
PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council & Tooele City Redevelopment Agency will meet in a Work Session, on Wednesday, March 6, 2019 at the hour of 5:00 p.m. The Meeting will be Held at the Tooele City Hall Large Conference Room, located at 90 North Main Street, Tooele, Utah.

1. Open City Council Meeting

2. Roll Call

3. Discussion:

- **Resolution 2019-17** Regarding the Appointment of Darwin Cook to the Position of Director of Parks & Recreation
Presented by Mayor Debbie Winn
- **Priority Projects Discussion** for Congressional Requests
Presented by Mayor Debbie Winn
- **Resolution 2019-19 A** Resolution of the Tooele City council Approving a Contract with the Tennis & Track Company to Install Pickelball courts at Elton Park
Presented by Mayor Debbie Winn
- **Resolution 2018-45** A Resolution of the Tooele City Council Approving an Interlocal Agreement with Tooele County for Solid Waste Disposal
Presented Mayor Debbie Winn
- **Ordinance 2019-02** An Ordinance of Tooele City Vacating Historic Public Rights-of-Way in Tooele City's Dow James Park Complex, & Reserving Easements
Presented by Roger Baker
- **Accessory Dwelling Units**
Presented by Roger Baker & Andrew Aagard
- **Police Station Update**
Presented by Paul Hansen
- **Resolution 2019-18** A Resolution of the Tooele City Council Approving Budget Adjustments to the Fiscal Year 2018-2019 Budget
Presented by Glenn Caldwell
- **Discussion** on Golf Carts
Presented by Brian Roth

- **Ordinance 2018- 21** An Ordinance of the Tooele City Council Reassigning 21.66 Acres of Property Currently Zoned R1-7 to HDR High Density Residential, Creating a Planned Unit Development Zoning Overlay, & Assigning the Planned Unit Development Overlay to 36.11 Acres of Property Located at Approximately 1600 North Berra Boulevard
Presented by Jim Bolser
- **Subdivision Plat Amendment** for Providence at Overlake Providence at Overlake Subdivision, Phase 2 Located at Approximately 400 West 1200 North in the R1-7 Residential Zoning District for the Purposes of Adjusting the Property Boundaries of Seven Lots and a Storm Water Detention Basin Parcel on 1.74 Acres
Presented by Jim Bolser
- **Minor Subdivision Final Plat** for Andrew Caldwell Located at 1762 North Broadway in the HDR High Density Residential Zoning District for the Purposes of Splitting One 0.55 Acre Parcel into 3 Lots
Presented by Jim Bolser
- **Ordinance 2019-03** An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the MDR Medium Density Residential Zoning District for 0.58 Acres of Property Located at 350 North 50 West
Presented by Jim Bolser
- **Multi-Family Residential Zoning** districts, Their Allowable Land Uses, and Applicable Design Standards and Supplemental Regulations.
Presented by Jim Bolser

4. Close Meeting

- Litigation, Property Acquisition

5. Adjourn

Michelle Y. Pitt
Tooele City Recorder/RDA Secretary

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

TOOELE CITY CORPORATION

RESOLUTION 2019-17

A RESOLUTION OF THE TOOELE CITY COUNCIL CONSENTING TO MAYOR WINN'S APPOINTMENT OF DARWIN COOK TO THE POSITION OF DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT.

WHEREAS, Section 2-06 of the Tooele City Charter (amended 2006) states that "The Mayor, shall, with the consent of a majority of the Council, designate a head of each department of City government"; and,

WHEREAS, under Tooele City Code §1-6-4(2), the Mayor exercises "direct supervision and responsibility over operations in the . . . Parks and Recreation Department," including the appointment of qualified employees (§1-6-4(1)); and,

WHEREAS, Mayor Winn conducted a thorough process of soliciting and evaluating applications and applicants, and desires to appoint Darwin Cook to the position of Director of the Department of Parks and Recreation; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that consent is hereby given by the City Council to Mayor Debra E. Winn's appointment of Darwin Cook to the position of Director of the Parks and Recreation Department, effective the employment start date.

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 _____, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

TOOELE CITY CORPORATION

RESOLUTION 2019-19

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING A CONTRACT WITH THE TENNIS AND TRACK COMPANY TO INSTALL PICKLEBALL COURTS AT ELTON PARK.

WHEREAS, the City Council and City Administration desire to use P.A.R. tax revenues to install pickleball courts at Elton Park in the place of the old tennis courts, in part in response to many public requests for pickleball courts; and,

WHEREAS, The Tennis and Track Company, Inc. ("Company") has submitted a competitive bid of \$111,086.00 to install the pickleball courts; and,

WHEREAS, the City Council finds it to be in the best interest of Tooele City to approve a Contract (see Exhibit A) with the Contractor to install the pickleball courts:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that a contract with the Company is hereby approved in the amount of \$111,086.00.

This Resolution is in the best interest of the general welfare of Tooele City and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this _____ day of _____, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Contract

DOCUMENT 00 52 00

AGREEMENT

PART 1 GENERAL

1.1 CONTRACTOR

- A. Name: THE TENNIS AND TRACK COMPANY
- B. Address: 3096 SOUTH DAVIS DRIVE, SOUTH SALT LAKE, UT 84115
- C. Telephone number: 801-269-9991
- D. Facsimile number: 801-261-4588

1.2 OWNER

- A. The name of the OWNER is Tooele City Corporation

1.3 CONSTRUCTION CONTRACT

- A. The Construction Contract is known as

Elton Park Pickleball Courts

PART 2 TIME AND MONEY CONSIDERATIONS

2.1 CONTRACT PRICE

- A. The Contract Price includes the cost of the Work specified in the Contract Documents, plus the cost of all bonds, insurance, permits, fees, and all charges, expenses or assessments of whatever kind or character.

- B. The Schedules of Prices awarded from the Bid Schedule are as follows.
 - 1. Base Bid.
 - 2. _____

3. _____

4. _____

C. An Agreement Supplement [] is, [X] is not attached to this Agreement.

D. Based upon the above awarded schedules and the Agreement Supplement (if any), the Contract Price awarded is: ONE-HUNDRED ELEVEN THOUSAND EIGHTY-SIX DOLLARS (\$111,086.00) Dollars

2.2 CONTRACT TIME

A. The Work shall be substantially completed by MAY 1, 2019 and fully completed by JUNE 1, 2019

B. Any time specified in work sequences in the Summary of Work shall be a part of the Contract Time. _____

2.3 PUNCH LIST TIME

A. The Work will be complete and ready for final payment within ___ days after the date CONTRACTOR receives ENGINEER's Final Inspection Punch List unless exemptions of specific items are granted by ENGINEER in writing or an exception has been specified in the Contract Documents.

B. Permitting the CONTRACTOR to continue and finish the Work or any part of the Work after the time fixed for its completion, or after the date to which the time for completion may have been extended, whether or not a new completion date is established, shall in no way operate as a waiver on the part of the OWNER of any of OWNER's rights under this Agreement.

2.4 LIQUIDATED DAMAGES

A. Time is the essence of the Contract Documents. CONTRACTOR agrees that OWNER will suffer damage or financial loss if the Work is not completed on time or within any time extensions allowed in accordance with Part 12 of the General Conditions. CONTRACTOR and OWNER agree that proof of the exact amount of any such damage or loss is difficult to determine. Accordingly, instead of requiring any such proof of damage or specific financial loss for late completion, CONTRACTOR agrees to pay the following sums to the OWNER as liquidated damages and not as a penalty.

1. Late Contract Time Completion:

ONE HUNDRED dollars and 00 cents (\$ 100.00) for each day or part thereof that expires after the Contract Time until the Work is accepted as Substantially Complete as provided in Article 14.5 of the General Conditions.

2. **Late Punch List Time Completion:** 50% of the amount specified for Late Contract Time Completion for each day or part thereof if the Work remains incomplete after the Punch List Time. The Punch List shall be considered delivered on the date it is transmitted by facsimile, hand delivery or received by the CONTRACTOR by certified mail.

3. **Interruption of Public Services:** No interruption of public services shall be caused by CONTRACTOR, its agents or employees, without the ENGINEER's prior written approval. OWNER and CONTRACTOR agree that in the event OWNER suffers damages from such interruption, the amount of liquidated damages stipulated below shall not be deemed to be a limitation upon OWNER's right to recover the full amount of such damages.

FIVE HUNDRED dollars and 00 cents (\$500.00) for each day or part thereof of any utility interruption caused by the CONTRACTOR without the ENGINEER's prior written authorization.

- C. **Survey Monuments:** No land survey monument shall be disturbed or moved until ENGINEER has been properly notified and the ENGINEER's surveyor has referenced the survey monument for resetting. The parties agree that upon such an unauthorized disturbance it is difficult to determine the damages from such a disturbance, and the parties agree that CONTRACTOR will pay as liquidated damages the sum of (\$500.00) to cover such damage and expense.

- D. **Deduct Damages from Moneys Owed CONTRACTOR:** OWNER shall be entitled to deduct and retain liquidated damages out of any money which may be due or become due the CONTRACTOR. To the extent that the liquidated damages exceed any amounts that would otherwise be due the CONTRACTOR, the CONTRACTOR shall be liable for such amounts and shall return such excess to the OWNER.

PART 3 EXECUTION

3.1 EFFECTIVE DATE

- A. OWNER and CONTRACTOR execute this Agreement and declare it in effect as of the _____ day of _____, 2019.

3.2 CONTRACTOR'S SUBSCRIPTION AND ACKNOWLEDGMENT

- A. CONTRACTOR's signature: _____

- B. Please print name here: _____

- C. Title: _____

- D. CONTRACTOR's Utah license number: _____

Acknowledgment

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019.

by _____
(person acknowledging and title or representative capacity, if any).

Notary's signature

Residing at

My commission expires:

Notary's seal

3.3 OWNER'S SUBSCRIPTION AND ACKNOWLEDGMENT

A. OWNER's signature: _____

B. Please print name here: _____

C. Title: _____

ATTEST:

Michelle Y. Pitt
Tooele City Recorder

SEAL

APPROVED AS TO FORM

Roger Evans Baker
Tooele City Attorney

END OF DOCUMENT

TOOELE CITY CORPORATION

RESOLUTION 2018-45

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT WITH TOOELE COUNTY FOR SOLID WASTE DISPOSAL.

WHEREAS, Tooele County owns and operates a solid waste landfill and transfer station ("Landfill"); and,

WHEREAS, Tooele City operates a refuse collection utility program and contracts with Ace Recycling and Disposal, a private hauler ("Contractor"), to collect refuse ("Refuse") from the City's residential utility customers ("City Customers"); and,

WHEREAS, the County entered into an agreement with ClearSky Environmental, Inc., a Wyoming corporation, to construct and operate a waste processing facility, to which facility the County has agreed to deliver no less than 35,000 tons of refuse per year, the majority of which refuse originates from City Customers; and,

WHEREAS, the Parties desire to establish through interlocal agreement the terms under which the County will accept the Refuse at the Landfill (see Exhibit A); and,

WHEREAS, the City will pay the initial cost of \$36.00 per ton to dispose of the Refuse at the Landfill, which cost will escalate \$1 per ton each year for the term of the agreement:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Interlocal Agreement for Solid Waste Disposal Attached as Exhibit A is hereby approved and that the Mayor is hereby authorized to execute the same on behalf of Tooele City.

This Resolution shall become effective immediately upon passage by authority of the Tooele City Charter.

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

EXHIBIT A

Interlocal Agreement for Solid Waste Disposal

**INTERLOCAL AGREEMENT
FOR SOLID WASTE DISPOSAL**

THIS AGREEMENT, entered into by and between TOOELE COUNTY ("County"), a Utah political subdivision, and TOOELE CITY CORPORATION ("City"), a Utah municipal corporation and charter city (individually and collectively a "Party" and the "Parties"), as of July 1, 2018 (the "Effective Date").

RECITALS

WHEREAS, the County owns and operates a solid waste landfill and transfer station ("Landfill"); and,

WHEREAS, the City operates a refuse collection utility program and contracts with a private hauler ("Contractor") to collect refuse ("Refuse") from the City's residential utility customers ("City Customers"); and,

WHEREAS, the County entered into an agreement with ClearSky Environmental, Inc., a Wyoming corporation, to construct and operate a waste processing facility, to which facility the County has agreed to deliver no less than 35,000 tons of refuse per year, the majority of which refuse originates from City Customers; and,

WHEREAS, the Parties desire to establish the terms under which the County will accept the Refuse at the Landfill:

NOW, THEREFORE, in exchange for the mutual promises described herein, the County and the City hereby agree as follows:

SECTION 1. REFUSE. The County agrees to receive at the Landfill all Refuse collected by the Contractor from City Customers.

SECTION 2. TIPPING FEE. The County agrees to charge, and the City agrees to pay, a tipping fee of no more than \$36.00 per ton for Refuse delivered by the Contractor. On January 1, 2019, the tipping fee will increase to \$37.00 per ton and will increase on January 1st of each year by \$1.00 per ton. Payments shall be made by the City promptly upon verifiable County invoice.

SECTION 3. TERM. This Interlocal Agreement shall have a term of three (3) years, expiring automatically on June 30, 2021. The Parties may thereafter enter into a new agreement if they choose.

SECTION 4. TERMINATION.

(a) Either party may terminate this Agreement for good cause or upon a default by the other Party not cured after 60 days' written notice.

(b) A default event includes an attempt to raise the tipping fee or a failure to pay the tipping fee.

(c) Either party may terminate this Agreement without cause upon 180 days' written notice.

SECTION 5. NOTICES.

(a) All notices provided under this Agreement shall be given by regular U.S. mail, certified U.S. mail, or personal delivery to:

COUNTY:
Board of County Commissioners
47 South Main
Tooele, UT 84074

(with copy to County Attorney)

CITY:
Tooele City Mayor
90 North Main
Tooele, Utah 84074

(with copy to City Attorney)

SECTION 6. INDEMNIFICATION. The Parties shall each indemnify, release, and hold each other harmless from and against any suit, claim, or liability resulting from, or otherwise arising out of, the subject matter of this Agreement. This obligation shall survive termination.

SECTION 7. WAIVER OF JURY TRIAL. The Parties expressly waive any and all right to trial by jury in any legal proceeding arising out of or relating to this Agreement.

SECTION 8. NO WAIVER. The failure by a Party to insist upon the strict performance of any obligation of this Agreement, or to exercise any right or remedy consequent upon a failure to perform thereof, shall not constitute a waiver of any such failure to perform.

SECTION 9. AUTHORITY. The individuals executing this Agreement represent and warrant that they possess the legal authority to execute this Agreement pursuant to its terms, such authority being granted and evidenced by duly adopted Resolutions of each Party.

SECTION 10. NO THIRD PARTY BENEFICIARIES. Nothing in this Agreement is intended for the benefit of any party except for the named Parties.

SECTION 11. ATTORNEYS' FEES. If any formal legal proceeding is brought by any Party to enforce this Agreement, the prevailing Party shall be entitled to recover its related costs and reasonable attorneys' fees.

SECTION 12. ENTIRE AGREEMENT. This Agreement constitutes the final expression of

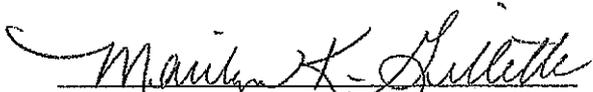
the Parties as to the terms of this Agreement and the subject matter hereof, and supersedes all prior agreements, understandings, negotiations, and discussions between the Parties and/or their respective counsel with respect to the subject matter covered hereby.

SECTION 13. EXECUTION. The Parties shall execute two (2) originals of this Agreement, in accordance with the requirements of applicable state law, with one original being delivered to each of the Parties.

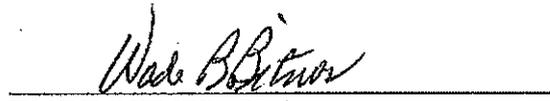
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the Effective Date.

ATTEST:

COUNTY:



MARILYN K. GILLESPIE, County Clerk



WADE BITNER, Chair
Board of County Commissioners



APPROVED AS TO FORM:



SCOTT BROADHEAD, Attorney for District and County

ATTEST:

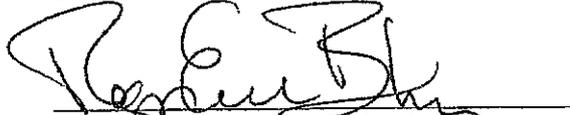
CITY:

MICHELLE Y. PITT, City Recorder

DEBRA E. WINN, Mayor

(SEAL)

APPROVED AS TO FORM:



ROGER EVANS BAKER, City Attorney

TOOELE CITY CORPORATION

ORDINANCE 2019-02

AN ORDINANCE OF TOOELE CITY VACATING HISTORIC PUBLIC RIGHTS-OF-WAY IN TOOELE CITY'S DOW JAMES PARK COMPLEX, AND RESERVING EASEMENTS.

WHEREAS, by Resolution 2019-06, approved on January 16, 2019, the City Council surplused the Dow James baseball field ("Baseball Field Parcel") and voted to sell the Field to the Tooele County School District; and,

WHEREAS, the Field and Tooele City's Dow James complex property surrounding and adjacent to the Baseball Field Parcel ("Tooele City Park Parcel") are crisscrossed with dedicated, platted, historic, unimproved public rights-of-way (Rights-of-Way) (see the highlighted survey and legal description attached as Exhibit A); and,

WHEREAS, in order to sell the Baseball Field Parcel to the School District, the Rights-of-Way must be vacated, reserving to Tooele City Corporation, however, public utility easements for Tooele City public utilities; and,

WHEREAS, the Rights-of-Way have no historic, current, or anticipated future use as transportation rights-of-way and serve no public purpose with the exception of easements for underground Tooele City public utilities, for which this Ordinance 2019-02 expressly reserves easements;

WHEREAS, this Ordinance 2019-02 affects the following Tooele County parcels:

- **02-066-0-0001**
- **02-066-0-0002**
- **02-066-0-0003**
- **02-066-0-0005**
- **02-067-0-0002**
- **02-067-0-0003**

and,

WHEREAS, all of the affected properties (the Baseball Field Parcel and the Tooele City Park Parcel) are owned by Tooele City Corporation, which possesses and maintains all information and documentation required to satisfy U.C.A. §10-9a-609.5 for the vacation of public rights-of-way; and,

WHEREAS, the Rights-of-Way contain underground public utilities, for which easements must be retained in favor of Tooele City Corporation; and,

WHEREAS, the City Council convened a duly-noticed public hearing on March 6, 2019, regarding the vacation of the Rights-of-Way; and,

WHEREAS, good cause exists for the vacation of the Rights-of-Way, and the vacation of the Rights-of-Way is not anticipated to materially injure the public interest or any private person, inasmuch as:

- the Baseball Field Parcel and the Tooele City Park Parcel upon which the Rights-of-Way exist are under the single ownership of Tooele City Corporation;
- the City and the School District desire and need the Rights-of-Way to be vacated in order to convey unencumbered fee simple title of the Baseball Field Parcel to the District;
- the location of the Rights-of-Way conflicts with existing and anticipate future uses and purposes of the Baseball Field Parcel or the Tooele City Park Parcel;
- the Rights-of-Way have no historic, current, or anticipated future use as transportation rights-of-way and serve no public purpose with the exception of easements for underground Tooele City public utilities;
- the vacation of the Rights-of-Way will reserve to Tooele City Corporation utility easements for existing and future Tooele City public utilities; and,
- the public hearing identified no reason why the vacation of the Rights-of-Way should not be approved;

and,

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

1. the vacation of the Rights-of-Way, illustrated and described in Exhibit A, is hereby approved; and,
2. this Ordinance 2019-02 hereby reserves to Tooele City Corporation a public utility easement in the vacated Rights-of-Way for access to and maintenance, repair, and replacement of underground Tooele City public utilities; and,
3. because title to all of the property upon which the Rights-of-Way exist (the Baseball Field Parcel and the Tooele City Park Parcel) is owned by Tooele City Corporation, title to the vacated Rights-of-Way hereby shall vest in fee simple title with Tooele City Corporation; and,
4. this Ordinance 2019-02, together with its Exhibit A, shall be recorded in the office of the Tooele County Recorder.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this _____ day of _____, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

SEAL

Approved as to Form:



Roger Evans Baker, City Attorney

Exhibit A

Rights-of-Way Survey and Legal Description

EXHIBIT "A"

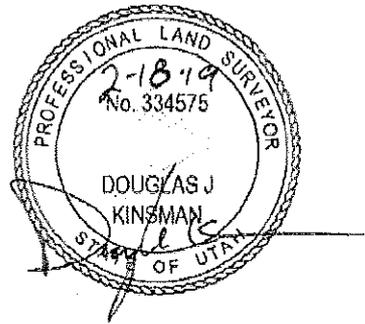
BOUNDARY DESCRIPTIONS Road Vacation Dow James Park

A parcel of land, situate in the Southwest Quarter of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

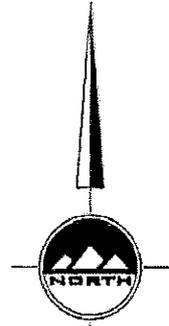
Beginning at the intersection of the west line of the record position of 450 West Street, with the north line of 400 North Street which is located North $0^{\circ}08'31''$ West 824.61 feet along the measured Section line, and East 263.08 feet from the Southwest Corner of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence North $0^{\circ}15'04''$ East 873.40 feet along the west line of Tooele City Park Parcel and existing chainlink fence to the northwest corner of the Baseball Field Parcel;
thence South $89^{\circ}32'55''$ East 33.00 feet to the east line of 450 West Street;
thence South $0^{\circ}15'04''$ West 135.46 feet along said line to the north line of 500 North Street;
thence South $88^{\circ}57'08''$ East 323.57 feet along said line to the west line of 400 West Street;
thence North $0^{\circ}49'05''$ East 138.83 feet along said line to the northern line of the Tooele City Park Parcel;
thence South $89^{\circ}32'55''$ East 66.00 feet along said line to the east line of 400 West Street;
thence South $0^{\circ}49'05''$ West 139.52 feet along said line to the north line of 500 North Street;
thence South $88^{\circ}57'08''$ East 323.56 feet along said line to the west line of 350 West Street;
thence South $01^{\circ}23'16''$ West 66.00 feet along said line to the south line of 500 North Street;
thence North $88^{\circ}57'08''$ West 322.91 feet along said line to the east line of 400 West Street;
thence South $0^{\circ}49'05''$ West 670.32 feet along said line to the north line of 400 North Street and the south line of the Tooele City Park Parcel;
thence North $89^{\circ}07'16''$ West 66.00 feet along said lines to the west line of 400 West Street;
thence North $0^{\circ}49'05''$ East 670.51 feet along said line to the south line of 500 North Street;
thence North $88^{\circ}57'08''$ West 322.91 feet along said line to the east line of 450 West Street;
thence South $0^{\circ}15'04''$ West 672.11 feet along said line to the north line of 400 North Street and southern line of Tooele City Park Parcel;
thence North $89^{\circ}13'55''$ West 33.00 feet along said lines to the west line of 450 West Street, to the Point of Beginning;

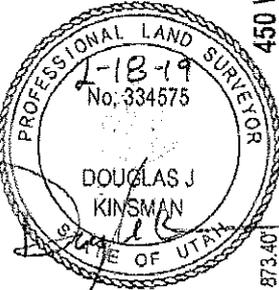
Parcel contains: 129,282 square feet, or 2.97 acres.



