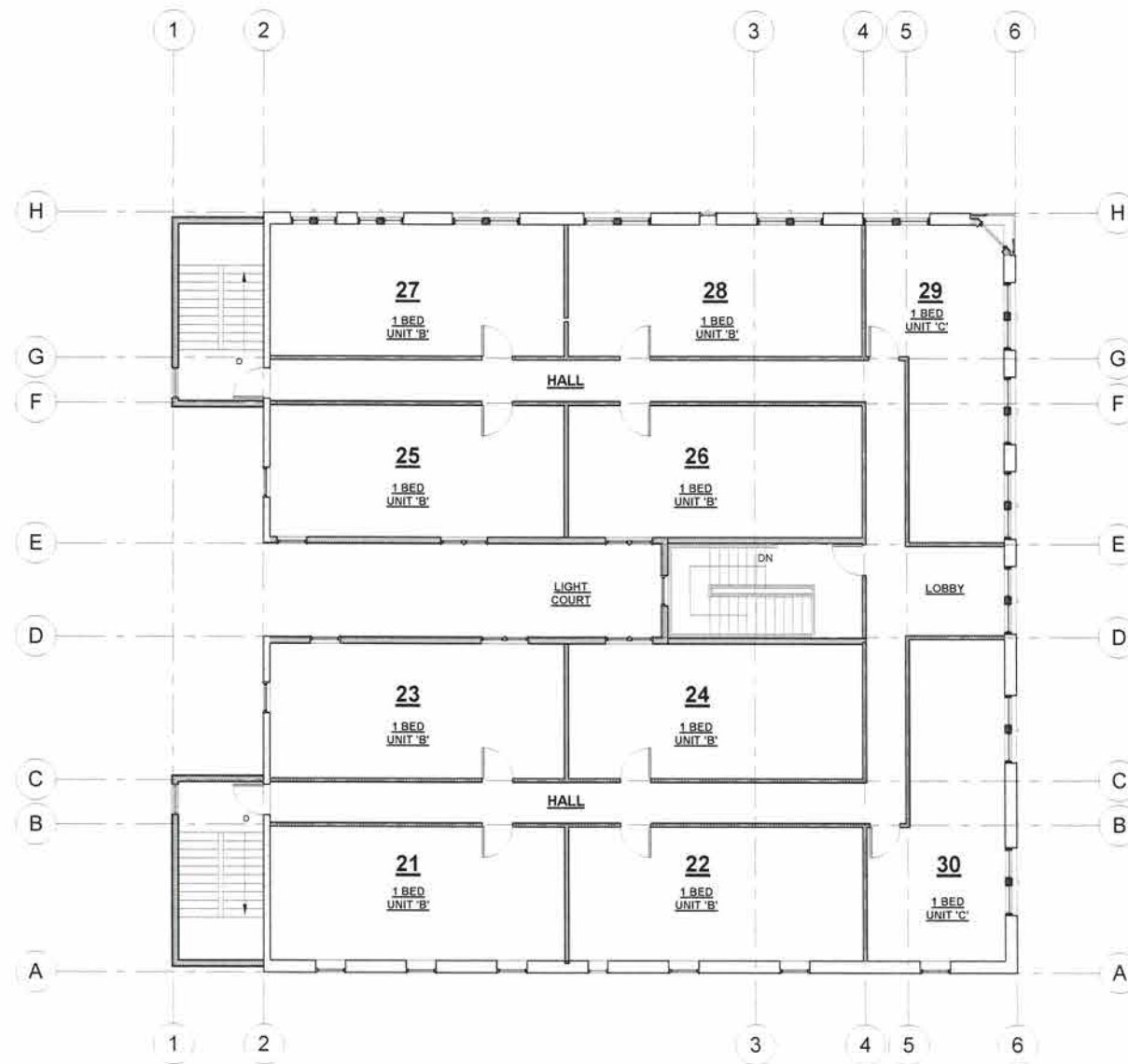
REVISIONS

MARK	DATE	DESCRIPTION

ISSUE DATE: 04.12.18
 ISSUE TYPE: CONCEPT DESIGN
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 CHECKED BY: Checker
 PROJECT#: XXXX

SHEET NUMBER:

AE102



4/19/2018 12:00:54 AM C:\Users\jheppler\Documents\1751 BLDG-A-HISTORIC v17 CENTRAL_jheppler.rvt

4/19/2018 12:00:55 AM C:\Users\jheppler\Documents\1751 BLDG_A_HISTORIC_v17 CENTRAL_heppler.rvt

	1-BED UNIT 'A'	1-BED UNIT 'B'	1-BED UNIT 'C'
BASEMENT	2	0	0
GROUND	0	8	0
SECOND	0	8	2
THIRD	0	8	2
TOTAL	2	24	4

(E) BASEMENT = 4,800 SF +/-
 (E) GROUND FLOOR = 5,486 SF +/-
 (E) SECOND FLOOR = 5,486 SF +/-
 (E) THIRD FLOOR = 5,486 SF +/-
 TOTAL = 21,258 SF +/-

NOT FOR CONSTRUCTION

ARCHITECT / CONSULTANT

PROJECT DESCRIPTION
BROADWAY HERITAGE VILLAGE PHASE 1-HISTORIC RENOVATION
 145 N BROADWAY STREET
 TOOELE, UTAH 84074
 AHJ STAMP

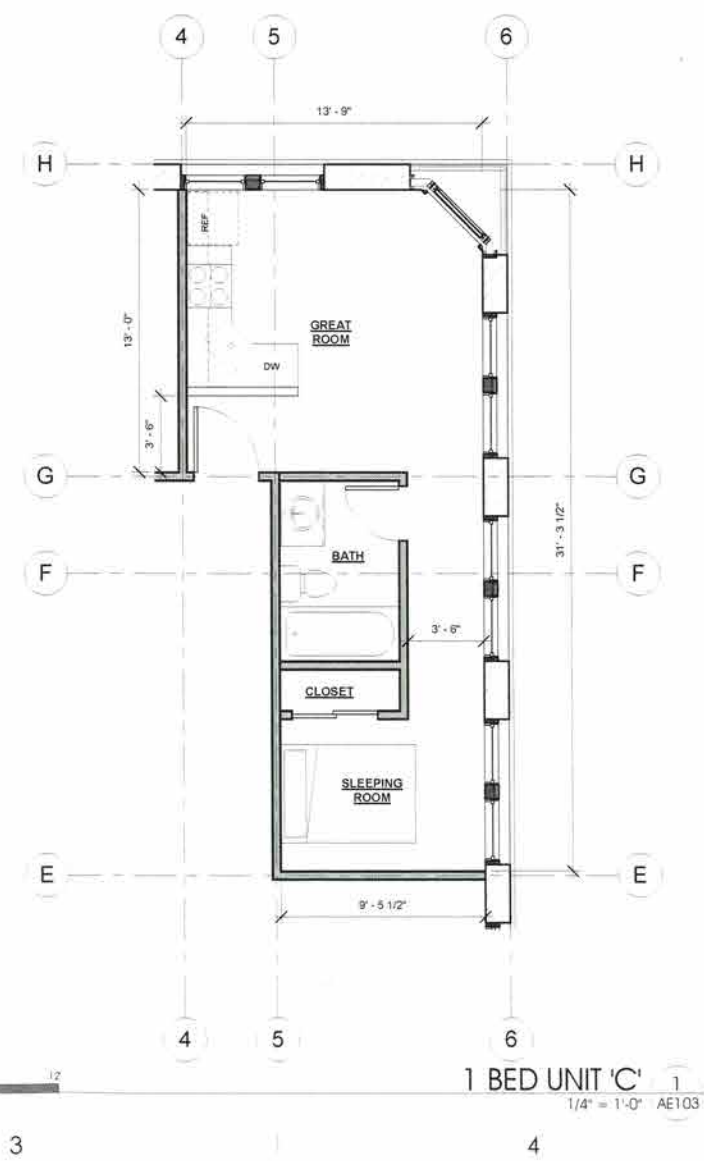
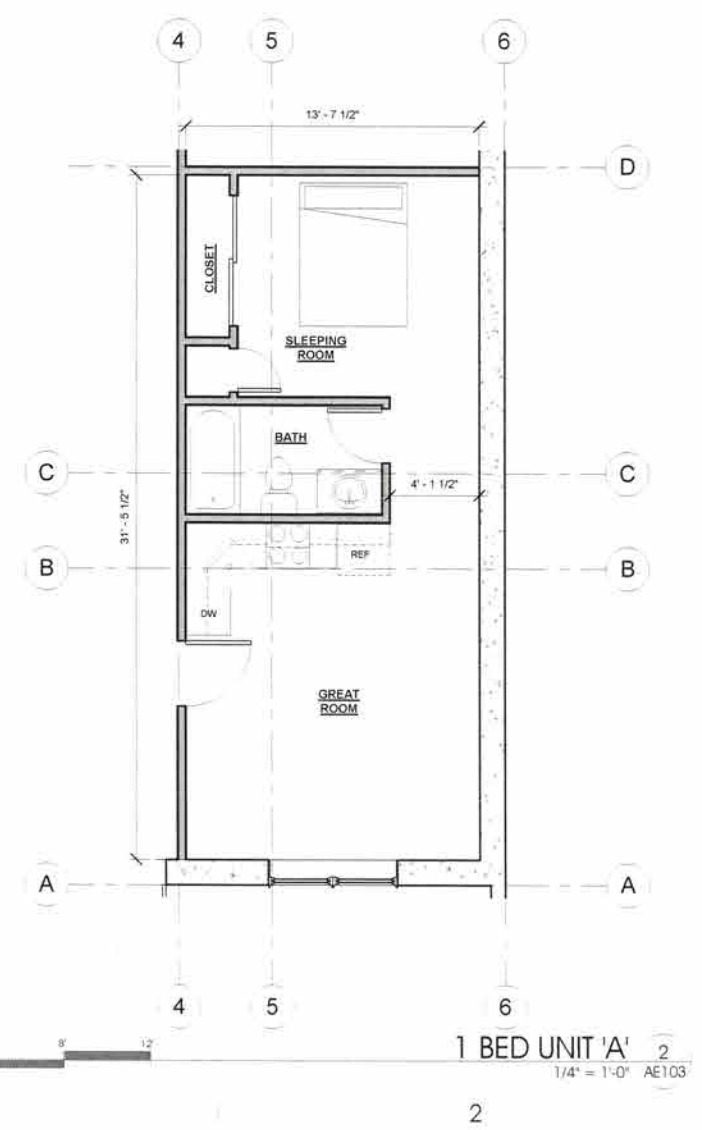
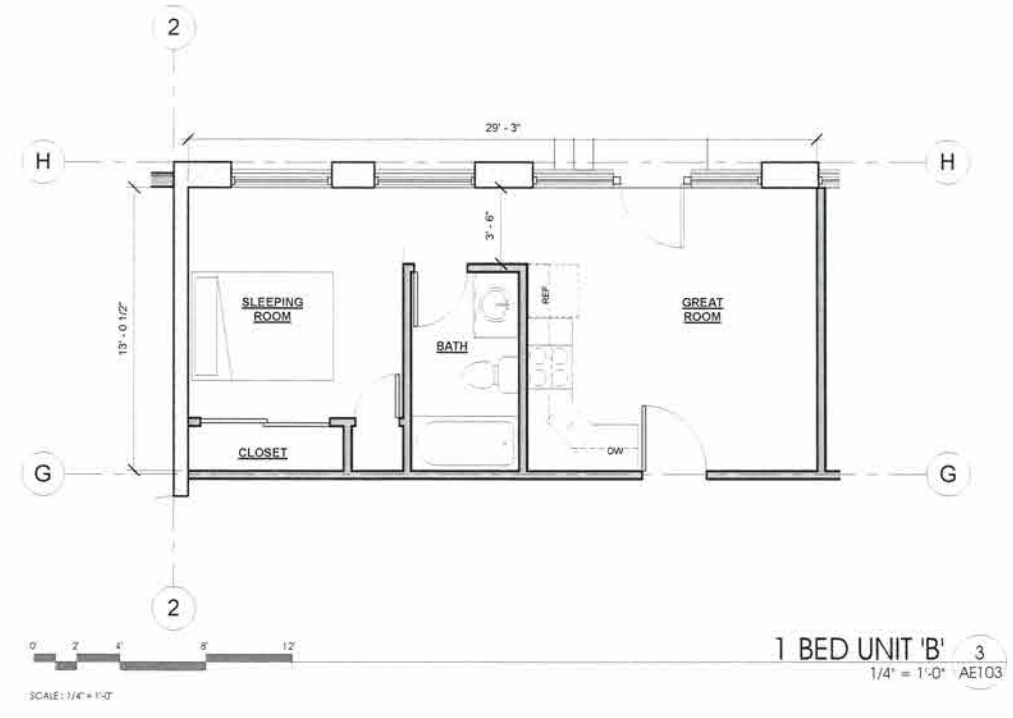
SHEET NAME:
FLOOR PLANS

REVISIONS

MARK	DATE	DESCRIPTION

ISSUE DATE: 04.12.18
 ISSUE TYPE: CONCEPT DESIGN
 DRAWN BY: A LARSEN
 CHECKED BY: Checker
 PROJECT#: XXXX

SHEET NUMBER:
AE103





703 east 1700 south
salt lake city, utah 84105
www.ajcarchitects.com

NOT FOR
CONSTRUCTION

KEYED NOTES:

