

## 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, January 19, 2022, 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 Items-**

- a. Water Impact Fee Analysis Presentation  
*Presented by Fred Philpot, Lewis, Young, Robertson, and Burningham*
- b. Resolution 2022-06 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Cemetery Fees  
*Presented by Darwin Cook, Parks & Recreation Director*
- c. Resolution 2022-04 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Record Duplication Fees  
*Presented by Roger Baker, City Attorney*
- d. Home Occupations – Musical Instruction  
*Presented by Roger Baker, City Attorney*
- e. Canyon Springs Annexation  
*Presented by Roger Baker, City Attorney*

**6. Closed Meeting**

- *Litigation, Property Acquisition, and/or Personnel*

**7. Adjourn**

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Michelle Y. Pitt, Tooele City Recorder

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

**TOOELE CITY CORPORATION**

**RESOLUTION 2022-06**

**A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY FEE SCHEDULE FOR CEMETERY FEES.**

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 §10-3-717 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 by resolution and included in a Tooele City Fee Schedule; and,

WHEREAS, Tooele City owns and maintains a cemetery and charges fees for cemetery services to approach recouping City costs associated with burials; and,

WHEREAS, the City Administration recommends adding a fee for multiple cremation interments, a service not currently reflected in the Fee Schedule, as shown in Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City Fee Schedule is hereby amended to include the proposed Cemetery fee shown in Exhibit A attached hereto.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

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

S E A L

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

## Exhibit A

### Proposed Cemetery Fee



## TOOELE CITY CEMETERY FEE SCHEDULE

Effective January 1, 2022 ?

	<u>RESIDENT</u>	<u>NON-RESIDENT</u>
<b><i>RIGHT TO BURIAL:</i></b>		
RIGHT TO BURIAL	\$600.00	\$1,000.00
RIGHT TO BURIAL (BLOCKS 15 - 20)		
FLAT STONE SITES	\$600.00	\$1,000.00
UPRIGHT STONE SITES	\$900.00	\$1,300.00
RIGHT TO BURIAL BABY/CREMATION SITES	\$250.00	\$300.00
 <b><i>OPENING &amp; CLOSING OF GRAVE:</i></b>		
REGULAR GRAVE	\$300.00	\$300.00
BABY GRAVE or CREMATION	\$200.00	\$200.00
CREMATION - TWO OR MORE AT ONE TIME	\$300.00	\$300.00
 <b><i>AFTER HOURS BURIAL :</i></b>		
For funerals arriving after 2:30 p.m.	\$200.00	\$200.00
 <b><i>SATURDAY BURIAL:</i></b>		
	\$300.00	\$300.00
 <b><i>DISINTERMENT:</i></b>		
BODY/REGULAR GRAVE	\$1,000.00	\$1,000.00
CREMATION REMAINS	\$500.00	\$500.00
 <b><i>CERTIFICATE TRANSFER:</i></b>		
	\$50.00	\$50.00
 <b><i>HEADSTONE SETTING:</i></b>		
FLAT OR FLUSH STONES	\$50.00	\$50.00
UPRIGHT STONES	\$50.00	\$50.00
 <b><i>RE-PURCHASE BURIAL RIGHTS :</i></b>		
Original purchase price will be refunded when copy of receipt or Cemetery Certificate is presented	\$150.00	\$150.00 (Refund without proof)

## TOOELE CITY CORPORATION

### RESOLUTION 2022-04

#### A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY FEE SCHEDULE REGARDING RECORD DUPLICATION FEES.

WHEREAS, Tooele City Code §1-26-1 authorizes the City Council to establish City fees by resolution; and,

WHEREAS, under the tradition council forms of municipal government, Utah Code §10-3-717 authorizes the legislative body (City Council) to exercise certain administrative powers, such as establishing city fees, by resolution; and,

WHEREAS, under the Council-Mayor form of municipal government, established by the Tooele City Charter (2006) and governed by the Charter and Utah Code §10-3b-201 et seq., the Mayor exercises all executive and administrative powers; and,

WHEREAS, Tooele City's historical practice has been for all fees proposed by the Mayor and City Administration to be approved by the City Council by resolution and included in a Tooele City Fee Schedule; and,

WHEREAS, UCA Chapter 63G-2 comprises Utah's Government Records Access and Management Act (GRAMA); and,

WHEREAS, Chapter 1-23 of the Tooele City Code comprises the City's counterpart to GRAMA; and,

WHEREAS, UCA §63G-2-203(1) states: "A governmental entity may charge a reasonable fee to cover the governmental entity's **actual cost of providing a record**. This fee shall be approved by the governmental entity's executive officer," who is the Mayor (emphasis added); and,

WHEREAS, UCA §63G-2-203(2) allows the cost of providing a record to include an hourly staff cost, under certain circumstances; and,

WHEREAS, the cost of providing a record cannot include the cost of classifying a record as Public, Private, Protected, or Controlled (see UCA §63G-2-203(5)); and,

WHEREAS, Tooele City has approved the following ordinance and resolutions establishing and/or revising its GRAMA fees:

- Ordinance 1992-09 (approved August 11, 1992)
- Resolution 2008-14 (approved May 7, 2008)
- Resolution 2012-33 (approved September 5, 2012)

WHEREAS, Tooele City maintains an omnibus Fee Schedule intended to contain all fees, charges, and penalties assessed by Tooele City in its various functions, including GRAMA fees; however, the absence of a fee from the Fee Schedule shall not be deemed to nullify or prohibit the fee charged; and,

WHEREAS, the 2016 General Session of the Utah Legislature enacted [House Bill 300](#), which regulates the use of police body-worn cameras, including the disclosure of body-worn camera footage under GRAMA; and,

WHEREAS, the Tooele City Police Department has determined that the current Fee Schedule is inadequate for assessing and charging fees associated with the reproduction of police body camera footage, and proposes a fee of \$15 for a flash drive and \$40 per hour to prepare disclosable body camera footage as an appropriate and reasonable average for the actual time and cost involved; and,

WHEREAS, the City Administration states that it is not Tooele City's intention to use GRAMA fees to discourage record requests or to generate revenue in excess of the City's costs to reproduce and deliver records, and states the belief that the GRAMA fees in the Fee Schedule, proposed and currently existing, will result in less than 100% cost recovery; and,

WHEREAS, other proposed revisions to the GRAMA fees indicate the obsolescence of certain older media types, e.g., cassette and videocassette tapes:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City Fee Schedule is hereby amended as shown in Exhibit A to include revised fees related to GRAMA (redlines indicating deletions and additions).

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

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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

### Proposed Revised GRAMA Fees

(Current as of August 13, 2021)

## RECORDS

Inspection of Records: No Charge

Copies of Records (black and white):

Size 8.5x11: \$1.00 each for the first 10 copies; \$0.10 per copy thereafter

Size 8.5x14: \$1.50 each for the first 10 copies; \$0.10 per copy thereafter

Size 11x17: \$2.00 each for the first 10 copies; \$0.25 per copy thereafter

Copies of Records (color):

Size 8.5x11: \$1.00 each

Size 8.5x14: \$1.50 each

Size 11x17: \$2.00 each

Scanned Records:

Where a person requests copies of large documents (e.g., plats), which the city can reasonably reproduce only by scanning and printing, the city shall charge \$5.00 per scan in addition to the copy fee. The City is not required to print larger than an 11x17 size.

~~Copy of CD: \$5.00~~

~~Records provided on Copy of CD or DVD: \$10.00~~

~~Records provided on USB drive: \$15.00~~

~~Copy of Audiotape: \$15.00~~

~~Copy of Videotape: \$20.00~~

Copy of Photograph: \$2.50

Copy of Vehicle Accident Report: \$5.00

Postage:

Where a person requests copies to be mailed, the person shall pay the metered cost of postage plus a \$1.00 material and handling fee.

Emailed Records:

The cost for emailed records is the same as for copied records.

Compilation:

Where a person requests records in a form other than that in which the records are maintained, the person shall pay a compilation fee of \$15.00 per hour after the first quarter hour, plus copy charges.