WEST QUARTER CORNER
OF SECTION 21, T3S, R4W,
SLB&M (FOUND 3" BRASS
TOOELE COUNTY
SURVEY MONUMENT
RING AND LID, NO DATE)

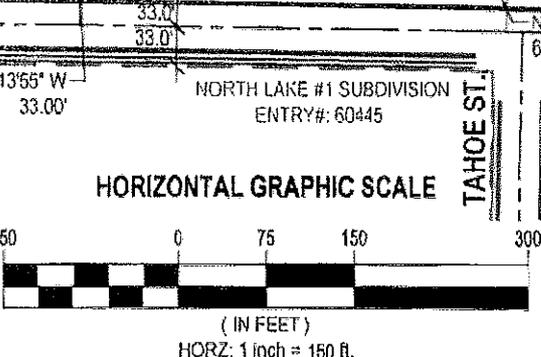
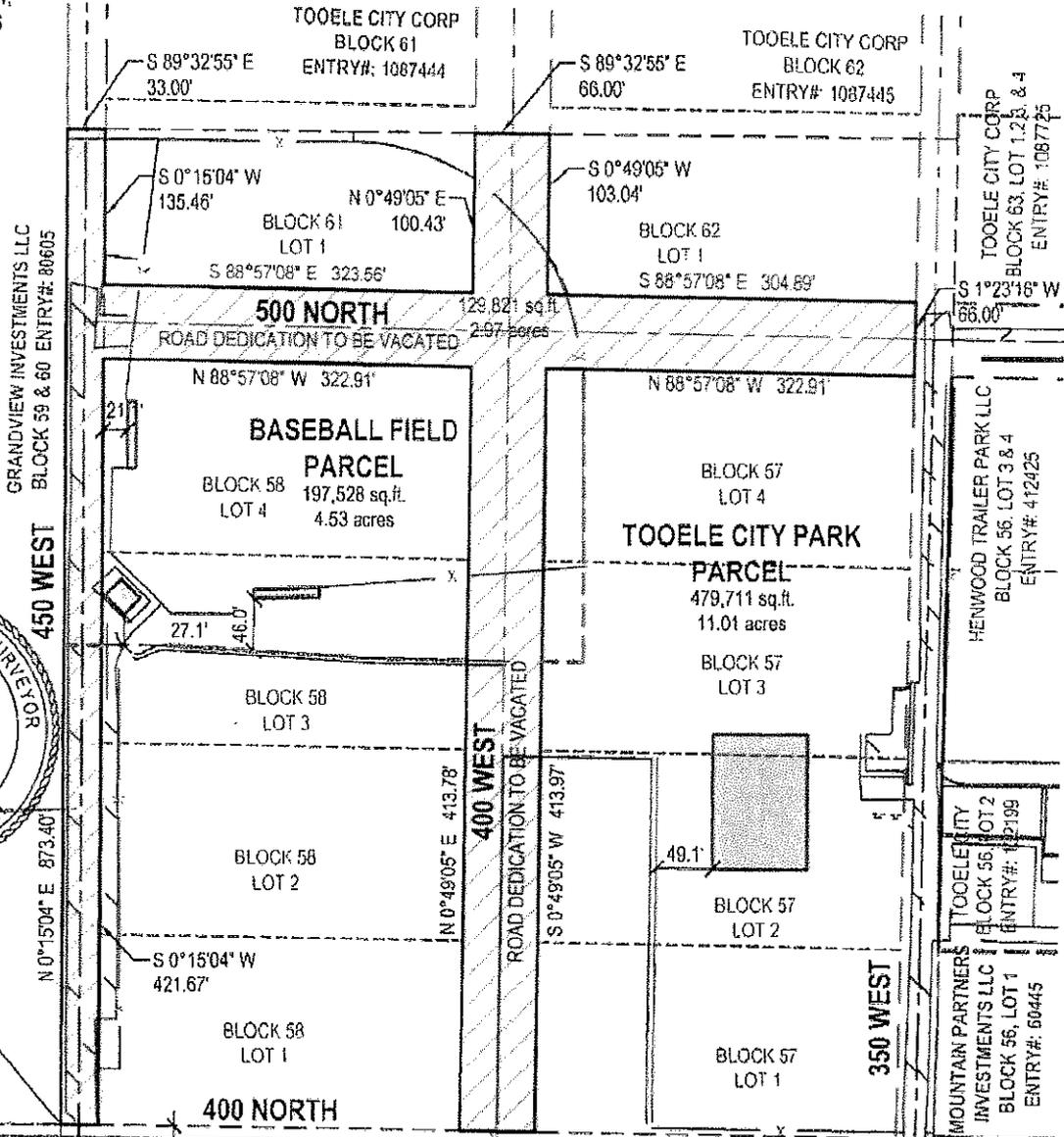


2645.21' N 0°08'31" W



POINT OF
BEGINNING
ROAD VACATION
EAST 263.08'

SOUTHWEST CORNER OF
SECTION 21, T3S, R4W,
SLB&M (FOUND 3" BRASS
TOOELE COUNTY
SURVEY MONUMENT
RING AND LID, DATED
1982)



PROJECT # 8800 1 OF 1 FILE	DATE 02/11/2019 ROAD VACATION 400 NORTH 450 WEST TOOELE, UTAH 84074 EXHIBIT "B"	FOR TOOELE CITY ENGINEERING DEPT. 90 N MAIN STREET TOOELE, UTAH 84074 435-843-2137	169 N. Main Street, Unit 1 Tooele, Utah 84074 Phone: 435.843.3590 Fax: 435.578.0108 www.ensignutah.com
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TOOELE CITY CORPORATION

RESOLUTION 2019-18

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING BUDGET ADJUSTMENTS TO THE FISCAL YEAR 2018-2019 BUDGET.

WHEREAS, the City Council finds it necessary and prudent to re-open the 2018-2019 fiscal year budget to make adjustments in order to more efficiently utilize funds to be received, said adjustments described in Exhibit 1, attached, pursuant to U.C.A. §§10-6-124-128; and,

WHEREAS, the City Council convened a duly-noticed public hearing on March 6, 2019, pursuant to the requirements of U.C.A. §§10-6-113-114:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the budget adjustments for fiscal year 2018-2019 as shown on Exhibit 1, which is attached hereto and made a part hereof, are hereby approved.

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

Passed this ____ day of _____, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

_____	_____
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ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Fiscal Approval: _____
Glenn Caldwell, Director of Finance

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

Exhibit 1

Budget Adjustments

TOOELE CITY CORPORATION

ORDINANCE 2018-21

AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING 21.66 ACRES OF PROPERTY CURRENTLY ZONED R1-7 RESIDENTIAL TO HDR HIGH DENSITY RESIDENTIAL, CREATING A PLANNED UNIT DEVELOPMENT ZONING OVERLAY, AND ASSIGNING THE PLANNED UNIT DEVELOPMENT OVERLAY TO 36.11 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1600 NORTH BERRA BOULEVARD .

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

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

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

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

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

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

WHEREAS, Tooele City Code Chapter 7-6 constitutes Tooele City’s Planned Unit Development (PUD) overlay zoning district, the purposes of which are stated in §7-6-1, incorporated herein by this reference, and which include, among others, to create opportunities for flexible site planning, to

encourage the preservation of open space areas and critical natural areas, and to encourage the provision of special development amenities by the developer; and,

WHEREAS, the R1-7 zoning district is currently assigned to approximately 57.78 acres of land located on the north side of the Union Pacific Railroad along Berra Boulevard at approximately 1600 North (see map attached as **Exhibit A**); and,

WHEREAS, the 55.79 acres of land is currently owned by Metro West Developers, LLC; and,

WHEREAS, the 1.99 acres of land which is landlocked by the remaining acreage is currently owned by Tooele City; and,

WHEREAS, by Rezone Petition received September 28, 2018 (see Exhibit B), Metro West Developers, LLC requested that 31.88 acres of the subject property be reassigned to the HDR High Density Residential zoning district and the remaining 23.90 acres receive a Planned Unit Development (“PUD”) zoning overlay designation with its current R1-7 zoning assignment for the purpose of decreasing lot size, lot width and lot setbacks to provide flexibility in site and building design, placement of buildings, product type, and use of open space; and,

WHEREAS, by a revision to the September 28, 2018 Rezone Petition received February 1, 2019 (see Exhibit C), Metro West Developers, LLC requested that 21.66 acres of the subject property be reassigned to the HDR High Density Residential zoning district and the remaining 36.11 acres receive a Planned Unit Development (“PUD”) zoning overlay designation with its current R1-7 zoning assignment for the purpose of decreasing lot size, lot width and lot setbacks to provide flexibility in site and building design, placement of buildings, product type, and use of open space; and,

WHEREAS, the Planned Unit Development portion is anticipated to contain single-family detached homes on individual lots; and,

WHEREAS, the surrounding properties to the west are assigned the R1-7 Residential zoning designation and properties to the north are assigned to the P Planned Development zoning designation; and,

WHEREAS, the surrounding properties to the east and south across the Union Pacific Railroad line are assigned the HDR High Density Residential and GC General commercial zoning districts; and,

WHEREAS, the development will contain a variety of housing types ranging from apartments and townhomes in the HDR High Density Residential portion to single-family detached and small lot cluster style homes in the PUD Planned Unit Development portion; and,

WHEREAS, density within the PUD Planned Unit Development portion of the proposed development shall be determined only by the underlying R1-7 zoning district, (Tooele City Code §7-6-2); and,

WHEREAS, the subject properties' design and development shall maintain all of the standards and requirements of the City Code for its zoning designation including those standards established herein for the portion of the properties assigned to the Planned Unit Development zoning overlay; and,

WHEREAS, all roads within the 21.66 acre HDR High Density Residential development shall be privately owned and maintained roads; and,

WHEREAS, all open space within the development shall be privately owned and maintained; and,

WHEREAS, Utah Code §10-9a-501 and §10-9a-503 provide for the municipal legislature to consider Planning Commission recommendations for amendments to the land use ordinances and zoning map, and to approve, revise, or reject the recommended amendments; and,

WHEREAS, on October 24, 2018, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit D); and,

WHEREAS, on _____, the City Council convened a duly-advertised public hearing; and,

WHEREAS, the property subject to the original and revised rezone petitions is subject to that certain Settlement Agreement dated August 6, 2014, which provided, in relevant part, that the property owners and Tooele City would work together to develop an amendment to the Land Use Element of the Tooele City General Plan to designate areas intended for residential and other uses, which amendment would be the basis for approval of land use applications, including rezone petitions, for the property (see Section 9); and,

WHEREAS, on February 4, 2015, the City Council approved Ordinance 2015-04, an ordinance of the Tooele City Council amending the Tooele City General Plan Lane Use Element and Land Use Map, and assigning base zoning for the Overlake properties, which ordinance identified an Area A comprised of approximately 1,696 acres of residential property in which a broad range of zoning districts could be considered, from the highest density residential zoning district (HDR, allowing up to 16 dwelling units to the acre) to the lowest-density residential district (MU-160, requiring a 160-acre lot), and anything in between, and in which the base zoning or holding zone for the residential areas was established to be the R1-7 single-family zoning district; and,

WHEREAS, Ordinance 2015-04 contemplated that the City would work with property owners to approve appropriate zoning classifications to accommodate the specific land uses requested by owners as contemplated in the Land Use Plan amendment approved by the ordinance; and,

WHEREAS, by the Tooele City Charter (Section 2-02), Utah Code (Chapter 10-3b Part 2), and the Tooele City Code (Section 1-5-2), the City Council exercises all legislative policy-making powers and functions of the City, which include land use policy, both in the General Plan and Zoning

ordinances, under which the authority the City Council exercises the exclusive prerogative of deciding which land use decisions are in the best interest of Tooele City, utilizing the reasonably debatable legal standard established for legislative decision-making; and,

WHEREAS, this Ordinance establishes the legislative land use policy of the City Council regarding the zoning designations for the subject property as being in the best interest of Tooele City because it affords a reasonable, flexible, and generous use of residential land while minimizing, to the extent possible, the adverse impacts of relatively high density development on transportation, water distribution, and sewer collection systems; and,

WHEREAS, the City Council finds that, subject to the reasonable and appropriate conditions outlined below, the proposed PUD overlay rezone is consistent with the General Plan and is not adverse to the best interest of the City; and,

WHEREAS, because the City is under no obligation to approve a PUD, it is appropriate for the City to require Metro West Developers, LLC to comply with the conditions listed below:

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

Section 1. Amendment. The Tooele City Zoning Map is hereby amended (see Exhibit A) to indicate that 21.66 acres of the subject property is reassigned to the HDR High Density Residential zoning district and 36.11 acres of the subject property is assigned a PUD Planned Unit Development according to the terms established herein, the underlying zone of which shall be the R1-7 Residential zoning district; and,

Section 2. Conditions. As express conditions to the City's approval of this Ordinance 2018-21 and the Zoning Map Amendment approved thereby, Metro West Developers, LLC is hereby required to do all of the following within the 36.11 acres of the subject property assigned the PUD Planned Unit Development designation:

1. A minimum of 50 lots within the PUD Planned Unit Development shall conform to the following standards:
 - a. Lot Size: 5000 square foot minimum.
 - b. Lot width and Frontage: 50 feet at front setback line, 35 feet of frontage.
 - c. Front Setback: 20 feet to the home and garage from property line.
 - d. Rear Setback: 20 feet from property line, 15 feet on corner lots.
 - e. Side Setback: 6 feet from property line, 15 feet on corner lots.
 - f. Building Height: 35 feet, 1 story minimum.
 - g. Lot coverage: 45% of the lot may be covered with buildings.
2. All remaining lots within the PUD Planned Unit Development shall conform to the following standards:
 1. Lot Setbacks: minimum setbacks shall be in accordance with the R1-7 zoning district except as expressly outlined as follows:
 - A. Front-loaded single-family dwellings facing a public right-of-way.

- I. Front yard setback of 15 feet to right-of-way to dwelling and 18 feet from right-of-way to garage.
 - II. Side yard setback of 3 feet from any shared interior lot line and 10 feet on corner lots.
 - III. Rear yard setback of 10 feet for interior lots and 5 feet for corner lots.
 - B. Front-loaded single-family dwellings facing a private right-of-way.
 - I. Front yard setback of 5 feet from private road or shared driveway to dwelling and garage.
 - II. Side yard setback of 3 feet from any shared interior lot line and 10 feet on corner lots.
 - III. Rear yard setback of 5 feet from any shared interior lot line, and 10 feet from a right-of-way.
 - C. Rear loaded single-family dwellings face a public or private right-of-way or open space.
 - I. Front yard setback of 10 feet from public right-of-way.
 - II. Side yard setback of 3 feet from any shared interior lot line and 10 feet on corner lots.
 - III. Rear yard setback of 5 feet from private road or shared driveway to dwellings and garages.
- 2. Lot Size: each lot shall be a minimum of 2,500 square feet per unit.
- 3. Lot Width and Frontage: 30 foot lot width at front setback line for single-family dwellings and all other uses. Lot frontage of 30 feet.
- 4. Lot Coverage: Total lot coverage of 70% for all buildings.
- 5. Building Height: Maximum height of 35 feet or 3 stories. Minimum height of 1 story.
- 6. Open Space: A minimum of 21,780 Square Feet of improved open space with one 700 square foot minimum playground area and one 100 square foot minimum covered sitting area.
- 7. Roads: All roads within the PUD shall be public rights-of-way, with an exception to the private driveways providing access to cluster home type development.
- 8. Water Rights: developer shall convey to the Tooele City Water Special Service District, by water rights deed or approved water rights certificates, municipal water rights pursuant to Tooele City Code 7-26, as amended.
- 9. Connecting Streets: developer shall accommodate and provide connecting public streets to and through the development for properties to the east and to the west.
- 10. Design Standards: developer shall comply with the residential design standards, established in Tooele City Code Chapters 7-11a and 7-11b, as amended.
- 11. Tooele City Regulations: the developer shall comply with all other Tooele City regulations, whether established by ordinance or policy, including, but not limited to the development and design standards, processes, application requirements, and payment of fees, including impact fees. All public improvements shall be designed and constructed to standards and specifications established by the City.

12. Double-Frontage Lots or Units: Lots on public rights-of-way the developer shall provide for the installation and perpetual maintenance, by a duly-organized homeowner's association, of the public improvements (e.g., fencing, sidewalks, park strip landscaping, etc.) associated with double-frontage lots or units as required by Tooele City Code §7-19-17.1.
13. Fencing: Solid barrier type masonry fencing shall be installed by the developer where lots and open space front on the Union Pacific Railroad right-of-way.

Section 3. Rational Basis. The City Council hereby finds that the above-described expressed conditions to the approval of this Ordinance 2018-21 are reasonable and necessary to serve, protect, and preserve the health, safety, and welfare of Tooele City and its residents, including future residents of the subject property.

Section 4. No Vesting. Approval of this Ordinance 2018-21, together with its exhibits, shall not be construed to imply or constitute any vesting or entitlement as to intensity of use (i.e., density) or configuration (i.e., lots, units, roads).

Section 5. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 6. Effective Date. This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this _____ day of _____, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y Pitt, City

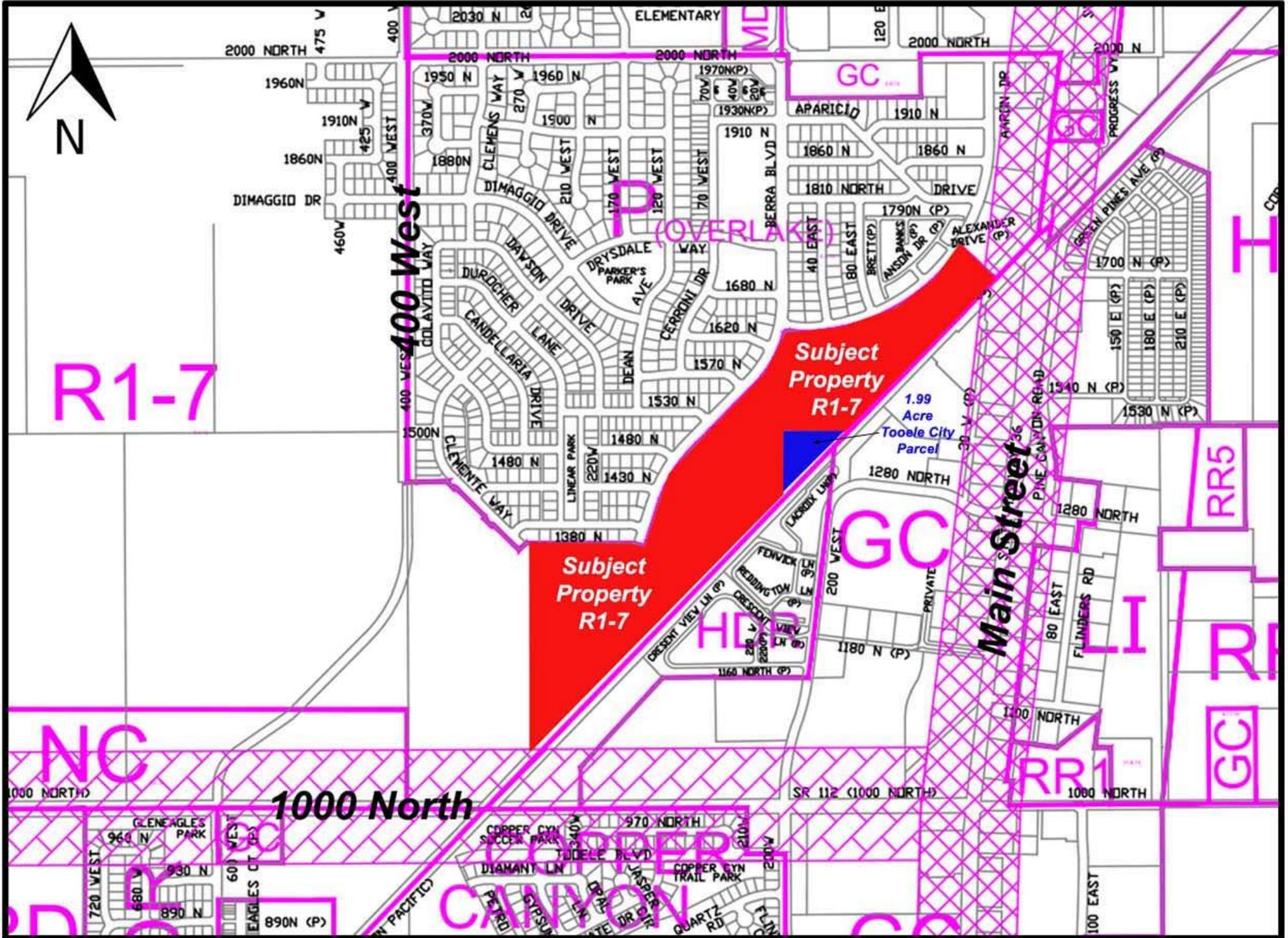
Recorder S E A L

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

EXHIBIT A

ZONING MAP

Berra Boulevard Development Zoning Map Amendment



Aerial View

EXHIBIT B

ORIGINAL REZONE PETITION

Zoning, General Plan, & Master Plan Map Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2130 Fax (435) 843-2139
www.tooelecity.org



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

P18-713

Project Information			
Date of Submission:	09/28/18	Current Map Designation:	Medium Density Res.
		Proposed Map Designation:	MDR and HDR
Project Name:	Berra Boulevard Development		Parcel #(s): 02-126-0-0001 02-126-0-0025 & 02-126-0-0006
Project Address:	South of Aaron Dr., east of Berra Blvd., northwest of Union Pacific Railroad		
Proposed for Amendment:	<input checked="" type="checkbox"/> Zoning Map <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan:		
Brief Project Summary:	We are requesting a zoning and general plan amendment for the parcel numbers listed above. The subject properties are being planned for future residential development.		
Property Owner(s):	METRO WEST DEVELOPERS, LLC		
Address:	116 B HANLINS CIRCLE		
City:	Kaysville	State:	UT
Zip:	84037	City:	SARNS
Phone:	(801) 550-5499	State:	UT
Contact Person:	JACK ANDREWS	Zip:	84037
Phone:	(801) 550-5499	City:	KAYSVILLE
Cell/Link:	(801) 550 5499	State:	UT
Fax:		Zip:	84037
Email:	JACK@RADIOCLUB.COM		

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

Note to Applicant: tromney@focusutah.com
Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

2180721 CA 9/28/18 60323520

For Office Use Only			
Received By:	Date Received:	Fees:	App. #:
<i>JB</i>	9-28-18	\$6,600	

EXHIBIT C

REVISED REZONE PETITION

METRO WEST DEVELOPERS
A LIMITED LIABILITY COMPANY

February 1, 2019

Tooele City
Community Development Department
90 North Main Street
Tooele, Utah 84074
Attention: Director Bolser

VIA: Email

Dear Director Bolser,

We are requesting to amend our existing application (P18-713, a copy of such application is attached) submitted to your department on September 28, 2018. This amendment was communicated to you by email yesterday by Mr. Romney of Focus Engineering.

This amendment is a result of our most current market research and discussions with prospective partners in meeting the needs for more affordable housing.