ARCHITECT / CONSULTANT



REAR (WEST) VIEW 6
AE201



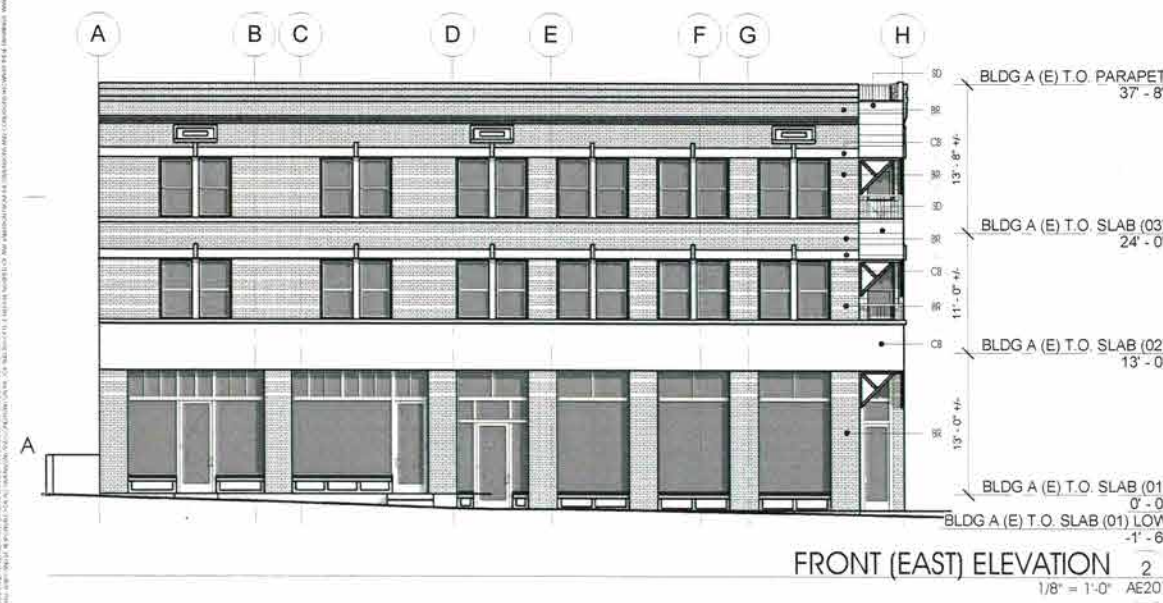
FRONT (EAST) VIEW 5
AE201



REAR (WEST) ELEVATION 4
1/8" = 1'-0" AE201



SIDE (SOUTH) ELEVATION 3
1/8" = 1'-0" AE201



FRONT (EAST) ELEVATION 2
1/8" = 1'-0" AE201



SIDE (NORTH) ELEVATION 1
1/8" = 1'-0" AE201

MATERIAL LEGEND:

- BR EXISTING BRICK TO REMAIN.
- CB EXISTING CONCRETE BAND TO REMAIN.
- SD EXTERIOR SIDING.

PROJECT DESCRIPTION

BROADWAY
HERITAGE VILLAGE
PHASE 1-HISTORIC
RENOVATION

145 N BROADWAY STREET
TOOELE, UTAH 84074
AHJ STAMP

SHEET NAME:

EXTERIOR ELEVATIONS

REVISIONS

MARK	DATE	DESCRIPTION

ISSUE DATE: 04.12.18
 ISSUE TYPE: CONCEPT DESIGN
 DRAWN BY: A LARSEN
 CHECKED BY: Checker
 PROJECT#: XXXX

SHEET NUMBER:

AE201

EXHIBIT C

PROPOSED ORDINANCE 2018-13

TOOELE CITY CORPORATION

ORDINANCE 2018-13

AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING TOOELE CITY CODE PROVISIONS RELATING TO THE MIXED USE-BROADWAY (MU-B) ZONING DISTRICT.

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a “comprehensive, long-range plan” (hereinafter the “General Plan”) by each Utah city and town, which General Plan contemplates and provides direction for (a) “present and future needs of the community” and (b) “growth and development of all or any part of the land within the municipality”; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39, on December 16, 1998, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

WHEREAS, the Land Use Plan reflects the findings of Tooele City’s elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of “land use [i.e., zoning] ordinances and a zoning map” that constitute a portion of the City’s regulations (hereinafter “Zoning”) for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

WHEREAS, Tooele City Code (TCC) Chapter 7-16 establishes the Mixed Use-Broadway (MU-B) zoning district, the purpose of which is

to provide an area for an appropriate mix of compatible residential, limited commercial and compatible business and professional offices. A goal of this district is to preserve existing residential buildings and structures while allowing some opportunities for their use for limited commercial and

business activity. This district also encourages the establishment of residential and limited nonresidential uses within the same structure or located on the same lot.

(TCC 7-16-2(1)); and,

WHEREAS, TCC Chapter 7-16 establishes the land use regulations applicable in the MU-B zoning district, including land uses (TCC §7-16-3 Table 1), development standards (TCC §7-16-4 Table 2), and parking (TCC §7-16-5 Table 3); and,

WHEREAS, the MU-B zoning district includes portions of Tooele City referred to as “Newtown,” being a geographic area that once housed predominantly European immigrants who came to Tooele City to work in its mining and smelting operations beginning in the late 19th Century, forming a business and cultural center with Broadway Avenue as its center, paralleling the Main Street business and cultural center located several blocks to the west of Broadway Avenue; and,

WHEREAS, the MU-B zoning district area includes the Broadway Hotel, located at 145 North Broadway Avenue, built in approximately 1911, which provided housing to early Newtown residents, including many first-generation immigrants working at the nearby mining and smelting operations. The Broadway Hotel was built as a three-story structure with retail and commercial businesses on the ground level and apartments on the second and third floors. The Broadway Hotel operated as an apartment house into the 1970’s, when it was vacated and gradually fell into a state of serious disrepair, giving rise to localized blight; and,

WHEREAS, Nelson W. Knight, with the State of Utah Department of Community and Culture, described Newtown and the Broadway Hotel in this manner:

The Broadway Hotel, a three-story brick Victorian eclectic-style structure, built circa 1911, is significant for its association with the development of Tooele and its transition from a Mormon pioneer community to a diverse mining community during the first half of the twentieth century. It is the most substantial surviving building dating from the heyday of “Newtown,” a section of Tooele developed by the Anaconda Mining Corporation in response to construction of a copper smelter constructed east of town. The smelter drew many Italian, Greek and Slavic laborers to the community, many of whom resided in this hotel while earning funds to bring their wives and families to the U.S. The descendents [sic] of these laborers remain in Tooele and contribute to its reputation as a melting pot within the state. The hotel retains its historic integrity, but the rehabilitation of its exterior will reverse previous incompatible alterations while preserving its character-defining features.

(Nelson W. Knight letter dated June 11, 2008); and,

WHEREAS, the Tooele *Transcript-Bulletin* newspaper described Newtown in this way:

The Newtown area has a colorful history tied to the fabric of Tooele's social, industrial and commercial past. It was once home to a diverse group of people that immigrated to America and settled in Tooele to work in nearby mines and at the old international smelter. Newtown had its own business district along Broadway north of Vine Street with a bustling bank, grocery store, hardware store, furniture shop, pool hall and several bars. But in 1972 the Tooele Valley Railroad dropped its final load of smelter workers at Vine and Broadway as the smelter shut off its furnaces for the last time. After the closure, a way of life for many Tooeleans changed and the Broadway business district over the years slowly withered to its present empty state.

(Tooele *Transcript-Bulletin*, by Tim Gillie, August 12, 2010); and,

WHEREAS, a company named AmericaWest Investments, LLC, ("America West") with Kevin M. Peterson as its managing director, has purchased the Broadway Hotel and several other blighted properties in Newtown on Broadway Avenue, and has proposed to restore the Hotel with about 30 apartments and to redevelop the other properties with about six new residential buildings with about six new apartments in each building (total 24), for a total of about 54 new and redeveloped dwelling units in the project; and,

WHEREAS, on September 19, 2007, the Tooele City Council passed Ordinance 2007-25 creating a new community development project area, and adopting a project area plan entitled, "Broadway Community Development Project Area Plan" ("Project Area Plan"). The Redevelopment Agency of Tooele City, Utah, ("RDA") passed RDA Resolution 2007-04 mirroring City Ordinance 2007-25; and,

WHEREAS, among other things, the Project Area Plan states the following:

The preservation and use of historic buildings is important to help maintain the character and charm of the area. Historical buildings should be encouraged to remain in private ownership and continue to be put to a beneficial use to help ensure their preservation. The Agency believes there may be existing buildings or historical uses included in or eligible for inclusion in the National Register of Historic Places with the Project Area.

(page 10); and,

WHEREAS, the Project Area Plan also states that "If zoning changes are required, such changes would be submitted to the City for consideration and approval" (page 8); and,

WHEREAS, the Project Area Plan also states that "The main objective for the area is to renovate and clean up the area by removing potential blight found in the Area" (pages 7-8); and,

WHEREAS, on May 18, 2018, AmericaWest submitted its application to the State of Utah Division of State History (aka the State Historic Preservation Officer) for the Broadway Hotel to be placed on the National Register of Historic Places, and the U.S. Department of Interior National Park Service found on April 4, 2013, that the Broadway Hotel “appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer. . . .” ; and,

WHEREAS, as part of its development proposal, AmericaWest requested that the City Council amend several provisions of the City Code within the MU-B zoning district, including the following:

- eliminating the maximum lot size requirement
- reducing minimum front yard and corner lot side yard setback requirements
- increasing the maximum project density from 16 units/acre to 25 units/acre
- reducing the minimum dwelling unit size to 400 square-feet for studio and one-bedroom units and to 600 square-feet for two-bedroom units
- eliminating building height limitations for redevelopment of existing structures
- reducing the number of required parking stalls per dwelling unit
- reducing minimum parking layout standards (parking lot and parking stall dimensions)
- altering garbage dumpster location requirements

(see attached as Exhibit A the April 30, 2018, letter from AmericaWest partner Soren Simonsen, with Community Studio, about the purpose and intent of the requested City Code amendments); and,

WHEREAS, with the support of the City Council, the City Administration has prepared several City Code amendments to the MU-B zoning district regulations, accommodating the amendment requests of AmericaWest, in light of the unique historical and geographic factors existing in the MU-B zoning district, including the portions of Newtown and Broadway Avenue located within the MU-B zoning district. The proposed amendments are contained in Exhibit B; and,

WHEREAS, in light of the unique historical and geographical characteristics of the MU-B zoning district, the City Administration finds that the City Code amendments shown in Exhibit B are reasonable and necessary for the removal of blight and for the redevelopment of the area, and finds further that the amendments serve a broad public purpose and not just the interest of a single person or company; and,

WHEREAS, the City Administration finds further that this ordinance will preserve fundamental fairness in land use regulation while at the same time recognizing that different land use regulations can be appropriate for different zoning districts based on their unique historical, geographic, and other characteristics; and,

WHEREAS, on August 8, the Planning Commission convened a duly-noticed public hearing, accepted written and verbal comment, and voted to forward its

recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

WHEREAS, on August 15, the City Council convened a duly-advertized public hearing:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL that:

1. Tooele City Code §7-16-3 Table 1 is hereby amended as shown in Exhibit B;
2. Tooele City Code §7-16-4 Table 2 is hereby amended as shown in Exhibit B;
3. Tooele City Code Chapter 7-14 Table 2 is hereby amended as shown in Exhibit B;
4. Tooele City Code Chapter 7-14 Table 4 is hereby amended as shown in Exhibit B;
5. Tooele City Code §7-4-3 is hereby amended as shown in Exhibit B;
6. Tooele City-Adopted Standards and Specifications 240R is hereby amended as shown in Exhibit B; and,
7. Tooele City Code §7-11a-5, §7-11a-12, and §7-11a-21 are hereby amended as shown in Exhibit B.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2018.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, City Attorney

Exhibit A

April 30, 2018, Letter from Soren Simonsen

April 30, 2018

Tooele City
Community Development Department
90 N Main Street
Tooele, UT 84074

**RE: Ordinance Text Amendment
Broadway Mixed-Use (MU-B) Overlay Zone**

Søren D. Simonsen
FAIA, AICP, LEED AP

This supplemental information is provided as part of the proposed zoning ordinance text amendment, to clarify the purpose and intent of the recommended changes.

soren@communitystudio.us
Phone | 801-706-1055

Impact Hub Salt Lake
150 S State Street
First Floor

Existing Ordinance

Provide a copy of the ordinance, with chapter and section references, proposed for amendment.

PO Box 526082
Salt Lake City, UT 84152

There are multiple sections of Title 7 of the municipal code that address elements of this proposed project:

Chapter 4: Off Street Parking
Chapter 5: Conditional Use
Chapter 11: Design Review
Chapter 11a: Multi-family Design Standards
Chapter 16, Part 1: Zoning District Purpose & Intent
Chapter 16, Part 2: Tables of Uses & Development Standards
Parking Lot Layout (6/2014)

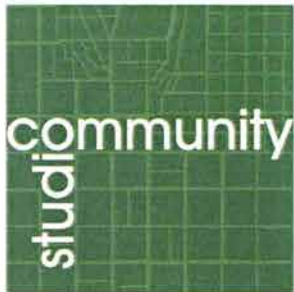
Copies of these documents are attached to this application.