Redactions:

Where a requested record contains private, controlled, or protected information, but is otherwise a public record, the fee for redacted ~~records copies~~ is twice the ~~regular reproduction copy~~ fee ~~established above~~.

Police Body Camera Recordings:

The costs associated with preparing duplications of police body camera recordings

are unique to this record type. Under the authority of UCA 63G-2-203(1) and (2)(a), the fee shall be \$40 per hour of preparation and duplication, plus the DVD/USB fee above.

**Effective 5/10/2016**

**63G-2-203 Fees.**

- (1) A governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of providing a record. This fee shall be approved by the governmental entity's executive officer.
- (2)
  - (a) When a governmental entity compiles a record in a form other than that normally maintained by the governmental entity, the actual costs under this section may include the following:
    - (i) the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request;
    - (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request; and
    - (iii) in the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (2)(a)(i) and (ii).
  - (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.
  - (c) Notwithstanding Subsections (2)(a) and (b), no charge may be made for the first quarter hour of staff time.
- (3)
  - (a) Fees shall be established as provided in this Subsection (3).
  - (b) A governmental entity with fees established by the Legislature:
    - (i) shall establish the fees defined in Subsection (2), or other actual costs associated with this section through the budget process; and
    - (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature establishes fees through the budget process.
  - (c) Political subdivisions shall establish fees by ordinance or written formal policy adopted by the governing body.
  - (d) The judiciary shall establish fees by rules of the judicial council.
- (4) A governmental entity may fulfill a record request without charge and is encouraged to do so if it determines that:
  - (a) releasing the record primarily benefits the public rather than a person;
  - (b) the individual requesting the record is the subject of the record, or an individual specified in Subsection 63G-2-202(1) or (2); or
  - (c) the requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
- (5) A governmental entity may not charge a fee for:
  - (a) reviewing a record to determine whether it is subject to disclosure, except as permitted by Subsection (2)(a)(ii); or
  - (b) inspecting a record.
- (6)
  - (a) A person who believes that there has been an unreasonable denial of a fee waiver under Subsection (4) may appeal the denial in the same manner as a person appeals when inspection of a public record is denied under Section 63G-2-205.
  - (b) The adjudicative body hearing the appeal:



- (i) shall review the fee waiver de novo, but shall review and consider the governmental entity's denial of the fee waiver and any determination under Subsection (4); and
  - (ii) has the same authority when a fee waiver or reduction is denied as it has when the inspection of a public record is denied.
- (7)
- (a) All fees received under this section by a governmental entity subject to Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.
  - (b) Those funds shall be used to recover the actual cost and expenses incurred by the governmental entity in providing the requested record or record series.
- (8)
- (a) A governmental entity may require payment of past fees and future estimated fees before beginning to process a request if:
    - (i) fees are expected to exceed \$50; or
    - (ii) the requester has not paid fees from previous requests.
  - (b) Any prepaid amount in excess of fees due shall be returned to the requester.
- (9) This section does not alter, repeal, or reduce fees established by other statutes or legislative acts.
- (10)
- (a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be set as provided in this Subsection (10).
  - (b) The lieutenant governor shall:
    - (i) after consultation with county clerks, establish uniform fees for voter registration and voter history records that meet the requirements of this section; and
    - (ii) obtain legislative approval of those fees by following the procedures and requirements of Section 63J-1-504.

Amended by Chapter 90, 2016 General Session

## CHAPTER 26. FEES

### 1-26-1. Fee Establishment Authority.

### 1-26-2. Fee Appeal Authority.

#### 1-26-1. Fee Establishment Authority.

The City Council is authorized to establish Tooele City fees by resolution, to be incorporated into a Tooele City Fee Schedule, for activities regulated by the City, for applications approved by the City, for permits issued by the City, for services delivered by the City, and otherwise as allowed by law.

(Ord. 2011-16, 08-17-11)

#### 1-26-2. Fee Appeal Authority.

(1) Unless provided otherwise by a specific provision of the Utah Code or Tooele City Code, the Mayor shall be the Appeal Authority for purposes of appealing a City fee.

(2) Unless provided otherwise by a specific provision of the Utah Code or Tooele City Code, all appeals of City fees shall be filed in writing within the later of (a) 10 calendar days of payment of the fees, or (b) if an itemized fee statement has been requested pursuant to U.C.A. §10-9a-510, within 10 calendar days of the City providing the itemized fee statement.

(3) The appellant has the burden of proving that the fee paid does not reflect the reasonable estimated cost of

- (A) regulating the industry
- (B) processing the application
- (C) issuing the permit, or
- (D) delivering the service.

(4) The appellant shall state in the written appeal the full legal and factual basis for the appeal.

(5) The Mayor shall evaluate the merits of the appeal and shall issue a written decision within 15 calendar days of the filing of the appeal. The Mayor's decision shall state its effective date and shall constitute the City's final decision regarding the fee.

(6) The Mayor shall provide a copy of each written decision to the City Council.

(7) The Mayor's decision is subject to District Court review as provided by U.C.A. §10-9a-801 *et. seq.*  
(Ord. 2011-16, 08-17-11)

**TITLE 7. UNIFORM ZONING TITLE OF TOOELE CITY**

- Chapter 1. General Provisions.**
- Chapter 2. Supplementary and Qualifying Regulations.**
- Chapter 3. Nonconforming Uses.**
- Chapter 4. Off-Street Parking Requirements.**
- Chapter 5. Conditional Use.**
- Chapter 6. Planned Unit Development Overlay District (PUD).**
- Chapter 7. Repealed (Ord. 97-21, 06-04-97).**
- Chapter 8. Mobile Home Parks.**
- Chapter 9. Recreational Vehicles and Recreational Vehicle Parks.**
- Chapter 10. Performance Standards for Industrial and Other Uses.**
- Chapter 11. Design Review.**
- Chapter 11a. Design Standards: Multi-Family Residential.**
- Chapter 11b. Design Standards: Single-Family Residential.**
- Chapter 12. Sensitive Area Overlay Zoning Regulations.**
- Chapter 13. Zoning Districts.**
- Chapter 13a. OS Open Space Zone.**
- Chapter 14. Residential Zoning Districts.**
- Chapter 14a. Accessory Dwelling Units**
- Chapter 14b. RSD Residential Special Districts**
- Chapter 15. Residential Facilities For Persons with a Disability.**
- Chapter 15a. Residential Facilities for Elderly Persons.**
- Chapter 16. Zoning District Purpose and Intent. Mixed Use, Commercial, Industrial and Special Purpose Districts.**
- Chapter 16a. CSD Commercial Special Districts**
- Chapter 17. Repealed (Ord. 98-40, 12-16-98).**
- Chapter 18. Repealed (Ord. 2003-10, 03-19-03 and Sec 7-18-8).**
- Chapter 19. Subdivisions.**
- Chapter 20. Condominium Approval Procedure.**
- Chapter 21. Repealed (Ord. 2012-17, 09-10-12).**
- Chapter 22. Certificates of Occupancy.**
- Chapter 23. Official City Maps and Major Street Master Plan.**
- Chapter 24. Annexed Areas.**
- Chapter 25. Signs.**
- Chapter 26. Water Rights.**
- Chapter 27. Personal Wireless Telecommunications Facilities.**

- Chapter 28. Constitutional Taking Issues.**
- Chapter 29. Temporary Vehicle Sales Lots.**

**CHAPTER 1. GENERAL PROVISIONS.**

- 7-1-1. Purpose.**
- 7-1-2. Interpretation.**
- 7-1-3. Conflict.**
- 7-1-4. Effect on Previous Ordinances and Maps.**
- 7-1-5. Definitions.**
- 7-1-6. Enforcement.**
- 7-1-7. Violation and Penalties.**
- 7-1-8. Construction.**
- 7-1-9. Appeals and Variances.**

**7-1-1. Purpose.**

This Title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Tooele City, including among other things, the lessening of congestion in the streets, or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and the protection of urban development.

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

**7-1-2. Interpretation.**

In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

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

**7-1-3. Conflict.**

This Title shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, including this Tooele City Code, but shall prevail notwithstanding such provisions which are less restrictive.