This will result in a very significant reduction of density for our development and with the wastewater, water, traffic and all other required analysis required of us, we are requesting that with the cooperation of the City Council that we be placed on the February 6, 2019 agenda for their decision on our application.

On behalf of our partners, Focus Engineering and all the stakeholders involved we look forward to continuing to work with the city of Tooele to build something that benefits as many people as possible.

Respectfully submitted,


Jack R. Andrews,
Managing Director

Zoning, General Plan, & Master Plan Map Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2130 Fax (435) 843-2139
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P18-713

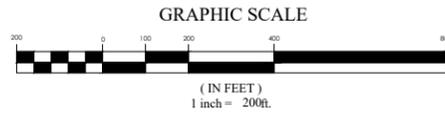
Project Information			
Date of Submission:	09/28/18	Current Map Designation:	Medium Density Res.
		Proposed Map Designation:	MDR and HDR
Project Name:	Berra Boulevard Development		Parcel #(s): 02-126-0-0001 02-126-0-0025 & 02-126-0-0006
Project Address:	South of Aaron Dr., east of Berra Blvd., northwest of Union Pacific Railroad		
Acres:	55.78 + 1.99		
Proposed for Amendment:	<input checked="" type="checkbox"/> Zoning Map <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan:		
Brief Project Summary:	We are requesting a zoning and general plan amendment for the parcel numbers listed above. The subject properties are being planned for future residential development.		
Property Owner(s):	METRO WEST DEVELOPERS, LLC		
Applicant(s):	METRO WEST DEVELOPERS, LLC		
Address:	116 B HANLINS CIRCLE		
City:	Kaysville	State:	UT
Zip:	84037	City:	SARNS
Phone:	(801) 550-5499	State:	UT
Contact Person:	JACK ANDREWS	Zip:	84037
Phone:	(801) 550-5499	Address:	116 B HANLINS CIRCLE
Cell/Link:	(801) 550 5499	City:	KAYSVILLE
Fax:		State:	UT
Email:	JACK@RADIOCLUB.COM		

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Note to Applicant: tromney@focusutah.com
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2180721 CA 9/28/18 60323520

For Office Use Only			
Received By:	Date Received:	Fees:	App. #:
<i>JB</i>	9-28-18	\$6,600	

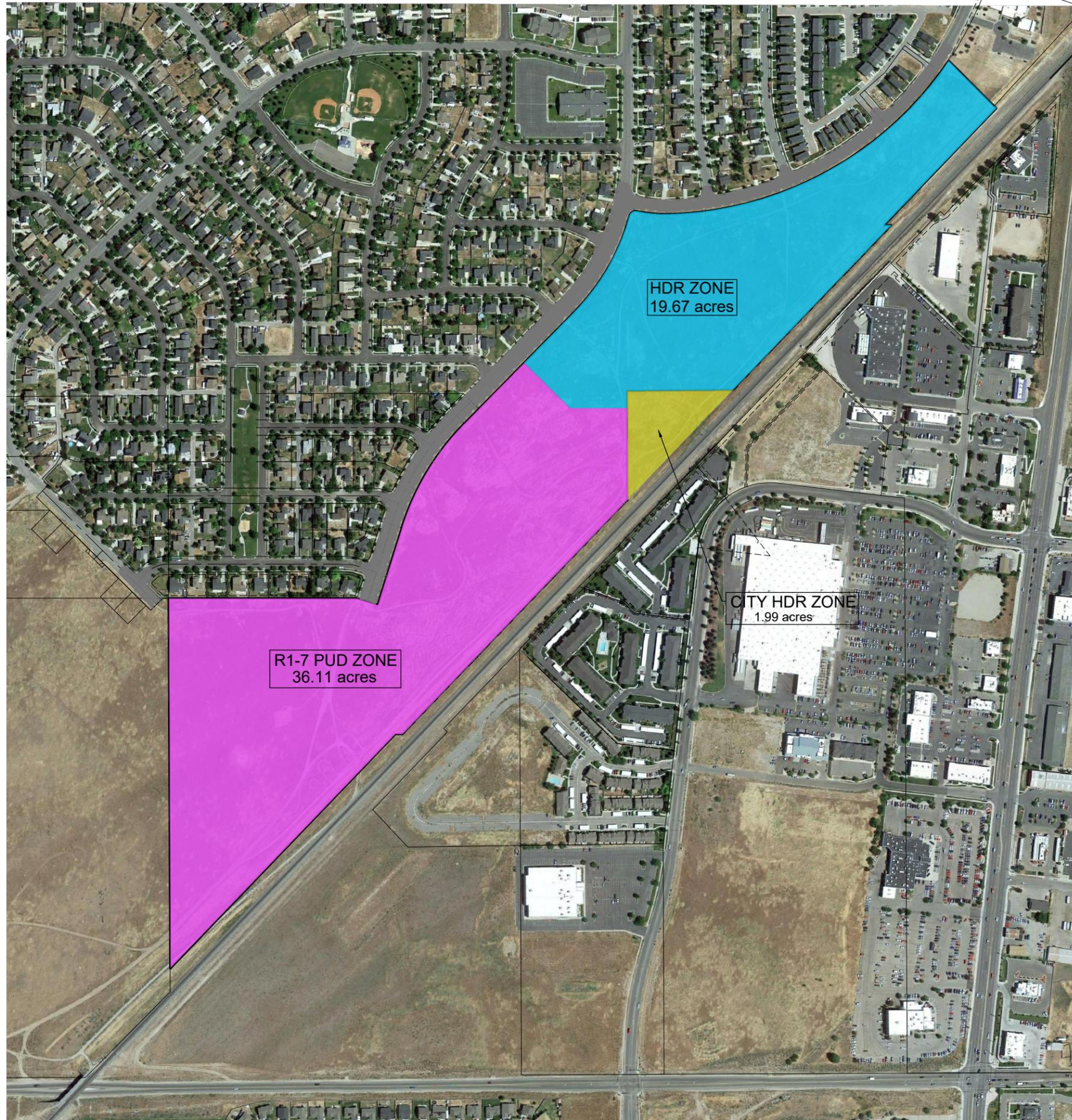


LEGEND

- PROPOSED R1-7 PUD ZONE (36.11 AC)
- PROPOSED HDR ZONE PRIVATELY-OWNED (19.67 AC)
- PROPOSED HDR ZONE CITY-OWNED (1.99 AC)

ZONING MAP

1. THE PRESENT ZONING OF THE PROPERTY IS R1-7.
2. THE PROPOSED R1-7 PUD ZONING (SHOWN IN PINK) WOULD MAINTAIN THE CURRENT MEDIUM DENSITY LAND USE DESIGNATION. THE PROPOSED HDR ZONING (SHOWN IN BLUE AND YELLOW) WOULD BE PART OF A NEW HIGH DENSITY RESIDENTIAL DESIGNATION THAT WOULD PROVIDE APARTMENTS INTENDED TO MIX WELL WITH CURRENTLY EXISTING TOWNHOMES AND APARTMENTS IN ADJACENT AREAS.
3. THE PROPOSED R1-7 PUD ZONING WOULD ALLOW FOR A GREATER VARIETY OF HOME PRODUCTS AND OPEN SPACE WHILE MAINTAINING A DENSITY OF APPROXIMATELY 5.0 UNITS PER ACRE AS INSTITUTED IN THE UNDERLYING R1-7 ZONE. THE PROPOSED HDR ZONING WOULD ALLOW FOR GREATER VARIETY OF HOUSING SUCH AS TOWNHOMES AND APARTMENTS SIMILAR TO EXISTING DEVELOPMENTS TO THE NORTH AND SOUTH OF THE SUBJECT PROPERTY. THE PROPOSED HDR ZONE WOULD ALSO CREATE A BUFFER BETWEEN RESIDENTIAL ON THE WEST AND THE COMMERCIAL ON THE EAST, CREATING A SMOOTH TRANSITION BETWEEN BOTH ZONES.
4. THE PROPOSED ZONING WOULD IMPROVE OVERALL VISIBILITY TO THE NEARBY OVERLAKE DEVELOPMENT AND PROVIDE HOUSING PRODUCTS THAT COMPLIMENT THE CURRENTLY EXISTING COMMUNITIES. THE PROPOSED LAND USES WOULD BRING DEVELOPMENT AND HELP GENERATE BUSINESS IN TOOELE.
5. THE PROPOSED ZONING WOULD FOLLOW TOOELE'S COMMUNITY DEVELOPMENT MISSION BY CREATING A QUALITY SINGLE-FAMILY, TOWNHOME, AND APARTMENT NEIGHBORHOOD DESIGN THAT WOULD BOOST NEIGHBORHOOD LIVABILITY AND APPEARANCE, FACILITATE REDEVELOPMENT, ATTRACT BUSINESS, AND RETAIN BUSINESS.



BERRA BLVD DEV.
TOOELE, UTAH
REZONE EXHIBIT

#	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

Z:\2018\18-263 Main Berra Blvd Design - 18-263 City\Central\Rezone Exhibit 010819.dwg

EXHIBIT D

OCTOBER 24, 2018 PLANNING COMMISSION MINUTES

TOOELE CITY PLANNING COMMISSION MINUTES
October 24, 2018

Date: Wednesday, October 24, 2018

Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Tony Graf
Tyson Hamilton
Shauna Bevan
Chris Sloan
Matt Robinson
Phil Montano
Melanie Hammer

Commissioner Members Excused:

Bucky Whitehouse

City Employees Present

Mayor Debbie Wynn
Jim Bolser, Community Development Director
Andrew Aagard, City Planner
Roger Baker, City Attorney
Paul Hansen, City Engineer

Council Member Present:

Council Member McCall
Council Member Gochis

Minutes prepared by Kelly Odermott

Chairman Robinson called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Hamilton

2. Roll Call

Phil Montano, Present
Tyson Hamilton, Present
Chris Sloan, Present
Tony Graf, Present
Shauna Bevan, Present
Melanie Hammer, Present

Matt Robinson, Present

Mr. Jim Bolser notified the Commissioners that the public notice for agenda items 3 and 4 listed a start time of 7:30 pm. Those two items could not be discussed until the public notice time of 7:30 pm. He provided the Commissioners with two options; one to move the agenda items 5, 6, 7, and 8 to 7:00 p.m. because they had a public notice of 7:00 p.m. or hold off on all agenda items until 7:30 p.m.

Commissioner Sloan moved to move agenda items 3 and 4 to the bottom of the agenda to meet the 7:30 public notice time. Commissioner Hamilton seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

3. Recommendation on a Subdivision Preliminary Plan request by Howard Schimdt for the 48-lot Providence at Overlake Subdivision, Phases 3-6 in the R1-7 Residential zoning district on approximately 31.4 acres located at approximately 1200 North 400 West.

Presented by Andrew Aagard

This item tonight is a preliminary plan for Providence at Overlake Subdivision phases 3 through 6. The zoning is R1-7 as are the properties located to the West and East of the property. There is an existing road connection at Clemente Way. As part of the proposal road connections will be made at Berra Boulevard to the existing Berra Boulevard and to Zenith Properties which is currently under review as a subdivision. There will be a temporary turn around at the end of Clemente Way until it is continued to Berra Boulevard. All lots have been reviewed for compliance with lot standards under the R1-7 code. Staff is recommending approval with the staff conditions listed in the Staff Report.

Chairman Robinson asked the Commission if there were questions or comments in regard to the project; there were none.

Commissioner Bevan moved to forward a positive recommendation to the City Council for the Providence at Overlake Subdivision, Phases 3-6, preliminary plan request by Howard Schmidt for the purpose of creating approximately 48 single family residential lots at approximately 1200 North 400 West, application number P18-526 based on the findings and subject to the conditions listed in the Staff Report dated October 11, 2018 . Commissioner Sloan seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

4. Recommendation on a Subdivision Final Plat request by Joseph Earnest of Lone Star Builders for the 2 lot Quick Quack Tooele Subdivision in the GC General Commercial zoning district on approximately 1.01 acres located at 1262 North Main Street.

Presented by Andrew Aagard

A map was shown on the screen. There is an existing car wash on the property. The car wash will be removed for the new development. The zoning of the property is general commercial. This is really a lot line adjustment done through a plat amendment, but because there was a prior plot line in place it is being processed as a typical final plat subdivision. This is the final plats being proposed and shifts the plot line a little to the East. This provides a little more room for the development. There is a sewer line in the center of the property that is being vacated and will be brought to the City Council. Staff is recommending a positive recommendation based on the conditions listed in the Staff Report.

Chairman Robinson asked the Commission if there were any questions or comments, there were none.

Commissioner Hammer moved to forward a positive recommendation to the City Council for the Quick Quack Tooele final plat request by Joseph Earnest representing Lone Star Builders for the purpose of redeveloping a 2-lot commercial subdivision, application number P18-294, based on the findings and subject to the conditions listed in the Staff Report dated October 11, 2018 . Commissioner Hamilton seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye" Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

5. Public Hearing and Recommendation on a Zoning Ordinance Text Amendment request by Tooele City regarding amendments to Table 1 of Section 7-14-3 of the Tooele City Coded dealing with the minimum project size for multi-family residential developments.

Presented by Jim Bolser

This is a text amendment proposal. The City staff and City administration routinely look for areas of complication or inefficiencies in the City ordinance and look for ways to correct those. One that has been identified is a notation in the provisions of Section 7-14-3 that addresses residential zoning. In the land use table for that section, Table 1, there is a small notation under the listing for permissibility of multi-family residential developments that puts an acreage requirement on projects. The City's proposal is to strike that note. It does not change the permissibility of any land use. It simply removes the minimum project area requirement and lets the market do what it needs to do.

Chairman Robinson asked the Commission if there were any questions or comments; there were none.

Chairman Robinson opened the public hearing and asked if there were any members of the public that would like to step forward and comment.

Andrew Aston asked why it is necessary to eliminate the text from the Table. It eliminates the areas that are predetermined zone for housing, that sounds like it is a good thing.

Kristine Jackson asked what the minimum lot size is currently for multi-family residential units. Why would we want to change that because I feel like for multi-family units you wouldn't want to cram a bunch of people in and have no parking or facilities.

Andrea Cahoon stepped forward and stated that from the real estate side there are parcels that may be able to have multi-family units but are four acres and fall below the minimum of 5 acres. If a developer must have 5 acres, it may not be the best use of the property. With property rights, owners do not want the government dictating what a property owner can do with their property. There are reasons to have zoning requirements. Ms. Cahoon stated that she is aware of a 3-acre parcel that a developer is looking at putting multi-family units on, but with current code they are limited to the type of unit they can build. The code dictates what they can do there but does not change the nature of what they are doing.

Ben Sandgern stated obviously the notation was put into the text originally for a purpose. He is curious as to why it was put in and why the City needs to change that purpose now.

Howard Schmidt was not aware that there was a minimum size requirement. It does make sense for some of the smaller infill areas. With multifamily there is code that needs to be met for a multi-family residential unit request. He thinks it sounds like a reasonable text adjustment.

Alan Snarr stated that he gets nervous when he hears the comment, "let the market take care of it." Because the people have a right to shape their communities as well, not just the market, not just the developer, not just the cash. And for some reason in the past, this was coded a certain way by people who had an idea of what they wanted their community to look like. And now we let the market solve our problem or do we ask the people what is in their interest and why the notation was put in the table in the first place.

Chairman Robinson asked if there were any other members of the public that would like to come forward; there were none. Chairman Robinson closed the public hearing.

Mr. Bolser stepped forward to address questions made during the public hearing. Currently the notation that is proposed to be stricken is a minimum of 5 acres needed for multi-family units. The rationale behind it, is twofold. Speaking to historical rationale, the City employees present do not know the reason it was put in place. Any explanation they would have would be speculative as to why the notation was placed on the table. The reason the City feels comfortable in bringing this amendment to the Planning Commission and City Council is that there is already a twostep check and balance on projects of this nature. Number one the actions of the Planning Commission and the City Council can control that on a case by case basis through public meetings and voting. There are already design standards and development requirements in the City Code that specify additional amenities, such as parking and green space based on lot size. Those factors determine the property size or conversely how many units to put on a property. There are multiply levels of review to ensure this requirement is in place that serve this purpose. The proposal is to allow those checks and balances to occur and allow property owners to exhibit the rights they have, not only to request zoning but to develop their property according to the zoning applied to a piece of property.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Multi-Family Project Area City Code Text Amendment Request by Tooele City to address minimum project size requirements for multi-family residential developments, application P18-750 based on the findings and subject to the conditions listed in the Staff Report dated October 18, 2018. Commissioner Hamilton seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye" Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

6. Review and Approval of Planning Commission minutes for meeting held October 10, 2018.

Chairman Robinson asked the Commission if they had any questions or concerns; there were none.

Commissioner Hammer moved to approve minutes from the meeting held on October 10, 2018. Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye" Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

Mr. Bolser addressed the Commission and recommended that the Planning Commission recess until 7:30 p.m. for the remaining items on the agenda.

Commissioner Sloan moved recess the meeting until 7:30 p.m. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye" Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

The meeting was recessed until 7:30 p.m.

Chairman Robinson opened the meeting at 7:30 p.m.

7. Public Hearing and Recommendation on a Zoning Map Amendment request by Jack Andrews representing Metro West Developers, LLC, to reassign the zoning designation from the R1-7 Residential zoning district to the HDR High Density Residential zoning district for 31.88 acres, creating PUD provisions, and assigning the PUD zoning overlay designation for 23.9 acres currently assigned the R1-7 Residential zoning district located for the Berra Boulevard Development located at approximately 1600 North along Aaron Drive and Berra Boulevard.

Presented by Andrew Aagard

A map of the property was shown on screen. The property is a total of approximately 57 acres. The zoning of the property currently is R1-7. There is a small parcel of property in the surrounded by the 57 acres that does belong to Tooele City. The R1-7 zoning is a medium density code that allows single family lots of 7000 square feet, in a density of five lots per acre.

The developer is proposing to rezone the property into two separate zoning districts. The northeastern parcel 31.88 acres is proposed at the HDR high density residential zone. The HDR zone allows for 16 units per acre. The types of units that can be constructed in this zone are single family detached, single family attached, townhomes, condominium, apartments. It is the City's most liberal zone in regard to the types of properties that can be constructed. It provides a wide variety of housing types to be constructed. The Tooele City parcel, the City would also like to see that rezoned to HDR for uniformity in zoning and allow for greater ability for development in future regardless of who owns the property. The southern portion of property, which is 23.9 acres, is being requested for a PUD designation. A PUD is a planned unit development. It provides flexibility in the development standards for lots. It can reduce lot sizes, setbacks, and widths. The PUD does not increase density. The density is determined by the underlining zone, which is R1-7 and allows for five units per acre. The applicant submitted some standards for what they would like to see in the PUD development. A minimum of 50 lots shall be 5000 square feet, 50 feet wide. That is slightly smaller than what is currently allowed in the R1-7 zone. The other lots remaining in the PUD the developer is proposing the lots go down to 2500 square feet, 30 feet wide. That is smaller still, but they wanted some flexibility in the development of the lots and provide for open space. A conceptual map was shown on the screen. This is what the developer would like to do and not what is approved. This area was intended to be part of Overlake and be a park. Due to recent settlement agreements resulting from litigation this area is no longer part of the Overlake Development. Its development will be determined by the City.

There have been many comments received from the public concerning this item. Most comments had been forwarded to the Commission. A few comments were received just prior to the meeting and had not been forwarded. They were pretty similar to all the comments already received.

Staff is recommending approval for this rezone request. There are some conditions that staff would like for Planning Commission to forward to the City Council. One of those conditions is to include the Tooele City parcel in the rezone request for HDR zoning. The City would like to include that the developer provides for access to the Tooele City parcel, so it does not become land locked. Another condition requiring the cost and planning of utility upgrades resulting from the change in use of the property from potential park space to HDR residential development shall be born and conducted by the developer, not the City. The developer shall provide and maintain provisions to route all storm water through the property per City Code and shall maintain their own storm water run-off site. That condition was requested by the City Engineer.

Mr. Aagard added one additional condition for the Planning Commission to consider. This was not included in the Staff Report. Require a six-foot solid masonry fencing along the railroad. That requirement may be in the ordinance, but Mr. Aagard was not familiar if it was in the City ordinance.

Chairman Robinson asked if the Commission had any questions or comments.

Commissioner Hammer asked what areas in Tooele City are already zoned HDR high density residential. Mr. Aagard stated there are areas located East of Albertsons and Macey's that have HDR zoning designations. He thought there was a senior residential development that had just been zoned as HDR PUD. Commissioner Hammer asked how much each of these lots were in acreage. Mr. Aagard stated he did not know off the top of his head. Commissioner Montano stated he thought the senior development was 14 acres off 1000 N. Mr. Aagard stated he believed the parcel behind Albertsons was approximately 5.5 acres. There is an HDR parcel at the southern part of the City that is approximately 5.5 to 6 acres. Mr. Aagard stated he is still new as an employee of the City and is not familiar with all the areas of the City that may have these zones. He could come back with that information.

Commissioner Bevan stated she is concerned that if this property gets rezoned to an HDR there is a bottleneck of traffic at SR36. She is concerned already about the traffic situation and if we add more homes and more cars it will create more congestion, which is already an issue. Mr. Aagard stated that the development would bring more traffic. The City can require a traffic study be conducted by the applicant with recommendations on how to deal with the increased traffic. Development is occurring to the west which will provide additional access to 1000N through Berra Boulevard. Future connections are coming. The Planning Commission can require a traffic study.

Commissioner Graf asked regarding the traffic study. Is this just a recommendation that the developer look into the traffic study as informational or would there be something binding in the traffic study. Mr. Aagard stated that the Planning Commission could make a recommendation that the approval is based on the recommendations of the traffic study. That would make it binding if the City Council approves.

Commissioner Montano wanted to make the conditions of the Staff Report clear. Item number 5 in the Staff Report is the two-acre City parcel. Item 6 is the utility upgrades for the development. Item 8 is the developer shall provide for storm water and the Planning Commission could add 9 for the railroad fence. Commissioner Montano stated that he had read and gone through the emails from the public and he understands and appreciates everything that everyone wrote. He understands their concerns and he would like Paul Hansen to get up and address those concerns related to the research done on the traffic, water, and sewer.

Chairman Robinson asked Paul Hansen, City Engineer to address Commissioner Montana's comments. Mr. Paul Hansen stepped forward. He stated any time the City considers a new development the city does a traffic study and reviews water and sewer. This costs the City money and he didn't want to imply that they didn't do them because they cost money. But in this case the tax payer's money would be used because there was no plan for final approval. Typically, the City looks at it from a general standpoint and then a detailed water modeling, detailed sewer modeling, and required traffic modeling is done. The conditions that the Commission is considering tonight would be required by the City on the developer. The City uses it's the modeling to ensure that nothing is inappropriate or doesn't significantly impact. He can't say that no one's water pressure would drop based on development, but the City makes every reasonable effort that they can as part of any development approval to make sure the

impact is as minimal as possible and as allowed by law. Should the Planning Commission recommendation include each of the conditions, the City will follow up on those conditions.

Chairman Robinson asked Commissioner Montano if that answered his questions. Commissioner Montano stated it did and thanked Mr. Hansen.

