

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, December 1, 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. **Discussion** on a Potential City Code Text Amendment to Section 7-4-11 of the Tooele City Code Regarding Public Safety Aisles in Parking Lots
Presented by Jim Bolser, Community Development Director
6. **Discussion** on a Proposed City Code Text Amendment to Section 7-11a-18 of the Tooele City Code Regarding Exterior Building Material Requirements for Multi-Family Residential Development
Presented by Jim Bolser, Community Development Director
7. **Discussion** on a Potential City Code Text Amendment Regarding Non-Conforming Accessory Structures
Presented by Jim Bolser, Community Development Director
8. **Discussion** on the Water Conservation Plan
Presented by Jamie Grandpre, Public Works Director
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](mailto:Michellep@tooelecity.org), Prior To The Meeting.

7-4-11. Public Safety Aisles.

Every lot or parcel that includes a parking area with internal vehicular aisles for access to parking spaces shall provide public safety access and facilitation aisles. Those public safety aisles shall be ~~a minimum of 30 feet in width, measured from curb face to curb face and as shown in Table 7-4-2, provided as required in this Section~~ regardless of whether the aisle accommodates one- or two-way traffic.

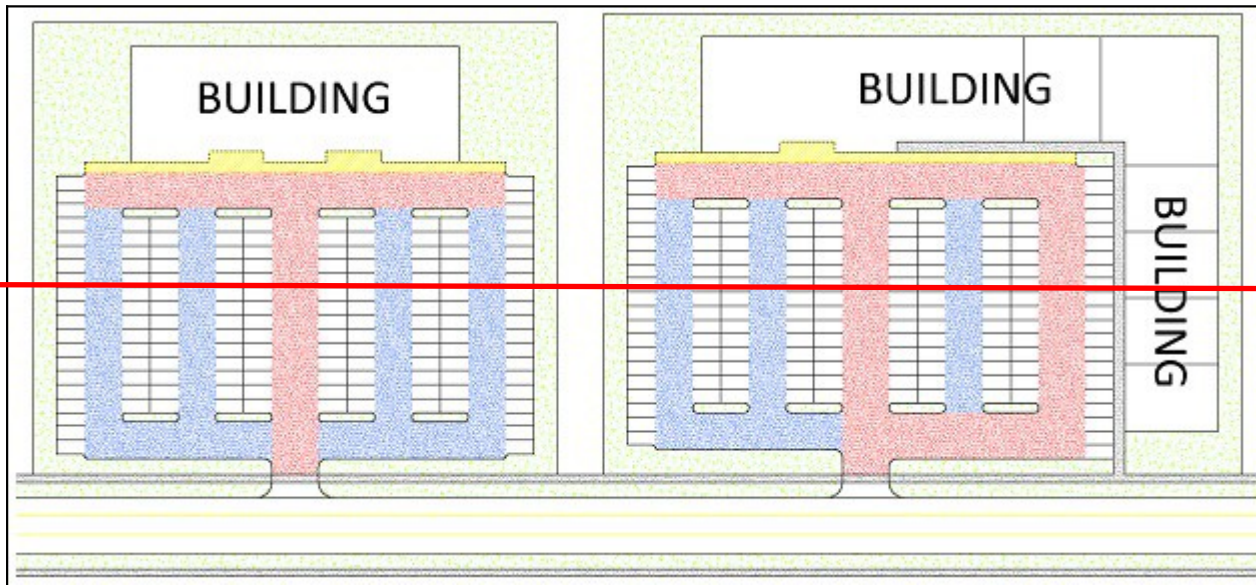
- (a) Multi-Family Residential. Public safety aisles within multi-family residential developments shall be provided where a building is constructed greater than two stories and either:*

 - (1) the drive aisle provides the closest access to one or more sides of the building;*
 - (2) covered parking is located between the drive aisle and the building.*
- (b) Non-Residential Uses. Public safety aisles, ~~as represented and depicted in the Figure 7-4-4, shall consist of all aisles that within non-residential developments, shall be provided as where a vehicle drive aisle is the closest drive aisle to one or more sides of a building that:~~*