Proposed Ordinance Amendment

Provide the proposed amendment to the text of the ordinance.

Notwithstanding any other provisions of the city ordinance, the following may be allowed only in the Mixed-Use Broadway District (MU-B) when approved by the Planning Commission through an established Conditional Use and/or Design Review process:

- Maximum lot size may be increased over 25,000 square feet.
- No minimum setbacks required at the front or corner side yard.
- Maximum density may be increased above 16 units per acre.
- Existing building heights shall be permitted above the maximum height limit of two stories.
- Minimum unit sizes may be reduced to 400 square feet for studio and one-bedroom units, and 600 square feet for two bedroom units.
- Required parking spaces may be reduced to one per unit for one-bedroom units, and one and one half per unit for two-bedroom units.
- Minimum parking layout standards for individual stalls may be 8'6" x 18'0" with 24'0" drive aisle width.



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- Dumpster and waste collection may be located at any suitable location to minimize the impact of noise, dust and odors.

Purpose and Need for Ordinance Amendment

Explain as specifically and detailed as possible why the amendment to the text is necessary or in the best interest of Tooele City and the community as a whole.

Given the constraints of some sites and structures in this historic area, and many conditions that pre-date the current regulations, these recommendations are necessary to provide some flexibility to the zoning ordinance, while still providing a reasonable means for oversight and review. These changes will allow for reasonable development of challenging properties that may not conform with some existing standards. Many, if not most, of the historic properties in this special purpose zoning district are non-conforming in some way.

The specific standards addressed in this amendment are issues that have been challenging or problematic with developing and re-using the historic structure(s) that are part of a specific development proposal, but which may also negatively impact other properties in this zoning district that are impacted by constrained structures, sites and existing conditions.

Effects on Land Uses and Properties

Explain how the proposed text amendment could potentially effect existing and potential land uses or properties within Tooele City.

Allowing greater flexibility for properties and structures in this special purpose district should generally help facilitate desired improvements within the district. Given that the proposed changes will remain subject to conditional permit and design review processes, there remains an opportunity for careful review and public input. The proposed changes generally are consistent with the stated purpose of this special zoning district.

Impact on Goals and Objectives of Tooele City

Explain how the proposed text amendment promotes the goals and objectives of Tooele City.

The stated purpose of this special purpose zoning district is to “provide an area for an appropriate mix of compatible residential, limited commercial and compatible business and professional offices” and to “preserve existing residential buildings and structures.” There was great foresight in creating special purpose districts for this and other historic areas of Tooele City. However, some standards remain challenging to developing and improving properties in this particular zone.

These changes should improve the efficiency and ability to develop challenging historic properties and structures within a limited area. While these changes can provide greater flexibility and opportunity, the continued oversight and input of the approval process provides the means to insure that the general intent and purposes of the city are met on a case by case basis.

Conclusion

We appreciate the opportunity to present these recommendations to Tooele City, and look forward to working through the process to help bring about these important improvements to the municipal code.

Please contact me by phone at 801-706-1055, or by email at soren@communitystudio.us, with any questions or comments, and to keep me informed about the review and input process as these changes are considered.

Warm regards,

A handwritten signature in black ink, appearing to read "Soren D. Simonsen", with a long horizontal flourish extending to the right.

Soren D. Simonsen, FAIA, AICP, LEED AP
Development Partner

Exhibit B

Proposed City Code Amendments

7-4-3. Number of parking spaces.

The number of off-street parking spaces required shall be as follows:

- (5) Dwellings. Two (2) parking spaces for each dwelling unit, unless otherwise specified in Chapter 16 of this Title.

7-11a-5 Context and Setting.

- (1) Projects shall be designed to as to preserve and incorporate the Site's natural features and other features contributing to a Project's Context and Setting, such as, natural grade, natural vegetation, natural storm water and flood channels, major vistas and panoramas (e.g., Oquirrh mountain range; Stansbury mountain range, the Great Salt Lake, and vast open space and agricultural areas), proximity to historical structures and areas, and the Surrounding Property (e.g., zoning, existing development).
- (2) Projects shall be designed so as to recognize existing natural and manmade Elements and Landmarks, where such Elements and Landmarks are consistent with the Purposes of this Chapter, by including in the Project Plan such Elements as are similar in appearance, design, and purpose.
- (3) A Project that contains structures significantly larger or smaller than the Surrounding Property shall include Elements at the Project perimeter that provide a transitional effect to the Context and Setting of the Surrounding Property.
- (4) A Project shall be designed so as to possess a functional relationship of the Project to its Context and Setting.
- (5) A project incorporating existing registered historical structures shall utilize the historical features, aesthetic elements, design, and architectural elements in redevelopment. Adjacent projects are encouraged to incorporate the same into adjacent development.

7-11a-12 Design Standards: Landscaping.

- (13) Multi-family redevelopment projects within an existing registered historical building shall have no landscaping requirements specific to the historical building beyond those landscaping areas previously established with and around the building. Those previously established landscaping areas shall be developed according to the provisions of this section.

7-11a-21 Design Standards: Dumpster Enclosures.

- (1) Garbage dumpsters and receptacles shall be enclosed on all sides with opaque screening materials. For at least the three (3) non-vehicular access sides, screening materials shall be masonry (but not cinder block) or vinyl. Screening materials for the dumpster enclosure gate shall be vinyl or other solid, opaque materials.
- (2) Dumpster enclosures shall utilize the same colors and materials as the Buildings.
- (3) Dumpsters shall be located a minimum of 100 feet from any Building or Surrounding Property dwelling except within in the MU-B overlay zoning district. Within the MU-B overlay zoning district, dumpsters and waste collection shall be located within a rear or interior side yard and may otherwise be located as suitable to minimize noise, dust, odors or other nuisances.
- (4) Dumpster enclosures shall be located so as to not interrupt, encroach upon, or interfere with the Project's vehicular or pedestrian pathways or parking areas.
- (5) Dumpster enclosures shall be designed to minimize the public view thereof by placement near the rear perimeter of the Project.
- (6) Dumpster enclosures shall include landscaping on at least two (2) sides. Landscaping shall consist of shrubs, vines, and/or Dry-scape.

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

**TABLE 2
TABLE OF ALLOWED RESIDENTIAL DENSITY**

	RESIDENTIAL ZONING DISTRICTS						
	High Density	Medium Density				Low Density	
	HDR	MDR	R1-7	R1-8	R1-10	R1-12	R1-14
Multiple-family Dwelling (Minimum 5 acres required ¹)	C / max. 16 ² units per acre ²	C / max. 8 units per acre					

¹ minimum project size shall not apply to multi-family projects in a mixed use zoning district or when such use is being proposed as a redevelopment of a registered historical building.

² multi-family residential projects in a Mixed Use overlay zoning district proposed as a redevelopment of a registered historical building shall have no maximum density requirement as a permitted use subject to Note 1 of Table 4 of this Chapter.

³ multi-family residential projects in a Mixed Use overlay zoning district a maximum density of 25 dwelling units per acre.

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

**TABLE 4
MINIMUM RESIDENTIAL DWELLING UNIT SIZE (Finished Square Feet)**

RESIDENTIAL ZONING DISTRICTS	ONE STORY (includes Split Level and Split Entry)			TWO STORY (Total Both)		
	With Single Covered Parking	With Single Garage	With Double + Garage	With Single Covered Parking	With Single Garage	With Double Garage
HDR	900 ¹	850 ¹	800 ¹	1250 ¹	1165 ¹	1100 ¹

¹The minimum dwelling unit size for a multi-family residential project proposed as a redevelopment of a registered historical building within a Mixed Use overlay zoning district shall be 400 square feet when approved by the Planning Commission through design review in compliance with Title 7 Chapter 11 of the Tooele City Code.

7-16-3. Table of Uses. Mixed Use, Commercial and Industrial Districts.

**TABLE 1
TABLE OF USES
MIXED USE, COMMERCIAL AND INDUSTRIAL DISTRICTS**

Use	DISTRICT							
	MU-B Mixed Use - Broadway	MU-G Mixed Use - General	NC Neighbor-hood Commercial	GC General Commercial	RC Regional Commercial	LI Light Industrial	I Industrial	RD Research and Development
Dwelling: Two-Family	C ^P	C						
Dwelling: Three-Family	C ^P	C						
Dwelling: Four-Family	C ^P	C						
Dwelling: Multi-Family	C See Note 6	C						

NOTES:

1. With the exception of detached single family dwellings, all dwellings in the M U (Mixed Use) zoning district must comply with the regulations and requirements, as amended, of the HDR (High Density Residential) zoning district, or its equivalent replacement, contained in Chapter 7-14, Tables 2, 3, and 4 *unless otherwise specified in this Chapter*.
2. For any Use allowed in a zoning district and proposing or requiring any area for Accessory Outside Storage, for any purpose, such use and outside storage area shall be considered as a Conditional Use. All Accessory Outside Storage is

- prohibited in the Mixed Use (M U) District and the Neighborhood Commercial (NC) District.
3. For any Use allowed in a zoning district and proposing or requiring a “Accessory Drive Through Facility”, such Drive Through Facility shall be considered as a Conditional Use. All Accessory Drive Through Facilities are prohibited in the Mixed Use (M U) District and the Neighborhood Commercial (NC) District.
 4. For any Use allowed in a zoning district and proposing any Accessory Outside display and sales area, such Accessory Outside Display and Sales use and area, shall be considered as a Conditional Use for any Uses allowed in the District, except that it shall be a permitted use in the Downtown Overlay District. Accessory Outside Display and Storage is prohibited in the Mixed Use (M U) District, Neighborhood Commercial (NC) District, and the Research and Development (RD) District. Accessory Outdoor sales and display in the Downtown Overlay District shall be subject to the following requirements:
 - A. A 6-foot-wide unobstructed pedestrian pathway shall be maintained at all times on all sidewalks.
 - B. All sales and display items shall be removed from the sidewalk and brought indoors into the business at the end of the business’ hours of daily operation.
 - C. No sales or display items may extend more than 24 inches from the building facade of the selling or displaying business.
 - D. No sales or display items may be located within the landscaped park strip, on the curb, in the gutter, or in the vehicular travel lanes.
 - E. All sales and display items shall be located directly in front of the business selling or displaying the items and may not be located in front of other businesses or properties. (Ord. 2012-22, 12-05-12)
 5. This use is not permitted if any part of the proposed or existing building containing the use is located within 1,500 feet from (a) any school (public or private kindergarten, elementary, middle, charter, junior high, high school), public park, public recreational facility, youth center, library, or church, (b) any other Tobacco Specialty Store, (c) any residential use or residential zoning boundary, including mixed-use zones, or (d) on Vine Street. Distances shall be measured in a straight line, without regard to intervening structures or zoning districts, from a Tobacco Specialty Store structure to the property line of a school, public park, library, church, youth center, cultural activity, residential use, zoning district boundary, or other Tobacco Specialty Store. (Ord. 2011-19, 01-18-12)
 6. [This use shall be a permitted use when proposed within and as a part of the redevelopment of an existing registered historical building.](#)

7-16-4. Table of Development Standards. Mixed Use, Commercial, Industrial and Special Purpose Districts.

**TABLE 2
TABLE OF DEVELOPMENT STANDARDS
MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS**

Development Requirement	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Maximum Lot Area	25,000 square feet No maximum	25,000 square feet	No maximum	No maximum	No maximum	No maximum	No maximum	No maximum	No maximum

7-16-4. Table of Development Standards. Mixed Use, Commercial, Industrial and Special Purpose Districts.

TABLE 2

TABLE OF DEVELOPMENT STANDARDS
MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS

Development Requirement	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Minimum Front Yard Setback	20 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	20 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	30 Feet. May be reduced to 20 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	40 Feet	30 Feet	30 Feet	20 Feet	10 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	30 Feet. May be reduced to 20 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code
Minimum Required Front Yard Landscape Area	20 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	20 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	15 Feet	40 Feet	15 Feet	15 Feet. No landscaping required for auto impound yard, military surplus yards, or vehicle storage yards.	15 Feet	10 Feet. May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	20 Feet
Minimum Side Yard Setback	Note B when adjoining a Residential Zone. Otherwise See Note A	Note B when adjoining a Residential Zone. Otherwise See Note A	Note B when adjoining a Residential Zone. Otherwise See Note A	30 Feet	Note B when adjoining a Residential Zone. Otherwise See Note A	30 Feet	Note B when adjoining a Residential Zone. Otherwise See Note A	Note A	Note B when adjoining a Residential Zone. Otherwise See Note A

NOTE:

- A. As allowed by the International Building Code and any required or existing easements. [Side yard setbacks measured from a street right-of-way for corner lots in the MU-B overlay zoning district may be reduced to 0 feet upon approval of the Planning Commission as a part of design review in compliance with Title 7 Chapter 11 of the Tooele City Code.](#)
- B. The minimum setback requirements of the Residential Zoning District shall apply for all adjoining lots, buildings, parking areas, mechanical equipment, solid waste containers, and all other structures. [Side yard setbacks measured from a street right-of-way for corner lots in the MU-B overlay zoning district may be reduced to 0 feet upon approval of the Planning Commission as a part of design review in compliance with Title 7 Chapter 11 of the Tooele City Code.](#)

7-16-4. Table of Development Standards. Mixed Use, Commercial, Industrial and Special Purpose Districts.