Commissioner Graf asked a question. The map that the Commission received is conceptual, but one the outside of the development on the street, does this allow for street parking. Mr. Aagard asked if he was referring to Berra Boulevard. He stated he was referring to the entirety of the HDR section. Mr. Aagard stated that it is a public street and therefore there could be parking there, but that it is in place currently. Mr. Baker addressed Commissioner Graf. The City Code does have specific code requirements for parking. The City Code intends for parking to be on the interior of the project. Parking on public streets is allowed, but the City Code development requirements intend to require sufficient parking onsite. That has not been the case with all previous projects including one in Overlake, but that was part of an old development agreement. This new development would have to follow the new City Code. Commissioner Montano made the comment that the developer would be required to provide parking for all dwellings. They have to supply enough parking for all units. Anyone can use the street, but the development must provide what is required by code. Mr. Aagard stated that the code requires two spaces per unit. Commissioner Hammer commented that the developer has to supply the two spaces for each unit, but in the case with The Cove at Overlake the residents are charged for use of those two spaces. A lot of them do not use their two spots and park on the street because the fee is in addition to their rent. So, these conceptual apartments could very well do the same thing. We again have the same traffic and parking issues along Berra Boulevard and Aaron Drive that is currently in place, effectively making it a one way road.

Commissioner Sloan wanted to clarify, is it appropriate in the conceptual phase of the project to put conditions in, such as the masonry six-foot fence and a traffic study, which would normally be required in an actual application for a specific project. The Commission does not have that here. Is now the time for that or do those conditions, if we assign those things to the rezone and an applicant comes in with R1-7 lots, would they be affected with the conditions? Mr. Baker stated that it is appropriate at this stage of the process. The conditions the Commission is being asked to impose would apply regardless of the final layout proposed; the traffic study, the requirement to pay for water, sewer, and storm water modeling, and infrastructure to make sure there is adequate utility capacity to serve the development. The masonry wall to have sound and safety barriers against the railroad would need to be in place no matter what the development is.

Chairman Robinson asked Mr. Baker how the settlement with Tooele Associates affects what happens with this property. He recognizes that the land now falls under City Code and the park that was originally planned has gone away. Are there binding factors that the City now needs to deal with? Mr. Baker stated that it is a complex question. The park went away not because of the settlement agreement. The park went away because the development agreement went away. That was a direct result of the result in court. There is nothing the City can do to change or alter that result. The Settlement agreement did not establish the zoning for this property because the Planning Commission gets to make land use policy recommendations to the City

Council and the City Council determine land use policy with input from the public. The City cannot sign a contract regarding zoning that does not have public input. The settlement agreement did not establish zoning. The Settlement agreement does provide however that the City and Planning Commission would go through a process to establish new zoning for these properties that were formally part of the Overlake plan, that were not developed. The City did go through a public process in February of 2015 to amend the land use plan, the general plan, and establish zoning districts for the area. Almost four years ago the City went through the process and the City did establish the medium density residential land use designation and in that it identified the uses that would be allowed in that area for this rezone request. The HDR is one of those zoning districts that is allowed for this property and other former Overlake properties.

Commissioner Graf had an additional question directed towards City employees. Is the City aware of any other HDR applicants or proposals at this time? Is this the only one? Mr. Aagard stated there was one in the following agenda item and he was not aware of any other than the two on the agenda. Commissioner Graf clarified if there were any other HDR zones in the City. Mr. Baker stated that there is one five to 6 acre lot in South Tooele that is zoned and development is in the process.

Chairman Robinson asked if the Commissioners had any other comments or questions for City staff.

Commissioner Bevan stated she was a little concerned about the recommendations based on the findings in the Staff Report state these will meet the general requirements of the general plan, master plan. Who decides what the general master plan would be for this development? Does the City? Mr. Baker stated that the City Council determined in 2015 that HDR was an appropriate zoning district for this property.

Chairman Robinson asked if the Commissioners had any other comments or questions; there were none.

Chairman Robinson opened the public hearing. Chairman Robinson stated the comments were limited to three minutes. The Commission will take down all questions and at the end after all comments City staff will address all questions. He stated that the emails were received by the Commissioners and the Commissioners were aware of the concerns stated in the emails.

Katie Carlie who is the chair of the Overlake HOA. First this parcel of land, the residents express concerns over the land. The residents of Overlake thought this would be a park and now they understand that agreement is gone. She wanted the Commissioners to consider and understand that the park is what the residents were anticipating and expecting when they purchased their homes. She wanted to address the apartment in Overlake, The Cove. She stated that she wanted to have a good attitude about them, but there has been harassment, vandalism, two cases of arson, and an accidental fire in the two years since it was developed. Drysdale Street has become a one-way street due to parking. It has been a burden and hardship to have The Cove. She wanted the Commissioners to understand and consider the expectations that the residents of Overlake had when they bought their homes.

Ryan Olson thanked the Commissioners for being able to share his family's thoughts tonight. Nearly 20 years ago after finishing university studies, he, his wife, and two small children began looking for a home, a place to lay down their roots. They were exhausted from the constant congestion and noise that accompanied their life in the big city. They had lived many years in high density housing. They were eager to purchase their first home in a stable, family friendly community. Their search for a home ranged over Utah. After months of research they had money down on two lots, one in Eagle Mountain, Utah and one in Overlake. After weeks of consideration their hearts were set on Overlake in Tooele. They love this community. They knew that Tooele offered the kind of neighborhood they had been looking for. We were seeking a community neighborhood free of congestion, noise, and traffic. Overlake is and was perfect for them. Mr. Olson stated there were three factors that moved them to Overlake. They loved the idea of a Homeowners Association. While expensive, an HOA requires all members to respect and care for their properties. Second the park. They are deeply saddened that the funds they spent when they built their home are no longer going to be used for that purpose. Green space was very important to the Olson family and that was one of the major reasons they chose Overlake. Three they love the residents they have met. When looking for a home they would stop and visit with residents of Overlake and ask what they liked and didn't like. They asked about schools and crime. Each answer satisfied their needs for a community. As the years have passed they have been blessed. In the years since living in Overlake they have stayed because they love their neighborhood. They plead with the Commission and the City Council to leave the zoning designation as is. They strongly oppose the HDR zoning. It will change their quality of life by adding congestion and traffic. Less green space will place strain on already strained sources, especially water. He further stated that their water pressure was already very difficult.

Jayson Stenquist stated he appreciated the time to come before the Commissioners. He is a resident of Overlake and one who lives directly across the street from The Cove. He wanted to share some of his concerns with additional high-density zoning. He brought a laptop with pictures from the neighborhood. He approached the Council to share the pictures. He showed a picture of the corner of Drysdale and Berra Boulevard. A picture of Drysdale and the cars parked on the street. He had several pictures of the cars on Berra Boulevard. He showed a picture of the portion of the street that is on the undeveloped road. It had RVs parked there. With the concerns with the parking on the road and the small green space at the apartments and Parkers Park which is just a short distance away; he stated there are always children in the road running back in forth. He is concerned that residents of The Cove use his parking strip to shoot off fireworks. This has been a concern because he hears sparks hitting his roof on July 4, 24, and the neighboring days. He has had to deal pet droppings in his yard, due to The Cove being pet friendly. For the safety of his community he asks that he Commission do not rezone the land.

Andrea Rawlings stated she is an educator at Overlake Elementary and a resident of Overlake. She loves the kids at the school. She wants to make sure a safe environment is provided at the school. She stated they had already talked about the traffic report in the meeting and she is so happy with that. She wonders if the traffic report will consider the new builds that will be coming, including a new high school that is proposed to be on the other side of Overlake. That is going to add traffic that will affect the neighborhood. Some of the other concerns are the traffic that

crosses the train tracks. She lives right across from the train tracks and has seen from the other side of the wall that people have jumped the tracks. She knows there have been accidental people on the tracks and even with a wall there are people getting to the tracks. Another concern is fire danger. If there is a fire and those two roads are blocked how can a firetruck come in. She stated getting access for a firetruck to the new apartments will be pretty hard. She knows that the seconds count in an emergency. She stated there is not enough green space. As more bodies are added there needs to be a place to be active. She stated Tooele County does not have the best record with obesity so there needs to be places for people to go to be active. Currently the lot under question is used for people to walk and run and they will be losing that as the development comes in. Ms. Rawlings stated that she is fine with growth. As a staff member of Overlake Elementary she is excited to see the new kids come to Overlake. But she hopes the safety concerns are done responsibly and not injected with steroids to make this faster than what the infrastructure can handle. She wants Overlake to be a beautiful community. She wants people to come and feel how awesome Tooele is. As the Commission looks at the zoning she wants the Commission to ask if it is responsible.

Malory Sandgren and she is a resident of Overlake. She wants to address the high-density residences proposed and others already designated as high-density areas in Tooele. If you look at the Tooele City Map the general land plan that there are three places currently zoned for high density in Tooele. There are two that were talked about the five acres south of town and east of Macey's and Albertsons. The big one that is a huge concern for the residents of Overlake is the big one that is already zoned and south of 1000 North. It is bigger than the 58 acres in Overlake. So, if we add another huge section of high-density housing in Tooele, in a small area, the infrastructure will already be taxed. There is no reason to have more high-density housing if we already have a large chunk already zoned for that. It was mentioned that the lot count is determined by the City. Well we as residents are the voice of the City and you represent us. We are hoping that you will help us keep the zoning as is and keep the medium density residential housing. The proposed plan has 600 units on 58 acres. That is huge. On the west side of Overlake, the lots that already designated for development is 70 lots on 30 acres. There is a big difference. It is high density, but really high density in one parcel of land. The residents of Overlake propose that the Commissioners consider keeping it as a medium density and not high density residential.

Kari Scribner stated she appreciates the time to talk to the Commissioners. She is a resident of the Overlake development. She takes what the Commissioners do seriously. She wants to discuss the building that is already going on. She provided a map for the Commissioners. She stated that she got the information from the Planning Commission. The Providence has 30 acres and 70 lots. The Overlake Phase two has 150 acres and 122 lots. The Lexington Green has 85 acres and 164 lots. She asked Mr. Aagard the size of those and states that he stated over 365 new developments on 270 acres. What the developer for this project is saying is 711 dwellings on 59 acres. That is not responsible building. That will make changes for everyone. She doesn't see how there will be water for everyone. She has to water in the middle of the day because she has no water pressure at night because of everyone watering. She is told not to water during the day, but she has to keep her lawn green. Please think about 611 units in less than 59 acres compared to 356 on 270 acres. Already you are looking at another 700 new cars in what has already been approved. The new development would add an additional 1200 cars. Please keep that in mind. She understands they are not getting a big park. She is asking that the Commission restrict the builder

to a responsible pace. Please remember that the residents love living in Overlake. She loves Tooele and cares about the community. Please take the recommendation seriously.

Andrew Aston, he is a resident of Overlake and a full-time fire fighter in Salt Lake. He stated that this size of apartment complex rivals any complexes in Salt Lake. Tooele City does not have full time fire department. There is one fire station right next door to the City offices. How are we going to protect the people in the apartments? A multi family dwelling is one of the scariest apartments fires that he goes on. It is one of the most labor intensive. They need lots and lots of people to fight them; to save people and property. How are we going to protect these people? We cannot change the zone until we have a way to protect these people. Tooele should have had a full-time fire department long ago. Eagle Mountain has less people than Tooele City and has two full time stations. That is irresponsible of Tooele, that is not adequate and is not adequate to support a high-density apartment complex. His question for the City is how they are going to protect these people?

Whitey Sivill stated she is a resident of the Overlake development and a mother of three. She stated that one of the biggest draws was the fact that she had two small children and there was a park across the street from her house. In the preceding weeks that they lived in their house they discovered that because 1000 North had not been taken out to the state road, that their street was used by speeding cars. Now that 1000 North has gone in, it has gotten better, but not fixed. It is hard for her to send her kids out to the place spaces, when she is concerned they will get hit by a car. The reason she has a problem with the high density is that if the cars don't go out to 2000 North, the cars will be going down her street. That's a big problem for her. Another big problem is that Tooele has been notoriously slow at building schools to adequately service the children that the community has already. If the Commissioner's put in high density housing where are the children going to go. They could go to Overlake Elementary, but when her kids went to Overlake the teachers had 30 kid in a class. That's a lot of kids for a teacher to deal with. Ms. Sivill stated that if the Commissioners bring in the high-density development there is nowhere for the kids to go. As far as she knew there were no new schools planned. The builder will build as fast as he can and get people in as fast as he can, then Tooele will be in an education crisis.

Brandon Ushio thanked the Commissioners for their time. He stated public service is important. He stated that he had not lived in Overlake for as long as some of the other residents who had spoken. He had been in Overlake for four years. It had been a five-year plan, but it has become a 20 year plan. The community is great. He loves that he can send his kids out on bikes, which is something you can't do in Salt Lake. He works for Granite School District. He stated that there are schools that he has overseen that have 10 relocatable classrooms behind them. He stated students don't get the same experience when in one. If there is not adequate space, there will not be adequate education. He stated that there needs to be more housing in Tooele, but he doesn't believe that this is the way to do it. He urges the Commission to deny the application. He states that the City needs to add infrastructure to be able to have buildings like this. He stated that Tooele is a commuter City. A large chunk of resident's travel into Salt Lake to work. He does this for his family. If we add that many cars to the road a big chunk of them will be driving into Salt Lake to work. He stated that Tooele is not an island, we are part of a larger community. Overlake is part of Tooele and Tooele City is part of Tooele County. We need to make sure that there is infrastructure to support residents. SR 36 and proposed UDOT improvements are only

band aids in outgrowing community. Tooele is the best kept secret in Utah. He tells people he lives in Tooele and they raise their brow. He doesn't want Tooele to become the dumping ground for the states problem. Please vote no.

Julie Watson and she would like to address some of the concerns about the fire department. The city needs a fire department. We all love Tooele and we love our beautiful places. We don't want higher taxes, but in order to get the revenue in Tooele, we need to have commercial business. We can't get commercial business without higher density in certain areas. I'm not saying it has to be Overlake, but it has to come from somewhere. That is how most cities get their fire department. Everybody wants a quant little city but we can't build our fire department, or police department without some high density and commercial buildings coming because of the high density. Everyone says they want an Olive Garde or a Texas Road House, but that's why they don't come out here because there isn't high density in certain areas. We would love to have commercial, but commercial won't come out here without more high density. She would like to thank the City for what they do and the new Police Department coming in.

Ed Rasmussen wanted to tell the Commissioners something that happened when he moved out to Overlake 18 years ago. They had rented and had a condo previously, but this was the first house they had owned. The first night he is laying in bed. Sometime during the night he awoke to something and he realized it was the train. There was a train going by. He can see the train tracks from his front porch. He can feel the train going by. Nobody is going to want to live next to these train tracks. If you develop this area the people won't want to live there, stay there and this will become a low income area. If you put a wall in there it will give another wall for the graffiti artists to work on. Along Maverick gas station if you look during the winter, you will see that deer come down and follow the tracks down into that area. If you build a wall in that area, you force the deer up into SR36 and it will be a traffic hazard along the road This development is looking at 1200 cars, if you put that many cars there and deny access to the hospital because there is only one way to get into the hospital. You could have some major problems with people trying to get there. He stated to the Commissioners to please consider these things. This is for the safety of the people and future of property development. If he was to come into your home and build a railroad track from your home, you would state that your home would lose property value. This area will not maintain property value. It needs to be considered a park again. Maybe go back to thinking about a park, everyone in the city will benefit from a park.

Dave Quist stated he as a resident of Overlake for 18 years. He came from a small community in Payson and Spanish Fork area. Worked changed and he was brought up to Tooele. During the winter there is a City ordinance that limits on the street parking. He doesn't know if that has ever been enforced. He knows that residents park there all the time. He wants to know what will happen with all these people. If what happened at The Cove with parking he thinks the owners of The Cove, should know their residents shouldn't park on the street. He stated economic development has been mentioned already. Where are these people going to go? He stated the people will be working in Salt Lake. The City needs to get on the ball and start going. He has heard about water. Who owns the water rights? He had heard that Kennecott owned the water rights. There is limited water on this side of the mountain. The development, we need to work with the county to develop access. He states there has been talk about the Midvalley Highway for years

and work might start in 2022. He mentioned speed control before the timer sounded for the end of his three minutes.

Melissa Brimhall thank the Commissioner for letting her speak and express her concerns. She stated several people have mentioned schools, safety, and green spaces. She wanted to put some numbers on those things. The schools have an ideal capacity and a stretched capacity. Clark and Jonson Middle School can accommodate 942 bodies, including children, staff, people, they are currently at 820. They are 122 away from stretched capacity. There are already planned building happening that will increase numbers by next year. Overlake Elementary can accommodate 675 and the school is currently at 579. It is only 96 bodies away from stretched capacity. By the time the medium density is developed and moved into the schools will be full. She asked a question. How do the City Council or Planning Commission regulate these things? When people want to come in and build where is the accountability to determine if there is room for the students that come to the schools. Who is planning for elementary and junior highs to accommodate for the influx of students? There is a high school planned but the new developments won't just have high school students. Where are the children supposed to be put and where are the children supposed to be put and when is that decision raised?

Allen Snarr has been a resident of Overlake for 18 years. When his family moved to Overlake, they couldn't believe such a place existed. They liked the idea of a planned community. The plan has gone askew. The two-diamond baseball park was supposed to be four and there were supposed to be more green zones. It was all zoned R1-7. There was a challenge to the R1-7 zone to the north before and it seems that we are fighting this battle every decade. Mr. Snarr asked why they have to change? Why do we have to high density housing in an area that was zoned for single family homes. Why the constant need? He realizes that the City was in a lawsuit and has a lot of debt, but that is not Overlake residents' fault. Overlake residents bought homes in Overlake, they did not cause the lawsuit. They do not need to be punished for the lawsuit. He wanted to talk about the aesthetic concerns of the development. He stated that there was a certain artistry to Overlake. He would like to preserve what they have and instead of thinking about higher density zoning in this area. Maybe we need to be thinking about even less than R1-7. Maybe we need to be thinking about zoning for parks and green space and things that will benefit the residents of Overlake. He is a tax payer of the community. He expects his taxes to go up, especially if we have less contributors. He likes where he lives, the beauty of it, the shape of it, and he doesn't want that to change. He sees no reason to rezone this unless he has a better one than this. He held up his wallet for the public record.

Narda Emmitt is a resident of Overlake. She has lived there for 20 years. She has six children. They moved to Overlake because it was so family friendly. They love it and can't think of a reason to leave. As far as looking at the map, she sees the need for people to need high density housing. Not everyone can afford a house. There is a need for it. There is a benefit for it. She understands that it would benefit the City to have more people paying into the tax base. There is a place for it too. When looking at the map the whole backside of acreage is lined by a railroad track. There is no way to get in or out of that part of the neighborhood. The only exits are through the neighborhood, where the kids are playing and riding their bikes. There is a safety concern. The only way you could have exit points is to build overpasses over the train tracks, to the Walmart area. There are only two exit points. It's a problem. If there are already areas zoned for high

density lets encourage people to build there. Do they have better access points to accommodate the sheer numbers of cars that live there?

Jimmy Clayton has lived in Tooele for four years. He grew up in rural Riverton and spent a good number of years in Logan. As he has been looking at the map. The development is right up against the train tracks. You would be taking some of the most densely populated areas of Overlake and cornering them back against the wall and the tracks. He stated that the Council room is a similar layout and if we densely packed the people into the corner behind the Commissioners, it would be hard for people to make their way out and hard for people to make their way in.

Ben Clayton stated that he is an Environmental Professional. He is pro-growth, pro-development, but he thinks it should be regulated. He considers himself a groundwater specialist. The point has been made over and over again on water. The only way we are going to overcome this is to put in more wells and more infrastructure. He comments on the water report every year. To do that, the development with the amount of water we have is irresponsible. He is a father and he is concerned about traffic safety. He is concerned that the traffic study has not been done already. He strongly encourages the Commission that a traffic study with modeling occurs. What also has not been talked about yet is the risk of high-density housing next to the railroad. There are buffer zones and risks associated with that. Mr. Clayton stated that the company he works for wouldn't build that close to a railroad at all. Now there are already apartments close to the railroad in Tooele, but you need to think about what would happen if you had an incident there. Also, he is a certified safety professional and the six-foot wall is adequate for pedestrian isolation, but that won't do anything for hearing and noise. You can overcome that by landscaping and a higher wall.

Jeremy Bastao thanked the Commissioners for their time. He has only lived in Overlake for about five years. He is an architect and designer. He deals with this process often. There is a reason that the land was a park. It was designed, planned as a park because no one wants to live next to railroad tracks. He thinks R1-7 is a poor zone to be right there. He stated that as a designer that creates low income, blight and value is not put by the people living in those houses. It creates problems. It is budding up technically against an industrial activity. He wanted to read one thing, because it gets noted many times. From the general purpose plan, " This Title is designed and enacted for the purpose of promoting health, safety, morals, convivence, order, prosperity, and welfare the present and future inhabitants of Tooele City, including among other things, the lessoning 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 and other expenditures. He stated that he though the only thing being protected was the tax base. He thinks it is poor zoning ad he thinks it should be mixed use. Either a park or daytime activities as office spaces. Not residences.

Ben Sandford asked a couple of questions. Is there potential or Section 8 housing or subsidized housing? He stated the question had been asked if there were high density areas that are being developed or planned. He wants to know if there is land that is already zoned for high density? Are the Commissioner's considering high density zoning if they already have high density land sitting in Tooele? Also, he thought he saw in documentation, that the park that would be placed in the development would be privately owned. Who would own that and if it would fall to ruin, what recourse would the residents have? Linear park became unsafe and the playground was

pulled from the park. The park then became a plot of grass. Several years later the park did get four swing sets which was wonderful, but that is not exactly a park. He believed that at that time it was privately owned, and it took some negotiations between the HOA and City. He is worried that if we put in a park and it is privately owned the residents of Overlake would have no recourse if it was to happen again. What is already zoned presently when we have other HDR? Documentation that the park, would be privately own, what recourse would happen?

Heather Herriman, she wanted to give the Commissioners her view point as a parent who used to live in the apartments directly across the rail road tracks from Overlake. She stated she didn't know how many times her children and their friends wanted to jump the fence to the railroad tracks. She saw eight-year old's jumping the fence. She caught her eight-year-old jumping the fence. She doesn't think that even a fence is safe with an apartment complex. She knows the parents at her complex were not watching their kids. How many parents did not know her kids were jumping the tracks? She confronted several parents and was told their kids couldn't climb the fence. She told them the children could. She thinks that it is an important thing to analyze. When looking at high density housing, the parents aren't out watching the kids all the time. They won't know their kids are climbing the fences. Her kids are always asking to walk to Walmart and she says no because you can't walk along the highway and you can't jump the tracks. Another concern is the traffic. Her son was hit by a car when he was 20 months old. She lived by a stop sign. People don't watch and if you look around Overlake there are plenty of intersections that have traffic going both ways and no stop sign. She stated that it is already unsafe to teach her 15-year-old how to drive in Overlake. Then add in more young people who are renting an apartment and don't have a care in the world because they don't have a house and are not paying for something that has equity . She can see how that will cause a lot of problems. Ms. Herriman stated she is a teacher. She teaches a class of 30 six graders. Her classroom is wall to wall desks. She has taught in a portable and it is not ideal. There are distractions and safety issues with portable classrooms. She doesn't want a portable Overlake Elementary. She urges the Commissioners to look at the aspects that have been brought up tonight and it is not a good idea.

