

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Tooele City Redevelopment Agency will meet in a Work Meeting, on Wednesday, October 20, 2021, at 5:30 p.m. The Meeting will be Held in the Tooele City Hall Council Chambers, Located at 90 North Main Street, Tooele, Utah.

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

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Member's Report**
5. **RDA Resolution 2021-10** A Resolution of the Redevelopment Agency of Tooele City Approving an Agreement for Snow Removal From Public Streets and Rights-of-Way Within Peterson Industrial Depot and Ninigret Depot
Presented by Debbie Winn, Mayor/RDA Executive Director
6. **RDA Resolution 2021-11** A Resolution Authorizing the Extension of Collection of Tax Increment for Two Years in the Army Depot Project Area Impacted by the COVID-19 Emergency
Presented by Debbie Winn, Mayor/RDA Executive Director
7. **Discussion** on a Potential City Code Text Amendment to Section 7-4-9 Regarding Parking Lot Landscaped Islands
Presented by Jim Bolser, Community Development Director
8. **Discussion of Home Occupations – Musical Instruction and Practice**
Presented by Roger Baker, City Attorney
9. **Closed Meeting**
 - Litigation, Property Acquisition, and/or Personnel
10. **Adjourn**

Michelle Y. Pitt, Tooele City Recorder

Pursuant to The Americans With Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, At 435-843-2111 Or Michellep@Tooelecity.Org, Prior To The Meeting.

REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH

RESOLUTION 2021-10

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH, APPROVING AN AGREEMENT FOR SNOW REMOVAL FROM PUBLIC STREETS AND RIGHTS-OF-WAY WITHIN PETERSON INDUSTRIAL DEPOT AND NINIGRET DEPOT.

WHEREAS, Peterson Industrial Depot and Ninigret Depot comprise the Tooele Army Depot Project Area, a redevelopment project area (aka community development area-CDA and community reinvestment area-CRA) (the "Project Area") of Tooele City, which Project Area includes several public streets and rights-of-way (the "Public Streets") that require snow removal by Tooele City (the "City"); and,

WHEREAS, the Project Area is an important economic development engine for Tooele City, and the Redevelopment Agency of Tooele City, Utah (the "RDA"), charged with economic development (job creation) in the City, proposes to allocate from the Project Area budget an amount for the removal of snow from the Public Streets in the Project Area; and,

WHEREAS, the RDA proposes to enter into an agreement with Peterson Industrial Depot, Inc. (the "Contractor"), the owner of Peterson Industrial Depot, for the removal of snow from the Public Streets in the Project Area (see the proposed Agreement for Snow Removal, including street map, attached as Exhibit A); and,

WHEREAS, the RDA budget allocation and the Agreement will create efficiencies for the City and the RDA, and will further the economic development interests of the City and the RDA:

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH, that the Agreement for Snow Removal attached as Exhibit A is hereby approved.

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

IN WITNESS WHEREOF, this Resolution is passed by the Redevelopment Agency of Tooele City, Utah, this ____ day of _____, 2021.

REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH

(For)

(Against)

ABSTAINING: _____

ATTEST:

Michelle Y. Pitt, RDA Secretary

S E A L

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

Exhibit A

Agreement for Snow Removal
(including map)

AGREEMENT FOR SNOW REMOVAL

This Agreement for Snow Removal (the "Agreement") is entered into as of October 1, 2021 (the "Effective Date"), by and between the Redevelopment Agency of Tooele City, Utah (the "RDA"), and Peterson Industrial Depot, Inc. ("Contractor") (collectively the "Parties").

RECITALS

1. Contractor is the Owner of Peterson Industrial Depot located at the former Industrial Area of the Tooele Army Depot (the "Property"); and,
2. The RDA and Contractor desire to enter into this agreement for the removal of snow from the public streets and rights-of-way located within Peterson Industrial Depot and Ninigret Depot, both located on the Property and within the corporate limit of Tooele City.