TABLE 2

**TABLE OF DEVELOPMENT STANDARDS
MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS**

Development Requirement	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Maximum/ Minimum Building Height	35 Feet or Two Stories <i>for new construction</i> /1 story	35 Feet or Two stories/1 story	50 Feet or 4 stories/1 story	70 Feet or 6 stories/1 story	50 Feet or 4 stories/1 story	70 Feet or 6 stories/1 story	50 Feet or 4 stories/1story	45 Feet or 3 stories/1 story	As required by the Planning Commission for compliance with Chapter 7-11 Tooele City Code

7-16-4. Table of Development Standards. Mixed Use, Commercial, Industrial and Special Purpose Districts.

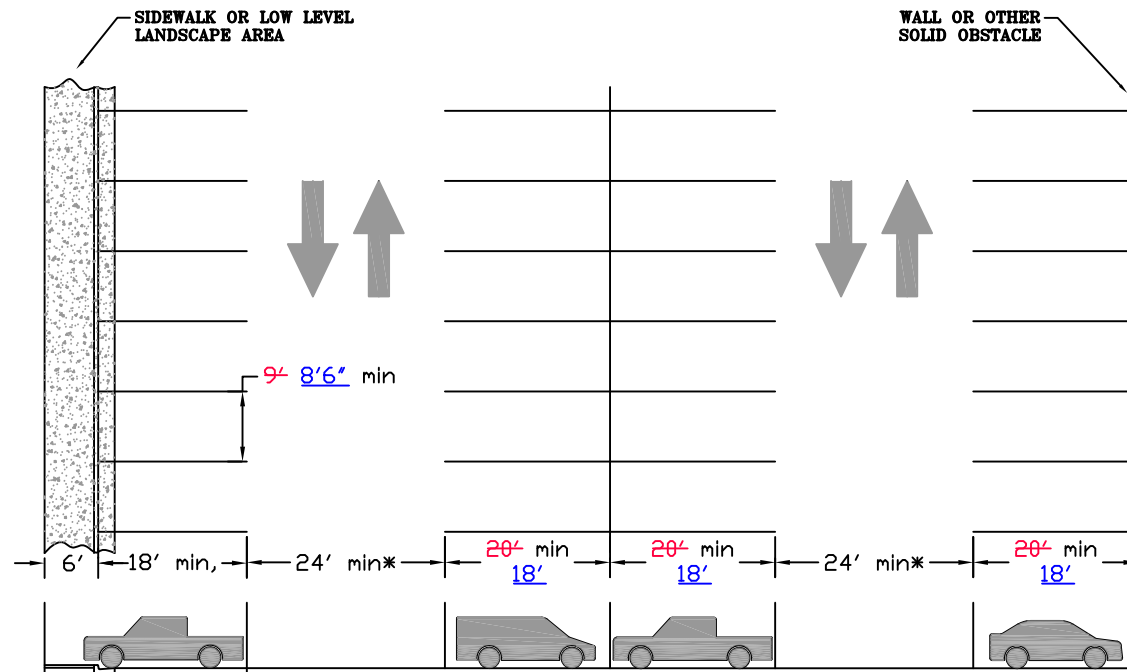
TABLE 2

**TABLE OF DEVELOPMENT STANDARDS
MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS**

Development Requirement	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Off-Street Parking Requirements	See Note E	As Required by Table 3	As Required by Table 3	As Required by Table 3	As Required by Table 3	As Required by Table 3	As Required by Table 3	See Note E	As Required by Table 3

NOTES:

- E. No minimum off-street parking requirements are established. It is the policy of the City to maintain existing uses which do not meet the Off-Street Parking requirements of the City and to encourage additional uses and activities within the District. The number of required off-street parking shall be as determined and approved by the Planning Commission, following a recommendation from the City Staff, and recognizing the nature and location of the proposed use or activity. Joint use of parking areas will be encouraged.



CONDITION "A"

PARKING ADJACENT TO SIDEWALK OR LOW LEVEL LANDSCAPE AREA WHICH ALLOWS OVERHANG OF VEHICLE.
 MINIMUM PARKING STALL LENGTH 18-FOOT.
 ADJACENT SIDEWALK MUST BE 6-FOOT MINIMUM.

CONDITION "B"

END TO END PARKING
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

CONDITION "C"

PARKING ADJACENT TO WALL OR OTHER SOLID OBSTACLE.
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

GENERAL NOTES:

MINIMUM STALL LENGTH SHALL BE BASED UPON PARKING CONDITION SHOWN, ABOVE.

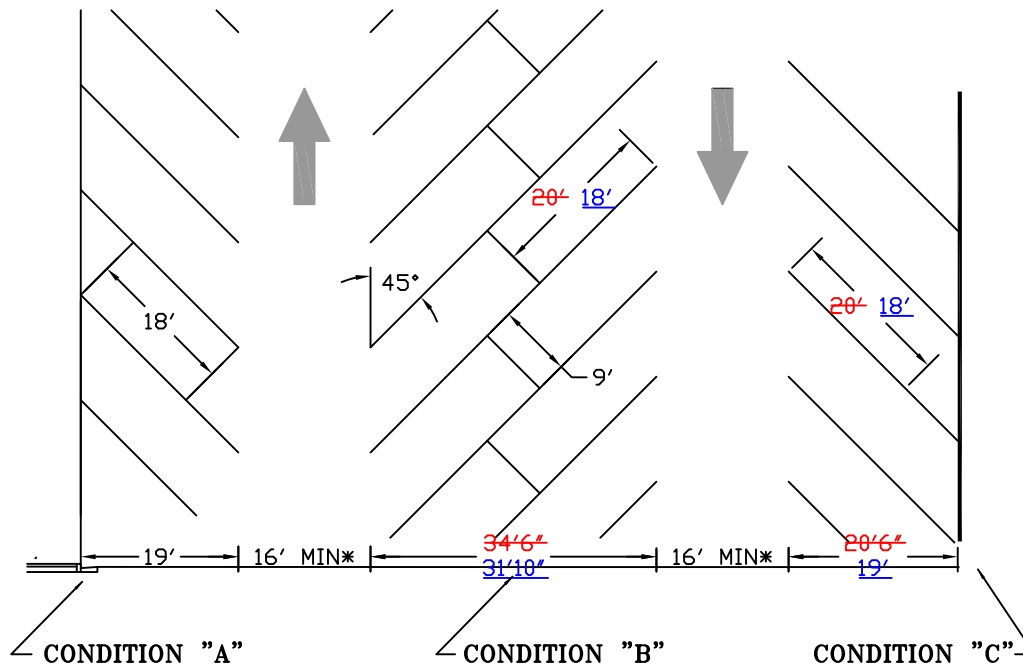
MINIMUM STALL WIDTH SHALL BE ~~9-FOOT~~ 8 FEET 6 INCHES.

THE NUMBER OF ACCESSIBLE PARKING STALLS REQUIRED SHALL BE PROVIDED PER FEDERAL GUIDELINES.

* MINIMUM AISLE WIDTH SHALL BE 24-FOOT. FIRE DEPT. MAY REQUIRE ADDITIONAL FOR FIRE ACCESS ROADS.

TOOELE CITY – PARKING LOT DESIGN STANDARDS
 90° PARKING

REVISED DEC 2010



CONDITION "A"
 PARKING ADJACENT TO SIDEWALK OR LOW LEVEL
 LANDSCAPE AREA WHICH ALLOWS OVERHANG OF VEHICLE.
 MINIMUM PARKING STALL LENGTH 18-FOOT.
 ADJACENT SIDEWALK MUST BE 6-FOOT MINIMUM.

CONDITION "B"
 END TO END PARKING
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

CONDITION "C"
 PARKING ADJACENT TO WALL OR
 OTHER SOLID OBSTACLE.
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

GENERAL NOTES:

MINIMUM STALL LENGTH SHALL BE BASED UPON PARKING CONDITION SHOWN, ABOVE.

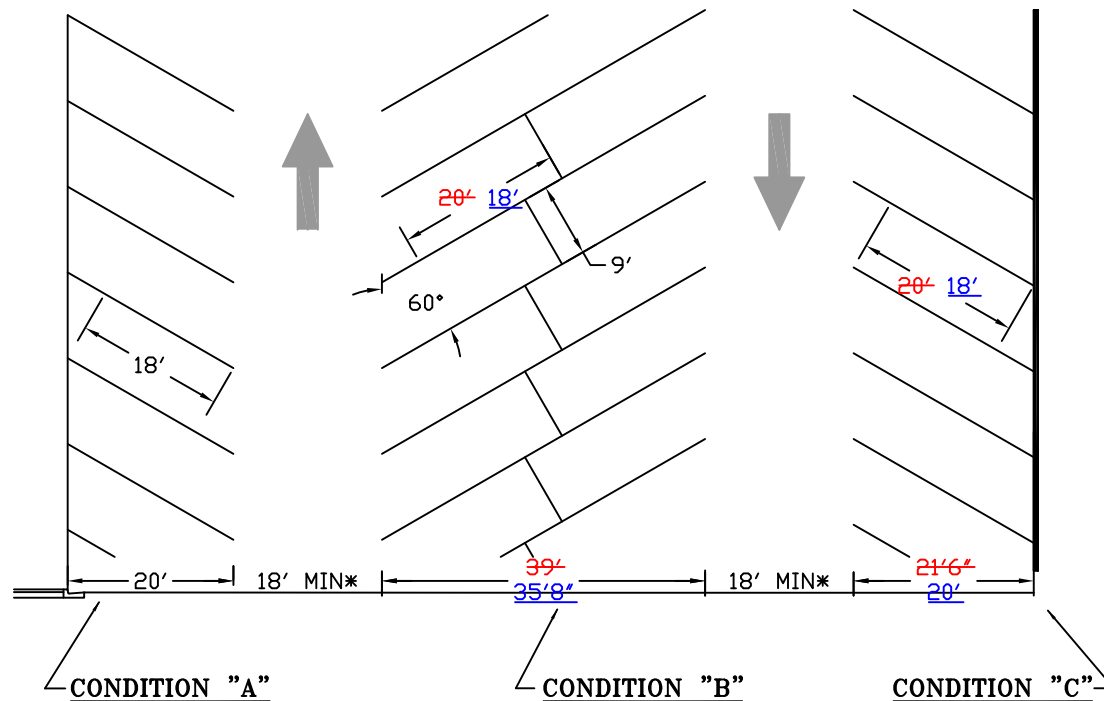
MINIMUM STALL WIDTH SHALL BE ~~9-FOOT~~ 8 FEET 6 INCHES.

THE NUMBER OF ACCESSIBLE PARKING STALLS REQUIRED SHALL BE PROVIDED PER FEDERAL GUIDELINES.

* MINIMUM ONE-WAY AISLE WIDTH SHALL BE 16-FOOT. FIRE DEPT. MAY REQUIRE ADDITIONAL FOR FIRE ACCESS ROADS.

TOOELE CITY – PARKING LOT DESIGN STANDARDS
45° PARKING

REVISED DEC 2010



CONDITION "A"
 PARKING ADJACENT TO SIDEWALK OR LOW LEVEL
 LANDSCAPE AREA WHICH ALLOWS OVERHANG OF VEHICLE.
 MINIMUM PARKING STALL LENGTH 18-FOOT.
 ADJACENT SIDEWALK MUST BE 6-FOOT MINIMUM.

CONDITION "B"
 END TO END PARKING
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

CONDITION "C"
 PARKING ADJACENT TO WALL OR
 OTHER SOLID OBSTACLE.
 MINIMUM PARKING STALL LENGTH ~~20~~
 18-FOOT.

GENERAL NOTES:

MINIMUM STALL LENGTH SHALL BE BASED UPON PARKING CONDITION SHOWN, ABOVE.

MINIMUM STALL WIDTH SHALL BE ~~9-FOOT~~ 8 FEET 6 INCHES.

THE NUMBER OF ACCESSIBLE PARKING STALLS REQUIRED SHALL BE PROVIDED PER FEDERAL GUIDELINES.

* MINIMUM ONE WAY AISLE WIDTH SHALL BE 18-FOOT. FIRE DEPT. MAY REQUIRE ADDITIONAL FOR FIRE ACCESS ROADS.

TOOELE CITY – PARKING LOT DESIGN STANDARDS

60° PARKING

REVISED DEC 2010

TOOELE CITY CORPORATION

ORDINANCE 2018-11

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 4-11 REGARDING SIDEWALKS.