John Slaugh, he thanked the Commissioners for their time. He is new to Tooele. One of the reasons he came to Tooele was because of the those, he pointed to the concept design on the screen. He was in safety for 34 years. He stated that the development will become a ghetto. You will not have enough law enforcement to protect the people who live there or the surrounding communities, unless you hire more. That type of a development goes downhill rapidly. Within five years he stated it will not be the same.

Chris Devry is a resident of Overlake. He stated he has a few questions. A traffic study was discussed, but from everything has heard there are still only going to be two roads in and out of Overlake. He hasn't heard a proposal for more. Doesn't really matter if you only have two roads, you are only going to have bottlenecks. Are there any current plans for additional roads out to the main roads? The other question, since the City owns the land are there any stipulations in the ordinances for green spaces in any of the zones discussed tonight? The third question is, that he agrees with planned and managed growth, but are there alternatives? Just because one developer wants to have high density doesn't mean it is the right decision for the City. If we have alternatives or can make alternatives that would make the whole City better.

Heidi Snarr stated she concurred with what had been already stated. She has been commuting for 20 years. She stated that Tooele does not have the capacity to move people in and out of the County and there are no plans to change that. Ms. Snarr stated that if she wants to go to Olive Garden, it is a special event for her family. They get ready and drive into Salt Lake and there are a lot of them to choose from. And if she doesn't want to do that, if she is running an errand in Salt Lake she can stop in and grab a pint of their sauce and breadsticks and do it at home. When she goes out to eat, they eat at Kraver's. They support Casas Del Ray in Grantsville. She doesn't complain about taxes going up because she appreciates the privilege it is to live in Toole. It costs a little bit more and she must drive to Salt Lake to go to Costco and Olive Garden. She is okay with that. They support local businesses, such as Kraver's, American Burger. They employ people in the community and support the community. She appreciates that there is a need for this type of housing. Let's spread it around. We don't need everybody all in one spot. She sees that this will spiral out of control as the safety managers, the professionals have stated that it is not a good thing. When they purchased this was not what they saw on the map. She appreciates that there needs to be high density housing, but you don't need it all in one place and spread it around to be responsible. This seems irresponsible. She is frustrated to see this knowing there is no access out of there. If you drive by the Maverick in the morning when all the busses are driving in, it's not a good thing. All those apartments are going to have two cars. They will drive down in the morning. It's not safe to have all those cars on the road. Please be wise.

Gene Jackson lives across the street from Clarke Johnson Junior High. He stated he has seen the traffic getting worse and worse. And the hosing is getting worse and worse. Don't build it.

Heather Roy she is a home owner in Overlake. She has a rule in her household that you can't complain unless you help with what you are complaining about, which is why she is in attendance. She has heard the concerns. The traffic, the safety, the firefighters the policeman, the green spaces the schools, those are all important. She asked the Commissioners that if they are voting yes tonight, she would like to hear the reason why, they think it would help the community. She wants to hear the reason why and how that will cancel out these concerns.

Kara Wood has been in Overlake for four years. She is grateful that she gets to speak at the meeting. She moved to Tooele to get away from a bad neighborhood, bad allergies. She likes to tell people that she moved to get away from the sirens every day. The high school from the prospective of having high schoolers. This last year the bus for the schools, after the first couple of stops there wouldn't be room for the students. The School District got a second bus, but the point is that was this year. Crime has increased with The Cove apartments. Her kids' backpacks were stolen out of the car in her driveway. People walk up and down the street casing the properties. Residents of The Cove peer into her neighbor's window and they have them looking into the car twice. She knows that there is a need for high density housing.

Kim Young has lived in Overlake for 12 years. She is the crossing guard for Overlake Elementary. She has seen a large increase in traffic since the new homes have gone in. The cars do not pay attention to the speed limits. She doesn't believe they are aware they are in a school zone, even if she has flashing lights. Cars speed. We need more speed limits posted in Overlake.

Bob Wood asked the question, that if this is already zoned residential, shouldn't the train be going through at a much slower speed? It seems it goes through fast considering it is a residential area.

Kristine Jackson was raised in Tooele. She saw the first stop light. She doesn't want to see this. It took 33 years to find their dream home. She doesn't want it in the community.

Travis Brady is a resident of Overlake. He has a question because he believes that the only people benefiting from this are the developers. Everyone who has come has opposed this as high-density housing. He asked what is the property tax revenue for the City for this high-density housing as compared to homes? If it doesn't really make that much of a difference to the City, the Commissioners should do what the residents want. He knows that a park isn't going to provide any revenue. What is the difference in tax revenue? And second what type of people will this attract. Will these be people who come to Tooele to live here a year or two while their house in Salt Lake is being built? The whole point of having housing in Tooele is to have people shop and live in Tooele and if this is not going to bring in that benefit, he doesn't see the point in having it. The only people benefitting here are the developers.

Ken Mitchell stated that his home sits directly across from Parkers Park. From his back yard he could throw a ball and hit The Cove, hit the park. In looking at the map, the corner that it peaks and the distance to The Cove is about a 30 second walk. Mr. Mitchell stated that we are not talking about adding high density to a mixed zone area, we are talking about adding more high density to an area. This is increasing what has already been done. If you want to do a study look at what has already happened with The Cove and do the math. He believes in mixed area housing. It is good for families, people and neighborhoods. But what we are doing is throwing the entire balance out. Mr. Mitchell stated that the cost of The Cove on the church welfare system has not been in the hundreds or the thousands, but hundreds of thousands of dollars. That is how much money that has been absorbed by an apartment complex and the size it is. Take that number and multiply it by the new development. Speaking to the Commissioners, you cannot throw that much housing on one neighborhood, in that tight of space. We can't absorb this in one space, it has to be spread out. We love our neighbors in The Cove, but there are only so many resources and this is beyond what we can handle.

Paki Olive stated that she works with the homeless community. She is a resident of Overlake. Housing is a challenge for the homeless people.; She would love to keep the homeless in the community. She asked if this development would ever be turned into a subsidized development?

Chairman Robinson asked if there were any more comments or questions from the public; there weren't. Chairman Robinson closed the public hearing.

Chairman Robinson asked staff to address the questions.

Mr. Jim Bolser stated he would take the first efforts on answering the questions. There were a number of comments made that were personal perspectives on the matter and he will not be addressing those. He will address the questions specifically. He wanted to thank all that had spoken and all that attended for their participation in this process.

There were a number of questions in regard to traffic and access points. There was testimony prior to the public hearing about traffic studies and the requirements. Those traffic studies are what determines what the applicant has to do with development. That includes access points. If additional access points are required in order maintain a level of service on roads, that would be a condition on the amount of construction until roads are built or a requirement to build additional roads. The City does have a Master Transportation Plan that identifies those corridors, but often those corridors are built with development. A lot of that is determined and constructed with development and determined with traffic studies.

Mr. Bolser stated that there was a question in regard to who owns water and water rights. All the water in the City system is owned by the City. There is a water special service district operated by the City under the guidance of the Mayor and Council. The City does own all the water in the system. As new developments come online, they are required to provide additional water to address the impact of that development specifically. As with all developments, regardless of their development type, they are obligated to provide additional water into the City's system in the form of water right transmission to accommodate their impact.

There was a question regarding additional developments beyond what this traffic study would address. Those projects require their own traffic study. Those are being addressed. There are accommodations in traffic studies that address other developments that are under way or developed. What the City cannot require is to say there is another project that is coming over there and now add that to yours. If something is under construction or has been built, the City can require and does require that it is included in the traffic studies.

Mr. Bolser stated in regard to schools. There were questions about who is responsible in the planning of schools. That is the State and the School District. By State law, Cities are removed in large part from planning and construction for schools; including site design. The only thing the City can say when a school is built is utilities, water and sewer. The City is prevented from addressing them by State law. He encouraged the audience to speak with their local school board representative.

Mr. Bolser stated that here was a question about accountability for how many people come into an area and who is responsible for that. That is why we are here this evening. The Planning Commission and following the recommendation, the Council. The Council will be charged with that duty. The Commission has that ability through zoning decisions to address that concern. There were a couple questions in regard to subsidized housing. That is a private determination. That is something the developer would determine on his own through his own do diligence. That is not something the City can dictate, and City cannot dictate that point.

Mr. Bolser addressed the question about who owns the park. That is something that is determined during the development process. There was also question about if the City has regulations requiring parks, Mr. Bolser stated, "yes we do." In those circumstances there are different aspects that need to be taken into consideration, one being is that park or open space area going to be dedicated to the City, thereby maintain by City open space. Or is there going to be a development with an HOA, that will be responsible for the development of the park if it stays

privately. The question on who determines who owns the park is done during the development process with developers working with the Planning Commission and City Council.

Are there alternative solutions? Mr. Bolser stated that is why we are here this evening. There are a whole range of zoning classifications that are available. This is an applicant driven application, so the City is obligated to respond to their specific request. The Council and Planning Commission do have a whole range of classifications in the ordinance to choose. There was question regarding, that is for the Planning Commission to answer, how you are voting and if you will explain your vote. That is for the Commissioners to determine.

Mr. Bolser stated that there was a question about the speed of the trains. All rail traffic is federally regulated. The City has no input and cannot influence that process in determining what the speed limits are. The question about the property tax revenue. That is a question for the City Finance Department. Mr. Bolser stated that he could not answer that question.

Chairman Robinson asked the Commission if there was any other questions that need to be addressed. An individual in the public stated their question had not been addressed about green space. Mr. Bolser stated that there are requirements in the City Code that require open spaces based on the type of development. If there was a standard subdivision such as R1-7, there are not requirements beyond impact fees on the individual homes for open space or parks. Projects with a PUD consideration or high density multi family there are performance standards in City ordinance that require open spaces and park space. They are specific to certain types of development. What is being proposed would have those requirements on it.

Commissioner Graf stated he had a comment. He wanted to thank all for coming out. He disclosed that he lives in the Sunset Estates and the schools that were talked about are the schools his children attend. He recognizes friends and neighbors in the audience. He wanted to recognize staff and their time to make this meeting possible. He stated that he took the time to visit the three largest apartment complexes and they are at the 98% capacity. There is not a whole lot room. He spent time looking at research and looking at things such as property values when high density comes into neighborhoods. He stated that it was interesting that it didn't affect it too much. Notwithstanding that there were areas where Section 8 housing could affect. He has benefited from lived in an apartment. He stated that if his kids were 18 or 19 where would they live He recognizes that there isn't much that is affordable. Commissioner Graf stated that this is a request for a zoning change and he respects property rights. He has taken that all into consideration for when he votes.

Commissioner Montano wanted to make a few comments. He wanted to say one thing on the fire fighters. Tooele City has the finest fire department probably in the State of Utah. We have more than two fire departments, we have as quick or quicker response time as Salt Lake City. We have a great fire department. Addressing Paul, Mr. Montano stated that he has been in predevelopment with this project. Paul has done all the modeling on it, he is the Engineer and we need to put our faith in him and Roger. He asked about the water and they met all the requirements. They will have to meet all the requirements. Mr. Paul Hansen stated that the modeling is yet to be finalized, but they will have to meet will all aspects of City policy. The only other comment he wanted to make about green space. A member of the public had asked if there

was another alternative to this, he state he didn't think there was. We have to allow high density apartment buildings to serve the community. When this was done in 2015, this was part of the plan. This is what we do here. Mr. Roger Baker stated that his statement is one of the allowable zoning districts for residential developments in this area. It is one of about 10 different districts allowed and it is the highest density residential allowed. It is on the high-density spectrum for this property.

Commisioner Hammer stated she had a comment. On Monday October 15, she did have a conversation about this item on the agenda. It was before she received her planning packet for this meeting. It will not in fact sway how she will vote tonight. She would like to talk about things she thinks are important. There are alternatives to this rezone tonight. She does not believe that it is in the best interest of the city or the residents in Overlake. There are other areas in Tooele where they can build. She thinks that apartments are good. This is too much in one area. When she came to the rezone for The Cove apartments and Mr. Sivill sat on the Commission and stated that he wanted to see the growth rate be a comparable rate not higher than the single families. If this is the highest density possible there are other things that we can do. Mrs. Hammer stated that she does not think that much high density on that size of acreage is what we need to do. She stated that she lives in Overlake and it is troublesome now and she can't imagine adding 365 residents, 700 cars. It can't withstand that much traffic. She believes we need more green space, and although we lost the park and we can't get back but putting in that much housing is not the smart thing to do.

Chairman Robinson asked if there were any other comments from the Commission.

Commisioner Sloan stated he would be reticent if he did not comment. He wanted to talk about a little bigger issue, whether this project moves forward, or zoning moves forward, but it is something we need to talk about. What does the number 80,000 mean to you? That's your population at 2040, projected. We have talked a little bit tonight about infrastructure out in the County. That is obviosity a hot topic Highway 36 is not adequate and it's at 105% capacity now. It's not safe. Companies would like to relocate but are hesitant to do so. There are a lot of reasons for that. There is nowhere else to go. Tooele City is our little corner of heaven. His wife was born and raised in Stockton. The reality is the things that drew most of us here are still in play to the rest of the world. We all started out somewhere, in a apartment, a single wide trailer. We all aspire to be wherever we are right now. Again, I don't know if this is necessarily the right place for this, but from an affordability stand point. Commisioner Graf mentioned the 98% occupancy rate in places, that is probably light. He is in the real estate business ad he does this every day. He loves this community. All your comments tonight, well not all of them, were wonderfully thought out at the Overlake level. Fortunately, unfortunately the Commissioners must view things with what is best for our City. We are not always going to be perfect. We do the best we can . We have heard a lot about infrastructure tonight; water, sewer, traffic, schools. The debacle that is Highway 36 has taught us anything, until there is a tragic or need, infrastructure never comes before the growth. That said schools are the same way. Those are valid. Again, the school district, who indecently the property taxes 70% goes to the School district. We can't afford new schools with the tax base we have now. The legislature gave us some equalization last year, but that is still not going to get it done. Schools are million of dollars a piece. When we talk about this nasty circle that is growth. We all want commercial because they pay taxes at 100%, but those

commercial people don't come until there are 70,000 rooftops. The tax revenue does not come around to help us until it passed the time we need them. Whether we pass this particular rezone tonight or subsequent ones, understand that all commissioners have heard you. People will live where they can afford to live. We are \$70,000 to \$90,000 dollars cheaper than Salt Lake County. I appreciate your time, but understand that we will have to have these tough conversations whether it is tonight, next week, or next year. We also seem to agree we want high density, but we all seem to agree we don't want it here, in our backyard. I urge you to look at it but understand that there is some context that we the Commission and your elected officials will have to do from a long-term stand point. We have to do what we believe is best for the Community. We are not going to agree with each other. Mr. Sloan once again thank each of the public for being in attendance and for their input.

Chairman Robinson commented that the Planning Commission is not passing anything tonight. The role of the Planning Commission is to make recommendations. Those recommendations go to the City Council. Some mentioned that you are voters, you didn't vote for us. What we do tonight will be a recommendation that goes to City Council and then they will take it on their agenda. It's a zoning map amendment. There is a whole lot of things that have to happen before anything goes in that spot. So tonight, the Planning Commission is going to make a recommendation based on what we have studied and what we have observed and that goes to the City Council, which is the legislative body of the City. The Planning Commission is community-based recommendation body. Regardless of how you feel about what we do, this is not passing.

Council Member McCall wanted to comment quickly. In the event that the Commission does pass this, he would like to make a recommendation that you add to the conditions that the parking, the parking that is required for the developer; two parking spots per dwelling; that those two spots are free. They cannot fair for The Cove in Overlake to be charging people to park in those spots. Commissioner Hammer asked how they could do that? The Commission can dictate what someone can do on their land? Mr. Baker stated that it is not a legal question he has researched before, but the two onsite spaces per unit are a required City development standard. He is concerned that a developer can discourage tenant use of the parking lot that the City requires for them. He stated that there is a good likelihood that it is a legal condition to impose. Council Member McCall also stated that the Planning Commission should require the wall by the train tracks be bigger than six feet.

Mr. Bolser added a follow up to Chairman Robinson's comment; that for the public's general knowledge and the Planning Commissions as well. Regardless of the Planning Commission's decision this evening, whether in favor or opposed, it will go on to the City Council. The City Council will be holding their own public hearing. Essentially the process that would happen, following a decision this evening, the information collected this evening would be provided to the Council Chair. They will assign a meeting for this to be heard again. The public will not be receiving a specific letter stating when the hearing is. Please keep an eye on the agendas and information in the newspaper to be aware of when that will occur. Mr. Bolser did not know if that will be the next City Council meeting, which is on November 7th, 2018, simply because the City wants to make sure they have the record and minutes, even in draft form, to make sure the Council has a complete picture of all the public's testimony. As quickly as it can be completed, it will be provided to the Administration and Council Chair for scheduling. Understand it may not be the next

meeting, so we can provide them as complete record this evening so that they have your views and opinions from this evening. Commissioner Hammer addressed the audience and reminded them that they could sign up on the City's website for email alerts when agendas are posted for City Council and Planning Commission meetings.

Chairman Robinson encouraged the audience to return to a Planning Commission meeting.

Commissioner Graf stated he would like to modify the recommendation for tonight. Commissioner Graf moved that we forward a recommendation to the City Council for the Berra Boulevard zoning map amendment, requested by Jake Andrews, representing Metro West Developers, for the purpose, of reassigning the zoning districts of the northern 32 acres, including the 1.99 acres City owned parcel to R1-7 PUD, Planned Unit Development, and the southern 24 acres to R1-7 PUD, Planned Unit Development, application number P18-713, and including the conditions of a binding traffic study as well as a six foot masonry wall.

Commissioner Graf stated he was not sure he should include the Staff Report conditions and then did not include them in his motion.

Commissioner Montano asked if they wanted to include the requirement on the parking.

Chairman Robinson asked Commissioner Graf to explain his motion.

Commissioner Graf stated that the smaller development is reflected in the larger development. He is not asking for HDR in the second parcel 31.88 acres. He is saying that both zones are R1-7 PUD zone or both 23.9 acres, Tooele City parcel of 1.99 acres, and what's listed as HDR zone of 31.88 acres. Chairman Robinson stated with the PUD development subject to those conditions listed for that one are listed for the entire parcel. Commissioner Graf stated that is correct.

Commissioner Hammer asked Commissioner Graf to specify what R1-7 PUD zone is? Commissioner Graf stated that that is R1-7 zone requires 7000 square foot lots for single family residence. The applicant is requesting that the PUD overlay reduce the lot size to 2500 square feet. Essentially, it's taking what is zoned right now, medium density, and adopting the R1-7 PUD zone and allowing for smaller lot sizes but not allowing for HDR, high density residence.

Mr. Baker commented that he needs to answer the question on if the conditions in the Staff Report are still appropriate for the motion that Commissioner Graf has made. Yes, they are, so I urge you to consider whether you want to include those or not; instead of passing over them as part of your motion. Commissioner Graf stated that he did want to include the conditions in the Staff Report as relating to R1-7 PUD, in addition he is not sure if the six-foot masonry wall was part of R1-7 PUD conditions. If it is not he would like to include that. He would also like to include the traffic study in addition that is binding and also addressing the verbiage on the parking. Commissioner Montano stated that the parking wouldn't apply because it is no longer high density.

Chairman Robinson stated that this motion is completely different than what the applicant requested. He wanted to make sure everyone understood.

Commissioner Graf moved that we forward a recommendation to the City Council for the Berra Boulevard zoning map amendment, requested by Jake Andrews, representing Metro West Developers, for the purpose, of reassigning the zoning districts of the northern 32 acres, including the 1.99 acres City owned parcel to R1-7 PUD, Planned Unit Development, and the southern 24 acres to R1-7 PUD, Planned Unit Development, application number P18-713, based on the findings and subject to the conditions listed in the Staff Report dated October 15, 2018 and including the conditions of a binding traffic study as well as a six foot masonry wall.

Commissioner Hammer seconded the motion. The vote as follows: Commissioner Montano, "No," Commissioner Hamilton, "Aye," Commissioner Sloan, "No," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "No." The motion passed four to three.

Commissioner Sloan stated during the vote that he had spent a week and half studying this application and he is pretty comfortable with it. He doesn't disagree on the space with Commissioner Graf's suggestion, he just hasn't had time to look at it and see what is substantially changes. At this point he has to vote no. Chairman Robinson also stated he voted no for the reasons Commissioner Sloan stated.

Chairman Robinson stated the Commission would forward that recommendation with that verbiage on to the City Council.

Commissioner Hammer and Sloan thanked everyone for coming and for their time.

Chairman Robinson stated that the Planning Commission would take a short recess and return at 10:00 p.m.

8. **Public Hearing and Recommendation on a Zoning Map Amendment request by Doug Kinsman of Ensign Engineering to reassign the zoning designation from the GC General Commercial zoning district to the HDR High Density Residential zoning district for Brady Townhome Development on approximately 5.26 acres located at approximately 750 North 100 East.**

Presented by Andrew Aagard

A map of the property was shown on the screen. This property is east of Albertsons. To the North there is an existing high-density residential property. The property is currently zoned general commercial. The property to the North is also zoned general commercial. That exists as a non-conforming situation. Applicant is requesting to rezone as HDR, high density residential. Staff is recommending approval of the rezone request. This property is not highly served as a commercial property. It doesn't receive much visibility due to the Albertsons store directly in front of it.

Chairman Robinson asked the Commission if there were any comments or questions.

Mr. Aagard asked if he could add that the City would like to see the property to the North also zoned HDR while we are doing this rezone. Mr. Baker stated that they should have a discussion with the applicant of that property before rezoning the non-conforming property.

Chairman Robinson stated he would rather not do it tonight.

Commissioner Hammer asked the GC non-conforming that is where the apartments are right now. How did it get there? Mr. Aagard stated he had no idea. It predates his time at the City. Mr. Baker stated he has been at the City 25 years and did not know. Commissioner Hammer asked if those apartments are 25 years old. Mr. Baker stated they were.

Chairman Robinson asked about the google map that was shown on screen. There are little house right there, what does this do to the homes? A member of the audience stated he would address the question in public hearing.

Chairman Robinson opened the public hearing.

Arthur Brady stepped forward. He stated that he owned the property, the one home on the subject property he owns. He bought it 18 years ago. In the years since then he acquired the surrounding properties. He originally owned a half acre originally. He acquired them so there wouldn't be more apartments built right in his back yard and originally, he wanted to put in an orchard. He was told by a prior City employee told him that wouldn't be allowed. It wouldn't conform with general commercial zoning. The only reason Mr. Brady believed high density was required was to allow the possibility that one of the townhome units can have more than four units. The intent is to build townhomes, that will be individually sold as opposed to apartments that will be rented.

Chairman Robinson asked if there were any other comments in the public hearing; there were none. Chairman Robinson closed the public hearing.