 - (1) is taller than 30 feet;*
 - (2) is greater than 20,000 square feet of total floor area;*
 - (3) contains or is proposed to contain uses utilizing or handling hazardous or potentially hazardous materials;*
 - (4) is located more than 100 feet from the closest right-of-way; or*
 - (5) is located more than 100 feet from closest fire hydrant.*
- (c) Drive Aisle Widths. All vehicle drive aisles within a parking area shall be not less 24 feet in width, measured curb face to curb face or edge of driving surface to edge of driving surface where no curb exists. Where public safety aisles are required by this section, those aisles shall not be less than 30 feet in width, measured in the same manner. At no time shall any vehicle drive aisle be allowed in violation of the International Fire Code or other fire code adopted by Tooele City or the State of Utah. In instances where parallel parking is proposed along a vehicle drive aisle within a parking area, the Tooele City Fire Chief shall maintain the ability to require additional minimum width reasonably necessary to ensure emergency response in conjunction with the parallel parking.*

 - ~~(1) provide access from a public or private street;~~
 - ~~(2) provide frontage for, or which abut any side of, one or more buildings or business;~~
 - ~~(3) provide direct access to the front of the building according to the most direct route from a public or private street; or~~
 - ~~(4) are deemed critical by the fire or police department for access to one or more buildings in the event of a public safety emergency.~~

Figure 7-4-4 — Public Safety Aisles.



Ordinance, General Plan, & Master Plan
Text Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the text amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a text amendment proposal are submitted, the proposal is subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the proposal is found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted text amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a text amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

Project Information		
Date of Submission: 11-16-21	Applicant Name: Zenith Tooele LLC	
Address: 8371 So. State St., Suite 202, Sandy, Utah 84070		
Phone: 801-915-5959	Alternate Phone:	Email:
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____		
Brief Summary of Proposal: Change Language Section 7-11a-18 Tooele City Code. Please see attached.		

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

Note to Applicant:

Ordinances, the General Plan, and other master plans are made by ordinance. Any change to the text of the ordinance or plan is an amendment the ordinance establishing that document for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the text may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

2211211

For Office Use Only			
Received By: JESSI	Date Received: 11/18/2021	Fees: 2000 ⁰⁰	App #: Rec#: 440573



City Attorney

[Roger Baker](#)
 Tooele City Attorney
 90 North Main Street
 Tooele, UT 84074
 Phone: 435.843.2120
 Fax: 435.843.2129

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Frequently Asked Questions (Attorney's Office)

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[Title 7. Chapter 11a. Design Standards: Multi-Family Residential](#)

Title 7. Chapter 11a. Design Standards: Multi-Family Residential

[7-11a-1. Defined Terms](#)

[7-11a-2. Purpose and Scope](#)

7-11a-5. Context and Setting

7-11a-6. Design Standards: Building Orientation

7-11a-7. Design Standards: Vertical Alignment

7-11a-8. Design Standards: Horizontal Alignment, Facades

7-11a-9. Design Standards: Windows

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7-11a-13. Design Standards: Parking and Internal Circulation

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7-11a-16. Design Standards: Utilities

7-11a-17. Design Standards: Walls and Fences

7-11a-18. Design Standards: Building Materials



(1) Exterior Finishes. Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 75% of the 50% shall be on the front building facade. All building facades that face a public right-of-way or exterior street shall utilize at least 40% of these allowable materials.

(2) Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-19. Design Standards: Color

7-11a-20. Design Standards: Vents

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

7-11a-24. Design Standards: Zoning

7-11a-25. Deviation From Design Standards

7-11a-26. Figures

7-11a-27. Photo Groups

Click Here for a .pdf copy of **Title7 Chapter11a**

Please Note: Every attempt has been made to keep this online Tooele City Code up-to-date; however, there may be discrepancies between this online code and that which is actually adopted. If you have questions about the Tooele City Code or for the most recent update, please call (435) 843-2120 or email attorney@tooelecity.org.