**7-1-4. Effect on Previous Ordinances and Maps.**

The existing ordinances governing zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Title, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of

revisions of previous ordinances is included in this Title, whether in the same or in different language; and this Title shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings or structures became conforming or nonconforming.  
(Ord. 2019-08, 03-20-2019) (Ord. 1983-05, 04-20-1983)

**7-1-5. Definitions.**

**Accessory Building** - A structure detached from a principal or primary building located on the same lot and incidental and subordinate to the principal building or use.

**Accessory Drive Through Facility** - A building element or design feature that permits goods or services to be provided to a customer while occupying a vehicle, without entering the building.

**Accessory Dwelling Unit** - A subordinate dwelling, containing its own eating, sleeping, and sanitation facilities, which is:

- (1) located internal to or attached to a primary dwelling or non-residential structure; or,
- (2) a detached dwelling unit on the same lot as a primary dwelling.

**Accessory Dwelling Unit for Caretaker** - A dwelling unit, occupied only by a caretaker and related family, which must be located within and subordinate to the primary building and not as an independent structure.

**Accessory Outdoor Sales and Display** - The placement outside of a building of items for display or sale which are ordinarily available for sale at the location within a building or structure.

**Accessory Outside Storage** - The outside placement of items which are customary and incidental to the principal use of the property but excluding the outside storage and placement of flammable and hazardous materials.

**Accessory Outside Storage of Flammable or Hazardous Materials** - The outside placement of flammable or hazardous materials which are customary and incidental to the principal use of the property.

**Accessory Use** - A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

**Adjacent** - All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other

right-of-way or easement.

**Adult Day Care** - A non-medical facility for the daytime care of adult persons, and not exceeding 12 hours, who due to age or disability require assistance, companionship, association and or supervision during the day by staff members.

**Agriculture (Forestry/Horticultural)** - An establishment devoted to the tilling of the soil, the raising of crops, pasture, horticulture, trees, orchards and gardens, but not including any agricultural industry or business such as fruit packing plants, canneries or agricultural processing facilities. Includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

**Agriculture (Livestock)** - An establishment devoted to the tilling of the soil, the raising of crops, and livestock, but not including any agricultural industry or business such as fur farms, animal hospitals, feed lots or similar uses, and including such uses as crop farms, dairy farms, livestock farms, poultry farms, general farms, horse farms, and similar uses. Agriculture (livestock production) includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

**Agriculture Business** - A business or industry involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding or storage, including commercial greenhouses, feed yards, fur farms, food packaging or processing plants, commercial poultry and egg production and similar uses.

**Airport** - Areas used for the landing and takeoff of aircraft, and any appurtenant areas which are intended for use as airport buildings or other airport facilities.

**Alter or Alteration** - To change, rearrange, enlarge, extend, or reduce any structure or part thereof on the same site.

**Amusement Facility** - A site or facility providing games or activities operated for the purpose of entertainment for patrons such as haunted houses, video and arcade games, rides, water slides, or other substantially similar uses.

**Animal Hospital** - Any facility providing medical or surgical treatment, clipping, bathing or other services, including incidental boarding to dogs, cats and other animals.

**Apiary** - Any structure or area used for the keeping



or bees and/or the collection of honey.

**Applicant** - The property owner, or authorized agent of the property owner who files an application for development approval pursuant to this Code.

**Application** - For the purpose of this Title, any written request for approval or issuance of a development order, permit, or license including but not limited to Zoning District amendments, subdivision plats, site plans, building and development permits, variances, Conditional Use Permits.

**Application for Reimbursement** - A completed application for reimbursement filed pursuant to Tooele City Code §7-19-13, as amended.

**Asphalt Plant** - A facility, structure or area used for the manufacture and mixing of asphalt and asphalt related products, including areas and facilities used for the storage of materials required for asphalt manufacture.

**Authorized Agent** - Any person with valid authority provided by the Owner, as evidenced by a document, filed with the City, authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development permit approval.

**Auto Impound Yard** - Public or private storage yard for the temporary storage of automobiles under impound as a part of a law enforcement towing and impound rotation program and in compliance with all applicable Utah State laws and regulations.

**Automobile Body and Fender Service and Repair** - An establishment engaged in the service and repair of body and fender components of automobiles, trucks, motorcycles, motor homes, or recreational vehicles. Typical activities include patching, grinding, sanding, and painting of body and fender parts of any type of vehicle. This use shall be entirely conducted within an enclosed structure and subject to annual inspection by the Tooele City Fire Department and the Tooele City Building Official.

**Automobile Sales and Rental** - An establishment primarily engaged in the sales and / or rental of automobiles, trucks less than 10,000 G.V.W., motorcycles, motor homes, or recreational vehicles, including sale and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, trailer, or recreational vehicle dealerships, and automobile and light truck rental establishments.

**Automobile Service and Repair** - An establishment primarily engaged in the mechanical or electrical repair of automobiles, trucks less than 10,000 G.V.W., motorcycles, motor homes, or recreational vehicles. Typical uses include auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, and where all repair and service

activities occur within an enclosed building. This use does not include body and fender shops, and dismantling or salvage of any vehicles.

**Bar** - An establishment serving alcoholic beverages for consumption on the premises. The term "bar" shall also include taverns, discotheques, night clubs, private liquor clubs and saloons.

**Base Zoning District, or Underlying Zoning District** - the zoning district applicable to a use of land.

**Beauty Shop** - An establishment for the cutting, styling, and treatment of hair, skin, fingernails, toenails, etc. Includes a barber shop. Excludes tattoo parlors.

**Bed and Breakfast Inn** - An establishment in which one to six rooms are rented for overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

**Boarding House** - An existing residential structure a portion of which is used to accommodate for compensation, no more than three boarders or roomers, not including members of the owner's immediate family.

**Building** -

(1) any structure, whether portable or fixed typically enclosed within exterior walls under a roof to form a structure, used or intended for supporting or sheltering any use or occupancy; or,

(2) the act or process of constructing a structure.

**Building Area** - The portion of a lot which is within the envelope formed by the required yards or setbacks.

**Building Height** - The vertical distance on any one two-dimensional building elevation (i.e. front, sides, rear) measured from the lowest point of finished grade of earth at the foundation to either:

1) the midpoint of all pitched areas for sloped roofs; or

2) the top of the vertical building wall for flat roofs or gabled walls, whichever is greatest.

Chimneys may exceed the height limitations to the extent required by applicable fire codes. See Figure 7-1-5(1) for typical examples.

**Building Maintenance Services** - An establishment engaged in the provision of maintenance and/or custodial services to commercial or residential buildings and structures including window cleaning services, janitorial services, landscaping services and exterminating services.

**Business Office** - An establishment primarily engaged in the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone

answering, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

**Campground** - Any area of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units, including tents, travel trailers, and recreational vehicles, as temporary living quarters for recreation, education, or vacation purposes.

**Car Wash** - A structure with machine, or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles using automated equipment operated by one or more attendants or self-service facilities using customer operated equipment activated by a coin, token, card, or other similar means. A facility of this type may be able to accommodate more than one vehicle at the same time.

**Carport** - A roofed automobile structure open and unobstructed on two or more sides. A carport is subject to all the requirements for the location and construction of a garage.

**Chemical Manufacture and Storage** - The manufacture, processing and storage of chemical materials that by reason of materials, processes, products or waste may be hazardous or that by the emission of odor, dust, smoke, gases, noise, vibration, glare, heat or other impacts may impact adjoining properties.

**Church** - A facility principally used for people to gather together for public religious worship, religious training, or other religious activities. One accessory dwelling for the housing of the pastor or similar leader of the church and their family will be considered customary and incidental as a part of this use.

**Cluster** - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, agriculture areas and for the preservation of environmentally-sensitive and critical areas.

**Commercial Center** - A group of retail stores with one or more being a major activity on the site and where all buildings are planned and built as one development with off-street parking provided on the property.