Commissioner Sloan moved forward a positive recommendation to the City Council for the Brady Townhome zoning map amendment request, by Doug Kinsman, representing Ensign Engineering, to reassign the subject property to the HDR, high density residential zoning district, application number P18-724 and based on the findings and subject to the conditions listed in the Staff Report dated October 12, 2018. Chairman Robinson seconded the motion. Robinson seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

9. **Adjourn**

Commissioner Bevan move to adjourn the meeting. The meeting adjourned at 10:07 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting

Approved this 14th Day of November, 2018

Chris Sloan, Chairman, Tooele City Planning Commission

STAFF REPORT

February 21, 2019

To: Tooele City Planning Commission
Business Date: February 27, 2019

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: Providence at Overlake Phase 2 – Subdivision Plat Amedment Request

Application No.: P18-550
Applicant: Howard Schmidt, representing H & K Schmidt Investments
Project Location: Approximately 400 West 1200 North
Zoning: R1-7 Residential Zone
Acreage: Approximately 1.74 Acres (Approximately 75,689 ft²)
Request: Request for approval of a Subdivision Plat Amedment in the R1-7 Residential zone regarding amendment of an existing subdivision plat to address improvements to the 400 West right-of-way.

BACKGROUND

This application is a request for approval of a Subdivision Plat Amedment for approximately 1.74 acres located on the east side of 400 West at approximately 1200 North. The property is currently zoned R1-7 Residential. The applicant is requesting that a Subdivision Plat Amedment be approved to allow for the adjustment to the property lines of seven platted lots and a storm water detention basin parcel to address the right-of-way improvements for 400 West.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling unit units per acre. The purpose of the R1-7 zone is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. [This district is] intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” Properties assigned the P Overlake special zoning classification abut the subject property on the north, and properties assigned the same R1-7 zoning classification abut the subject property on the south, east and west. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The proposed plat amendment affects seven lots of the approved Providence at Overlake Subdivision Phase 2 as well as the storm water detention basin parcel within the subdivision. The seven lots, Lots 250 through 256, are those that back onto the 400 West right-of-way. Through the approval of the Providence at Overlake Subdivision Phase 2 there was discussion regarding the possibility of this subdivision being annexed into the North Tooele City Special Service District (NTCSSD) for

ongoing maintenance of the detention basin parcel and 400 West right-of-way improvements. Through discussions between the applicant, the NTCSSD and the City Council, it was negotiated that the applicant would dedicate an additional five feet in right-of-way width for 400 West in order to address landscaping and right-of-way design that provides a transition between the NTCSSD right-of-way established to the north of the site and the standard City right-of-way cross section. This plat amendment is intended to provide that five feet of additional right-of-way width. Although this plat amendment proposes to take the five feet for the extra right-of-way from the adjacent lots, the effect on those lots does not render any of those lots in violation of minimum standards for lots within the R1-7 zoning district.

Criteria For Approval. The procedure for approval or denial of a Subdivision Plat Amendment request, follows the same as that for a final plat request which can be found in Sections 7-19-10 and 11 of the Tooele City Code.

REVIEWS

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

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

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

STAFF RECOMMENDATION

Staff recommends approval of the request for a Subdivision Plat Amedment by Howard Schmidt, representing the H & K Schmidt Investments, application number P18-550, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Public Works Development shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Master Plan.
2. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.

3. The proposed development plans meet the requirements and provisions of the Tooele City Code.
4. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
5. The proposed development conforms to the general aesthetic and physical development of the area.
6. The public services in the area are adequate to support the subject development.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Providence at Overlake Phase 2 Subdivision Plat Amedment Request by Howard Schmidt, representing H & K Schmidt Investments, application number P18-550, based on the findings and subject to the conditions listed in the Staff Report dated February 21, 2019:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Providence at Overlake Phase 2 Subdivision Plat Amedment Request by Howard Schmidt, representing H & K Schmidt Investments, application number P18-550, based on the following findings:”

1. List findings...

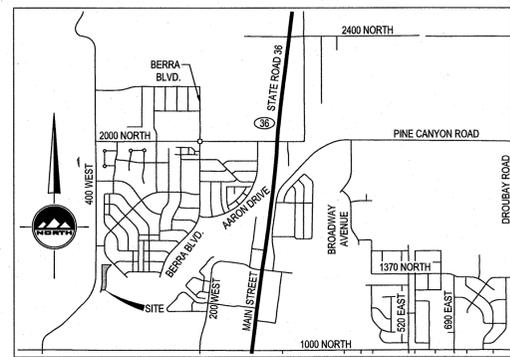
EXHIBIT A

**MAPPING PERTINENT TO THE
PROVIDENCE AT OVERLAKE PHASE 2 SUBDIVISION PLAT AMEDMENT**

EXHIBIT B

PROPOSED PLAT AMENDMENT PLANS

FINAL PLAT
PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2 AMENDED
 (AMENDING AND EXTENDING LOTS 216-222, AND PARCEL A OF PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2)
 LOCATED IN THE SOUTHWEST QUARTER
 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
 SALT LAKE BASE AND MERIDIAN
 TOOELE CITY, TOOELE COUNTY, UTAH



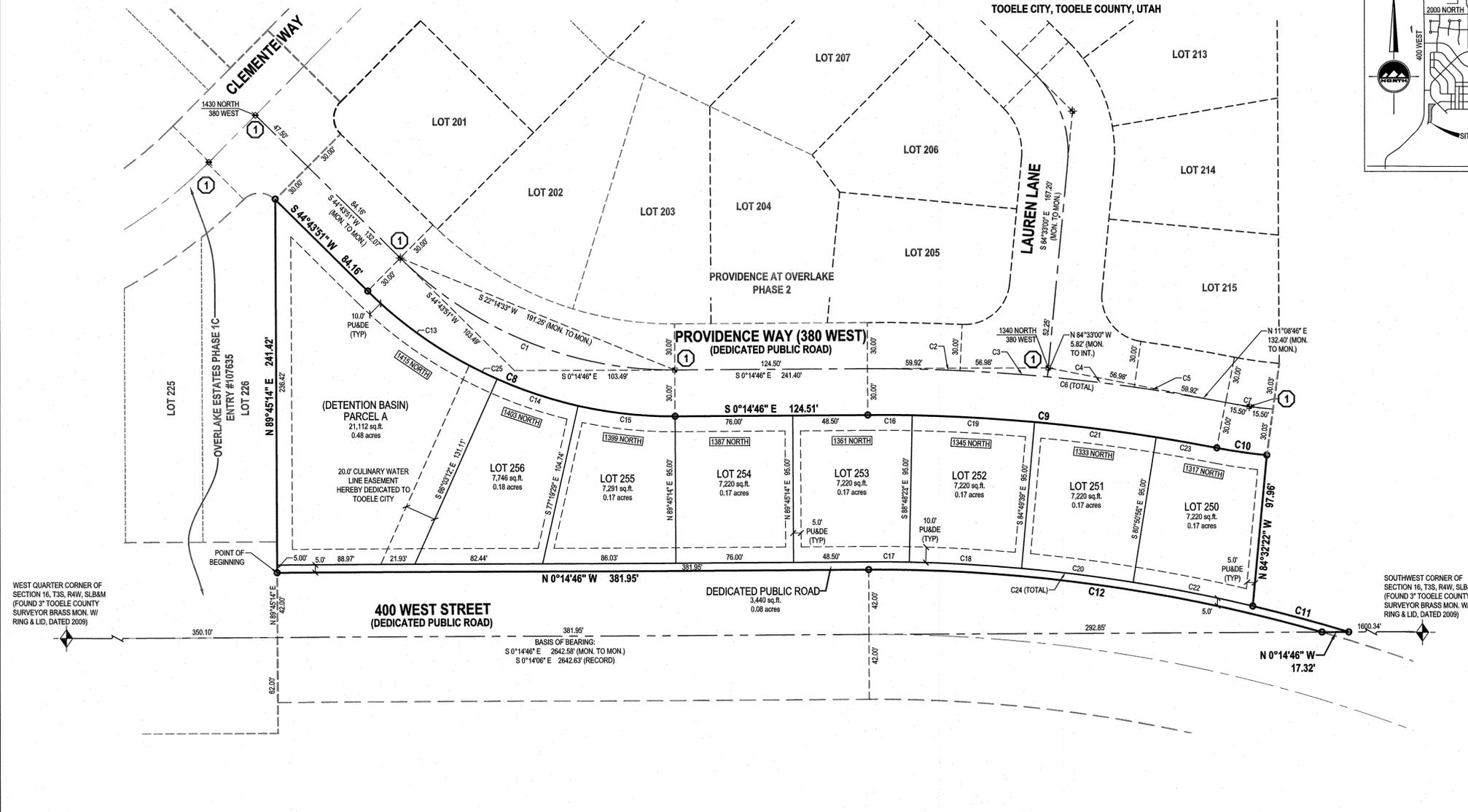
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	250.00	196.25	44°58'37"	S22°14'33"W	191.25
C2	1172.00	59.87	2°55'36"	N1°13'02"E	59.86
C3	1172.00	56.65	2°46'10"	N4°03'55"E	56.64
C4	1172.00	56.65	2°46'10"	N6°50'05"E	56.64
C5	1172.00	59.87	2°55'36"	N9°40'58"E	59.86
C6 (TOTAL)	1172.00	233.03	11°23'31"	N5°27'00"E	232.64
C7	300.00	30.98	5°54'59"	S8°11'16"W	30.96
C8	280.00	219.80	44°58'37"	S22°14'33"W	214.20
C9	1142.00	227.06	11°23'31"	S5°27'00"W	226.69
C10	330.00	32.75	5°41'07"	S8°18'12"W	32.73
C11	1047.00	64.32	3°31'12"	S15°13'36"W	64.31
C12	1042.00	296.85	16°19'23"	N7°54'50"E	295.85
C13	280.00	81.55	16°41'18"	S36°23'12"W	81.27
C14	280.00	55.08	11°18'17"	N18°18'39"E	54.99
C15	280.00	63.15	12°56'16"	N6°12'53"E	63.01
C16	1142.00	28.70	1°26'23"	N0°28'26"E	28.69
C17	1047.00	26.31	1°26'23"	S0°28'26"W	26.31
C18	1047.00	72.71	3°58'43"	S3°10'59"W	72.69
C19	1142.00	79.30	3°58'43"	N3°10'59"E	79.29
C20	1047.00	72.71	3°58'43"	S7°09'42"W	72.69
C21	1142.00	79.30	3°58'43"	N7°09'42"E	79.29
C22	1047.00	78.86	4°18'56"	S11°18'32"W	78.84
C23	1142.00	39.76	1°59'41"	N10°08'55"E	39.76
C24 (TOTAL)	1047.00	314.90	17°13'57"	N8°22'15"E	313.72
C25	292.04	20.02	3°55'38"	S25°59'40"W	20.01

SURVEYOR'S CERTIFICATE
 I, Douglas J. Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, and streets, hereafter to be known as PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2 AMENDED, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION
 A parcel of land, situate in the Southwest Quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel is also located in Tooele City, Tooele County, Utah, more particularly described as follows:
 Beginning at a point on southerly line of Overlake Estates Phase 1C, recorded as Entry No. 107635, in the Tooele County Recorder's Office, which is located South 0°14'46" East 350.10 feet along the Section line and North 89°45'14" East 42.00 feet from the West Quarter Corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:
 thence North 89°45'14" East 241.42 feet along the southerly line of said Overlake Estates Phase 1C, to the southwesternly line of Clemente Way;
 thence South 44°43'51" West 84.16 feet;
 thence Southwesterly 219.80 feet along the arc of a 280.00-foot radius tangent curve to the left (center bears South 45°16'09" East, and the long chord bears South 22°14'33" West 214.20 feet, through a central angle of 44°58'37");
 thence South 0°14'46" East 124.51 feet;
 thence Southwesterly 227.06 feet along the arc of an 1142.00-foot radius tangent curve to the right (center bears South 89°45'14" West, and the long chord bears South 5°27'00" West 226.69 feet, through a central angle of 11°23'31");
 thence Southwesterly 32.75 feet along the arc of a 330.00-foot radius tangent reverse curve to the left (center bears South 78°51'15" East, and the long chord bears South 8°18'12" West 32.73 feet, through a central angle of 5°41'07");
 thence North 84°32'22" West 97.96 feet;
 thence Southwesterly 64.32 feet along the arc of a 1047.00-foot radius non-tangent curve to the right (center bears North 78°32'01" West, and the long chord bears South 15°13'36" West 64.31 feet, through a central angle of 3°31'12"); to the Section line;
 thence North 0°14'46" West 17.32 feet along the Section line, to the proposed Easterly right-of-way line of 400 West Street;
 thence Northwesterly 256.85 feet along the arc of a 1042.00-foot radius non-tangent curve to the left (center bears North 73°55'23" West, and the long chord bears North 7°54'50" East 295.85 feet, through a central angle of 16°19'23"); along said right-of-way line;
 thence North 0°14'46" West 381.95 feet along said right-of-way line, to the Point of Beginning.

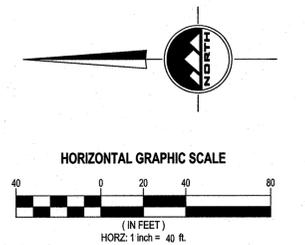
Parcel contains: 75,689 square feet or 1.74 acres, 7 Lots and Parcel A.

Aug 9, 2018
 Douglas J. Kinsman
 License no. 334575



WEST QUARTER CORNER OF SECTION 16, T3S, R4W, SLB8M (FOUND 3" TOOELE COUNTY SURVEYOR BRASS MON. W/ RING & LID, DATED 2009)

SOUTHWEST CORNER OF SECTION 16, T3S, R4W, SLB8M (FOUND 3" TOOELE COUNTY SURVEYOR BRASS MON. W/ RING & LID, DATED 2009)



NOTE:
 OFFSET PINS TO BE PLACED IN TOP BACK OF CURBS, 3/4" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL OTHER LOT AND BOUNDARY CORNERS

KEY NOTES

1 FOUND STREET MONUMENT

LEGEND

- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT TO BE SET
- SECTION CORNER
- 5/8"x24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
- PUE PUBLIC UTILITY EASEMENT
- BOUNDARY LINE
- ADJACENT PROPERTY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- ADJACENT RIGHT OF WAY LINE
- TANGENT LINE

DOMINION ENERGY
 DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT-OF-WAY DEPARTMENT AT 1-800-368-8332.

APPROVED THIS _____ DAY OF _____, A.D. 20____

BY _____

TITLE _____

ROCKY MOUNTAIN POWER
 ROCKY MOUNTAIN POWER, A DIVISION OF PACIFICORP APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF ELECTRICAL UTILITIES SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT ROCKY MOUNTAIN POWER AT 1-800-469-3981.

APPROVED THIS _____ DAY OF _____, A.D. 20____

BY _____

TITLE _____

TOOELE CITY COUNCIL
 APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY COUNCIL.

ATTEST: CITY RECORDER

COUNTY SURVEY DEPARTMENT APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY SURVEY DEPARTMENT. RECORD OF SURVEY FILE #2018-0019

TOOELE COUNTY SURVEY DIRECTOR

COUNTY HEALTH DEPARTMENT APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY HEALTH DEPARTMENT

TOOELE COUNTY HEALTH DEPT.

DEVELOPER
 HOWARD SCHMIDT
 PO BOX 95410
 SOUTH JORDAN, UTAH
 801-859-9449

ENSIGN
 169 North Main Street Unit 1
 Tooele, Utah 84074
 Phone: 435.843.3590
 Fax: 435.578.0108
 WWW.ENSGNENG.COM

COUNTY TREASURER APPROVAL
 APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY TREASURER

CITY ATTORNEY'S APPROVAL
 APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE CITY ATTORNEY

TOOELE CITY ATTORNEY

CITY ENGINEER'S APPROVAL
 APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE CITY ENGINEER

TOOELE CITY ENGINEER

COMMUNITY DEVELOPMENT APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____, BY THE COMMUNITY DEVELOPMENT

TOOELE CITY COMMUNITY DEVELOPMENT

PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY PLANNING COMMISSION.

CHAIRMAN TOOELE CITY PLANNING COMMISSION

PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2 AMENDED
 (AMENDING AND EXTENDING LOTS 216-222, AND PARCEL A OF PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2) LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN TOOELE CITY, TOOELE COUNTY, UTAH

TOOELE COUNTY RECORDER
 RECORDED # _____
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF: _____
 DATE: _____ TIME: _____
 FEES _____ TOOELE COUNTY RECORDER

STAFF REPORT

February 21, 2019

To: Tooele City Planning Commission
Business Date: February 27, 2019

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Caldwell Subdivision – Minor Subdivision Request

Application No.: P18-798
Applicant: Andrew Caldwell
Project Location: 1762 N Broadway Ave
Zoning: HDR High Density Residential Zone
Acreage: .55 Acres (Approximately 23,958 ft²)
Request: Request for approval of a Minor Subdivision in the HDR High Density Residential zone regarding dividing one .55 acre parcel into 3 single-family residential lots.

BACKGROUND

This application is a request for approval of a Minor Subdivision for approximately .55 acres located at approximately 1762 N Broadway Ave at the intersection of Broadway and Copper Canyon Drive. The property is currently zoned HDR High Density Residential. The applicant is requesting that a Minor Subdivision be approved to allow the subdivision of one .55 acre lot into three single-family residential lots.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the HDR High Density Residential zoning classification, supporting approximately 16 dwelling units per acre. The purpose of the HDR zone is to “provide an environment and opportunities for high density residential uses, including single family detached and attached residential units, apartments, condominiums and townhouses.” The HDR High Density Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. The subject property is surrounded on all sides by HDR High Density Residential zoning. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The subdivision proposes to subdivide an existing .55 acre parcel into three single-family residential lots. Single-family dwellings are permitted uses within the HDR zone and each lot ranges in size from 7500 square feet up to 8600 square feet. Each lot meets or exceeds minimum lots standards for lot size, lot width and lot frontages as required by the HDR zoning ordinance. All lots will access Broadway Avenue.

Criteria For Approval. The procedure for approval or denial of a Subdivision Final Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-10 and 11 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Minor Subdivision submission and has issued a recommendation for approval for the request with the following comments:

1. This is a standard, straight-forward minor subdivision application that fits in well with the surrounding land use, lot sizes, etc.
2. Subdivision as proposed meets all requirements of the HDR zoning district regarding lot size, widths, frontages and so forth.

Engineering Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Minor Subdivision submission and have issued a recommendation for approval for the request.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Minor Subdivision of property located at 1762 North Broadway Avenue by Andrew Caldwell, application number P18-798, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

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

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Caldwell Subdivision Minor Subdivision Request by Andrew Caldwell, for the purpose of subdividing property into 3 single-family residential lots at 1762 N Broadway Avenue, application number P18-798, based on the findings and subject to the conditions listed in the Staff Report

dated February 21, 2019:”

1. List any findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Caldwell Subdivision Minor Subdivision Request by Andrew Caldwell, for the purpose of subdividing property into 3 single-family residential lots at 1762 N Broadway Avenue, application number P18-798, based on the following findings:”

1. List any findings...

EXHIBIT A

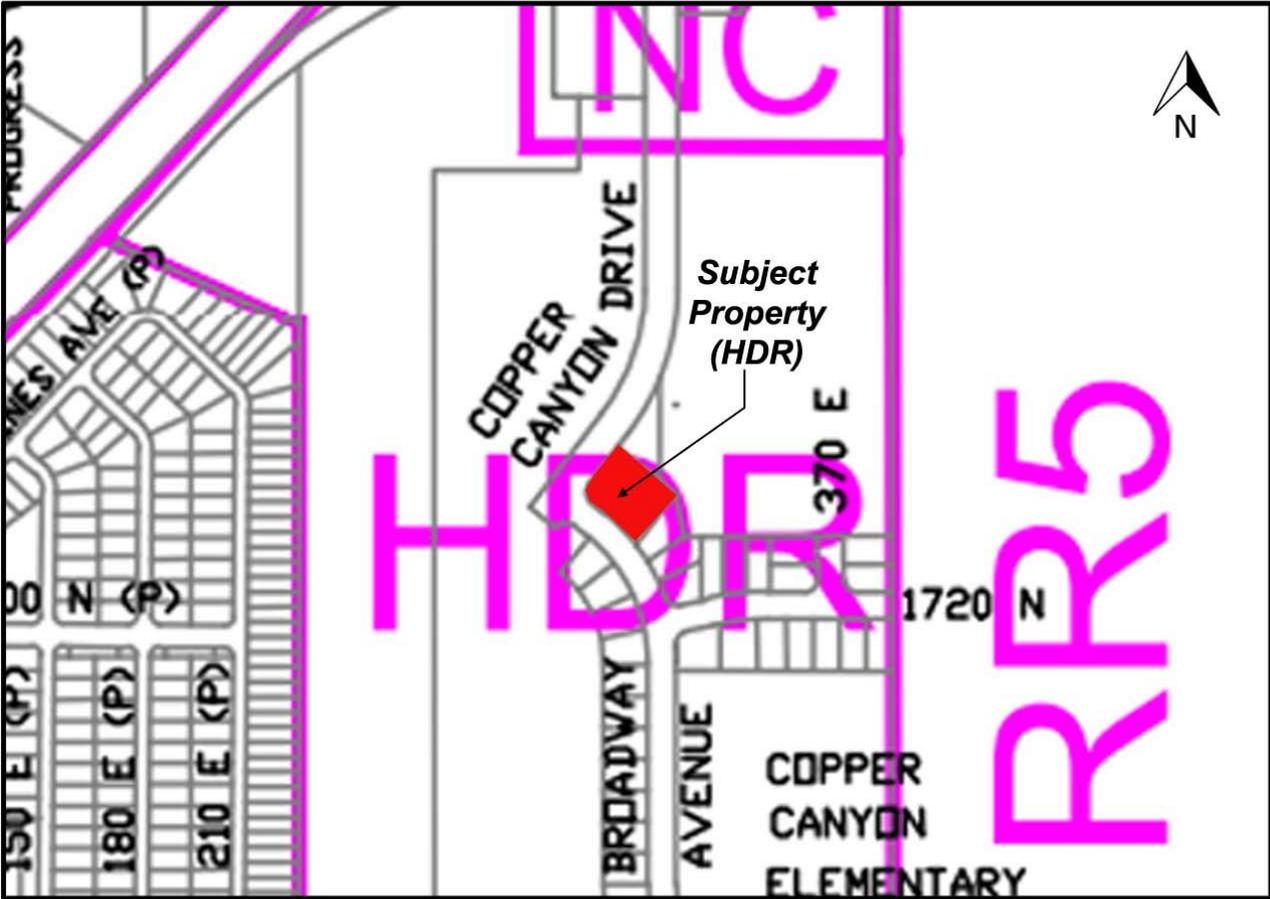
MAPPING PERTINENT TO THE CALDWELL SUBDIVISION MINOR SUBDIVISION

Caldwell Minor Subdivision (Final Plat)



Aerial View

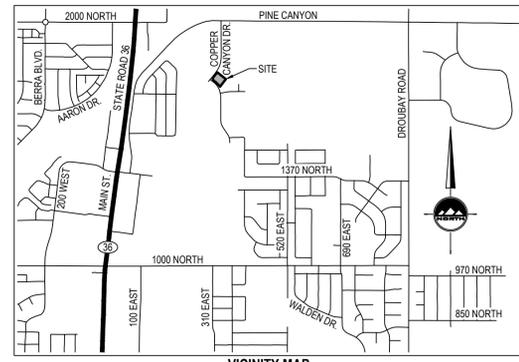
Caldwell Minor Subdivision (Final Plat)



Current Zoning

EXHIBIT B
PROPOSED DEVELOPMENT PLANS

FINAL PLAT
CALDWELL SUBDIVISION
 (AMENDING AND VACATING LOT 9 OF CANYON VILLAGE SUBDIVISION PHASE 1)
 LOCATED IN THE NORTHWEST QUARTER
 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
 SALT LAKE BASE AND MERIDIAN
 TOOELE CITY, TOOELE COUNTY, UTAH



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	433.00'	109.66'	14°30'37"	N44°45'07"W	109.37'
C2	29.50'	46.34'	90°00'00"	S7°00'26"E	41.72'
C3	433.00'	54.99'	7°16'34"	S41°08'06"E	54.95'
C4	433.00'	54.67'	7°14'03"	S48°23'24"E	54.63'

DEVELOPER
ANDREW CALDWELL
 345 WEST DELGADO
 TOOELE, UT 84074
 435-849-0000

NOTE:
 OFFSET PINS TO BE PLACED IN TOP BACK OF CURB. 3/4" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL OTHER LOT AND BOUNDARY CORNERS

LEGEND	
	EXISTING STREET MONUMENT
	PROPOSED STREET MONUMENT TO BE SET
	SECTION CORNER
	5/8" x 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
	PUE PUBLIC UTILITY EASEMENT
	BOUNDARY LINE
	ADJACENT PROPERTY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	RIGHT OF WAY LINE
	ADJACENT RIGHT OF WAY LINE
	TANGENT LINE

SHEET 1 OF 1
 PROJECT NUMBER: 7563A
 MANAGER: D. KINSMAN
 DRAWN BY: R. FISH
 CHECKED BY: D. KINSMAN
 DATE: 12/6/2018



TOOELE
 169 North Main Street Unit 1
 Tooele, Utah 84074
 Phone: 435.943.3550
 Fax: 435.578.0108
 WWW.ENSGNENG.COM

SALT LAKE CITY
 Phone: 801.266.9529

LAYTON
 Phone: 801.541.1100

CEGAR CITY
 Phone: 435.883.4663

RICHFIELD
 Phone: 435.896.2963

DOMINION ENERGY
 DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT-OF-WAY DEPARTMENT AT 1-800-366-6532.