PROPOSED TEXT AMENDMENT TO
Section 7-11a-18, Tooele City Code

It is proposed that the text of Section 7-11a-18 of the Tooele City Code, be changed to read as follows:

“Exterior building materials shall be natural or cultured stone, stucco, fiberboard, cement fiberboard, natural wood, wood fiberboard, clapboard, block-masonry and/or vinyl. The use of brick or stone is encouraged up to no more than 25% of the surface of the apartment building and where its use does not defeat the objectives of Tooele City’s Moderate Income Affordable Housing Plan.”

We recommend and formally request that Tooele City make a change to the city’s codes and/or policy to address the rising costs of providing Affordable Housing and to honor the goals and objectives of the Tooele City Moderate Income Housing Plan adopted in 2018.

As the Housing Plan points out, HB295, passed by the Utah Legislature encourages a community to provide a “reasonable opportunity for a variety of affordable housing for moderate income households.” Because of the high cost of materials and the interruptions in the supply chain resulting from Covid-19, moderate income housing costs have increased at Lexington Greens over 26.3% in one year! Homes that were at \$325,000 a year ago are now \$475,000 for the same sized home, which squeezes out of the market a large group of ‘entry-level & move-up’ homebuyers. If they have a \$30,000 down payment, which is small and rare, the monthly mortgage payment would be \$2,110.24 plus taxes and insurance which could add another \$400 per month. At that point people look to rental. As originally designed, the Lex Apartment units rent for between \$950 for one-bedroom and up to \$1,600 for a three-bedroom unit. They also were designed with exteriors of between 25% and 30% of the surface less windows. This becomes an affordable option for the moderate-income person,

while at the same time, providing ample square footage for their needs – which include multiple indoor & outdoor amenities, while staying within the 30% guideline of the amount spent each month on housing costs.

The Housing Plan points out on page 21 the following:

The only City ordinance that would be a barrier to affordable housing or Fair Housing, is the single family, multi-family residential standards (Title 7, Chapters 11a and 11b). These ordinances establish minimum standards for enclosed garages, square footage, minimum masonry percentage and minimum architectural features such as front porches, decorative windows, articulated roof lines, articulated building elevations and others which can increase the cost of a housing unit.

The problem is that the City staff has “upped the ante” and diverted away from the idea of “minimum materials” to the idea of “maximum materials”. On The Lex Apartments the City is now requiring 50% of the skin of the building be masonry (Brick) with 75% of that number being required on the front façade of each building. Those percentages, as mentioned, are higher than Salt Lake City or Sandy. We have attached the rendering which we presented to the City which does not meet these requirements and yet which, by any measure, is a handsome looking building and a very attractive addition to the City.

The added costs for the requirements in Chapter 7-11a-18, just for the outside of the building, adds more than \$600,000 to the costs according to our contractor. It is not a rental feature to the moderate-income renters. This demographic group, which is the bulk of those in the moderate-income level, will simply not pay higher rents for a rental unit that has more brick on the outside. Those rents are likely to be \$1,100 for one bedroom and \$1,840 for 2 bedrooms.

We respectfully request a change in the text of the Code or a provision providing for an exception to this section when necessary.







Good Morning Mayor Winn,

Mr. Joe D. England has requested my services in constructing an auxiliary structure at 295 North 50 West Tooele UT, Parcel 02-037-0-0043 (see exhibit A in attached file). The zoning in this area is listed as R1-7 which allows for axillary structures but only in conjunction with a domestic use structure. In this case the site has an existing auxiliary structure which we intend on expanding. Our modern zoning has shifted this parcel to “existing nonconforming” within its zone.