AGREEMENT

Now, therefore, in exchange for the mutual covenants, promises, and other good and valuable consideration contained in this Agreement, the sufficiency of which is hereby acknowledged, the RDA and Contractor covenant and agree as follows:

1. Snow Removal. During the term of this Agreement, Contractor agrees to use commercially reasonable efforts to remove accumulations of snow of one-inch or greater from all public streets and rights-of-way, and to salt and/or sand the same, located within Peterson Industrial Depot and Ninigret Depot. The public streets and rights-of-way include Industrial Loop Road, Loadstone Way, James Way, Garnet Street, I Avenue, G Avenue, B Avenue, and the public portion of Emerald Road (see these public streets and rights-of-way illustrated in Exhibit A, attached hereto and incorporated herein). Contractor shall supply its own equipment, materials, and labor to perform its obligations under this Agreement. Contractor shall maintain liability insurance, motor vehicle insurance, and workers compensation insurance.
2. Term and Termination. The term of this Agreement shall be from October 1, 2021, to April 30, 2022. This Agreement shall terminate automatically on April 30, 2022. Either party may terminate this Agreement with or without cause upon 30 days' notice.
3. Compensation. As consideration under this Agreement, the RDA shall pay to Contractor \$1,500 per month for the months of October 2021 through April 2022, paid in advance on the first of each month. No additional consideration shall be due to Contractor for snow removal after April 30, 2022. Prior to the termination of this Agreement on April 30, 2022, the Parties shall meet for an end-of-term review (the "Review") of the total hours Contractor provided snow removal services during the term of this Agreement. Adjustments to compensation may be made by the Parties, either way, to reflect actual

weather conditions and snow removal costs. Adjustments shall be at the rate of \$150/hour.

4. Indemnification and Hold Harmless. Contractor (and its officers, agents, employees, affiliates, and assigns) shall defend, pay on behalf of, indemnify, and hold harmless the RDA and Tooele City Corporation (the "City") (and all the RDA's and the City's officials, agents, employees, and representatives) from and against any and all claims (including actions, causes of action, demands, liabilities, loss of income, loss of services, interruption of process, other losses, actions, fines, costs, and attorney fees) asserted or obtained by any person as a result of, or in relation to, Contractor's negligence or intentional misconduct in performing the obligations and activities under this Agreement.

5. Release. Contractor (and its officers, agents, employees, affiliates, and assigns) hereby releases, acquits, and forever discharges the RDA and the City (and all the RDA's and the City's officials, agents, employees, and representatives) from any and all claims (including actions, causes of action, demands, liabilities, loss of income, loss of services, interruption of process, other losses, actions, fines, costs, attorney fees) that Contractor may have against the RDA or the City as a result of, or in relation to, Contractor's obligations and activities under this Agreement.

6. Miscellaneous.

a. No Waiver. The failure by the RDA to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement, or to exercise any right or remedy consequent upon Contractor's failure to perform thereof, shall not constitute a waiver by the RDA of any such failure to perform or any other covenant, agreement, term, or condition.

b. Third Party Beneficiaries. The City is a third-party beneficiary of this Agreement. Nothing in this Agreement is intended for the benefit of any other party except for the named Parties, the City, and their authorized successors and assigns.

c. Successors and Assigns. This Agreement shall be binding upon, and shall inure to the benefit of, the Parties hereto and their respective successors and assigns.

d. Enforcement of Agreement. If any of the Parties to this Agreement bring an action or proceeding to enforce their rights hereunder, the prevailing party shall be entitled to recover its costs and expenses, including court costs and attorney fees, if any, incurred in connection with such action or proceeding, including any court costs and attorneys fees incurred on appeal.

e. Headings. The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope, interpretation, or construction of any of the terms or provisions of this Agreement or the intent thereof.

f. Construction of Agreement. This Agreement shall be construed as a whole in accordance with its fair meaning and in accordance with the laws of the State of Utah, without giving effect to conflict of law principles. The terms of this Agreement have been negotiated by the Parties at arm's length, and the language of the Agreement shall not be construed in favor of or against any particular party.

g. Entire Agreement. This Agreement constitutes the final expression of the Parties as to the terms of this Agreement and the subject matter hereof, and supersedes all prior agreements, negotiations, and discussions between the Parties with respect to the subject matter covered hereby. Except as expressly stated in this Agreement, no party hereto has made any statement or representation to any other party hereto regarding the facts relied upon by said party in entering into this Agreement, and each party hereto specifically does not rely upon any statement, representation, or promise of any other party hereto in executing this Agreement, except as expressly stated in this Agreement. Each party and their attorneys, if the party so chose, had the opportunity to make such investigation of the facts pertaining to this Agreement, and all of the matters appertaining thereto, as they deem necessary.

h. Amendment to Agreement. Any amendment to this Agreement must be in writing and signed by duly authorized representatives of all of the Parties hereto, in conformance with state and local law, and affirmatively stating the intent of the Parties to amend this Agreement.

i. Waiver of Jury Trial. The Parties irrevocably waive any and all right to trial by jury in any legal proceeding arising out of or relating to this contract and the services performed hereunder.

j. Notices. All notices, demands, requests, or other communications required or permitted by this Lease shall be in writing and effective when received, and delivery shall be made personally, or by registered or certified mail, return receipt requested, postage prepaid, or overnight courier, addressed as follows:

To the RDA:
Redevelopment Agency of Tooele City, Utah
Attention: Executive Director
90 North Main
Tooele, UT 84074

To Contractor:
Peterson Industrial Depot, Inc.
Attention: Aaron Peterson
1485 West James Way #691
Tooele, UT 84074

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

**Redevelopment Agency of
Tooele City, Utah**

Peterson Industrial Depot, Inc.