**Concrete Plant** - A facility, structure or area used for the manufacture and mixing of concrete and concrete related products, including areas and facilities used for the storage of materials required for concrete manufacture.

**Conditional Use** - A use requiring special consideration and review in the manner identified in this Ordinance.

**Conference Center** - A facility, separate from another principal use and providing meeting rooms and areas for group gatherings, including areas for dining and accessory parking areas and other facilities.

**Construction Cost** - The actual costs of construction, including mobilization, equipment, labor, materials, and other typical construction contract costs, but not including design, engineering, surveying, financing, third-party administration, and other indirect costs typically associated with construction contracts.

**Contractor's Display/Office** - A facility providing for general building repair, service, and maintenance such as, and including installation of plumbing, roofing, signs, electrical, air conditioning, and heating.

**Contractor's Storage Yard** - A facility or area used for the outside storage of building materials and contractor's equipment and vehicles.

**Convalescent Care Facility** - See Nursing Home.

**Convenience Store** - Any retail establishment selling consumer products including prepackaged food and household items, having a gross floor area of less than 4,000 square feet.

**Cost Differential** - The difference between the Construction Cost of the City's required minimum standards and specifications for the Eligible Public Improvements, and the Construction Cost of the Eligible Public Improvements required by the City as a condition of development approval.

**Cultural and Artistic Uses** - A building used for the display of artistic, cultural or historic items, for the conduct of human performances and similar activities including, museums, art galleries dance studios, and concert halls.

**Day Care/Preschool (Commercial)** - A nonresidential facility providing for the care, supervision, and protection of 17 or more children and complying with all the requirements as licensed and monitored by the State of Utah Department of Human Services. For the purposes of this Code Commercial Day Care includes preschools offering educational programs to 17 or more children at any one time. All Nonresidential Commercial Day Cares and Preschools shall follow all standards for site plan development, including parking, landscaping, building setbacks and so forth as required by the GC General Commercial Zone.

**Day Care/Preschool (Home Occupation)** - The care of children within a dwelling unit that provides care for four to 16 children (including "infant child care" and "family child care" as defined by the Department of

Human Services) under 14 years of age and complying with all the requirements as licensed and monitored by the State of Utah Department of Human Services. Home Occupation Day Care/Preschool does not mean care provided to children by or in the homes of parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts.

Dedication - The legal transference of an interest in land without sale by a property owner to a public agency for a public purpose.

Density - The number of dwelling units per acre with respect to residential land uses.

Depreciation Value - The Construction Cost minus a per annum depreciation of the Construction Cost of 5% for roads and 2% for water, sewer, secondary water, and storm water utilities, beginning one year after the date of development approval.

Developer - The owner or authorized agent of land proposed to be subdivided or developed or who is responsible for any undertaking that requires City review and/or approval pursuant to this Code.

Development Parcel - The real property subject to a development application (for purposes of this definition, the "Subject Property"), plus other adjacent properties with a logical nexus to the property subject to the development application, as determined by the City in light of the following factors, among others:

- (1) Land ownership relationships between the Subject Property and adjacent properties;
- (2) Zoning of the Subject Property and adjacent properties;
- (3) Proposed density, use, configuration, and public utility services demands on the Subject Property, including development phasing;
- (4) Proposed or anticipated development on the adjacent properties, and the density, use, configuration, and public utility services demands of the proposed or anticipated development.
- (5) City-approved planning documents, including the general plan and its constituent master plans;
- (6) Proximity of the Subject Property to existing utilities, and the capacity and condition of those utility infrastructures;
- (7) The size of the Subject Property in relation to adjacent properties.

Development Permit - Any building permit; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning; or any other official action of the City or any state or local government commission, board, agency, department or official having the effect of permitting the development of land located within the corporate boundaries of

Tooele City and subject to the provisions of this Ordinance.

Disability - a physical or mental impairment that substantially limits one or more of a person's major life activities. Disability does not include the current use of alcohol or current illegal use of any federally or state of Utah controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or in the Utah Controlled Substances Act, U.C.A. Chapter 58-37, each as amended.

Distribution Center - A building used primarily for the inside storage and distribution of goods and materials and the parking and storage of tractor and/or other trailer units.

District - A portion of the city within which certain uses of land and buildings are permitted or prohibited and in which other buildings or land restrictions may be specified as set forth herein.

Dwelling - A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

Dwelling; Cabin/Seasonal Home - A structure designed to provide housing for the owner, or guests of the owner, on a temporary basis.

Dwelling; Condominium - A structure or group of structures, in which units are owned individually, and the structure(s), common areas and facilities are owned by all the owners on a proportional, undivided basis which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act.

Dwelling; Farm and Ranch Employee Housing - A structure located on an operating farm or ranch and designed to provide housing for employees of the farm or ranch on a temporary or permanent basis.

Dwelling; Manufactured Home - A dwelling unit constructed in accordance with the standards set forth by the Department of Housing and Urban Development and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A Manufactured home shall comply with all the requirements of this Ordinance generally applicable to a dwelling unit located in the same zoning district.

Dwelling; Mobile Home - A structure built on a permanent chassis, and transported in one or more sections, is eight feet or more in width and 40 feet or more in length, and designed to be drawn by a motor vehicle, and used as a dwelling with or without a permanent foundation and connected to utilities. Pre-manufactured and modular homes not placed on a

permanent foundation shall be considered a mobile home.

Dwelling; Multiple-family or Multi-family - A structure designed to be occupied by three or more families, living independently of each other with each unit having its own kitchen, including but not limited to apartments, condominiums and townhouses, but not including motels or hotels.

Dwelling, Primary - A single-family dwelling unit to which an accessory dwelling unit is subordinate.

Dwelling, Single-family - A structure designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling; Townhouse - A single-family dwelling attached in a row of three or more with one or more common walls between each dwelling unit under separate ownership, on their own lot or parcel, with separate private entrances for each unit, and without direct access between units.

Dwelling; Two-family - A structure designed to be occupied by two families, the structure having two dwelling units. Includes a duplex.

Easement - A portion of a lot reserved for present or future use by a person or agency other than the owner of the lot. An easement may be under, on or above the lot.

Eligible Public Improvements - Roads and water, sewer, publicly-owned secondary water, and storm water utilities that are required by the City and that exceed the City's required minimum standards and specifications for a particular development. Eligible Public Improvements do not include street signs, regulatory signs (e.g. stop signs), street lights, sidewalk, curb & gutter, monuments and markers, landscaping, privately-owned utilities (e.g. telephone, gas, power, cable television, fiber optics), and other similar improvements, as well as features desired by the Developer that exceed the City's required minimum standards and specifications. Eligible Public Improvements also do not include Public Improvements required as a condition of annexation. The minimum required standards and specifications shall be based on the infrastructure needs of the Development Parcel, as determined by the City.

Extractive Industry - An establishment engaged in the on-site extraction of surface or sub-surface mineral products or natural resources. Typical industries include quarries, sand and gravel quarries, oil and gas extraction, and mining operations.

Family - An individual, or two or more persons related by blood, marriage or adoption, or a group of not more than four unrelated persons living in a dwelling unit and using common cooking facilities.

Farm animals - Animals that are domesticated and normally kept on farm or range lands, commonly referred to as livestock, including but not limited to, horses, cattle, swine, sheep, goats, rabbits, and fowl, including roosters.

Fast Food Restaurant - An establishment in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises without leaving a vehicle.

Financial Services - An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers loan and lending activities.

Food and Beverage Processing - An establishment in which foods, grains, or raw materials are processed or otherwise prepared for human consumption, including dairy manufacturing, canning and preserving foods, grain milling, bakery products and beverage manufacturing.

Funeral Home/Mortuary - An establishment engaged in undertaking services such as preparing the human dead for burial or cremation and arranging and managing funerals.

Garage, Private - A detached accessory building, or a portion of a principal building, used for the storage of motor vehicles for the tenants or occupants of a dwelling or specific building and not by the general public.

Garden Center - An establishment where plants are offered for sale and including the sale of related plant and garden items.

Gardening - The care and raising of crops, pasture, trees, orchards vegetables and fruit.