WHEREAS, public sidewalks in Tooele City are regulated by Tooele City Code Chapter 4-11 (attached as Exhibit A); and,

WHEREAS, Utah Code §10-8-23 (attached as Exhibit B) authorizes cities to require property owners adjacent to sidewalks to keep them clear of litter, snow, ice, and obstruction; and,

WHEREAS, with few exceptions, sidewalks adjacent to public streets are located within and are part of the dedicated public rights-of-way owned and maintained by the governmental entity (e.g., Tooele City). One exception to the general rule is that sidewalks adjacent to a state highway are within the jurisdiction of the municipality, not the Utah Department of Transportation (UDOT) (see Utah Code §72-3-109 attached as Exhibit C); and,

WHEREAS, the court case law of the state of Utah clearly establishes the legal principle that the responsibility for repair and replacement of unsafe public sidewalks is that of the municipality with jurisdiction over the sidewalks and in whose rights-of-way the sidewalks are located, and not the adjacent property owner. Reference, for example, the following cases opinions: *Kerr v. Salt Lake City*, 213 UT 75 (2013); *Smith v. Bank of Utah*, 2007 UT App. 89 (2007); *Rose v. Provo City*, 2003 UT App (2003); *Trapp v. Salt Lake City*, (1992); *Tripp v. Granite Holding Co.*, 450 P.2d 555 (1969); *Hunt v. Tooele City*, 334 P.2d 555 (1959); *Basinger v. Standard Furniture*, 118 UT 121 (1950); *Salt Lake City v. Schubach*, 159 P.2d 149 (1945); and,

WHEREAS, under the Utah Governmental Immunity Act, Utah municipalities waive immunity (or, accept liability) for injuries caused by a defective, unsafe, or dangerous sidewalk (UCA §63G-7-301(2)(h)(i)), unless the defective, unsafe, or dangerous condition was latent (i.e., unseen and unknown by the municipality) (UCA §63G-7-201(3)) (see Governmental Immunity Act statutes attached as Exhibit D); and,

WHEREAS, in light of the above, the City Administration recommends that TCC Chapter 4-11 be amended as shown in Exhibit E to bring the City Code into harmony with the general law of the state of Utah:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TOOELE CITY that Tooele City Code Chapter 4-11 is hereby amended as shown in Exhibit E.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2018.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

Tooele City Code Chapter 4-11 (current)

Exhibit B

Utah Code §10-8-23

Exhibit C

Utah Code §72-3-109

Exhibit D

Utah Code §63G-7-301(2)(h)(i)

Utah Code §63G-7-201(3)

Exhibit E

Proposed Amended TCC Chapter 4-11

CHAPTER 11. SIDEWALKS

4-11-1. Building permits for curb, gutter, sidewalks and appurtenances.

4-11-2. Specifications for sidewalks, curb and gutters, driveway approaches, and appurtenances.

4-11-3. Supervision.

4-11-4. Definitions.

4-11-5. Repairs - Engineer's report - Levy.

4-11-6. Expense of repairs.

4-11-7. New work - Levy.

4-11-8. Property owners responsible for sidewalk repair.

4-11-9. Sidewalks and shade trees.

4-11-10. Openings in sidewalks.

4-11-11. Water from roof not to be discharged upon sidewalks.

4-11-12. Receiving goods.

4-11-13. Driving or riding upon sidewalks.

4-11-14. Games on sidewalks or streets.

4-11-15. Snow to be removed from sidewalks.

4-11-16. Unlawful to clog gutters.

4-11-17. Sidewalks to be swept in front of retail businesses.

4-11-18. Encroachments.

4-11-19. Obstructions.

4-11-20. Varieties of trees.

4-11-1. Building permits for curb, gutter, sidewalk and appurtenances.

It is unlawful for any person either as owner, agent, servant, contract or employee, to construct any sidewalk, curb, gutter or appurtenances thereto adjacent to or upon public property within Tooele City without first having grades and lines thereof reviewed and approved by the City. It is unlawful to construct any such curb, gutter, sidewalk or appurtenance other than according to said grades and lines, and without first obtaining a building permit for said construction from the Building Official, and payment of the fees therefor according to the building permit fee schedule. The acceptance of said permit shall be deemed an agreement upon the part of the person accepting the same or making application for the same, as shown on said building permit, to construct said sidewalk, curb, gutter or appurtenances thereto in accordance with the specifications, regulations and ordinances of Tooele City.

(Ord. 2006-05, 01-18-2006) (Ord. 1980-23, 06-12-1980)

4-11-2. Specifications for sidewalks, curb and gutters, driveway approaches, and appurtenances.

All sidewalks, curb and gutters, driveway approaches and all appurtenances thereto shall conform

to the specifications and standards set forth in Title 4 Chapter 8 of the Tooele City Code and the Tooele City Right-of-Way Specifications Administrative Policy.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1993-21, 10-20-1993) (Ord. 1991-04, 06-11-1991)

4-11-3. Supervision.

All public sidewalks shall be constructed under the inspection and supervision of the Public Works Director, or their designee.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-4. Definitions.

The following definitions shall apply to the provisions of this Chapter:

(1) The unit of measurement and computation of all sidewalks in Tooele City shall be what is normally termed a "section" of concrete sidewalk delineated by the outside edges of the sidewalk and the score lines or joints.

(2) "Repair" shall mean repairs which are necessary for the elimination of vertical displacement both between and within adjacent sections of concrete sidewalk which exceed one-half inch, and horizontal cracks within individual sections which exceed one-quarter inch in width.

(3) "New work" means all sidewalk construction which is required by the Public Works Director, or his designee, where the existing sidewalk cannot economically and practically be repaired and is therefore to be removed and replaced, or where concrete sidewalk is to be installed for the first time.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-5. Repairs.

Whenever any portion of any public sidewalk consisting of one or more units shall hereafter be found to be out of repair, it shall be the duty of the Public Works Director, or his designee, to notify the owner of the property to which it is adjacent or upon which it lays of their obligation to repair said sidewalk.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-6. Expense of repairs.

The Public Works Director or his designee shall give the owner of the premises upon which the sidewalk exists, or to which it is adjacent, no more than sixty days during which time the owner shall repair the sidewalk. Upon the failure of the owner to make the repairs within said period of time, the City may elect to make the repairs and levy the cost of the same upon the premises as part of the ad valorem property taxes of the said

premises during one taxable year in order to protect the life, health and safety of the public who may use the public sidewalk.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-7. New work - Levy.

(1) Whenever the report of the Public Works Director, or his designee, regarding any sidewalk shall show that the construction of a new sidewalk is necessary, the City may elect to give notice pursuant to the provisions of the special improvement district ordinances of the City for the construction of said new sidewalk and the removal of the old.

(2) In situations where the old sidewalk is found to be in need of repair or replacement as defined by section 4-11-6 of this chapter, and the owner of the property to which it is adjacent to or upon which it lays has submitted an application to the City for development or improvement of the property, the owner shall be required to bring the concrete sidewalk into compliance with City standards as a condition of development.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-8. Property owners responsible for sidewalk repair.

Every person owning a lot of property within the limits of Tooele City, upon which or adjacent to which a sidewalk is located, which sidewalk is also adjacent to or upon public property and is generally used by the public as a public sidewalk, is responsible for the upkeep and repair of said sidewalk so as to permit a safe and orderly passage across or adjacent to said premises by pedestrians. This ordinance shall include all public sidewalk which abuts to and is located to the front, side and rear of all properties.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-9. Sidewalks and shade trees.

The Director of Community Development shall review and approve the species and type of shade trees which shall be placed adjacent to public sidewalks within Tooele City.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-10. Openings in sidewalks.

It is unlawful to construct or maintain any open holes or other openings regardless whether they are covered with gateways, doors or other passages in any sidewalks. This provision shall not be interpreted as to prevent the erection of utility poles or mail boxes on the first foot of property inside the curb line.

(Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-

1978)

4-11-11. Water from roof not to be discharged upon sidewalks.

It is unlawful for any person owning or occupying or having control of any premises to suffer or permit water from the roof or eaves of any house, building, or structure, or from any other source under the control of such person to be discharged upon the surface of any sidewalk.

(Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-12. Receiving goods.

It is unlawful for any person to place or keep, or suffer to be placed or kept upon any sidewalk upon or adjacent to the premises of said person, any goods, wares, or merchandise except as allowed in Section 7-16-3 Note 4.

(Ord. 2015-07, 03-18-2015) (Ord. 2012-22, 12-05-2012) (Ord. 1978-01, 01-09-1978)

4-11-13. Driving or riding upon sidewalks.

It is unlawful for any person to drive a self-propelled or motorized vehicle or team; or to lead, drive or ride any animal upon any public sidewalk, except to cross the sidewalk at established crossings.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-14. Games on sidewalks or streets.

It is unlawful for any person to obstruct any sidewalk or street by playing games thereon, or to annoy or obstruct the free travel of any foot passenger or vehicle.

(Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-15. Snow to be removed from public sidewalks - - Obstructing right-of-way with snow prohibited -- Failure to comply -- Civil penalties.

(1) It is unlawful for any person owning or exercising control over any real property abutting any public sidewalk to fail to remove or cause to be removed from such sidewalk all hail, snow, or sleet falling thereon, or ice forming thereon, within 24 hours after such hail, snow, or sleet has ceased falling or ice has ceased forming.

(2) It is unlawful for any person to place or propel, or cause to be placed or propelled, snow, ice, hail, or sleet in the public way or in any manner which poses a hazard to vehicular or pedestrian traffic.

(3) Any person who fails to comply with this Section shall be liable for a civil penalty in the amount of \$50 per violation, which penalty shall be in addition to other penalties provided by law.

(4) For purposes of this Section:

(March 18, 2015)

(a) "issuance of notice" shall mean notice given to a person by mailing the notice via first-class mail;

(b) "person" shall include, but not be limited to, individuals, corporations, partnerships, associations, organizations, groups, and other entities; and,

(c) "public way" shall include, but not be limited to, sidewalks, roadways, alleys, and other courses traveled by the public.

(Ord. 2015-07, 03-18-2015) (Ord. 2014-04, 02-05-2014) (Ord. 2006-05, 01-18-2006) (Ord. 1997-14, 03-19-97) (Ord. 1978-1, 01-09-78)

4-11-16. Unlawful to clog gutters.

It is unlawful for any person to deposit dirt, leaves, or other debris in any gutter so as to prevent the unhindered flow of water therein or so as to provide for the carriage of said debris by the water flowing therein.

(Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-17. Sidewalks to be swept in front of retail businesses.

It is unlawful for the owner, occupant, lessee, or agent of any commercial, retail or professional establishment within the City of Tooele to fail to cause the sidewalk abutting said establishment to remain swept clean.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-18. Encroachments.

It is unlawful for any fence, building, or other structure to encroach upon any street or sidewalk within Tooele City. The City may, in writing require the encroachment to be removed by a date certain, not to exceed 30 days from the date of notice. If the person responsible for the encroachment is not known, the notice of such removal shall be posted on the encroachment and on all major buildings located adjacent to the encroachment. Should the encroachment, in the opinion of the Mayor, constitute a hazard to traffic or to life, limb or property, the same may be removed immediately by the City and the cost thereof levied upon the owner. Any encroachment not removed by the owner within the thirty day period or less if a lesser period was provided by the notice, the City shall remove the same at the owner's expense, levying the cost thereof against the premises as part of the ad valorem property taxes.

(Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-19. Obstructions.

(1) No person shall place or cause to be placed anywhere upon a public street or sidewalk, and no person

(March 18, 2015)

owning, occupying or having control of any premises shall, after reasonable notice by the City of Tooele, suffer to be or remain in front thereof upon the sidewalk or the half of the street next to any premises:

(a) any broken ware, glass, filth, rubbish, refuse, garbage, ashes, tin cans, or other like substances.

(b) any vehicles, lumber, wood, boxes, fencing, building material, merchandise, or other thing which shall obstruct such public street or sidewalk, or any part thereof, without the permission of the Mayor.

(c) any goods, wares, merchandise for sale or show, or otherwise beyond the front line of the lot where goods, wares or merchandise may be sold, except as allowed in Section 7-16-3 Note 4.

(2) No person shall place or cause to be placed anywhere upon any street or sidewalk any earthen materials before, during, or after construction for the intended or unintended purpose of:

(a) temporary or permanent storage of those materials;

(b) bridging of the curb and gutter or sidewalk;

(c) blocking clogging, or otherwise hindering the movement or flow of storm water or the travel of pedestrian or vehicle traffic; or,

(d) any other purpose that could reasonably cause any damage or obstruction to public or private infrastructure.

(3) All obstructions placed anywhere upon a public street or sidewalk contrary to this Section or to Section 7-16-3 Note 4 are a threat to the public health and safety and may be removed, confiscated, and disposed of immediately by the City.

(Ord. 2015-07, 03-18-2015) (Ord. 2014-05, 02-05-2014) (Ord. 2012-22, 12-05-2012) (Ord. 1978-01, 01-09-1978)

4-11-20. Varieties of trees.

It is unlawful to plant any species of tree within any public right-of-way which is not on the Tooele City Street Tree Selection Guide. No trees shall be planted in park strips which are less than four feet wide. The Tooele City selection guide shall be available from the Community Development and Public Works Department and may be updated when deemed necessary and appropriate by the Director.

(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

10-8-23 Sidewalks -- Regulation and control -- Owners required to remove weeds, litter, snow and ice.

They may regulate and control the use of sidewalks and all structures thereunder or thereover; and they may require the owner or occupant, or the agent of any owner or occupant, of property to remove all weeds and noxious vegetation from such property, and in front thereof to the curb line of the street, and to keep the sidewalks in front of such property free from litter, snow, ice and obstructions.

No Change Since 1953

Effective 5/8/2018

72-3-109 Division of responsibility with respect to state highways in cities and towns.