Given its status, city code section 7-3-2-2 (exhibit B) disallows us from expanding that structure. I have discussed this this with my client as well as the zoning administrator, we cannot find a way to work within this ordinance and fulfil our desired purposes. While at its core, my client and I with this ordinance and believe it to be adequate for nearly all circumstances, we do find it to have some deficits. This is our appeal to hopefully refine the city code to allow the zoning administrator to apply some discernment. Presumably, there are other circumstances like this that exist/will exist in the future.

In this circumstance the surrounding area is very diverse, but is outlined below, see exhibit C for reference.

1. Subject property
2. Single family dwelling (SFD), small auxiliary structure, setup for potential medium term RV usage.
3. Modern SFD attached garage (exhibit K)
4. SFD that needs to be condemned, uninhabitable (exhibit J Background)
5. SFD (exhibit J Background)
6. SFD with small auxiliary structure
7. SFD, some medium-term commercial storage, unprotected. (Exhibit H)
8. SFD with small auxiliary structure (exhibit E)
9. Vacant property
10. SFD with small auxiliary structure
11. Modern SFD detached garage (exhibit F)
12. Large auxiliary structure appears be for use on property 5 (this appears to be non-conforming also) (exhibit E back left)
13. SFD
14. I really cant tell what’s going on here, it looks like a whole bunch of auxiliary structures under poor maintenance (I think this is what this ordinance is trying to prevent) (Exhibit D)
15. Storage units, as far as I can tell, no facilities
16. Vehicle storage, unprotected
17. Office and shop space
18. Office building, currently leased by the state for CPS and WFS.
19. Strip mall with various food, retail and service industries
20. SFD

Our proposed usage for this property is neither congruent nor incongruent with the current usage of the properties surrounding and does not cause detriment to the area. As you know, it is a fine line that must be walked when we orchestrate municipal ordinances. On one hand, prevention of uses that cause detriment to the usage or marketability of the surrounding properties as to not allow others to become victims of others property rights. On the other hand, keeping individuals’ property rights intact

should always be a priority, if it can be demonstrated that it's not detrimental to the functionality of the area.

Mr. England keeps good maintenance on his properties, within the last year or so the current structure has updated siding, roofing and soffit/facia (exhibit J foreground) . As part of the scope of construction we intend to add city sidewalk along the frontage. He will frequent this building 2-3 times per week and represents and protects substantial assets for him, thus he will control weeds and foliage. Given that, I don't see who it could harm to allow this structure to be erected. Additionally, the property does not hold qualities that make it marketable for SFD purposes. Although it does have a killer view of the back of the donut shop (Exhibit G). This is likely the "best offer" for utilization of this property we're (as a community) were going to get for 20+ years, and it's better to put it to beneficial use as soon as possible.

Our hope is with this petition that we will be in agreement, and you are willing to take this before city council with your affirmative recommendation to add a clause in the ordinance that expresses the ability for the zoning administrator to allow nonconforming use if it can be demonstrated that it doesn't negatively affect the community, even if it provided a time period to allow people to express objections. We feel it would make a more complete ordinance as well as may allow properties not in beneficial use now to be used and maintained.

In either case we are appreciative of your time and consideration and look forward to hearing your feedback. We are aware that this will take time, Mr. England's current storage situation is changing drastically very soon and are hopeful that bringing this matter to you directly will result in the quickest resolution.