General Industrial Activity - A manufacturing operation or processing and assembly of goods which are not likely to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, or waste. Not to include outside storage or warehousing.

General Plan - A plan for the city, allowed by state law, prepared and adopted by the Planning Commission and City Council, and including maps, texts, charts, and graphs.

Golf Course/Country Club - A facility providing land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.

Grade - The average of the existing ground level at the center of all walls of a building. In case walls are parallel to, and within five feet of, a sidewalk, the

ground level shall be measured at the sidewalk.

Gravel Pit - See Quarry.

Greenhouse - A building, structure or place where plants are raised for experimental purposes, for transplanting, or for sale.

Guarantee - Escrow bond in an amount and form satisfactory to the City. All guarantees shall be approved by the City wherever required by these regulations.

Hardware Store and Garden Supply Store - A facility for the retail sale of a number of basic hardware items, such as tools, builders' hardware, paint and glass, home, lawn, and garden supplies; landscaping materials; brick; lumber; and other similar materials, but excluding commercial greenhouses.

Hazardous Materials Storage - Means the importation of hazardous wastes, materials, or substances for treatment, storage for more than ten days, or disposal, either for profit or non-profit purposes.

Hazardous Waste In-Transit Facility - a facility that transports, stores, handles, or maintains hazardous wastes for periods of ten days or less.

Health Care Facility - General acute hospitals, specialty hospitals, home health agencies, hospices, birthing centers, ambulatory surgical facilities, and any other health care facility as defined by the Utah Health Care Facility Licensure and Inspection Act, Utah Code §26-21-2., excluding offices of Health Care Providers, Nursing Homes or Emergency Care Facilities.

Health Care Provider - An office, clinic, laboratory or any other facility engaged in furnishing medical, surgical or other services including a physician, dentist, dental technician, chiropractor, acupressurist, acupuncturist, therapist, counselor or other similar occupation.

Health Club - A club (athletic, health or recreational), with full service facilities including but not limited to exercise facilities, work-out equipment, showers, lockers, pools and saunas.

Heavy Equipment Sales and Rental - An establishment primarily engaged in the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment. Typical uses include truck dealerships, construction equipment dealerships.

Heavy Equipment Service and Repair - An establishment primarily engaged in the service and repair of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment.

Heavy Industrial Manufacturing and Assembly - The assembly, fabrication, or processing of goods and

materials using processes that ordinarily, and are expected to have, greater than average impacts on the environment, or that have significant impacts on the use of adjoining properties by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts. This activity generally includes processing of large items, products extracted from raw materials, or products involving flammable or explosive materials or processes which require expansive buildings or land areas.

Heliport - Any designated area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Home Occupation - An accessory use consisting of a vocational activity conducted inside a dwelling unit or a structure accessory to a dwelling unit.

Hospital - A building or building(s) for the diagnosis, treatment and care of human illness or infirmity, but not including clinics.

Hotel - A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms or suites of guest rooms and which furnishes services customarily provided by hotels which may include reception and convention facilities.

In-fill Development - Subject to applicable development standards, the permitting of a primary dwelling upon:

(1) a conforming lot, created by subdivision final plat approved by the Tooele City Council, located within Geographic Area A illustrated in Figure 7-1-5.2; or,

(2) a conforming lot, created by subdivision final plat approved by the Tooele City council, located with Geographic Area B illustrated in Figure 7-1-5.2, exclusive of Geographic Area A; or,

(3) a legal nonconforming lot or parcel of record, existing on the date of building permit application for that lot or parcel, whether or not containing a dwelling.

Junk Yard/Salvage Yard - The use of any lot, portion of a lot, or land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery.

Kennel - Any lot or premises or portion thereof on which four or more dogs, cats, and other household domestic animals, more than six months old, are maintained, boarded, bred, or cared for in return for compensation or kept for sale.

Laundromat - An establishment within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant

operated, are provided on a rental basis for use by individuals doing their own laundry and dry cleaning. Laundromat does not include outdoor drying facilities.

Light Manufacturing and Assembly - An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution. Allowed Light manufacturing activities will not be offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, or waste, and where all equipment, compressors, generators and other ancillary equipment is located within a building or structure and any outside storage areas are screened from view from all adjoining properties and streets.

Liquor Store - A facility, authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.

Lot or Subdivision Lot - Any parcel of land which:

(1) has been legally established in the office of the Tooele County Recorder; and,

(2) has been established by way of or included within a subdivision final plat approved by Tooele City.

Medical and Dental Clinic - A building or other facility engaged in furnishing medical, surgical or other services including a physician, dentist, dental technician, chiropractor, acupressureist, acupuncturist, therapist, counselor or other similar occupation.

Medical Cannabis Pharmacy - A medical cannabis pharmacy as defined in UCA 26-61a-102, as amended.

Medical Cannabis Production Establishment - A cannabis production establishment as defined in UCA 4-41a-102, as amended.

Membership Club - A facility owned or operated by a group of people organized for a common educational, service, or recreational purpose. These clubs may be characterized by certain membership qualifications, payment of fees or dues and regular meetings and activities. This use may include hunting and gun clubs but does not include Private Clubs.

Military Surplus Yard - Public or private storage yard for the storage and/or display of military automobiles or equipment. This use may occur outdoors or within an enclosed building.

Mine - An establishment engaged in activities on or below the surface of the land for the exploration, development of, and extraction of mineral deposits including rock, sand and gravel, including transportation, concentration, milling, evaporation and other primary processing operations.

Mobile Home Park - A parcel of land under single ownership, approved by the City, and which is designed to accommodate the placement of mobile, manufactured, or modular homes on leased or rented pads or lots.

Mobile Home Subdivision - A parcel of land subdivided into separate and individual lots which is designed and planned to accommodate the placement of mobile, manufactured, or modular homes on each lot.

Motel - An establishment containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients with associated restaurants, dining facilities and meeting rooms.

Musical instrument instruction and practice - Musical lessons or other instruction provided by a teacher or instructor to one or more individuals at a time within the same dwelling, on any musical instrument, including mechanical, electronic, and vocal, whether provided in person or virtually. Includes group lessons, practices, rehearsals, and recitals.

Nonconforming structure - A structure that does not conform to the yard coverage, height, setback or other physical dimensional requirement of the district.

Nonconforming use - An activity which is not an allowed use within the Zoning District and which may not conform to the use standards, including parking, regulations in the district in which it is situated.

Nursery/Plant Nursery - An activity where plants, shrubs, trees, and other horticultural materials and supplies are sold, including both wholesale and retail sales.

Nursing Home - A facility which provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility, and who do not meet the definition of family under this Code. A Nursing Home provides some level of skilled nursing or medical service to the residents. Includes Convalescent Care Facility.

Open Space Area - Means and refers to areas preserved due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of recreation activities. These areas may also be provided for the minimization of environmental concerns, including but not limited to, wetlands, steep slopes, areas prone to a high water table and flood area, rock slides and debris flows. These areas may also include natural enhancement areas, nature trails, nature

study, and view areas. Roadway areas including rights-of-way, parking lots, lawns, setback areas or other undisturbed portions of building lots shall not constitute open space.

Owner - Any person, or group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

Parcel of Record - Any parcel of land which:

(1) has been legally established in the office of the Tooele County Recorder;

(2) has not been established by way of or included within any subdivision final plat approved by Tooele City; and,

(3) is a conforming parcel to the regulations of the zoning district in which it is located.

Park and Ride Facility - A parking area and transit facility for the parking of motor vehicles with a connection to public transportation or mass transit services.

Parking Space - An area maintained for the parking or storage of a motor vehicle, which is graded for proper drainage and is hard surfaced or porous paved.

Permitted Use - A use of allowed by right under the provision of the Code.

Personal Services - An establishment for the provision of personal services including but not limited to dry cleaners, tanning salon, fitness center, photographic studio, or travel bureau.

Personal Storage Facility (mini-storage) - A facility for storage of personal items in individual units, bins, rooms, or containers. Any unit, bin, room, or container must be a permanent structure.