- (1) Except as provided in Subsection (3), the jurisdiction and responsibility of the department and the municipalities for state highways within municipalities is as follows:
- (a) The department has jurisdiction over and is responsible for the construction and maintenance of:
 - (i) the portion of the state highway located between the back of the curb on either side of the state highway; or
 - (ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.
 - (b) The department may widen or improve state highways within municipalities.
 - (c)
 - (i) A municipality has jurisdiction over all other portions of the right-of-way and is responsible for construction and maintenance of the right-of-way.
 - (ii) If a municipality grants permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the right-of-way under its jurisdiction:
 - (A) the permission shall contain the condition that any installation will be removed from the right-of-way at the request of the municipality; and
 - (B) the municipality shall cause any installation to be removed at the request of the department when the department finds the removal necessary:
 - (I) to eliminate a hazard to traffic safety;
 - (II) for the construction and maintenance of the state highway; or
 - (III) to meet the requirements of federal regulations.
 - (iii) Except as provided in Subsection (1)(h), a municipality may not install or grant permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the state highway right-of-way under its jurisdiction without the prior written approval of the department.
 - (iv) The department may, by written agreement with a municipality, waive the requirement of its approval under Subsection (1)(c)(iii) for certain types and categories of installations.
 - (d) If it is necessary that a utility, as defined in Section 72-6-116, be relocated, reimbursement shall be made for the relocation as provided for in Section 72-6-116.
 - (e)
 - (i) The department shall construct curbs, gutters, and sidewalks on the state highways if necessary for the proper control of traffic, driveway entrances, or drainage.
 - (ii) If a state highway is widened or altered and existing curbs, gutters, or sidewalks are removed, the department shall replace the curbs, gutters, or sidewalks.
 - (f) The department may furnish and install street lighting systems for state highways, but their operation and maintenance is the responsibility of the municipality.
 - (g) If new storm sewer facilities are necessary in the construction and maintenance of the state highways, the cost of the storm sewer facilities shall be borne by the state and the municipality in a proportion mutually agreed upon between the department and the municipality.
 - (h)
 - (i) For a portion of a state highway right-of-way for which a municipality has jurisdiction, and upon request of the municipality, the department shall grant permission for the municipality to issue permits within the state highway right-of-way, provided that:

- (A) the municipality gives the department seven calendar days to review and provide comments on the permit; and
 - (B) upon the request of the department, the municipality incorporates changes to the permit as jointly agreed upon by the municipality and the department.
 - (ii) If the department fails to provide a response as described in Subsection (1)(h)(i) within seven calendar days, the municipality may issue the permit.
- (2)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the location and construction of approach roads and driveways entering the state highway. The rules shall:
 - (i) include criteria for the design, location, and spacing of approach roads and driveways based on the functional classification of the adjacent highway, including the urban or rural nature of the area;
 - (ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the model access management policy or ordinance developed by the department under Subsection 72-2-117(8);
 - (iii) include procedures for:
 - (A) the application and review of a permit for approach roads and driveways including review of related site plans that have been recommended according to local ordinances; and
 - (B) approving, modifying, denying, or appealing the modification or denial of a permit for approach roads and driveways within 45 days of receipt of the application; and
 - (iv) require written justifications for modifying or denying a permit.
 - (b) The department may delegate the administration of the rules to the highway authorities of a municipality.
 - (c) In accordance with this section and Section 72-7-104, an approach road or driveway may not be constructed on a state highway without a permit issued under this section.
- (3) The department has jurisdiction and control over the entire right-of-way of interstate highways within municipalities and is responsible for the construction, maintenance, and regulation of the interstate highways within municipalities.

Amended by Chapter 403, 2018 General Session

Effective 5/9/2017

63G-7-301 Waivers of immunity.

- (1)
 - (a) Immunity from suit of each governmental entity is waived as to any contractual obligation.
 - (b) Actions arising out of contractual rights or obligations are not subject to the requirements of Sections 63G-7-401, 63G-7-402, 63G-7-403, or 63G-7-601.
 - (c) The Division of Water Resources is not liable for failure to deliver water from a reservoir or associated facility authorized by Title 73, Chapter 26, Bear River Development Act, if the failure to deliver the contractual amount of water is due to drought, other natural condition, or safety condition that causes a deficiency in the amount of available water.
- (2) Immunity from suit of each governmental entity is waived:
 - (a) as to any action brought to recover, obtain possession of, or quiet title to real or personal property;
 - (b) as to any action brought to foreclose mortgages or other liens on real or personal property, to determine any adverse claim on real or personal property, or to obtain an adjudication about any mortgage or other lien that the governmental entity may have or claim on real or personal property;
 - (c) as to any action based on the negligent destruction, damage, or loss of goods, merchandise, or other property while it is in the possession of any governmental entity or employee, if the property was seized for the purpose of forfeiture under any provision of state law;
 - (d) subject to Subsection 63G-7-302(1), as to any action brought under the authority of Utah Constitution, Article I, Section 22, for the recovery of compensation from the governmental entity when the governmental entity has taken or damaged private property for public uses without just compensation;
 - (e) subject to Subsection 63G-7-302(2), as to any action brought to recover attorney fees under Sections 63G-2-405 and 63G-2-802;
 - (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees Act;
 - (g) as to any action brought to obtain relief from a land use regulation that imposes a substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah Religious Land Use Act;
 - (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:
 - (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or
 - (ii) any defective or dangerous condition of a public building, structure, dam, reservoir, or other public improvement; and
 - (i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment.

Amended by Chapter 300, 2017 General Session

Effective 5/10/2016

63G-7-201 Immunity of governmental entities and employees from suit.

- (1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from suit for any injury that results from the exercise of a governmental function.
- (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a governmental entity, its officers, and its employees are immune from suit for any injury or damage resulting from the implementation of or the failure to implement measures to:
 - (a) control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health or necessary to protect the public health as set out in Title 26A, Chapter 1, Local Health Departments;
 - (b) investigate and control suspected bioterrorism and disease as set out in Title 26, Chapter 23b, Detection of Public Health Emergencies Act;
 - (c) respond to a national, state, or local emergency, a public health emergency as defined in Section 26-23b-102, or a declaration by the President of the United States or other federal official requesting public health related activities, including the use, provision, operation, and management of:
 - (i) an emergency shelter;
 - (ii) housing;
 - (iii) a staging place; or
 - (iv) a medical facility; and
 - (d) adopt methods or measures, in accordance with Section 26-1-30, for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve.
- (3) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury if the injury arises out of or in connection with, or results from:
 - (a) a latent dangerous or latent defective condition of:
 - (i) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct; or
 - (ii) another structure located on any of the items listed in Subsection (3)(a)(i); or
 - (b) a latent dangerous or latent defective condition of any public building, structure, dam, reservoir, or other public improvement.
- (4) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment, if the injury arises out of or in connection with, or results from:
 - (a) the exercise or performance, or the failure to exercise or perform, a discretionary function, whether or not the discretion is abused;
 - (b) assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation of civil rights;
 - (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization;
 - (d) a failure to make an inspection or making an inadequate or negligent inspection;
 - (e) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;
 - (f) a misrepresentation by an employee whether or not the misrepresentation is negligent or intentional;
 - (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

- (h) the collection or assessment of taxes;
- (i) an activity of the Utah National Guard;
- (j) the incarceration of a person in a state prison, county or city jail, or other place of legal confinement;
- (k) a natural condition on publicly owned or controlled land;
- (l) a condition existing in connection with an abandoned mine or mining operation;
- (m) an activity authorized by the School and Institutional Trust Lands Administration or the Division of Forestry, Fire, and State Lands;
- (n) the operation or existence of a pedestrian or equestrian trail that is along a ditch, canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river, if:
 - (i) the trail is designated under a general plan adopted by a municipality under Section 10-9a-401 or by a county under Section 17-27a-401;
 - (ii) the trail right-of-way or the right-of-way where the trail is located is open to public use as evidenced by a written agreement between:
 - (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail is located; and
 - (B) the municipality or county where the trail is located; and
 - (iii) the written agreement:
 - (A) contains a plan for operation and maintenance of the trail; and
 - (B) provides that an owner or operator of the trail right-of-way or of the right-of-way where the trail is located has, at a minimum, the same level of immunity from suit as the governmental entity in connection with or resulting from the use of the trail;
- (o) research or implementation of cloud management or seeding for the clearing of fog;
- (p) the management of flood waters, earthquakes, or natural disasters;
- (q) the construction, repair, or operation of flood or storm systems;
- (r) the operation of an emergency vehicle, while being driven in accordance with the requirements of Section 41-6a-212;
- (s) the activity of:
 - (i) providing emergency medical assistance;
 - (ii) fighting fire;
 - (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
 - (iv) an emergency evacuation;
 - (v) transporting or removing an injured person to a place where emergency medical assistance can be rendered or where the person can be transported by a licensed ambulance service; or
 - (vi) intervening during a dam emergency;
- (t) the exercise or performance, or the failure to exercise or perform, any function pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;
- (u) an unauthorized access to government records, data, or electronic information systems by any person or entity; or
- (v) an activity of wildlife, as defined in Section 23-13-2, that arises during the use of a public or private road.

Amended by Chapter 181, 2016 General Session

TOOELE CITY CORPORATION

ORDINANCE 2018-12

AN ORDINANCE OF TOOELE CITY ENACTING TOOELE CITY CODE CHAPTER 5-26 REGARDING MOBILE FOOD BUSINESSES.

WHEREAS, Tooele City has seen an increase in mobile food businesses that operate either out of a truck or out of a trailer in Tooele City; and,

WHEREAS, mobile food businesses pose potential challenges to health and safety, and the City Administration recommends addressing those challenges with appropriate legislation; and,

WHEREAS, Senate Bill 250 (2017) enacted, and Senate Bill 167 (2018) amended, Utah's Food Truck Licensing and Regulation Act, which Act limits a municipality's ability to regulate food trucks (see SB250 and SB167 attached as Exhibits A and B, and the SB250 and SB167 summaries, prepared by the Utah League of Cities and Towns, attached as Exhibit C); and,

WHEREAS, the City Administration proposes a simple regulation for the licensing of mobile food businesses, including food trucks and food trailers (see proposed Tooele City Code Chapter 5-26 attached as Exhibit D); and,

WHEREAS, the regulation proposed by the City Administration is anticipated to be a minimal cost to mobile food businesses (about \$40), requiring them to provide only basic business information, as well as copies of health department permits and fire inspections already required by state law; and,

WHEREAS, the proposed regulation is intended to protect the health, safety, and welfare of the community while being minimally invasive for the regulated businesses:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TOOELE CITY that Tooele City Code Chapter 5-26 is hereby enacted as shown in Exhibit D.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2018.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

Senate Bill 250 (2017)

Exhibit B

Senate Bill 167 (2018)

Exhibit C

Utah League of Cities and Towns
Summaries of SB250 and SB167

Exhibit D

Proposed Tooele City Code
Chapter 5-26

1 **FOOD TRUCK LICENSING AND REGULATION**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Deidre M. Henderson**

5 House Sponsor: Kim F. Coleman

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts the Food Truck Licensing and Regulation Act to address local
10 regulation of food trucks.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ prevents a political subdivision from requiring multiple business licenses, permits,
15 or fees for a food truck to operate in more than one location within the political
16 subdivision;
- 17 ▶ requires a political subdivision to grant a business license to a food truck operator
18 who presents certain safety certificates and a business license from another political
19 subdivision;
- 20 ▶ requires that fees for a business license or a health department food truck permit not
21 generate revenue but only reimburse the political subdivision or local health
22 department for the cost of regulation;
- 23 ▶ requires a political subdivision conducting a fire safety inspection of a food truck to
24 ensure compliance with certain standards set by the Utah Fire Prevention Board;
- 25 ▶ requires reciprocity between local health departments regarding health department
26 food truck permits and political subdivisions regarding fire safety inspections;
- 27 ▶ establishes when a business license or event permit is required for a food truck
28 event;
- 29 ▶ prevents a political subdivision from imposing certain requirements or prohibitions

30 on the operation of a food truck;

31 ▶ requires the Utah Fire Prevention Board to establish criteria for the fire safety

32 inspection of a food truck; and

33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill provides a coordination clause.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **53-7-204**, as last amended by Laws of Utah 2011, Chapter 14

41 ENACTS:

42 **11-55-101**, Utah Code Annotated 1953

43 **11-55-102**, Utah Code Annotated 1953

44 **11-55-103**, Utah Code Annotated 1953

45 **11-55-104**, Utah Code Annotated 1953

46 **11-55-105**, Utah Code Annotated 1953

47 **11-55-106**, Utah Code Annotated 1953

48 **Utah Code Sections Affected by Coordination Clause:**

49 **11-55-103**, Utah Code Annotated 1953



51 *Be it enacted by the Legislature of the state of Utah:*

52 Section 1. Section **11-55-101** is enacted to read:

53 **CHAPTER 55. FOOD TRUCK LICENSING AND REGULATION ACT**

54 **11-55-101. Title.**

55 This chapter is known as the "Food Truck Licensing and Regulation Act."

56 Section 2. Section **11-55-102** is enacted to read:

57 **11-55-102. Definitions.**

58 As used in this chapter:

59 (1) "Event permit" means a permit that a political subdivision issues to the organizer of
60 a public food truck event located on public property.

61 (2) "Food cart" means a cart:

62 (a) that is not motorized; and

63 (b) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve
64 food or beverages for immediate human consumption.

65 (3) (a) "Food truck" means a fully encased food service establishment:

66 (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and

67 (ii) from which a food truck vendor, standing within the frame of the vehicle, prepares,
68 cooks, sells, or serves food or beverages for immediate human consumption.

69 (b) "Food truck" does not include a food cart or an ice cream truck.

70 (4) "Food truck event" means an event where an individual has ordered or
71 commissioned the operation of a food truck at a private or public gathering.

72 (5) "Food truck operator" means a person who owns, manages, or controls, or who has
73 the duty to manage or control, the operation of a food truck.