APPROVED THIS _____ DAY OF _____ A.D. 20____

DOMINION ENERGY

BY _____

TITLE _____

ROCKY MOUNTAIN POWER
 ROCKY MOUNTAIN POWER, A DIVISION OF PACIFICORP APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF ELECTRICAL UTILITIES SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT ROCKY MOUNTAIN POWER AT 1-800-469-3981.

APPROVED THIS _____ DAY OF _____ A.D. 20____

ROCKY MOUNTAIN POWER

BY _____

TITLE _____

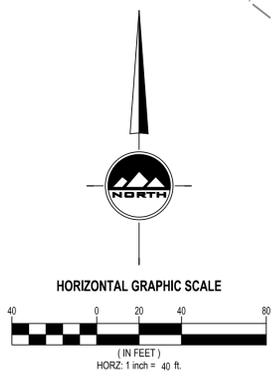
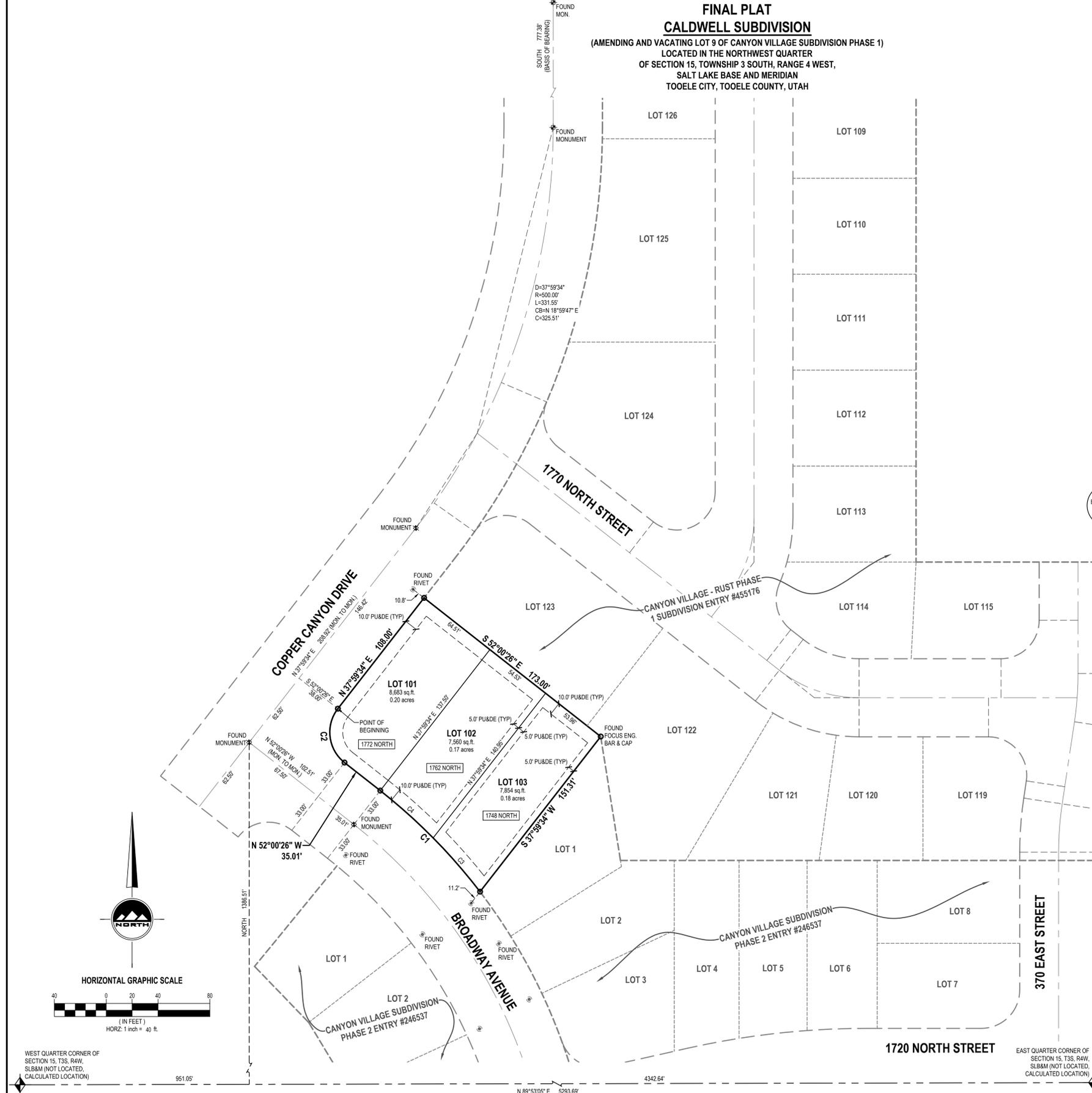
TOOELE CITY COUNCIL
 APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE CITY COUNCIL.

ATTEST: CITY RECORDER

SURVEYOR'S CERTIFICATE
 I, Douglas J. Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, and streets, hereafter to be known as CALDWELL SUBDIVISION, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION
 A parcel of land, situate in the Northwest Quarter of Section 15, Township 3 South, Range 4 West, Salt Lake Base and Meridian, containing all of Lot 9, Canyon Village Subdivision Phase 1 as recorded May 27, 2004 as Entry No. 223792 in Book 947 on Pages 521-522 in the Tooele County Recorder's Office, said parcel is also located in Tooele City, Tooele County, Utah, more particularly described as follows:
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 thence North 37°59'34" East 108.00 feet along the southeasterly line of said Copper Canyon Drive, to the northerly corner of Lot 9 of said Canyon Village Subdivision Phase 1, said point being located southeasterly 10.8 feet from a found rivet;
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 thence South 37°59'34" West 151.31 feet along the southeasterly line of said Lot 9, to the easterly line of said Broadway Avenue, said point being northeasterly 11.2 feet from a found rivet and is the southerly corner of said Lot 9;
 thence Northwesterly 109.66 feet along the arc of a 433.00-foot radius non-tangent curve to the left (center bears South 52°30'11" West and the long chord bears North 44°45'07" West 109.37 feet through a central angle of 14°30'37" along the east line of said Broadway Avenue;
 thence North 52°00'26" West 35.01 feet along the east line of said Broadway Avenue;
 thence Northwesterly 46.34 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears North 37°59'34" East and the long chord bears North 7°00'26" West 41.72 feet through a central angle of 90°00'00" to the Point of Beginning.
 Contains 24,097 square feet or 0.55 acres.

Date _____
 Douglas J. Kinsman
 License No. 334575



WEST QUARTER CORNER OF SECTION 15, T3S, R4W, SLB&M (NOT LOCATED, CALCULATED LOCATION) 951.05'

COUNTY SURVEY DEPARTMENT APPROVAL
 APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY SURVEY DEPARTMENT. RECORD OF SURVEY FILE #2018-_____
 TOOELE COUNTY SURVEY DIRECTOR

COUNTY HEALTH DEPARTMENT APPROVAL
 APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY HEALTH DEPARTMENT.
 TOOELE COUNTY HEALTH DEPT.

COUNTY TREASURER APPROVAL
 APPROVED AS TO FORM THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY TREASURER.
 TOOELE COUNTY TREASURER

CITY ATTORNEY'S APPROVAL
 APPROVED AS TO FORM THIS _____ DAY OF _____ 20____ BY THE CITY ATTORNEY.
 TOOELE CITY ATTORNEY

CITY ENGINEER'S APPROVAL
 APPROVED AS TO FORM THIS _____ DAY OF _____ 20____ BY THE CITY ENGINEER.
 TOOELE CITY ENGINEER

COMMUNITY DEVELOPMENT APPROVAL
 APPROVED THIS _____ DAY OF _____ 20____ BY THE COMMUNITY DEVELOPMENT.
 TOOELE CITY COMMUNITY DEVELOPMENT

PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE CITY PLANNING COMMISSION.
 CHAIRMAN TOOELE CITY PLANNING COMMISSION

TOOELE COUNTY RECORDER
 RECORDED # _____
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF: _____
 DATE: _____ TIME: _____
 FEES _____ TOOELE COUNTY RECORDER

CALDWELL SUBDIVISION
 (AMENDING AND VACATING LOT 9 OF CANYON VILLAGE SUBDIVISION PHASE 1)
 LOCATED IN THE NORTHWEST QUARTER
 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
 SALT LAKE BASE AND MERIDIAN
 TOOELE CITY, TOOELE COUNTY, UTAH

OWNER'S DEDICATION
 Known all men by these present that the undersigned are the owner(s) of the hereon described tract of land and hereby cause the same to be divided into lots, and streets together with easements as set forth hereafter to be known as:

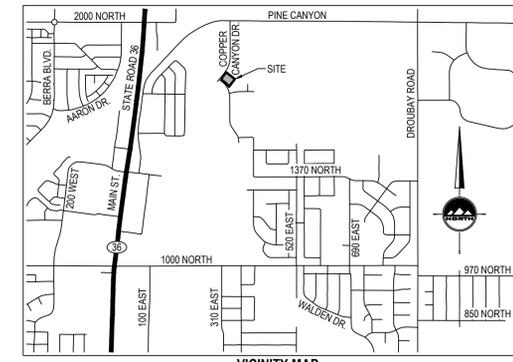
CALDWELL SUBDIVISION
 The undersigned owner(s) hereby dedicate to Tooele City all those parts or portions of said tract of land on said plat designated hereon as streets, the same to be used as public thoroughfares forever. The undersigned owner(s) also hereby convey to any and all public utility companies providing service to the hereon described tract a perpetual, non-exclusive easement over the streets and public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of public utility service lines and facilities. The undersigned owner(s) also hereby conveys any other easements as shown hereon to the parties indicated and for the purpose shown hereon.

In witness whereof I have hereunto set my / our hand this _____ day of _____ A.D., 20____

By: Andrew Caldwell By: _____

INDIVIDUAL ACKNOWLEDGMENT
 STATE OF UTAH
 County of _____ J.S.S.
 On the _____ day of _____ A.D., 20____, _____ in said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, _____ in number, freely and voluntarily for the purposes herein mentioned.
 MY COMMISSION EXPIRES: _____ RESIDING IN _____ COUNTY.

**FINAL PLAT
CALDWELL SUBDIVISION
(AMENDING AND VACATING LOT 9 OF CANYON VILLAGE SUBDIVISION PHASE 1)
LOCATED IN THE NORTHWEST QUARTER
OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH**



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	433.00'	109.66'	14°30'37"	N44°45'07"W	109.37'
C2	29.50'	46.34'	90°00'00"	S7°00'26"E	41.72'
C3	433.00'	54.99'	7°16'34"	S41°08'06"E	54.95'
C4	433.00'	54.67'	7°14'03"	S48°23'24"E	54.63'

**DEVELOPER
ANDREW CALDWELL
345 WEST DELGADO
TOOELE, UT 84074
435-849-0000**

NOTE:
OFFSET PINS TO BE PLACED IN TOP BACK OF CURB. 3/4" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL OTHER LOT AND BOUNDARY CORNERS

LEGEND	
	EXISTING STREET MONUMENT
	PROPOSED STREET MONUMENT TO BE SET
	SECTION CORNER
	5/8" x 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
	PUE PUBLIC UTILITY EASEMENT
	BOUNDARY LINE
	ADJACENT PROPERTY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	RIGHT OF WAY LINE
	ADJACENT RIGHT OF WAY LINE
	TANGENT LINE

SHEET 1 OF 1
PROJECT NUMBER: 7563A
MANAGER: D. KINSMAN
DRAWN BY: R. FISH
CHECKED BY: D. KINSMAN
DATE: 12/16/2018



TOOELE
169 North Main Street Unit 1
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BY _____
TITLE _____

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APPROVED THIS _____ DAY OF _____ A.D. 20____
ROCKY MOUNTAIN POWER
BY _____
TITLE _____

TOOELE CITY COUNCIL
APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE CITY COUNCIL.

ATTEST: CITY RECORDER

SURVEYOR'S CERTIFICATE

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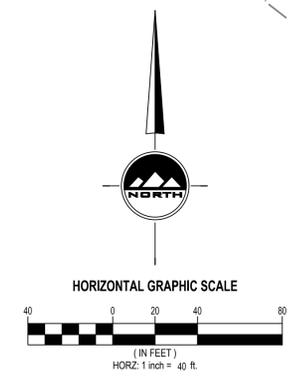
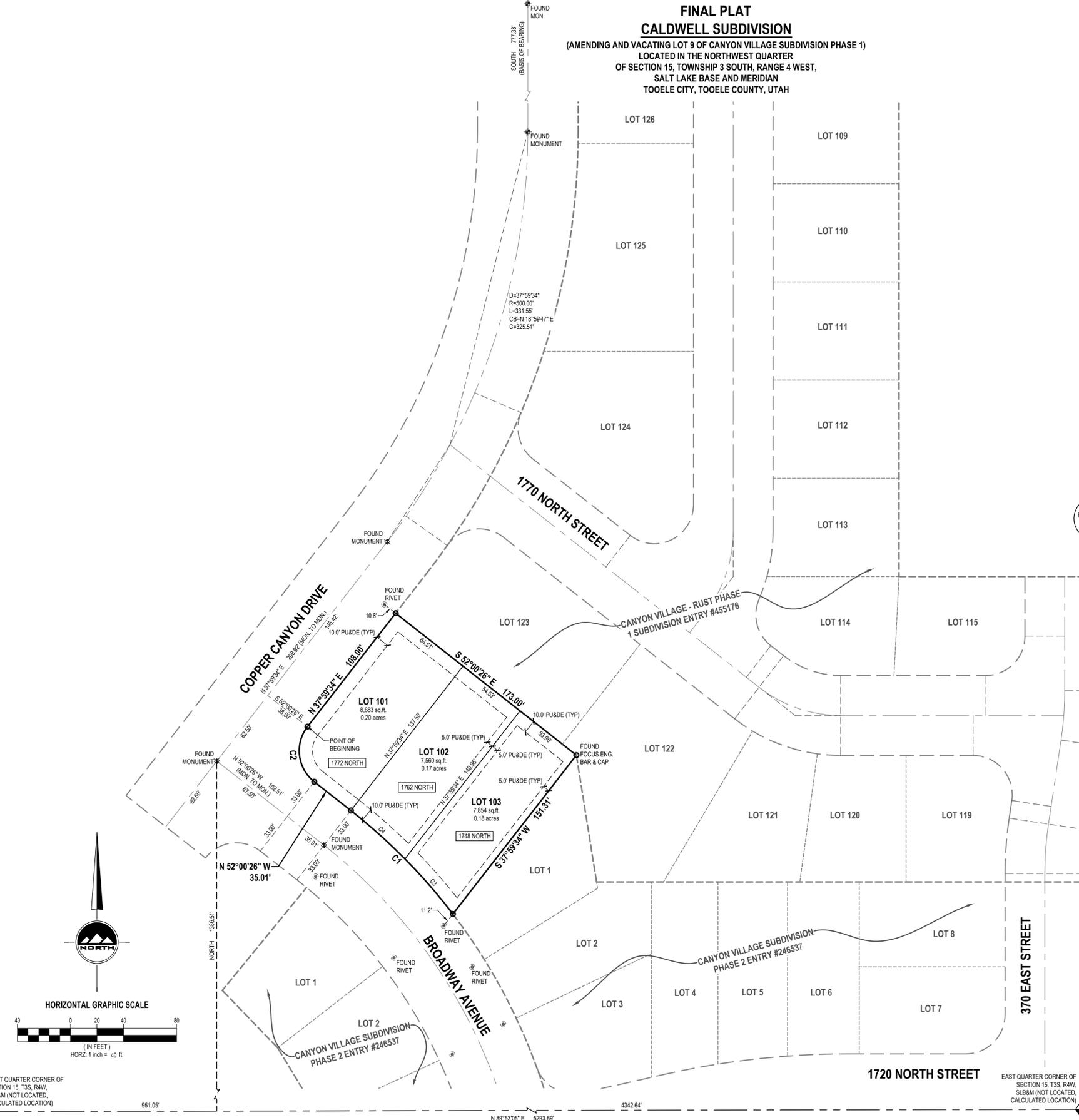
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Contains 24,097 square feet or 0.55 acres.

Date _____
Douglas J. Kinsman
License no. 334575



WEST QUARTER CORNER OF SECTION 15, T3S, R4W, SLB&M (NOT LOCATED, CALCULATED LOCATION) 951.05'

COUNTY SURVEY DEPARTMENT APPROVAL
APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY SURVEY DEPARTMENT. RECORD OF SURVEY FILE #2018-_____
TOOELE COUNTY SURVEY DIRECTOR

COUNTY HEALTH DEPARTMENT APPROVAL
APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY HEALTH DEPARTMENT.
TOOELE COUNTY HEALTH DEPT.

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TOOELE CITY ATTORNEY

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TOOELE CITY COMMUNITY DEVELOPMENT

PLANNING COMMISSION APPROVAL
APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE CITY PLANNING COMMISSION.
CHAIRMAN TOOELE CITY PLANNING COMMISSION

TOOELE COUNTY RECORDER
RECORDED # _____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF: _____
DATE: _____ TIME: _____
FEES _____
TOOELE COUNTY RECORDER

CALDWELL SUBDIVISION
(AMENDING AND VACATING LOT 9 OF CANYON VILLAGE SUBDIVISION PHASE 1)
LOCATED IN THE NORTHWEST QUARTER
OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH

TOOELE CITY CORPORATION

ORDINANCE 2019-03

AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE MDR MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT FOR 0.58 ACRES OF PROPERTY LOCATED AT 350 NORTH 50 WEST

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

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

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

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

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

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

WHEREAS, the R1-7 Residential zoning district is currently assigned to approximately .58 acres of land located 350 North 50 West (see map attached as **Exhibit A**); and,

WHEREAS, the .58 acres are currently owned by 495 Country Club, LLC; and,

WHEREAS, by Rezone Petition received February 7, 2019, 495 Country Club, LLC requested that the subject property be reassigned to the MDR Medium Density Residential zoning district (see Rezone Petition attached as Exhibit B); and,

WHEREAS, the surrounding properties to the north, west and south are assigned the R1-7 Residential zoning districts; and,

WHEREAS, the surrounding properties to the east are assigned the GC General Commercial zoning districts; and,

WHEREAS, Utah Code §10-9a-501 and §10-9a-503 provide for the municipal legislature to consider Planning Commission recommendations for amendments to the land use ordinances and zoning map, and to approve, revise, or reject the recommended amendments; and,

WHEREAS, on February 27, 2019, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

WHEREAS, the City Council convened a duly-noticed public hearing on March 6, 2019; and,

WHEREAS, the City Council finds that, subject to the reasonable and appropriate conditions outlined below, the requested Zoning Map amendment is not adverse to the best interest of the City; and,

WHEREAS, the City is under no obligation to approve a Zoning Map amendment, but may do so upon finding a rational basis.

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

Section 1. Amendment. The Tooele City Zoning Map is hereby amended to indicate that the zoning district assigned to the subject property shall be reassigned to the MDR Medium Density Residential zoning district; and,

Section 2. Rational Basis. The City Council hereby finds that the above-described expressed conditions to the approval of this Ordinance 2019-03 are reasonable and necessary to serve, protect, and preserve the health, safety, and welfare of Tooele City and its residents, including future residents of the subject property.

Section 4. No Vesting. Approval of this Ordinance 2019-03, together with its exhibits, shall not be construed to imply or constitute any vesting or entitlement as to intensity of use (i.e., density) or configuration (i.e., lots, units, roads).