Pet Shop/Pet Grooming - a retail establishment involved in the sale of domestic animals and/or grooming of such animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals, such as horses, goats, sheep and poultry. The boarding of domestic animals on the premises would be considered an accessory use and allowed as a conditional use, with limits on the number and type of animals to be boarded.

Plat Amendment - A change in a map of an approved or recorded subdivision plat if such affects any street layout in such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Preliminary Plat - The preliminary drawing or drawings, described in this Code, indicating the proposed manner or layout of the subdivision.

Preliminary Site Plan - The preliminary drawing or

drawings, described in the Code, indicating the proposed manner or layout of a proposed nonresidential, attached residential or mixed-use development.

Premises - Land and/or buildings or other improvements thereon.

Principal Use or Primary Use - The main use of land or a building (as distinguished from an accessory use).

Prior Developer - A Developer that constructs Eligible Public Improvements.

Private Club - A social club, recreational athletic or kindred association which maintains or intends to maintain premises upon which liquor is or will be stored, consumed or sold.

Private Park - An area owned and operated privately for the exclusive use of the owner, the owner's guests, or for a fee and providing active and passive recreational opportunities including uses such as playgrounds, sporting facilities and commercial recreational facilities.

Private School - An educational institution, not operated by a political entity of the State for which entrance or tuition fees are charged for attendance.

Professional Office - An establishment primarily engaged in the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, legal, accounting, architectural, engineering, insurance, property management, investment, personnel, travel, secretarial services, and business offices of public utilities, organizations, and associations.

Project - A proposal, application, or the construction of improvements to property. This may include clearing and grading of land, construction, alteration or reconstruction of right-of-way improvements, structures and associated ground covers or similar activities resulting from land use approvals or the issuance of a permit.

Public Building, Public Facility - A building or structure primarily used for the provision of services by governmental or public agencies, including the city, state or federal agencies. Typical uses include public administrative offices, maintenance facilities, active open space owned and operated by a public entity, fire stations, police stations, utility buildings and similar services. Does not include Health Care Facility or Health Care Provider.

Public Improvements - Are all public utility infrastructure improvements, whether on- or off-site, including as defined in Section 4-1-5 of the Tooele City Code, and including all sewer, storm water, culinary water, publicly-owned secondary water, street lights

and associated electrical, streets, curbs, gutters, sidewalks, alleys, easements and rights-of-way, street signs, monuments and markers, regulatory signs, landscaping (including park strip and trees), and other improvements considered public utility infrastructure improvements in the construction trade which are found within typical subdivision and site plan construction documents

Public or Private Educational Facility - Buildings and uses for educational or research activities which is operated by a public or private entity, and has curriculum for technical or vocational training, kindergarten, elementary, secondary, or higher education, including facilities for faculty, staff, and students.

Public Park - A use operated exclusively by a public body, such use having the purpose of providing active and passive recreational opportunities for the citizens of the city and including uses such as playgrounds and other recreational facilities.

Public School - An educational institution, operated by a political entity of the State of Utah.

Public Use - A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including recreational facilities, administrative, and service facilities, and public utility facilities.

Quarry - An establishment engaged in activities on the surface of the land for the extraction of mineral deposits including rock, sand and gravel, including the transportation, crushing, loading and other processing operations.

Reasonable Accommodation - a change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

(1) "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

(2) "Necessary" means that the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.

(3) "Reasonable" means that a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

Reception Center - A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.

Recreational Facility, Indoor - A recreation facility

located within a structure or building and operated for the purpose of physical activities or entertainment through games and activities of skill such as a skating rink, bowling alley, mini-golf course, billiards, sport or athletic training facilities, batting cages, or substantially similar uses. Such uses shall not include public parks, membership clubs, or amusement facilities.

Recreational Facility, Outdoor - A facility operated for the purpose of physical activities or entertainment through games and activities of skill such as a skating rink, bowling alley, mini-golf course, billiards, sport or athletic training facilities, batting cages, swimming pool, tennis and racquetball facilities, or substantially similar uses. Such uses shall not include public parks, membership clubs, or amusement facilities.

Recreational Facility, Private - A facility or area operated on private property and not open to the public, including recreation facilities owned by a home owner or property owners association for private use by members.

Recreational Vehicle Park/RV Park - See Campground.

Recycling Collection Site - A center for the acceptance and temporary storage of recyclable materials to be transferred to a processing facility. Recycling Collection Centers involve no more than three collection containers up 40 cubic yards in total size. Collection Centers located in parking lots, may not occupy required parking spaces. A collection center must be arranged so as to not impede traffic flow. The operator of the collection center shall remove products stored at the site at least once a week. The operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance. Automated can recycling machines are limited to two per site.

Recycling Processing Center - A facility where recyclable and organic materials are collected, stored and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning. Facilities where the sole purpose is to utilize recyclable materials in manufacturing an end product which does not require further processing shall be considered a General Industrial and not a recycling use. Organic materials are limited to tree limbs, leaves, and grass clippings only.

Repair Shop - A establishment providing for the repair and servicing of household, personal and office items with no outside storage of goods, materials or supplies.

Research Facility - A facility that conducts research and development work.

Residential Facility for Elderly Persons - A



dwelling unit inhabited by persons who are 60 years old or older who desire or need to live with other elderly persons in a group setting but who are capable of living independently. Does not include a health care facility, nursing home, retirement center, or residential facility for persons with a disability.

Residential Facility for Persons with a Disability - a dwelling in which two or more persons with a disability reside and which is licensed or certified by the Utah Department of Human Services under U.C.A. Chapter 62A-2 (Licensure of Programs and Facilities) and/or the Utah Department of Health under U.C.A. Chapter 26-21 (Health Care Facility Licensing and Inspection Act), each as amended.

Restaurant - A building in which food is prepared and served for consumption within the premises. Typical uses include buffets; cafes; cafeterias; coffee shops; diners; dining rooms; dinner theaters and snack shops.

Retail Store - An establishment for the retail sale of merchandise. Retail store includes but is not limited to antique or art shops, clothing, department, drug, dry good, florist, furniture, gift, grocery, hardware, hobby, office supply, paint, pet, shoe, sporting, or toy stores.

Retirement Center - Any age-restricted development, developed, designed for, and marketed to adults at or near retirement age, which may be in any housing form including detached and attached dwelling units, apartments, and residences, offering private and semi-private rooms. Retirement Center dwelling units are limited to a minimum size of 590 square feet for a one-bedroom dwelling unit, 700 square feet for a two-bedroom dwelling unit, and 850 square feet for a three-bedroom dwelling unit. Buildings fully constructed prior to the effective date of Tooele City Ordinance 2002-21 shall be exempt from the regular height restriction.

Rock, Sand, and Gravel Storage and Distribution - The outdoor storage and sale of rock, sand and gravel in bulk quantities and the storage on-site of necessary loading equipment, facilities and vehicles.

Shooting Range, Indoor - A structure used for archery and/or the discharging of any firearm for the purposes of target practice or temporary competitions.

Site - The land area upon which a Project is proposed, considered, constructed or developed including all associated improvements.

Site Plan - A development plan of one or more lots on which is shown:

- (1) the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways;
- (2) the location of all existing and proposed

buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures, signs, lighting and screening devices;

(3) the location of building pads for all residential and nonresidential buildings; and

(4) the location and extent of all external buffers from surrounding areas.

Sports Field - An area which is developed with recreation and support facilities for the convenience of the user, including, but are not limited to, baseball or softball fields, football or soccer fields, basketball courts, tennis courts, picnic areas, playgrounds.

Structure - A combination of materials to form a construction for use, installed on, above, or below the surface of land or water including a walled and roofed building, as well as a manufactured home on a permanent foundation. The term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Subdivide - The act or process of creating a subdivision.

Subdivider - Any person who: (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision; or (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision; and, (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided or resubdivided into two or more lots, parcels, sites, units, plots, condominiums, tracts or other division for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion.

Subdivision Plat - The final map or drawing, described in this Code, of a plan of subdivision to be presented to the City for approval and when approved, may be submitted to the Utah County Recorder for

filing.