74 (6) "Food truck vendor" means a person who sells, cooks, or serves food or beverages
75 from a food truck.

76 (7) "Health department food truck permit" means a document that a local health
77 department issues to authorize a person to operate a food truck within the jurisdiction of the
78 local health department.

79 (8) "Ice cream truck" means a fully encased food service establishment:

80 (a) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;

81 (b) from which a vendor, from within the frame of the vehicle, serves ice cream;

82 (c) that attracts patrons by traveling through a residential area and signaling the truck's
83 presence in the area, including by playing music; and

84 (d) that may stop to serve ice cream at the signal of a patron.

85 (9) "Local health department" means the same as that term is defined in Section

86 26A-1-102.

87 (10) "Political subdivision" means:

88 (a) a city, town, or metro township; or

89 (b) a county, as it relates to the licensing and regulation of businesses in the
90 unincorporated area of the county.

91 (11) (a) "Temporary mass gathering" means:

92 (i) an actual or reasonably anticipated assembly of 500 or more people that continues,
93 or reasonably can be expected to continue, for two or more hours per day; or

94 (ii) an event that requires a more extensive review to protect public health and safety
95 because the event's nature or conditions have the potential of generating environmental or
96 health risks.

97 (b) "Temporary mass gathering" does not include an assembly of people at a location
98 with permanent facilities designed for that specific assembly, unless the assembly is a
99 temporary mass gathering described in Subsection (8)(a)(ii).

100 Section 3. Section **11-55-103** is enacted to read:

101 **11-55-103. Licensing -- Reciprocity -- Fees.**

102 (1) A political subdivision may not:

103 (a) require a separate license or fee beyond the initial business license and fee for the
104 operation of a food truck in more than one location or on more than one day within the political
105 subdivision in the same calendar year; or

106 (b) as a business license qualification, require a food truck operator or food truck
107 vendor to submit to or offer proof of a criminal background check.

108 (2) (a) A political subdivision shall grant a business license to operate a food truck
109 within the political subdivision to a food truck operator who has obtained a business license to
110 operate a food truck in another political subdivision within the state if the food truck operator
111 presents to the political subdivision:

112 (i) a current business license from the other political subdivision within the state;

113 (ii) a current health department food truck permit from a local health department within

114 the state; and

115 (iii) a current approval of a political subdivision within the state that shows that the
116 food truck passed a fire safety inspection that the other political subdivision conducted in
117 accordance with Subsection 11-55-104(4)(a).

118 (b) If a food truck operator presents the documents described in Subsection (2)(a), the
119 political subdivision may not:

120 (i) impose additional license qualification requirements on the food truck operator
121 before issuing a license to operate within the political subdivision, except for charging a fee in
122 accordance with Subsection (3); or

123 (ii) issue a license that expires on a date earlier or later than the day on which the
124 license described in Subsection (2)(a)(i) expires.

125 (c) Nothing in this Subsection (2) prevents a political subdivision from enforcing the
126 political subdivision's land use regulations, zoning, and other ordinances in relation to the
127 operation of a food truck.

128 (3) (a) Notwithstanding Subsections 10-1-203(2) and 17-53-216(2), a political
129 subdivision may only charge a licensing fee to a food truck operator in an amount that
130 reimburses the political subdivision for the cost of regulating the food truck.

131 (b) For a business license that a political subdivision issues in accordance with
132 Subsection (2), the political subdivision shall reduce the amount of the business licensing fee to
133 an amount that accounts for the lower administrative burden on the political subdivision.

134 (4) Nothing in this section prevents a political subdivision from:

135 (a) requiring a food truck operator to obtain an event permit, in accordance with
136 Section 11-55-105; or

137 (b) revoking a license that the political subdivision has issued if the operation of the
138 related food truck within the political subdivision violates the terms of the license.

139 Section 4. Section 11-55-104 is enacted to read:

140 **11-55-104. Safety and health inspections and permits -- Reciprocity -- Fees.**

141 (1) A food truck operator shall obtain an annual health department food truck permit

142 from the local health department with jurisdiction over the area in which the majority of the
143 food truck's operations takes place.

144 (2) (a) A local health department shall grant a health department food truck permit to
145 operate a food truck within the jurisdiction of the local health department to a food truck
146 operator who has obtained the health department food truck permit described in Subsection (1)
147 from another local health department within the state if the food truck operator presents to the
148 local health department the current health department food truck permit from the other local
149 health department.

150 (b) If a food truck operator presents the health department food truck permit described
151 in Subsection (1), the local health department may not:

152 (i) impose additional permit qualification requirements on the food truck operator
153 before issuing a health department food truck permit to operate within the jurisdiction of the
154 local health department, except for charging a fee in accordance with Subsection (3); or

155 (ii) issue a health department food truck permit that expires on a date earlier or later
156 than the day on which the permit described in Subsection (1) expires.

157 (3) (a) A local health department may only charge a health department food truck
158 permit fee to a food truck operator in an amount that reimburses the local health department for
159 the cost of regulating the food truck.

160 (b) For a health department food truck permit that a local health department issues in
161 accordance with Subsection (2), the local health department shall reduce the amount of the
162 food truck permit fee to an amount that accounts for the lower administrative burden on the
163 local health department.

164 (4) (a) A political subdivision inspecting a food truck for fire safety shall conduct the
165 inspection based on the criteria that the Utah Fire Prevention Board, created in Section
166 [53-7-203](#), establishes in accordance with Section [53-7-204](#).

167 (b) (i) A political subdivision shall consider valid within the political subdivision's
168 jurisdiction an approval from another political subdivision within the state that shows that the
169 food truck passed a fire safety inspection that the other political subdivision conducted.

170 (ii) A political subdivision may not require that a food truck pass a fire safety
171 inspection in a given calendar year if the food truck operator presents to the political
172 subdivision an approval described in Subsection (4)(b)(i) issued during the same calendar year.

173 (5) (a) Nothing in this section prevents a local health department from:

174 (i) requiring a food truck operator to obtain an event permit, in accordance with
175 Section [11-55-105](#); or

176 (ii) revoking a health department food truck permit that the local health department has
177 issued if the operation of the related food truck within the jurisdiction of the local health
178 department violates the terms of the permit.

179 (b) Nothing in this section prevents a political subdivision from revoking the political
180 subdivision's approval described in Subsection (4)(b)(i) if the operation of the related food
181 truck within the political subdivision fails to meet the criteria described in Subsection (4)(a).

182 Section 5. Section **11-55-105** is enacted to read:

183 **11-55-105. Food truck events.**

184 (1) Subject to Subsection (4), a political subdivision may not require a food truck
185 operator to obtain from the political subdivision an event permit to operate a food truck at a
186 food truck event that takes place on private property within the political subdivision, regardless
187 of whether the event is open or closed to the public.

188 (2) If the food truck operator has a business license from any political subdivision
189 within the state, a political subdivision may not require a food truck operator to obtain from the
190 political subdivision an additional business license to operate a food truck at a food truck event
191 that:

192 (a) takes place on private property within the political subdivision; and

193 (b) is not open to the public.

194 (3) If a political subdivision requires an event permit for a food truck event, the
195 organizer of the food truck event may obtain the event permit on behalf of the food trucks that
196 service the event.

197 (4) Nothing in this section prohibits a county health department from requiring a

198 permit for a temporary mass gathering.

199 Section 6. Section **11-55-106** is enacted to read:

200 **11-55-106. Food truck operation.**

201 A political subdivision may not prohibit the operation of a food truck within a given
202 distance of a restaurant.

203 Section 7. Section **53-7-204** is amended to read:

204 **53-7-204. Duties of Utah Fire Prevention Board -- Unified Code Analysis Council**
205 **-- Local administrative duties.**

206 (1) The board shall:

207 (a) administer the state fire code as the standard in the state;

208 (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3,
209 Utah Administrative Rulemaking Act:

210 (i) establishing standards for the prevention of fire and for the protection of life and
211 property against fire and panic in any:

212 (A) publicly owned building, including all public and private schools, colleges, and
213 university buildings;

214 (B) building or structure used or intended for use as an asylum, a mental hospital, a
215 hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or
216 day care center, or any building or structure used for a similar purpose; or

217 (C) place of assemblage where 50 or more persons may gather together in a building,
218 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;

219 (ii) establishing safety and other requirements for placement and discharge of display
220 fireworks on the basis of:

221 (A) the state fire code; and

222 (B) relevant publications of the National Fire Protection Association;

223 (iii) establishing safety standards for retail storage, handling, and sale of class C
224 common state approved explosives;

225 (iv) defining methods to establish proof of competence to place and discharge display

- 226 fireworks, special effects fireworks, and flame effects;
- 227 (v) deputizing qualified persons to act as deputy fire marshals, and to secure special
228 services in emergencies;
- 229 (vi) implementing Section [15A-1-403](#);
- 230 (vii) setting guidelines for use of funding;
- 231 (viii) establishing criteria for training and safety equipment grants for fire departments
232 enrolled in firefighter certification; [~~and~~]
- 233 (ix) establishing ongoing training standards for hazardous materials emergency
234 response agencies; and
- 235 (x) establishing criteria for the fire safety inspection of a food truck;
- 236 (c) recommend to the commissioner a state fire marshal;
- 237 (d) develop policies under which the state fire marshal and the state fire marshal's
238 authorized representatives will perform;
- 239 (e) provide for the employment of field assistants and other salaried personnel as
240 required;
- 241 (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized
242 representatives;
- 243 (g) establish a statewide fire prevention, fire education, and fire service training
244 program in cooperation with the Board of Regents;
- 245 (h) establish a statewide fire statistics program for the purpose of gathering fire data
246 from all political subdivisions of the state;
- 247 (i) establish a fire academy in accordance with Section [53-7-204.2](#);
- 248 (j) coordinate the efforts of all people engaged in fire suppression in the state;
- 249 (k) work aggressively with the local political subdivisions to reduce fire losses;
- 250 (l) regulate the sale and servicing of portable fire extinguishers and automatic fire
251 suppression systems in the interest of safeguarding lives and property;
- 252 (m) establish a certification program for persons who inspect and test automatic fire
253 sprinkler systems;

254 (n) establish a certification program for persons who inspect and test fire alarm
255 systems;

256 (o) establish a certification for persons who provide response services regarding
257 hazardous materials emergencies;

258 (p) in accordance with Section 15A-1-403, report to the Business and Labor Interim
259 Committee; and

260 (q) jointly create the Unified Code Analysis Council with the Uniform Building Code
261 Commission in accordance with Section 15A-1-203.

262 (2) The board may incorporate in its rules by reference, in whole or in part:

263 (a) the state fire code; or

264 (b) subject to the state fire code, a nationally recognized and readily available standard
265 pertaining to the protection of life and property from fire, explosion, or panic.

266 (3) The following functions shall be administered locally by a city, county, or fire
267 protection district:

268 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and
269 19-2-114;

270 (b) creating a local board of appeals in accordance with the state fire code; and

271 (c) subject to the state fire code and the other provisions of this chapter, establishing,
272 modifying, or deleting fire flow and water supply requirements.

273 Section 8. **Coordinating S.B. 250 with S.B. 81 -- Technical and substantive**
274 **amendments.**

275 If this S.B. 250 and S.B. 81, Local Government Licensing Amendments, both pass and
276 become law, it is the intent of the Legislature that the Office of Legislative Research and
277 General Counsel shall prepare the Utah Code database for publication by modifying Subsection
278 11-55-103(3) to read:

279 "(3) (a) A political subdivision may only charge a licensing fee to a food truck operator
280 in an amount that reimburses the political subdivision for the cost of regulating the food truck.

281 (b) For a business license that a political subdivision issues in accordance with

282 Subsection (2), the political subdivision shall reduce the amount of the business licensing fee to
283 an amount that accounts for the lower administrative burden on the political subdivision."

FOOD TRUCK REGULATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill amends provisions related to political subdivision regulation of food trucks.

Highlighted Provisions:

This bill:

- ▶ restricts a political subdivision's ability to regulate a food truck through a land use or zoning ordinance;
- ▶ prohibits certain regulation of a food truck, including on private property; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-56-103, as enacted by Laws of Utah 2017, Chapter 165

11-56-106, as enacted by Laws of Utah 2017, Chapter 165

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **11-56-103** is amended to read:

11-56-103. Licensing -- Reciprocity -- Fees.

(1) A political subdivision may not:

(a) require a separate license or fee beyond the initial business license and fee for the

30 operation of a food truck in more than one location or on more than one day within the political
31 subdivision in the same calendar year; [or]

32 (b) require a fee for each employee the food truck operator employs; or

33 [~~(b)~~] (c) as a business license qualification, require a food truck operator or food truck
34 vendor to:

35 (i) submit to or offer proof of a criminal background check[-]; or

36 (ii) demonstrate how the operation of the food truck will comply with a land use or
37 zoning ordinance at the time the operator or vendor applies for the business license.

38 (2) (a) A political subdivision shall grant a business license to operate a food truck
39 within the political subdivision to a food truck operator who has obtained a business license to
40 operate a food truck in another political subdivision within the state if the food truck operator
41 presents to the political subdivision:

42 (i) a current business license from the other political subdivision within the state;

43 (ii) a current health department food truck permit from a local health department within
44 the state; and

45 (iii) a current approval of a political subdivision within the state that shows that the
46 food truck passed a fire safety inspection that the other political subdivision conducted in
47 accordance with Subsection 11-56-104(4)(a).