Debra E. Winn, Executive Director

Aaron Peterson, President

Attest:

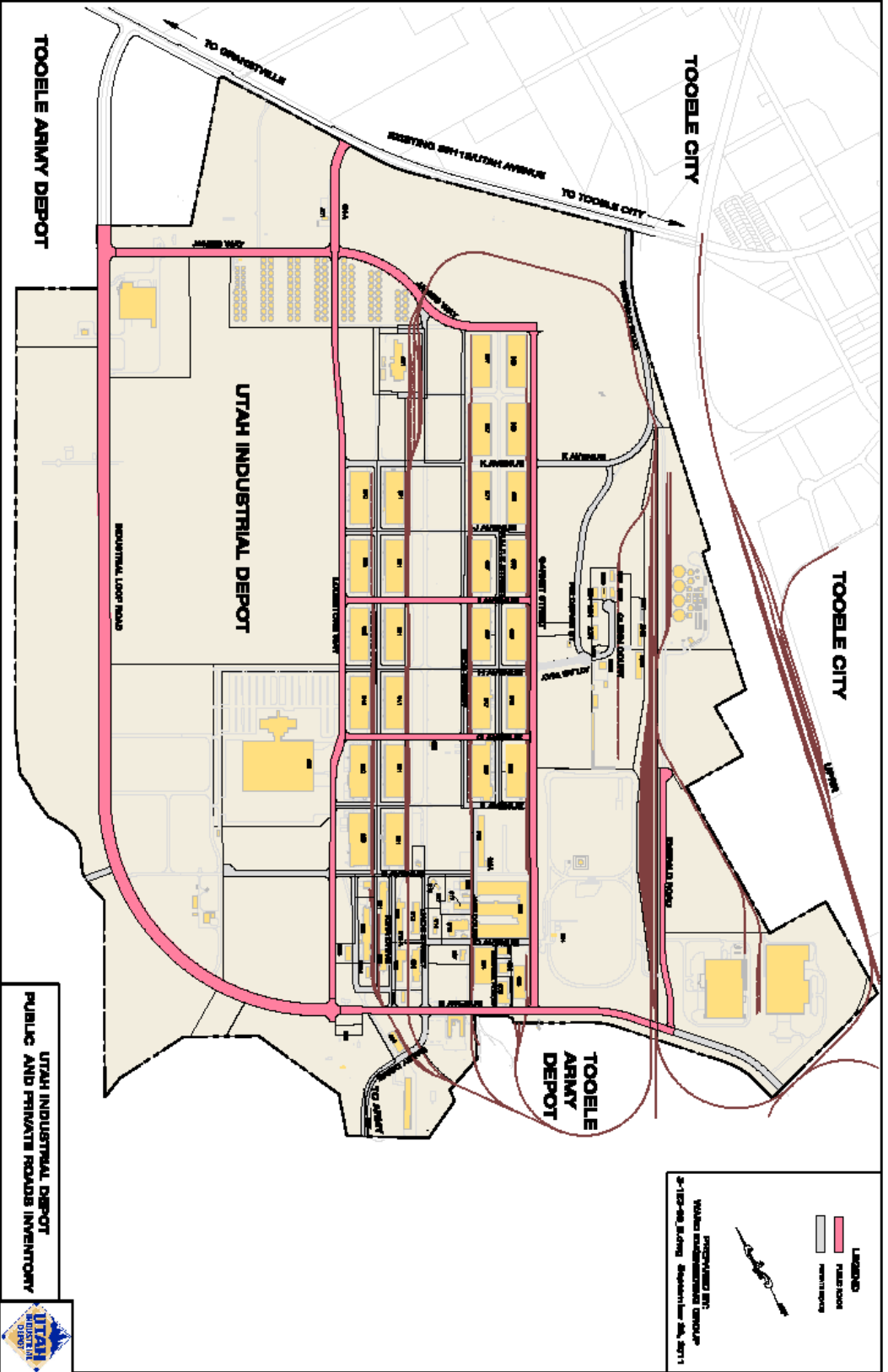
Michelle Y. Pitt, RDA Secretary

Approved as to Form:

Roger Evans Baker, RDA Attorney

Exhibit A

Illustration of Public Streets and Rights-of-Way



TOOELE ARMY DEPOT

TOOELE CITY

TOOELE CITY

UTAH INDUSTRIAL DEPOT

TOOELE ARMY DEPOT

UTAH INDUSTRIAL DEPOT
PUBLIC AND PRIVATE ROADS INVENTORY



LEGEND

- PROPOSED RT
- FIELD ROAD
- EXISTING ROAD

PROPOSED RT
 UTAH INDUSTRIAL DEPOT
 2013-2014 Building Development Plan, 2011

REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH

RESOLUTION NO. 2021-11

A RESOLUTION AUTHORIZING THE EXTENSION OF COLLECTION OF TAX INCREMENT FOR TWO YEARS IN THE ARMY DEPOT PROJECT AREA IMPACTED BY THE COVID-19 EMERGENCY.

WHEREAS, the Utah Legislature, in the Sixth 2020 Special Session, through Senate Bill 6001, amended the Utah Community Reinvestment Agency Act (the “**Act**”), specifically enacting Utah Code Annotated (“**UCA**”) § 17C-1-416 (“**The COVID-19 Emergency Extension Bill**”) on August 31, 2020, which authorized Community Reinvestment Agencies such as the Redevelopment Agency of Tooele City, Utah (the “**Agency**”) to extend the collection of “**Tax Increment**” (as defined in UCA § 17C-1-403) under certain circumstances due to the COVID-19 Emergency; and,

WHEREAS, the Agency in 1998, created the Army Depot Project Area (“**Army Depot Project Area**” and “**Impacted Project Area**”), and adopted a Project Area Plan (“**Army Depot Plan**” and “**Impacted Plan**”) and Project Area Budget (“**Army Depot Budget**” and “**Impacted Budget**”) for the Army Depot Project Area; and,

WHEREAS, the Agency intends to extend the Project Area funds collection period of impacted project areas, including the Army Depot Project Area, for a period of two years; and,

WHEREAS, the COVID-19 Emergency Extension Bill was signed by the Governor of Utah and became law, effective August 31, 2020; and,

WHEREAS, the COVID-19 Emergency Extension Bill specifically authorizes the Agency to extend the Tax Increment collection period in the Impacted Project Area, by up to two years, if the agency determines the conditions resulting from the COVID-19 emergency will likely delay the Agency's implementation of the Plan described herein, or cause the Agency to receive an amount of Tax Increment from the Project Area that is less than the amount of Tax Increment the Agency expected the Agency would receive from the Project Area, respectively; and,

WHEREAS, the Agency has carefully considered the facts and information available to the Agency on whether the COVID-19 emergency will likely delay the Agency's implementation of the Impacted Plan, for the Impact Project Area, or cause the Agency to receive an amount of Tax Increment from the Impacted Project Area that is less than the amount of Tax Increment the agency expected it would receive from the Impacted Project Area; and,

WHEREAS, the Agency Board, after carefully considering all the facts and information, including without limitation a memorandum prepared by Lewis Young Robertson & Burningham, an independent municipal advisory firm and consultant to the Agency, along with information known to the Board Members and provided by Agency staff, and information relayed from property owners and developers within the project area, is prepared to make its determinations, findings, and conclusions as set forth below:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH AS FOLLOWS:

1. The Agency Board does hereby find and determine that the Project Area is an “Impacted Project Area” as defined in UCA § 17C-1-416(1)(c), based on the facts that, among other things, (a) the Agency expects to receive Tax Increment from the Impacted Project Area, as provided under the applicable Impacted Plan and/or Impacted Budget for the Impacted Project Area, respectively, (b) the Impacted Project Area is subject to a project area funds collection period, (c) the Impacted Plan was adopted before December 31, 2019; and, (d) the Agency has determined the conditions resulting from the COVID-19 Emergency will likely either delay the Agency’s implementation of the Impacted Plan or cause the Agency to receive an amount of Tax Increment from the respective Impacted Project Area that is less than the amount of Tax Increment the Agency expected it would receive from the Impacted Project Area.
2. Certain finding and determinations in Paragraph 1 above are supported by the following specific facts:
 - a. The adopted Project Area Budget, publicly available at Tooele City offices, supports the determination by the Agency under UCA § 17C-1-416(1)(c)(i) that the Agency expects to receive Tax Increment from the Project Area and the determination by the Agency Board under UCA § 17C-1-416(1)(c)(ii) that the Project Area is subject to a project area funds collection period.
 - b. The adopted Project Area Plan, publicly available at Tooele City offices, supports the determination by the Agency under UCA § 17C-1-416(1)(c)(iii) that the Tooele Army Depot Project Area Plan was adopted in 1998, which was prior to December 31, 2019.
3. The following summary of conditions resulting from the COVID-19 Emergency will likely either delay the Agency’s implementation of the Army Depot Plan or cause the Agency to receive an amount of Tax Increment from the respective Army Depot Project Area that is less than the amount of Tax Increment the Agency expected it would receive from the Army Depot Project Area:

According to the Agency’s 2021 fiscal year budget, the Agency may see a decrease of approximately \$350,000 of property tax increment when compared to the 2018 fiscal year. As Covid-19 continues to impact the Project Area, the Agency may continue to experience reduced amounts of Tax Increment. Additionally, industrial parks include significant amounts of personal property: 33% of the Project Area’s assessed value is personal property. Due to the Covid pandemic, projects lost demand in new leases and business development. This will likely create a sizable loss in personal property values. The Agency currently forecasts a reduction of Tax Increment of \$150,000-\$200,000 annually. Mixed use commercial/industrial/retail has been the targeted development for the Army Depot Project Area. The anticipated commercial/industrial uses have been significantly impacted by the COVID-19 Emergency. Due to the pandemic, developments within the Army Depot Project Area have been delayed for several years. Minimum assessed value benchmarks of

developments required for Tax Increment incentives will not be met. Developers/property owners within the Army Depot Project Area faced a barrage of requests for rent relief, and in many instances granted the requested relief, which has limited available capital for further development. Commercial/industrial development stalled due to economic and market uncertainty, and an anticipated shift away from traditional office and retail leasing arrangements. Financing stalled for similar reasons, as well as others. Anchor commercial tenancies remain an unknown but are needed to achieve the original plans for the Army Depot Project Area. Additionally, construction costs and potential liability risks have increased as a result of the COVID-19 Emergency, which again has resulted in development and construction delays within the Army Depot Project Area. The COVID-19 Emergency has resulted in excess commercial (office, retail, etc.) space in the Tooele County market, which impacts the ability to develop such commercial space within the Army Depot Project Area. Finally, a developer from the project area, Peterson Industrial Depot (“PID”), has provided a letter referencing the aforementioned struggles. The letter from PID is provided as Exhibit 1, attached hereto.

4. The date on which the Tax Increment collection extension period, as extended by this Resolution, will end for the Tooele Army Depot Project Area is now December 31, 2025.
5. Agency staff are hereby authorized and directed to mail or electronically submit a copy of this Resolution after adoption to:
 - a. the Utah State Tax Commission;
 - b. the Utah State Board of Education;
 - c. the Utah State Auditor;
 - d. the Tooele County Auditor; and
 - e. each taxing entity affected by the Agency’s collection of Tax Increment from the Project Area.
6. Agency staff are hereby authorized to take all other actions necessary to carry out the purposes of this Resolution.
7. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED by the governing board of the Redevelopment Agency of Tooele City, Utah, this _____ day of _____, 2021.

_____, Chair

Attest:

Approved as to Form:

Michelle Y. Pitt, Agency Secretary

Roger Evans Baker, Agency Attorney

EXHIBIT 1: LETTER FROM PETERSON INDUSTRIAL DEPOT (PID)



August 2, 2021

Mayor Debra E. Winn
Redevelopment Agency Executive Director
Tooele City
90 N Main Street
Tooele City, UT 84074

RE: RDA Covid Relief Analysis and RDA Project Area Extension

Dear Mayor Winn:

The Peterson Industrial Depot (PID) is pleased to contribute this letter in response to the Redevelopment Agency's request for information on how the Covid-19 pandemic has adversely affected development and economic opportunity within the RDAs project area. PID represents both land ownership and business interests at the Peterson/Ninigret Industrial Depot (Industrial Depot) located in the southwest portion of Tooele City.

The Industrial Depot is comprised of Industrial and Light Industrial industries. While each industry/business was affected differently, here is our report on several key negative impacts:

- One business requested and received deferred rent relief from PID in our capacity as landowner. Rent relief lasted 6 months and was provided due to decreased revenue of the business.
- PID revenue from owned businesses (Tekko, Utah Fabrication) decreased steeply in 2020. Lost approximate revenue totals at \$ 9.4 million.
- Supply chain shortages and unpredictable increases in construction costs have negatively impacted PID. Unexpected or inflated costs due to the Covid-19 pandemic and correlated situations costed PID an approximate \$ 1.7 million.
- Since the start of the Covid-19 pandemic, PID has experienced decreased demand and interest from new leases and new business development. Various projects were put on hold due to the pandemic.