**Subsequent Developer** - A Developer whose development is not derived from the Prior Developer's development, and whose development benefits from Eligible Public Improvements constructed by the Prior Developer.

**Telecommunications Site/Facility** - A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use does not include radio frequency equipment which have an effective radiated power of 100 watts or less. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

**Temporary** - Not to exceed a period of 12 months, unless otherwise specified in this Title.

**Temporary Construction or Sales Office** - A facility temporarily used for a period, not to exceed 12 months, as a construction or sales office.

**Temporary Seasonal Use** - Activities related to specific seasons, holidays, or times of year which are open to the public and exist for a period of time not to exceed that outlined in Section 7-2-20 of the Tooele City Code.

**Temporary Use** - Activities which are open to the public and exist for a period of time not to exceed that outlined in Section 7-2-20 of the Tooele City Code.

**Theater, Indoor** - A facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed structure.

**Theater, Outdoor** - A facility for outdoor performances where the audience views the production from automobiles or while seated outside.

**Tobacco Product or Tobacco-related Product** - Inclusive of the following:

(1) any cigar, cigarette, or electronic cigarette as defined in U.C.A. §76-10-101, including the component parts of and ingredients to electronic cigarettes;

(2) a tobacco product as defined in U.C.A. §59-14-102, including:

(a) chewing tobacco; and,

(b) any substitute for a tobacco product, including flavoring or additives to tobacco; and,

(3) tobacco paraphernalia as defined in U.C.A. §76-10-104.1.

**Tobacco Specialty Store or Retail Tobacco Specialty Business** - An establishment in which:

(1) the sale of tobacco products accounts for more than 35% of the total quarterly gross receipts for the establishment;

(2) 20% or more of the public retail floor space is allocated to the offer, display or storage of tobacco products;

(3) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or,

(4) the retail space features a self-service display for tobacco products.

**Underlying Zoning District** - See Base Zoning District. Use - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

**Utilities, Private** - Includes power, telephone, natural gas, cable television and private water supply service.

**Utility Company, Public** - Any company, or municipal department, duly authorized to furnish under public regulation, electricity, gas, steam, telephone, transportation, water, or sewer service.

**Utility Service Facility (major)** - Any electric transmission lines (greater than 115,000 volts), power plants, or substations of electric utilities; gas regulator stations, transmission and gathering pipelines, and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities

**Utility Service Facility (minor)** - Any electrical distribution lines, natural gas distribution lines, cable television lines, telegraph and telephone lines, and gathering lines, or other minor service facilities. No buildings are allowed and the use is limited to the following sizes:

(1) gas lines less than 12 inches; and

(2) electric lines of less than 115,000 volts.

**Vehicle Storage** - Public or private storage yard for the temporary storage of automobiles. This use is intended for the storage of automobiles, recreational vehicles, and trailers in a manner similar to or in combination with a Personal Storage Facility where no part extraction from the vehicles stored is permitted. Vehicle storage shall not include the storage of an individual vehicle on the residential property of owner of the vehicle that is incidental to the residential use of the property.

**Veterinary Clinic/Animal Hospital** - A facility for the diagnosis, treatment, hospitalization, and boarding of animals, which does not include outdoor holding facilities.

**Warehouse** - A building used primarily for the inside storage of nonhazardous goods and materials and including accessory office facilities.

**Zoning District** - A mapped area to which a uniform set of regulations applies, and which are designed to implement the goals and policies of the Tooele City General Plan.

(Ord. 2020-46, 11-04-2020) (Ord. 2020-42, 10-07-2020) (Ord. 2019-29, 12-04-2019) (Ord. 2019-27, 10-

02-2019) (Ord. 2019-13, 08-21-2019) (Ord. 2019-08, 03-20-2019) (Ord. 2018-24, 12-05-2018) (Ord. 2018-08, 09-05-2018) (Ord. 2017-14, 06-07-17) (Ord. 2016-17, 11-02-2016) (2015-25, 12-16-2015) (Ord. 2013-17, 02-05-2014)

**7-1-6. Enforcement.**

(1) (a) Tooele City or any owner of real estate within the city in which violations of this Title occur or are about to occur may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or,

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) Tooele City need only establish the violation to obtain the injunction.

(2) (a) Tooele City may enforce this Title by withholding building permits.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within Tooele City without approval of a building permit.

(c) Tooele City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) The city engineer or the engineer's designee is authorized as the enforcing officer for this Title. The enforcing officer shall enforce all provisions of this Title, entering actions in court if necessary, but the failure to do so shall not legalize any violation of this Title.

(Ord. 1991-08, 12-12-1991)

**7-1-7. Violation and Penalties.**

Violation of any of the provisions of this Title are punishable as a class C misdemeanor upon conviction. (Ord. 2019-08, 03-20-2019) (Ord. 1991-08, 12-12-1991)

**7-1-8. Construction.**

(1) Words used in the present tense include the future.

(2) The singular number shall include the plural and the plural the singular.

(3) "Used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used or occupied.

(4) "Shall" is mandatory and not directory. The word "may" is permissive.

(5) "Person" includes a firm, association, organization, partnership, trust, company or corporation

as well as an individual.

(6) "Lot" includes the words plot or parcel.

(7) Words used in this Title but not defined herein shall have the same meaning as defined in any other ordinance adopted by Tooele City, or as defined in Black's Law Dictionary, current edition. (Ord. 1992-26, 12-10-1992)

**7-1-9. Appeals and Variances.**

(1) The administrative hearing officer shall hear and decide:

(a) appeals from zoning decisions applying the zoning ordinance; and

(b) variances from the terms of the zoning ordinance.

(2) A person desiring to appeal a zoning decision or apply for a variance from the zoning ordinance shall file the appropriate application, obtained from the Tooele City Community Development Department, with the Department Director. Any applicable fee shall be paid to the Tooele City Finance Department at the time of filing. The Director shall review the application for completeness and fee payment and forward it to the City Recorder who shall set a hearing with the administrative hearing officer. The City Recorder shall notify the applicant of the date and time of the hearing.

(3) The powers and duties of the administrative hearing officer and the standards of review to be followed in deciding appeals and variances are identified in Tooele City Code Chapter 1-28 for appeals and Chapter 2-4 for variances.

(Ord. 2019-08, 03-20-2019) (Ord. 2016-15, 10-19-2016) (Ord. 2006-24, 11-15-2006) (Ord. 1994-56, 01-31-1995)



**(RESERVED FOR PAGE 7-6.8)**

## **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 students or less at one time shall be permitted;~~

~~(b) involving 8 to 16 students at one time 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.~~

~~(c) involving more than 16 students at one time are prohibited.~~

(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)

MEMORANDUM

To: City Council  
CC: Planning Commission  
From: Mayor Debra E. Winn, City Administration  
Date: January 19, 2021  
Re: Administrative Recommendation for Canyon Springs Annexation

On December 15, 2021, I provided to you my City Administration recommendation regarding the proposed Canyon Springs annexation. That recommendation is attached for your convenience. That Memorandum contained detailed recommendations in the following areas:

- Parks.
- Trails.
- Storm Water Detention.
- Zoning; Lot Size; Density.
- Park Strip Landscaping
- Architectural Design.

(Also attached are the Canyon Springs concept plan, and the September 2, 2021, letter from the City to the petitioner indicating the types of studies and information that would be required prior to annexation.)

In that Memorandum, I was not able to provide detailed recommendations regarding water, sewer, storm water, transportation, public safety, and fiscal considerations, because they had been inadequately studied by the petitioner, and contained no specific information to which my staff and I could respond.

The purpose of this Memorandum is to provide to the City Council my City Administration recommendation for the specific issues the petitioner should study and the specific information the petitioner should provide to the City Council to assist the Council in making the policy determination of whether the proposed Canyon Springs annexation is in the best interest of Tooele City.