48 (b) If a food truck operator presents the documents described in Subsection (2)(a), the
49 political subdivision may not:

50 (i) impose additional license qualification requirements on the food truck operator
51 before issuing a license to operate within the political subdivision, except for charging a fee in
52 accordance with Subsection (3); or

53 (ii) issue a license that expires on a date earlier or later than the day on which the
54 license described in Subsection (2)(a)(i) expires.

55 (c) Nothing in this Subsection (2) prevents a political subdivision from enforcing the
56 political subdivision's land use regulations, zoning, and other ordinances in relation to the
57 operation of a food truck.

58 (3) (a) A political subdivision may only charge a licensing fee to a food truck operator
59 in an amount that reimburses the political subdivision for the actual cost of regulating the food
60 truck.

61 (b) For a business license that a political subdivision issues in accordance with
62 Subsection (2), the political subdivision shall reduce the amount of the business licensing fee to
63 an amount that accounts for the [~~lower~~] actual administrative burden on the political
64 subdivision.

65 (4) Nothing in this section prevents a political subdivision from:

66 (a) requiring a food truck operator to comply with local zoning and land use
67 regulations;

68 (b) promulgating local ordinances and regulations consistent with this section that
69 address how and where a food truck may operate within the political subdivision;

70 [~~(a)~~] (c) requiring a food truck operator to obtain an event permit, in accordance with
71 Section 11-56-105; or

72 [~~(b)~~] (d) revoking a license that the political subdivision has issued if the operation of
73 the related food truck within the political subdivision violates the terms of the license.

74 Section 2. Section **11-56-106** is amended to read:

75 **11-56-106. Food truck operation.**

76 A political subdivision may not:

77 (1) entirely or constructively prohibit food trucks in a zone in which a food
78 establishment is a permitted or conditional use;

79 (2) prohibit the operation of a food truck within a given distance of a restaurant[-];

80 (3) restrict the total number of days a food truck operator may operate a food truck
81 within the political subdivision during a calendar year;

82 (4) require a food truck operator to:

83 (a) provide to the political subdivision a site plan for each location in which the food
84 truck operates in the public right of way, if the political subdivision permits food truck
85 operation in the public right of way; or

86 (b) obtain and pay for a land use permit for each location and time during which the
87 food truck operates; or

88 (5) if a food truck operator has the consent of a private property owner to operate the
89 food truck on the private property:

90 (a) limit the number of days the food truck may operate on the private property;

91 (b) require that the food truck operator provide to the political subdivision or keep on
92 file in the food truck the private property owner's written consent; or

93 (c) require a site plan for the operation of the food truck on the private property where
94 the food truck operates in the same location for less than 10 hours per week.



SB 250 | Food Truck Licensing and Regulation

Reference: **February 22nd. February 28th. March 3rd**

Sponsor: **Henderson, Deidre**

Bill Status: **Enrolled**

Link: <http://le.utah.gov/~2017/bills/static/SB0250.html>

ULCT Position: **Neutral**

Legislative Purpose of the Bill:

The bill enacts the Food Truck Licensing and Regulation Act to address local regulation of food trucks and reciprocity of that regulation.

Municipal Action/What you need to do:

The bill requires reciprocity between counties for health department permits and reciprocity between cities for business licensing so long as the food trucks meet the requirements. Cities may not require multiple business licenses or permits for a truck to operate in multiple locations within their boundaries. The bill also prohibits a city from preventing a food truck from operating within a given distance of a restaurant.

ULCT Action/Future Trend:

ULCT engaged with the bill sponsor to limit the impact of the bill on local land use authority and the bill sponsor was willing to address our concerns. ULCT anticipates continued legislative scrutiny over local business licenses.



SB 167 | Food Truck Regulation Amendments

Reference: **Daily Recap: Feb. 12**

Sponsor: **Henderson, Deidre**

Bill Status: **Enrolled**

Link: <https://le.utah.gov/~2018/bills/static/SB0167.html>

ULCT Position: **Neutral**

Legislative Purpose of the Bill:

This bill further clarifies last year's SB 250, which implemented the Food Truck Licensing and Regulation Act. SB 250 required food truck licensing reciprocity between jurisdictions so long as the food truck met health inspection and fire safety requirements. It also prohibited a city from preventing a food truck from operating within a certain distance of a restaurant, and disallowed cities from requiring background checks on employees. SB 167 was requested by the Libertas Institute based on allegations that some cities are still out of compliance with SB 250, as well as charging astronomical fees for reciprocal licenses and placing excessive burdens on food truck operators by requiring them to submit site plans and other land use application materials before issuing a business license. SB 167 is intended to clarify that cities may not require a food truck operator to go through a land use application process to get a business license.

Municipal Action/What you need to do:

Cities and counties may (and should) still require food truck operators to comply with all local land use and zoning regulations. They may (and should) promulgate local laws and regulations that govern the what/where/when of food truck operation. Cities may also still charge a reasonable fee to cover the regulatory cost of issuing a reciprocal license. Be aware that the first version of this

legislation completely removed the city's ability to charge ANY fee for reciprocal licenses, and we fought to continue to permit cities to cover their costs. If cities charge fees that are equal to or more than original business licenses, we can expect to see this right removed by legislation next year. However, a city or county may not

- Require a fee for each food truck employee;
- Require the food truck to demonstrate how it will comply with land use or zoning at the time it applies for a business license;
- Prohibit food trucks in a zone where other food establishments are allowed;
- Restrict the number of days per year a truck can operate;
- Require a site plan for each location the food truck operates if they permit operation in the public ROW; or
- Require a site plan for private property where a truck operates less than 10 hours per week.

ULCT Action/Future Trend:

ULCT worked on this legislation with a group of city attorneys, the sponsor, and the food truck association. As originally drafted, this bill would have severely restricted what cities could require of food truck operators and prohibited any fee for reciprocal licenses. We will see additional legislation next year unless cities update their ordinances to comply with state law.

CHAPTER 5-26. MOBILE FOOD BUSINESSES.

5-26-1. Purpose and intent.

5-26-2. Mobile food business allowed.

5-26-3. Definitions.

5-26-4. Application for a business license.

5-26-5. Fees.

5-26-6. Temporary nature.

5-26-7. Design and operational standards.

5-26-8. Signs.

5-26-9. Professional and personal services prohibited.

5-26-10. Special events.

5-26-1. Purpose and intent.

The purposes of this Chapter include to provide clear and concise regulations for mobile food businesses, to prevent safety, traffic, and health hazards, and to preserve the peace, safety, health, and welfare of the community.

5-26-2. Mobile food business allowed.

(1) No person shall operate a mobile food business without first obtaining a business license from the City in accordance with this Chapter and Chapter 5-1 (General Provisions).

(2) A mobile food business may operate within commercial, industrial, and mixed use zoning districts.

(3) A mobile food business may operate within Tooele City parks:

(a) pursuant to a permitted special event with the authorization of the special event permit holder; or,

(b) with authorization of Tooele City for a City event.

(4) A mobile food business may not operate within a public right-of-way.

(5) This Chapter shall not apply to vending carts, ice cream trucks, agricultural vendors, solicitors, itinerant or transient merchants, and other temporary merchants or uses that are regulated elsewhere in this Title 5.

5-26-3. Definitions.

The following terms have the following definitions for purposes of this Chapter.

“Food Trailer” means a mobile food business that serves food or beverages from a non-motorized vehicle larger than 3 feet in width and 8 feet in length that is normally pulled behind a motorized vehicle. The term “food trailer” shall not include vending carts, food trucks, or ice cream trucks.

“Food Truck” means a mobile food business that serves food or beverages from an enclosed, self-

contained motorized vehicle. The term “food truck” shall not include vending carts, food trailers, or ice cream trucks.

“Mobile Food Business” means a business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and is readily movable, without disassembly, for transport to another location. The term “mobile food business” does not include vending carts or ice cream trucks.

“Mobile Food Vehicle” means a food truck or food trailer.

“Vending Cart” means a non-motorized mobile device or pushcart smaller than 3 feet in width and 8 feet in length from which limited types of products are sold or offered for sale directly to any consumer, where the point of sale is at the cart.

5-26-4. Application for a business license.

(1) If a mobile food business has a current business license from another Utah political subdivision, the City shall issue a business license upon the applicant providing the following to the City Recorder:

(a) a copy of the current business license from the other Utah political subdivision;

(b) a copy of the current health department mobile food vehicle permit from a local health department within the state; and,

(c) a copy of the current approval of a Utah political subdivision that shows that the mobile food vehicle passed a fire safety inspection that the other political subdivision conducted in accordance with Utah Code Section 11-56-104, as amended.

(2) If a mobile food business does not have a current business license from another Utah political subdivision, a mobile food businesses shall submit the following information to the City Recorder’s Office:

(a) the name and address of the applicant and the name and address of all employees operating the mobile food vehicle;

(b) a copy of a current health department food truck permit from the Tooele County Health Department; and,

(c) a copy of a fire safety inspection conducted in accordance with Utah Code Section 11-56-104, as amended.

(3) A mobile food business licensed under Subsections (1) and (2), above, shall each provide the following information to the City:

(a) the locations where the mobile food vehicle will operate;

(b) the proposed duration of the business activity;

(c) a simple site plan, where the mobile food business will operate in the same location for more than 10 hours per week;

(d) a description of the preparation methods and food products offered for sale, including the intended menu, display, and distribution containers;

(e) a description of the mobile food vehicle;

(f) the anticipated volume of food to be stored, prepared, and sold;

(g) the license plate number of the mobile food vehicle; and,

(h) for food trucks, evidence of state-required vehicle insurance.

5-26-5. Fees.

A mobile food business applicant shall pay a business license fee as required by this Chapter and the Tooele City Fee Schedule. The fee shall be a calendar year fee for the licensed business and shall not include an additional fee for food business employees. The fee is intended to cover the City's administrative cost to provide the license.

5-26-6. Temporary nature.

All business activity related to a mobile food business shall be of a temporary nature, the duration of which shall not extend for more than 16 hours within a 24-hour period at any one location.

5-26-7. Design and operational standards.

Mobile food vehicles shall comply with the following design and operational standards and requirements:

(1) be designed to meet all applicable health department requirements;

(2) not have a drive-through;

(3) be kept in good operating condition, including no visible peeling paint or rust;

(4) locations to be kept clean and free of grease, refuse, and other debris;

(5) refuse and recycling containers to be provided for use of patrons; and,

(6) enclosures or canopy extensions to be integrated into the design of the mobile food vehicle and to not project onto any portion of a public right-of-way.

5-26-8. Signs.

No signs shall be used to advertise the conduct of the mobile food business other than those which are physically attached to the food truck or food trailer.

5-26-9. Professional and personal services prohibited.

The performance of professional or personal services for sale shall not be provided from a food truck.

5-26-10. Special events.

A mobile food business operating at a special event approved under Chapter 8-16, with the authorization of the special event permit holder, is exempt from the licensing requirements of this Chapter; provided however, that the business shall:

(1) comply with all other requirements of this Chapter and of Chapter 8-16 (Special Events); and,

(2) have available for City inspection the following:

(a) a copy of a current health department food truck permit from a local health department; and,

(b) a copy of a current approval of a Utah political subdivision that shows that the mobile food business passed a fire safety inspection conducted in accordance with Utah Code Section 11-56-104, as amended.

TOOELE CITY CORPORATION

RESOLUTION 2018-47

A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY FEE SCHEDULE REGARDING MOBILE FOOD BUSINESSES.

WHEREAS, Tooele City Code §1-26-1 authorizes the City Council to establish City fees by resolution for activities regulated by the City and services provided by the City; and,

WHEREAS, Utah Code §10-3-718 authorizes the City Council to exercise administrative powers, such as establishing city fees and regulating the use of city property, by resolution; and,

WHEREAS, under the Council-Mayor form of municipal government, established and governed by the Tooele City Charter (2006) and Utah Code §10-3b-201 et seq., the Mayor exercises all executive and administrative powers; however, it has been the practice of Tooele City for all fees proposed by the Mayor and City Administration to be approved by the City Council; and,

WHEREAS, the Tooele City Council approved Ordinance 2018-12 which enacted Tooele City Code Chapter 5-26 to regulate mobile food businesses (food trucks and food trailers) in Tooele City; and,

WHEREAS, new TCC §5-26-5(2) allows Tooele City to charge a nominal processing fee for issuing a reciprocal business license to a mobile food business that is already licensed by another Utah political subdivision, which fee is authorized by Senate Bill 167 (2018); and,

WHEREAS, the City Administration recommends a nominal processing fee of \$10 to cover Tooele City's cost to examine a mobile food business license from another Utah political subdivision and to issue a reciprocal Tooele City business license; and,

WHEREAS, new TCC §5-26-5(1) allows Tooele City to charge a business fee to a mobile food businesses that is not already licensed by another Utah political subdivision, to cover the costs of processing the business license application and issue the business license, which fee is authorized by Senate Bill 167 (2018); and,

WHEREAS, the City Administration recommends assessing the regular business license fee of \$40 for a mobile food business that does not have a business license from another Utah political subdivision:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Fee Schedule is hereby amended to include a \$40 mobile food business license fee and \$10 mobile food business license processing fee, as applicable.

This Resolution shall take effect immediately upon passage, by authority of the Tooele City Charter, without further publication.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ___ day of _____, 2018.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to form:

Roger Evans Baker, Tooele City Attorney