The Tooele City Redevelopment Agency plays an important role as a partner at the Industrial Depot. It is anticipated that PID will request assistance for infrastructure needs affecting all Industrial Depot businesses/users. Extending the life of the RDA project area for an additional two years will be vital in providing for the infrastructure needs of the site and in attraction of future tenants/businesses.


Aaron Peterson
Peterson Industrial Depot

Peterson Industrial Depot

545 N. Lockstone Way Tooele, UT 84074 Telephone 435-849-8400 Fax 435-849-8401



MEMORANDUM

TO: RDA BOARD AND STAFF
FROM: TOOELE CITY & LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.
DATE: SEPTEMBER 14, 2021
RE: 2021 PROJECT AREA EXTENSION – (COVID-19)

Senate Bill 6001 (“SB 6001”) was sponsored by Senator Wayne Harper in the Senate and Representative Mike Winder in the House. SB 6001 was introduced and signed into law in 2021 with the expressed purpose of providing economic relief to local reinvestment agency project areas due to the negative impacts caused by the COVID-19 pandemic. SB 6001 allows a community reinvestment agency to extend the tax increment collection period for up to two years for project areas that can demonstrate negative economic and financial impact related to COVID-19.

In order to receive the relief provided by SB 6001, the project area plan must have been adopted on or before December 31, 2019. The reinvestment agency board must also adopt a resolution on or before December 31, 2021. The reinvestment agency must describe the conditions resulting from the COVID-19 pandemic and that the board has determined that the pandemic has created a delay in the implementation of the project area or resulted in a reduction in the amount of tax increment necessary to implement the project area plan.

Tooele City (the “City”) and Tooele Redevelopment Agency (the “Agency”) officials requested letters with evidence of reduced revenues and complications caused by COVID-19 from several developers within the City and within the Army Depot Project Area. The following information summarizes the evidence provided by affected developers.

1. Army Depot Project Area

Decrease in Tax Increment: In the 2018 fiscal year the Agency collected \$2.38 million from property taxes in the Army Depot Project Area. However, in the 2020 fiscal year the Agency only collected \$2.23 million from property taxes. Furthermore, as Covid-19 continues to influence the project area, the Agency’s 2021 fiscal year budget has decreased to \$2.03 million. If these budget numbers remain accurate, the Agency will have collected \$350 thousand less in property taxes than in the 2018 fiscal year. Consequently, the pandemic is causing the Agency to miss out on substantial tax increment in the project area.

Additionally, industrial parks include significant amounts of personal property. 33% of the Project Area’s assessed value is personal property. Due to the Covid-19 pandemic, projects lost demand in new leases and business development. This will likely create a sizeable loss in personal property values. The Agency currently forecasts a reduction of tax increment of \$150-\$200 thousand annually.

Uncertainty With Remote Work: High quality office development has been a key target of the Agency for the Army Depot Project Area. Throughout the state of Utah, and specifically in the project area, the commercial office market has experienced a unique set of problems that will significantly slow the absorption of office space. As companies begin to allow employees back in offices, there is a high degree of uncertainty around how many employees will come back. Depending on the company, estimates show that throughout the year 25-40 percent of employees are not utilizing office space on a regular basis. The decrease in office space demand, increased competition between developers, and a new culture to prevent future pandemics may cause delays to and decreases in the total tax increment in coming years.

Challenges With Construction and Materials: General contractors are negotiating “COVID clauses” to protect them from liability due to pandemic impacts. This liability is challenging for developers to absorb. Developers are currently facing issues with steel and lumber, the highest material cost of their projects. An article written by CBRE



on May 24, 2021, emphasizes that high demand and limited supply have led to dramatic increases in domestic steel and lumber prices this year. In early May of 2021, both steel and lumber prices had more than tripled since late 2020. Since peaking, prices have dropped a bit but were still up almost 260% since last year. Rising costs are causing developers to postpone projects or force them to increase their construction budgets.

Pandemic Impacts Relative to Developers in the Project Area: Businesses requested and received deferred rent relief from developers in the project area. Some extensions lasted up to 6 months based on decreased revenue to affected businesses. Furthermore, revenue from developers decreased steeply in 2020. One project area developer, Peterson Industrial Depot (PID), even lost up to \$9.4 million in approximate revenue during the year. PID also had \$1.7 million in unexpected or inflated costs as a result of supply chain shortages and construction cost increases. Consequently, various projects were put on hold due to the pandemic. Given current market conditions, it may take developers in the project area several years to complete existing projects.