#### Culinary Water

The information provided by the petitioner to date examines the water infrastructure impacts only on the Canyon Springs project site, and fails to study the impact of Canyon Springs upon the existing City infrastructure. We recommend that the petitioner retain the City's water infrastructure consultant, Hansen Allen & Luce, to model the impacts of Canyon Springs upon the City culinary water system. The analysis should include at least the following:

- Calculate the anticipated water demand from Canyon Springs.
- Calculate the remaining ERU capacity of the water system facilities impacted by the Canyon Springs demand.

- Determine the point at which new development impacts on these water system facilities (not just Canyon Springs impacts) would require additional pipeline capacity, i.e., through new parallel lines or upsize of existing lines.
- Determine the point at which new development impacts on these water system facilities (not just Canyon Springs impacts) would require additional culinary water sources, reservoirs, pump stations, transmission piping, distribution piping, and related facilities.
- Run the water model to calculate and demonstrate these impacts and capacities.
- Estimate the cost to construct and maintain any new off-site water infrastructure required due to Canyon Springs impacts.
- Estimate the degree to which Canyon Springs impacts will accelerate the need for new off-site water infrastructure in light of Canyon Springs capacity demands.

### Sewer

The information provided by the petitioner to date examines the sewer infrastructure impacts only on the Canyon Springs project site, and fails to study the impact of Canyon Springs upon the existing City infrastructure. We recommend that the petitioner retain the City's sewer infrastructure consultant, Hansen Allen & Luce, to model the impacts of Canyon Springs upon the City sanitary sewer system. The analysis should include at least the following:

- Calculate the anticipated sewer demand from Canyon Springs.
- Calculate the remaining ERU capacity of the sewer collection system facilities impacted by the Canyon Springs demand.
- Calculate the remaining ERU capacity of the sewer treatment plant impacted by the Canyon Springs demand.
- Determine the point at which new development impacts on the sewer system (not just Canyon Springs impacts) would require additional collection capacity, i.e., through new parallel lines, upsize of existing lines, and new interceptors.
- Determine the point at which new development impacts on the sewer system (not just Canyon Springs impacts) would require additional sewer treatment capacity.
- Run the sewer model to calculate and demonstrate these impacts and capacities.
- Estimate the cost to construct and maintain any new off-site sewer infrastructure required due to Canyon Springs impacts.
- Estimate the degree to which Canyon Springs impacts will accelerate the need for new off-site sewer infrastructure in light of Canyon Springs capacity demands.

### Storm Water

The information provided by the petitioner to date examines storm water infrastructure impacts only on the Canyon Springs project site, and fails to study the impact of Canyon Springs upon the existing City infrastructure. We recommend that the petitioner retain the City's sewer infrastructure consultant, Hansen Allen & Luce, to model the impacts of Canyon Springs upon the City storm water system. The analysis should include at least the following:

- Calculate the anticipated storm water generation from Canyon Springs.

- Examine the extent of historic storm water entering and flowing through or around the Canyon Springs property.
- Examine the manner in which historic storm water entering or flowing through or around the Canyon Springs property will be routed through the Canyon Springs development, including in light of the current concept plan.
- Evaluate the impacts of historic storm water flows and on-site detention runoff to downstream drainage channels and facilities, including those outside the City limits.
- Determine new on-site and off-site storm water infrastructure needed to route historic storm water through the Canyon Springs property, and the associated construction and maintenance costs.

### Impact Fees

Tooele City water and sewer impact fees are determined by detailed analyses of the respective water and sewer systems, remaining capacities in those systems, the development potential of undeveloped land already located with the City, and the new capital facilities required by new growth. The impact fee capital facilities plans supporting the impact fee calculations are based on that in-city analysis. Annexing substantial acreage and development potential has the potential to significantly alter capital facilities modeling, capital facilities planning, capital facilities costs, and impact fee calculations. Infrastructure “system improvements” required by the Canyon Springs development are not included in the City’s capital facilities planning or impact fee analyses. Additional capital facilities analyses will be required to accurately determine and assess impact fees the City will collect from Canyon Springs and use to pay for new system improvements required by Canyon Springs. Existing impact fee calculations and revenue balances may not be applicable to Canyon Springs. To resolve this concern, we recommend that the petitioner retain the City’s infrastructure consultant, Hansen Allen & Luce, and the City’s impact fee consultant, Lewis Young Robertson & Burningham, to perform additional capital facility, impact, and fee analyses in order to determine new system improvements required by Canyon Springs, existing system improvements impacted by Canyon Springs, and the correct impact fees assessable to Canyon Springs development. Specific public hearings are required by state statute.

### Water Rights

Kennecott water rights credits are available only for use within the Tooele City limits. The remaining capacity in the Kennecott B Well, associated with Kennecott water rights credits, has been acquired by the petitioner for the Canyon Springs annexation. This acquisition has accelerated a water rights crisis under which approximately 200 acre-feet of Kennecott water rights credits, intended for in-city development, are no longer available for in-city development, but were acquired under the speculation that Tooele City would annex Canyon Springs. Annexation of Canyon Springs will directly affect the availability of Kennecott water rights credits to development already located within Tooele City but stranded for the lack of other available water rights on the market. Tied to the water impact studies referenced above, use of Kennecott water rights credits on new annexations may dramatically accelerate the need for Tooele City to

develop new water sources (wells) and construct additional storage and transmission capacity. Those costs, and the timing of those costs, should be studied thoroughly.

### Transportation

The information provided by the petitioner to date provides anticipated traffic counts generated by Canyon Springs, but fails to study the impact of Canyon Springs upon the existing City and County road infrastructure. We recommend that the petitioner retain a qualified transportation engineer to analyze the impacts of Canyon Springs upon City and County transportation systems. The analysis should include at least the following:

- Impacts of Canyon Springs on Droubay Road, including, vehicle movement into and out of the development, required turning, acceleration, and deceleration lanes, striping, traffic movement rating (e.g. A through F), anticipated and posted speeds, existing traffic speeds, and signage.
- Impacts of Canyon Springs on nearby road intersections with, for example, Smelter Road and 1000 North, and whether traffic control devices should be altered or required.
- Impacts upon school walking routes, including crosswalks, school zones speeds, and school zone lighting and signage.

### Parks and Recreation

In addition to the items mentioned in my December 15, 2021, Memorandum, we suggest that the following additional information should be studied and provided regarding the anticipated cost of parks and recreation maintenance in Canyon Springs, including the following:

- landscaped park areas
- storm water detention areas
- trail areas
- park strips
- turf (e.g., fertilizer, mowing)
- irrigation systems
- public trees
- winterizing and spring startup
- weed control
- trail and other public fencing
- trail and park lighting
- playground equipment, including inspection, repair, and year 15 replacement

In addition, if Canyon Springs will not contain its own park facility, the petitioner should be required to study the impacts of the Canyon Springs population upon other existing City park facilities.

### Police and Fire.

The information provided by the petitioner to date does not examine public safety impacts. I recommend that the following be carefully studied:

- Required full time equivalent (FTE) police department staff attributable to Canyon Springs based on current per-capita staffing.
- Required vehicles, gear, and other equipment and supplies associated with required FTE.
- Anticipated increased dispatch calls and associated dispatch fees.
- Costs associated with the above.

#### Fiscal Analysis.

The information provided by the petitioner to date does not adequately examine fiscal impacts of Canyon Springs upon the City. Inaccurate assumptions and conclusions provided by the petitioner's consultants to date should be corrected. Cost of Community Services Studies should be considered. Cost impacts to City administrative departments should be examined, including FTE, benefits, equipment, vehicles, supplies, insurance, etc.

#### Conclusion.

The City Administration recommends that the petitioner be required to provide the requested information prior to annexation, and not be allowed to defer important studies until after annexation. The information is necessary for the City Council to determine the costs and benefits of the Canyon Springs annexation and development to Tooele City. The Council deserves a solid understanding of what the annexation will do to and for Tooele City, and whether the annexation will be a net positive for Tooele City. I suggest that the objective is not to tip the scale barely from the negative to the positive, but for the City Council to achieve the best positive it can for Tooele City. The information and analyses recommended above will help provide the tools and information the City Council deserves and needs in order to achieve the best result for Tooele.

If my Administration can provide any further information or assistance, we would be happy to do so.