Sincerely,

Samuel Clegg

Attached: Letter, Exhibit sheet

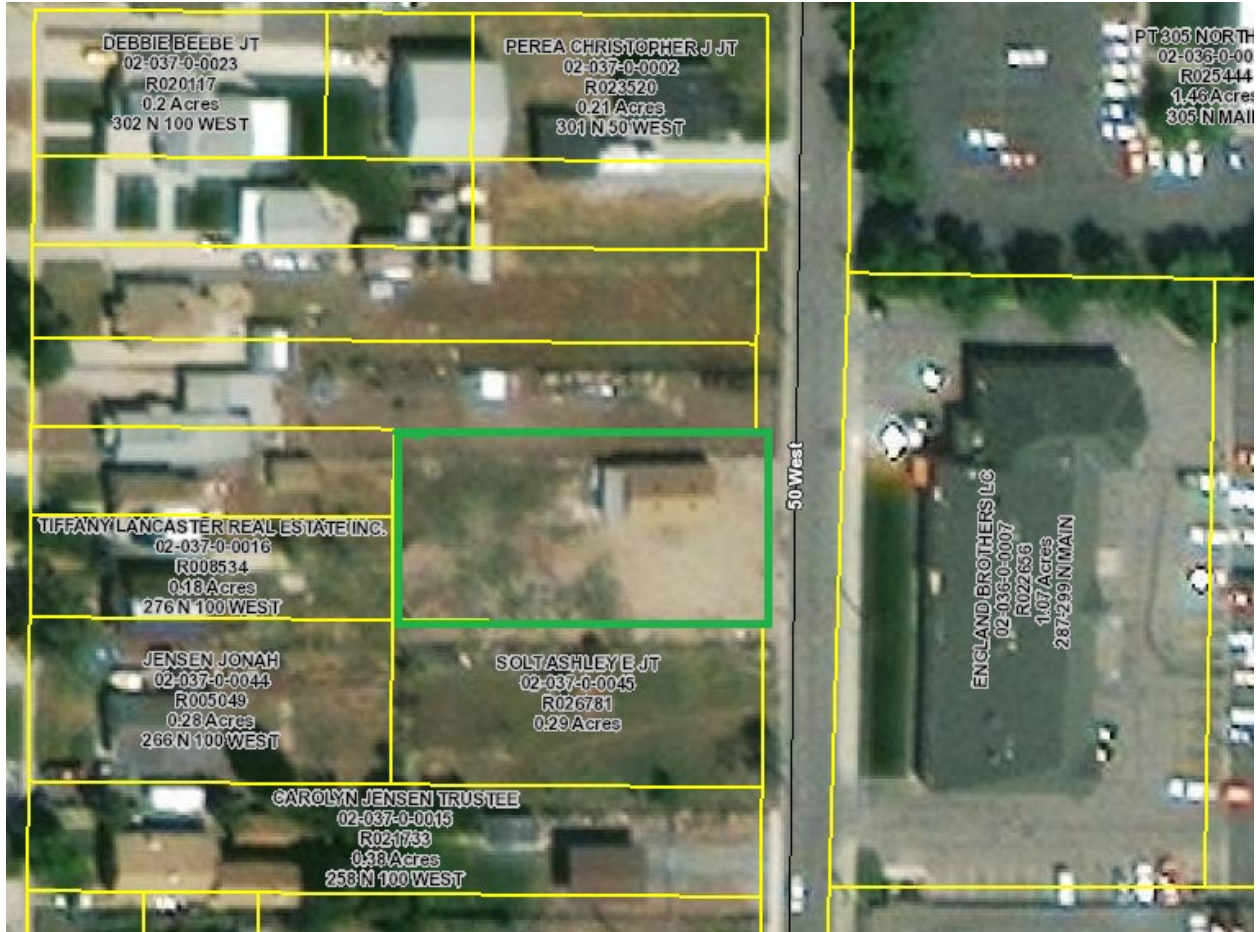


Exhibit A

7-3-2. Noncomplying structures.



A noncomplying structure, or use thereof, existing at the time this Ordinance became effective, may continue to exist, provided that:

- (1) the building or structure is occupied or utilized for at least 30 days in each calendar year;
- (2) the floor space of the building or structure is not increased;
- (3) no structural alterations are made to the building or structure except as provided by this [zoning]Title;
and
- (4) any nonconforming use of the building or structure not extend beyond the floor area of the building or structure.