Other developers nation-wide and, most importantly, in the project area are experiencing similar difficulties as Peterson Industrial Depot. Since the start of the Covid-19 pandemic, developers have experienced decreased demand and interest for new leases and new business development. With the low demand and large inventory in the area, rent rates are being pushed down. The drop in rent, combined with the higher cap rates reduces the value of buildings and impacts borrowing capacity. As a result, financing new office buildings, particularly large ones, is currently less feasible for developers in the area.

Finally, the Agency plays an important role as a partner with developers in the project area. With the opportunity to extend the life of the project area, the taxing entities and the developers will be able to recoup some of the desired revenues that were delayed and reduced due to the pandemic. This extension would be of great benefit to the participating taxing entities, the developers involved in the project area, and the City's overall future economic growth.



SB 6001 – RDA Extension

9/28/2021 – Tooele School Board Presentation / Briefing

Jared Stewart; 435-843-2169; JaredS@TooeleCity.org

SB-6001 Summary

- Signed into law during the 2021 State Legislative Session
- Purpose: Provides relief (two year extension) to local redevelopment agency project areas from negative COVID-19 pandemic impacts.
- Impacts: decreased property tax revenue, inflated construction & material costs, delay of projects and loss of revenue to businesses.
- Opportunity: Two-year extension of the project area; *necessary for repayment of bonds* and continued support of business.
- Timing: The State requires SB-6001 to be adopted in an RDA meeting by December 31st, 2021.

7-4-9. Parking Lots.

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

(1) Landscaping.

(a) Landscaped Islands. Landscaping islands shall be provided in all parking areas as follows:

(i) Parking areas containing less than 75 parking spaces shall not be required to provide landscaped islands that break up rows of parking.

(ii) Parking areas containing less than 75 parking spaces which are part of a phased development that will result in the expansion of the parking for the development to be more than 75 parking spaces shall be required to provide landscaped islands as described in Subsection (f)(iii) herein.

(iii) When required, ~~12~~ the maximum number of parking spaces in a row without separation by a landscaping island shall be 15. Landscaping islands that provide this separation shall comply with the requirements of Subsection (e) herein except that the number of trees required shall be based on the number of parking stalls bordered on one side only.

CHAPTER 2. SUPPLEMENTARY AND QUALIFYING REGULATIONS

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

7-2-1. Effect of chapter.

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

7-2-2. Lot standards.

Except for planned unit developments and high-density single-family developments, or as otherwise provided in this Title, every lot or parcel of record, existing or intended to be created, shall have such area, width, and depth as is required by this Title for the district in which such lot or parcel of record is located and shall have frontage upon a dedicated street or upon a private street. These requirements shall be satisfied before any building permit is issued. Except in M-U, RR-1, and RR-5 districts, no lot or parcel of record shall be created which is more than three times as long as it is wide; however, the Planning Commission may waive this restriction at a public meeting upon a showing of unusual circumstances. Lots or parcels of record with frontage on private streets shall be allowed only by conditional use permit or planned unit development procedure, and shall be subject to all applicable requirements of this Title. (Ord. 2013-16, 11-06-2013) (Ord. 1996-17, 06-19-1996) (Ord. 1983-05, 04-20-1983)

7-2-2.1. Historic plats.

For purposes of this Title, the parcels of land shown in the historic Plats "A", "B", and "C" of Tooele City shall not be considered lots and shall be considered parcels of record unless otherwise included within a subdivision plat. (Ord. 2013-16, 11-06-2013)

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

Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot or parcel of record having no less than the minimum area, width, depth and frontage required by this Title for the district where located, except that dwelling groups, condominiums and other multi-structure dwelling complexes with single ownership and management, permitted by this Title and having Planning Commission approval, may occupy one lot or parcel of record for each such multi-structure. (Ord. 2013-16, 11-06-2013) (Ord. 1983-05, 04-20-1983)

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

No space required by the provisions of this Title including side-yards, rear yards, coverage, etc. for a particular lot or building may be sold or leased away from such lot or building so as to defeat the provisions of this Title. (Ord. 1983-05, 04-20-1983)

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

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, for building or development as a lot. (Ord. 1983-05, 04-20-1983)

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

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

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

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

7-2-7. Repealed.

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

7-2-8. Additional height allowed.

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

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

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

7-2-9. Exceptions to height limitations.

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

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

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

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

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

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

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

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

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

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

retaining wall over one foot high requires a building permit.

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

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

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

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

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

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

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

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

7-2-13. Tennis Courts.

Notwithstanding other provisions of the city code:

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

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

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

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

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

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

7-2-15. Lots in two districts.

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

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

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

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

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

7-2-17. Transition zones.

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

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

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

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

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

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

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

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

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

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

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

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

7-2-19. Home occupations.

Home occupations are permitted upon compliance with the following:

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

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

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

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

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

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

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

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

building on the premises;

(9) shall not create a nuisance;

(10) shall specifically exclude: vehicle repair work, body and fender work, firewood sales, commercial stables, kennels, livestock, auctions, restaurants, nursing homes, funeral houses, and welding, musical instrument instruction and practice consisting of more than two persons at a time;

(11) shall not display signs;

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

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

(14) Child day care and preschool home occupations:

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

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

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

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

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

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

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

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

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

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

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

(a) Permitted Temporary Seasonal Uses. Where temporary seasonal uses are identified in this Title as permitted, the following shall be permitted

uses. Where temporary seasonal uses are identified in this Title as conditional, the following shall be conditional uses permissible only following issuance of a Conditional Use Permit:

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

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

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

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

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

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

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

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

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

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

(Page 7-9.2 Reserved)

CHAPTER 2. SUPPLEMENTARY AND QUALIFYING REGULATIONS

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

7-2-1. Effect of chapter.

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

7-2-2. Lot standards.

Except for planned unit developments and high-density single-family developments, or as otherwise provided in this Title, every lot or parcel of record, existing or intended to be created, shall have such area, width, and depth as is required by this Title for the district in which such lot or parcel of record is located and shall have frontage upon a dedicated street or upon a private street. These requirements shall be satisfied before any building permit is issued. Except in M-U, RR-1, and RR-5 districts, no lot or parcel of record shall be created which is more than three times as long as it is wide; however, the Planning Commission may waive this restriction at a public meeting upon a showing of unusual circumstances. Lots or parcels of record with frontage on private streets shall be allowed only by conditional use permit or planned unit development procedure, and shall be subject to all applicable requirements of this Title. (Ord. 2013-16, 11-06-2013) (Ord. 1996-17, 06-19-1996) (Ord. 1983-05, 04-20-1983)

7-2-2.1. Historic plats.

For purposes of this Title, the parcels of land shown in the historic Plats "A", "B", and "C" of Tooele City shall not be considered lots and shall be considered parcels of record unless otherwise included within a subdivision plat. (Ord. 2013-16, 11-06-2013)

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

Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot or parcel of record having no less than the minimum area, width, depth and frontage required by this Title for the district where located, except that dwelling groups, condominiums and other multi-structure dwelling complexes with single ownership and management, permitted by this Title and having Planning Commission approval, may occupy one lot or parcel of record for each such multi-structure. (Ord. 2013-16, 11-06-2013) (Ord. 1983-05, 04-20-1983)

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

No space required by the provisions of this Title including side-yards, rear yards, coverage, etc. for a particular lot or building may be sold or leased away from such lot or building so as to defeat the provisions of this Title. (Ord. 1983-05, 04-20-1983)

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

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, for building or development as a lot. (Ord. 1983-05, 04-20-1983)

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

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

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

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

7-2-7. Repealed.

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

7-2-8. Additional height allowed.

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

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

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

7-2-9. Exceptions to height limitations.

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

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

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

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

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

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

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

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

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

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

retaining wall over one foot high requires a building permit.

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

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

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

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

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

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

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

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

7-2-13. Tennis Courts.

Notwithstanding other provisions of the city code:

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

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

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

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

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

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

7-2-15. Lots in two districts.

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

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

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

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

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

7-2-17. Transition zones.

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

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

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

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

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

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

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

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

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

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

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

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

7-2-19. Home occupations.

Home occupations are permitted upon compliance with the following:

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

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

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

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

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

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

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

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

building on the premises;

(9) shall not create a nuisance;

(10) shall specifically exclude: vehicle repair work, body and fender work, firewood sales, commercial stables, kennels, livestock, auctions, restaurants, nursing homes, funeral houses, and welding, ~~musical instrument instruction and practice consisting of more than two persons at a time;~~

(11) shall not display signs;

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

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

(14) Child day care and preschool home occupations:

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

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

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

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

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

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

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

(15) ~~Musical instrument instruction and practice home occupations:~~

~~(a) involving 7 children or less shall be permitted;~~

~~(b) involving 8 to 16 children shall require a conditional use permit and shall adhere to the following guidelines:~~

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

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

~~(iii) no artificial or electrical~~

~~amplification of musical instruments shall be allowed; and,~~

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

(Ord. 2019-27, 10-02-2019) (Ord. 2017-14, 06-07-2017)

(Ord. 1987-24, 01-02-1988) (Ord. 1983-05, 04-20-1983)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Page 7-9.2 Reserved)