(Ord. 2006-25, 01-03-2007); (Ord. 1995-16, 08-19-95)

Exhibit B

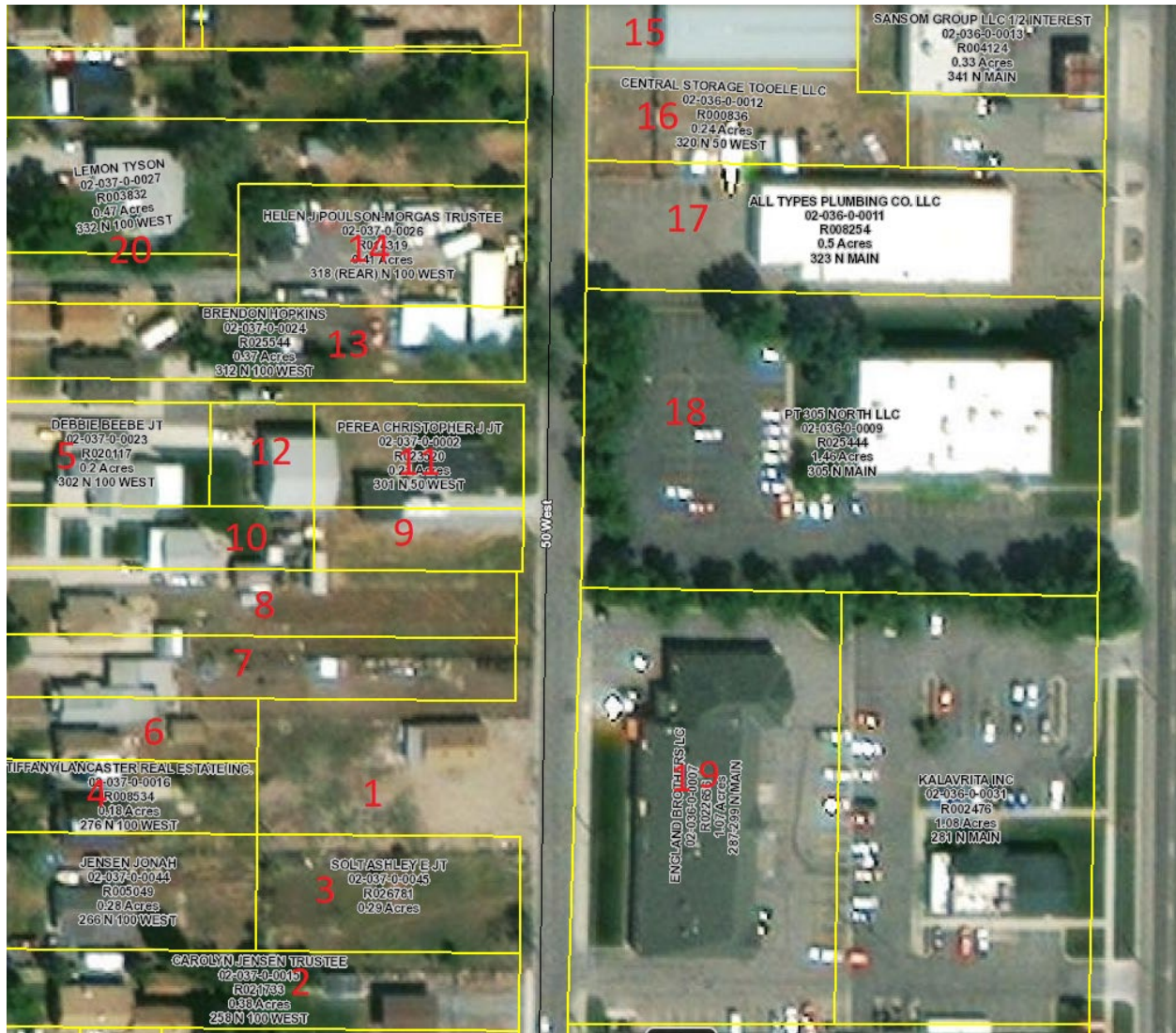


Exhibit C



Exhibit D



Exhibit E



Exhibit F



Exhibit G



Exhibit H



Exhibit I



Exhibit J



Exhibit K