Section 5. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 6. Effective Date. This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this _____ day of _____, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

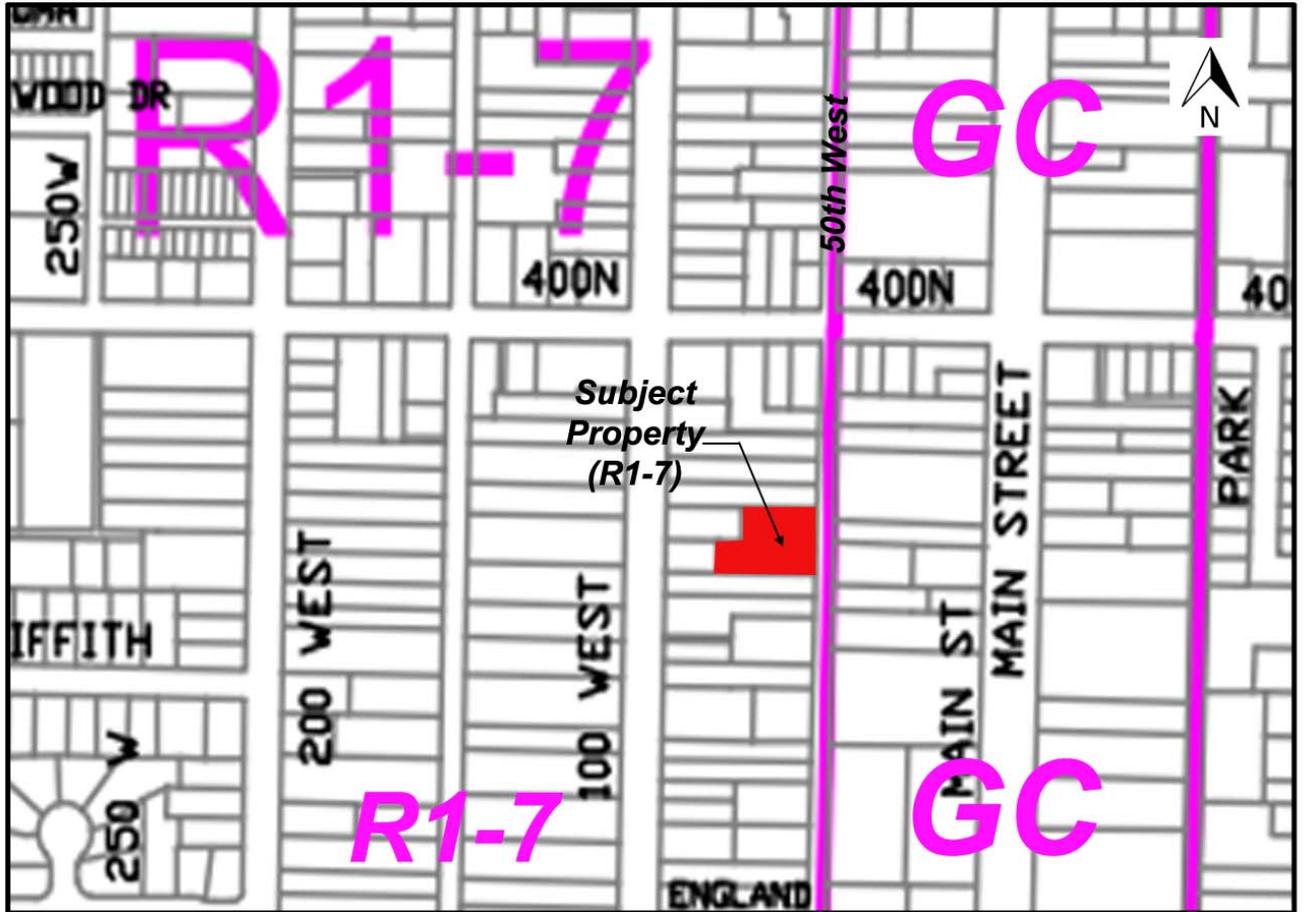
Michelle Y Pitt, City Recorder

S E A L

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

EXHIBIT A
ZONING MAP

Andersen 50th West Zoning Map Amendment



Current Zoning

EXHIBIT B

REZONE PETITION

Zoning, General Plan, & Master Plan
 Map Amendment Application
 Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



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

~~02-077-0-0032~~ P19-168

Project Information			
Date of Submission: 2-7-19	Current Map Designation: R-1-7	Proposed Map Designation: MDR	Parcel #(s): 02-077-0-0032 02-077-0-0032
Project Name: 50 West		Acres: 0.58	
Project Address: 350 North 50 West			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input checked="" type="checkbox"/> Master Plan: _____			
Brief Project Summary: See attached			
495 Country Club, LLC			
Property Owner(s): Derald Anderson		Applicant(s): Derald Anderson	
Address: 3586 Campbell Rd 321 E. Coventry Way		Address: 321 E. Coventry Way	
City: Ende	State: UT	City: Ende	State: UT
Zip: 84074		Zip: 84074	
Phone: 801-845-5214		Phone: 801-845-5214	
Contact Person: Derald Anderson		Address: 321 E. Coventry Way	
Phone:		City: Ende	State: UT
		Zip: 84074	
Cellular: 801-845-5214	Fax:	Email: deraldanderson@aol.com	

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

Note to Applicant:

Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

2190069

For Office Use Only			
Received By: CA	Date Received: 2/7/19	Fees: 10.50 ⁰⁰	App #: 00337360

Exhibit C

Planning Commission Minutes

STAFF REPORT

February 20, 2019

To: Tooele City Planning Commission
Business Date: February 27, 2019

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Anderson 50th West Zoning Map Amendment – Zoning Map Amendment Request

Application No.: P19-68
Applicant: Derald Anderson, representing 495 Country Club, LLC
Project Location: Approximately 350 North 50 West
Zoning: R1-7 Residential Zone
Acreage: .58 Acres (Approximately 25264 ft²)
Request: Request for approval of a Zoning Map Amendment in the R1-7 Residential zone regarding reassignment of the subject properties to the MDR (Medium Density Residential) zoning district.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately .58 acres at approximately 350 North 50 West. The property is currently zoned R1-7 Residential. The applicant is requesting that a Zoning Map Amendment to the MDR Medium Density Residential zone be approved to facilitate the construction of two 2-family dwellings (duplexes) on the properties.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The purpose of the R1-7 and MDR zones is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” The R1-7 Residential and MDR Medium Density Residential zoning designations are identified by the General Plan as a preferred zoning classification for the Residential land use designation. Properties to the north, west and south are all zoned R1-7 Residential. Properties to the east are zoned GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is requesting the MDR zone to facilitate the construction of two duplexes on the properties. There are currently two properties involved with this application. The northern property is 10,890 square feet and the southern property is 14,451 square feet. In the R1-7 zone duplexes are permitted but each duplex must have a lot size of 14,000 square feet. That would require 28,000 total square feet between both lots to accommodate two duplexes. The MDR zone permits duplexes or two family dwellings on

lots of 12,000 square feet. Therefore, total lot area to accommodate two duplexes would be 24,000 square feet which the two properties do exceed. In order to accomplish the developer's intentions on these properties the MDR Medium Density Residential zone is necessary.

The R1-7 zone allows a maximum density of five units per acre. The MDR zone allows a maximum density of eight units per acre. Both zones are considered medium density residential, however, the MDR zone allows three-family, four family and multi-family dwellings where the R1-7 does not. The properties in total are 25,341 and if the MDR zone were assigned the maximum number of units permissible on the property (if combined into one) would be four.

It should be noted that the subject property is located within Area "A" of the in-fill area overlay. The in-fill overlay was created to encourage development of existing vacant lots and the re-development of existing structures. The in-fill area overlay provides relaxed building setback requirements, lot coverage requirements, water rights, and so forth but does not change density requirements.

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

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

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Zoning Map Amendment submission and has issued the following findings:

1. Rezoning this property from R1-7 Residential to MDR Medium Density Residential yields one additional unit that could be constructed on the property increasing total unit yield from three units to four.
2. Both zones are considered medium density.
3. Both zones allow duplexes or two-family dwellings as a permitted use.
4. There are minimal differences in the building setback requirements of each zone.
5. This property is in the "In-fill" area overlay which was created to encourage infill style development exactly as proposed by the applicant.

Noticing. The applicant has expressed their desire to rezone the subject property and do so in a manner

which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a Zoning Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Anderson 50th West Zoning Map Amendment request by Derald Anderson, representing 495 Country Club, LLC to reassign the subject properties to the MDR Medium Density Residential zoning district, application number P19-68, based on the findings listed in the staff report dated February 20, 2019:”

1. List any additional findings and conditions...

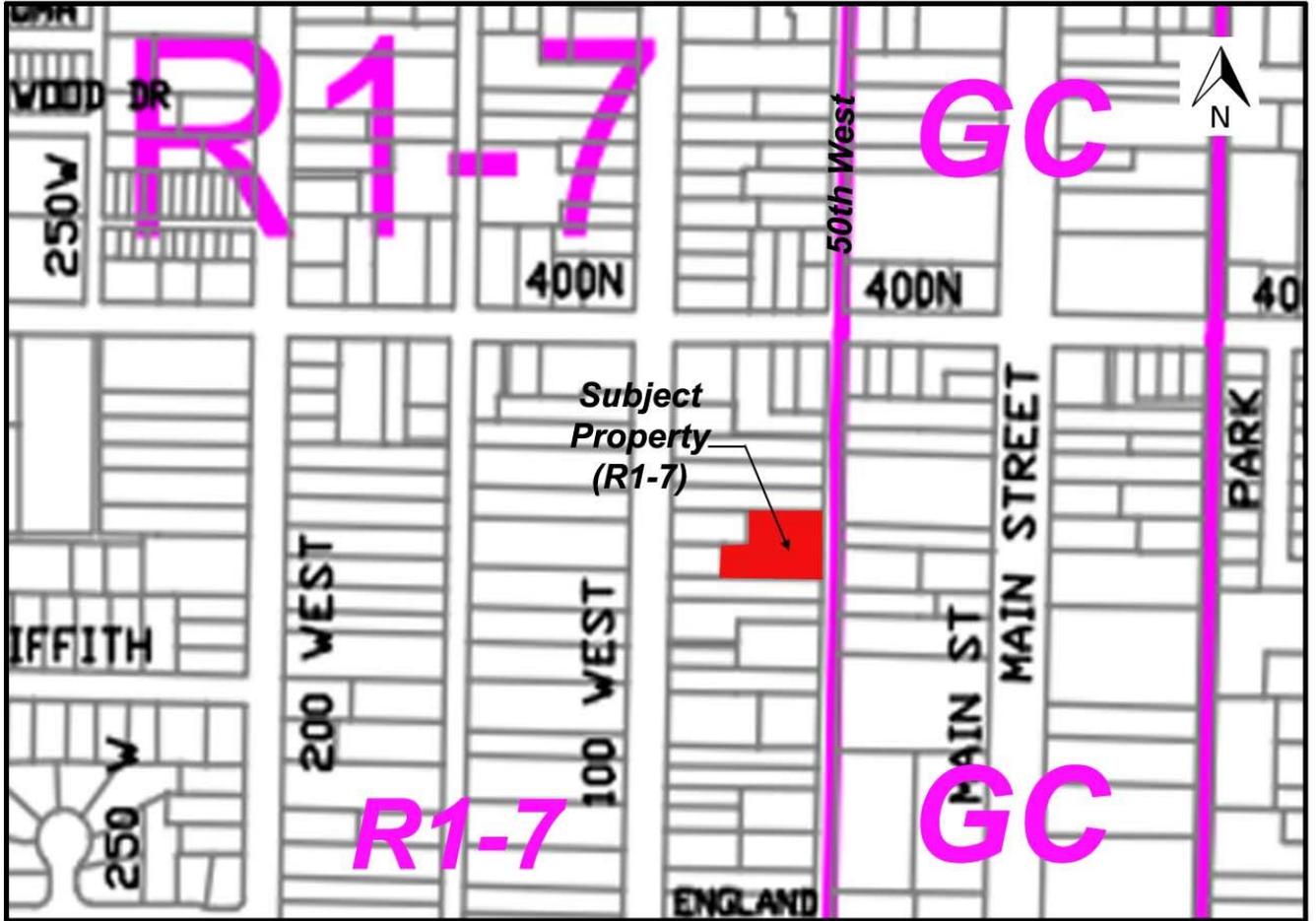
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Anderson 50th West Zoning Map Amendment request by Derald Anderson, representing 495 Country Club, LLC to reassign the subject properties to the MDR Medium Density Residential zoning district, application number P19-68, based on the following findings:”

1. List findings...

EXHIBIT A

MAPPING PERTINENT TO THE ANDERSON 50TH WEST ZONING MAP
AMENDMENT ZONING MAP AMENDMENT

Andersen 50th West Zoning Map Amendment



Current Zoning

Andersen 50th West Zoning Map Amendment



Aerial View

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Master Plan

1. What is the present land use designation of the subject property(s)?

The property is currently zoned R-1-7 and is undeveloped at this time.

2. Explain how the proposed land use designation is similar or compatible with the other land use designations in the surrounding area.

The subject property is on 50 West and has GC (General Commercial) zoning to the east. There is also legal non-conforming higher density housing a few lots to the south.

3. What do you anticipate the land being used for?

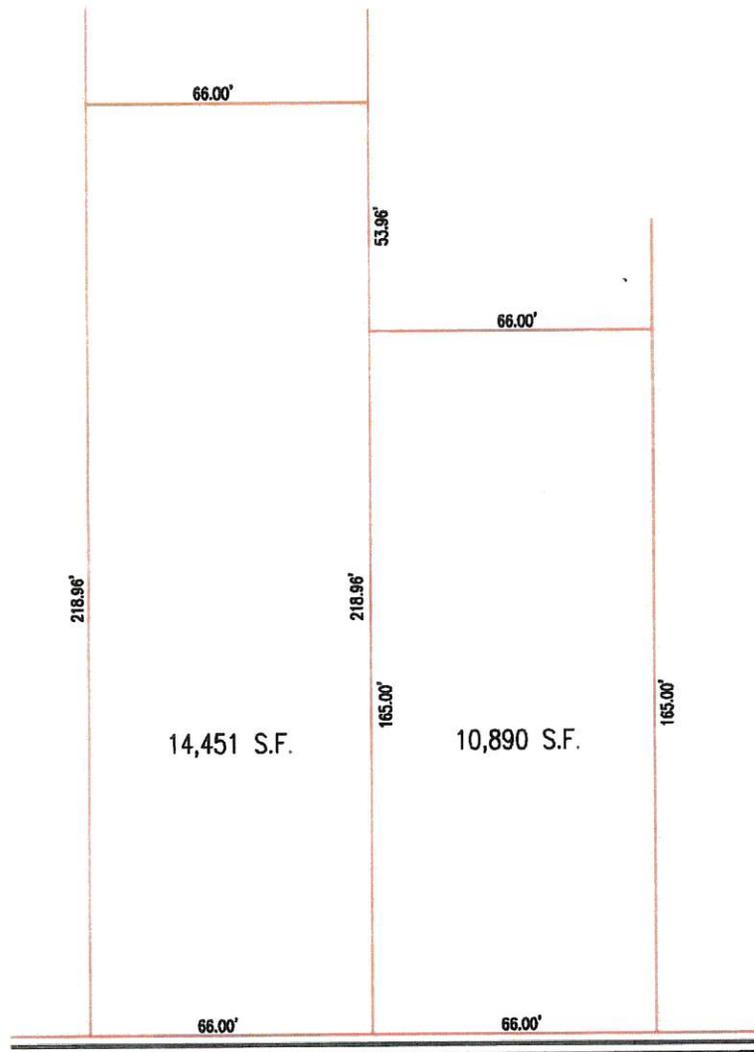
We anticipate building two duplexes on this property.

4. Explain how the proposed land use designation would affect property, surrounding properties, and Tooele City.

The current zoning will allow for one duplex and one single family to be built on this property. We feel that two duplexes balances the property and is a better use of the property in general. The rezone to MDR would provide a buffer moving from the commercial zoning on Main Street to the single family to the west.

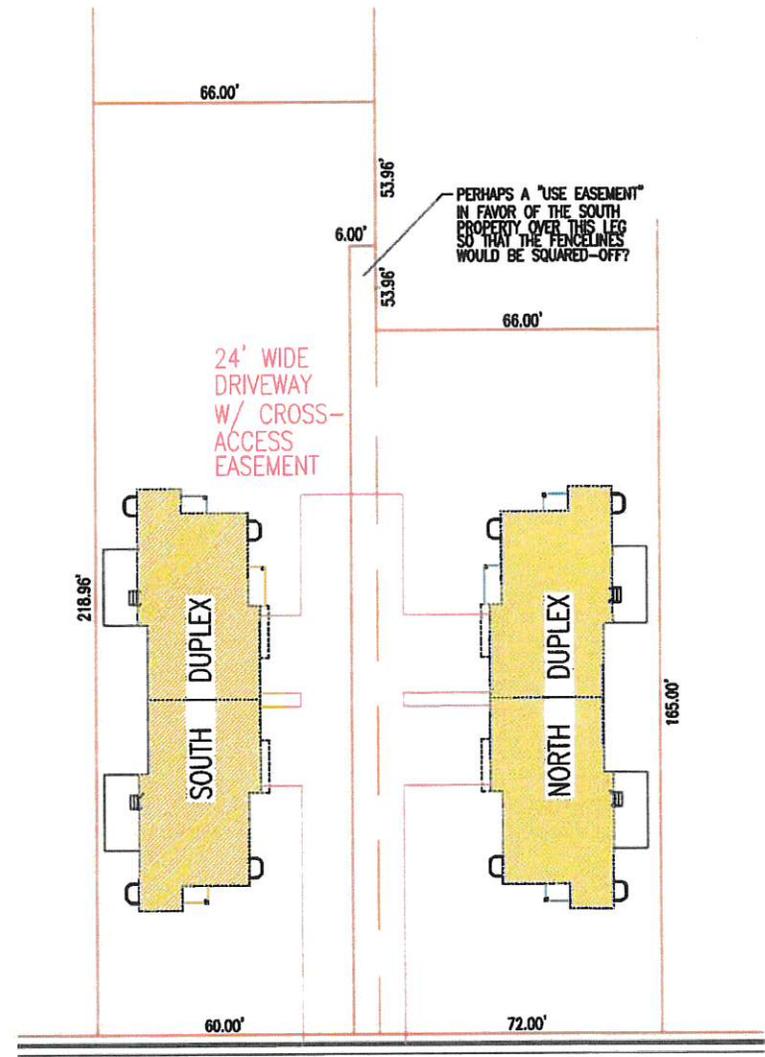
5. Explain how the proposed land use designation promotes the goals and objectives of Tooele City.

This property is in the In-fill Area A and developing this property will support the City's desire to develop vacant lots in the core of the city. This also support the City's desire to add additional affordable housing. Building additional housing in the southern part of the city supports businesses along the older part of Main Street. 50 West is also sparsely developed and bring new attractive development to this area will be positive for the city.



50 WEST ST.

AS EXISTS



50 WEST ST.

PROPOSED USE
(OVER PROPOSAL 'B')

MEMORANDUM

To: Tooele City Council
From: Jim Bolser, AICP, Director
Date: February 28, 2019
Re: Multi-Family Zoning Districts & Standards Text Amendment to the Tooele City Code

Subject:

Over the past few years I have periodically taken some time to work on a substantial revision proposal to the City Code to address the various provisions of our existing multi-family zoning districts and the associated development standards. In recent months this effort has accelerated significantly. Due to the complexity of the topic, this text amendment effort has produced an extensive proposal that directly affects six chapters of the City Code. It's anticipated that in final ordinance form it will include other chapters as well to coordinate and correct various references to directly involved chapters. This proposal was developed using a committee of various staff members, a City Council member representative, and a Planning Commission representative. This committee did a wonderful job working together to develop the attached proposal for your review which is intended to address multiple intentions. Because there are multiple intentions and the resulting effort produced a proposal with extensive revisions, the listing below is intended to provide a brief synopsis of the primary themes included in this proposal to hopefully help guide your review through the proposal.

Background Purposes

- Develop and integrate a new zoning district pertinent to higher density multi-family residential development
- Respond to input from community and applicants regarding needs, frustrations & clarifications
- General update and modernization of ordinances related to multi-family zoning districts and the development within those districts
- General housekeeping and technical updates

Chapter 7-1 – General Provisions

- Coordinate & integrate definitions with Chapter 7-11a
- Separate & rework definitions for clarity & applicability
- Housekeeping & technical updates

Chapter 7-4 – Off-Street Parking Requirements

- Address parking requirements for residential uses
- Address the methods by which parking requirements are calculated
- Housekeeping and technical updates

Chapter 7-11a – Design Standards: Multi-Family Residential

- Consolidate applicable definitions & coordinate with existing definitions from Chapter 7-1
- Reorganize existing chapter provisions for clarity & consolidation
- Establish & clarify policy provisions regarding setback requirements for multi-family buildings
- Clarify & modernize vertical design elements for multi-family buildings
- Clarify & modernize horizontal and facade design elements for multi-family buildings
- Rework & modernize landscaping design requirements for multi-family projects
- Rework & modernize parking and circulation design requirements for multi-family projects
- Supplement provisions regarding ground mounted third party utility infrastructure

- Supplement and modernize provisions for fencing, building materials, color, dumpster enclosures & pedestrian pathways
- Rework & modernize common area design & amenities requirements for multi-family projects
- Housekeeping and technical updates

Chapter 7-13 – Zoning Districts

- Supplement existing provisions identifying the existing zoning districts of the City
- Supplement & reinforce the legislative authority to establish overlay districts
- Housekeeping and technical updates

Chapter 7-14 – Residential Zoning Districts

- Establish new higher density multi-family zoning district (MR-25) & retitle existing multi-family zoning districts for clarity in identification
- Clarify & stratify purposes & uses for multi-family zoning districts between each other and the single-family zoning districts
- Consolidate & incorporate three-family and four-family dwellings uses into multi-family use
- Establish all new provisions for allowable uses & development standards for new MR-25 zoning district
- Update use & development standard tables to reflect changes to new zoning classifications, defined terms & stratified separation of uses
- Separate out certain existing development standards for clarity
- Housekeeping and technical updates

Chapter 7-16 – Zoning District Purpose and Intent. Mixed use, Commercial, Industrial and Special Purpose Districts

- Housekeeping and technical updates

Additionally, the Planning Commission held an open discussion on this same information on February 27, 2019. The Commission seemed generally supportive and appreciative of the approach and provisions being presented. The topics raised and provisions discussed by the Planning Commission are summarized as follows:

- Provisions regarding parking for proposed multi-family developments
- The readability of the proposed language
- The approach and degree to which the design standard provisions have been revised and the impact of those revisions on potential projects
- The overall effect or impact of the proposed revisions on potential development
- The affect and benefit of the proposed revisions on the state of affordable housing in the community and region
- The assignment of the new multi-family zoning classifications on the properties throughout the community
- The considerations applicable to considering which areas and properties should be assigned to the proposed new MR-25 zoning district
- The impact of a more dense zoning district on area schools

One item that will need to be addressed through the formal review and approval process of the proposed revisions is the assignment of the zoning districts affected on the City's Zoning Map. The existing multi-family zoning districts will translate by title automatically (MDR to MR-8 and HDR to MR-16) but there will need to be a specific decision made to assign properties to the new MR-25 zoning district, or a decision not to do so.

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

CHAPTER 1. GENERAL PROVISIONS.

- 7-1-1. Purpose.
- 7-1-2. Interpretation.
- 7-1-3. Conflict.
- 7-1-4. Effect on ~~p~~Previous ~~e~~Ordinances and ~~m~~Maps.
- 7-1-5. Definitions.
- 7-1-6. Enforcement.
- 7-1-7. Violation and ~~p~~Penalties.
- 7-1-8. Construction.
- 7-1-9. Appeals, ~~special exceptions~~ and ~~v~~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.

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.

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 ~~p~~Previous ~~e~~Ordinances and ~~m~~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.

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 dwelling unit, for use as an independent living unit located on the same parcel as an authorized principal use.
- Accessory Dwelling Unit for Caretaker - A dwelling unit, occupied only by a caretaker and related family, which must be located within 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.

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 of 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 Development Approval or Application~~ - *For the purpose of this Title, A*ny 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, ~~e~~*C*onditional ~~u~~*s*e ~~p~~*er*mits.

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, Military Surplus Yard, and Vehicle Storage Yard - Public or private storage yard for the temporary storage of automobiles or military equipment.

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.

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 (3) 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 (2) 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 residential or nonresidential facility providing for the care, supervision, and protection of seven ~~(7)~~ 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 seven ~~(7)~~ or more children at any one time.

Day Care/Preschool (Home Occupation) - The care of children within a dwelling unit that provides care for 4 ~~four~~ to 8 ~~eight~~ 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 ~~five percent (5%)~~ for roads and ~~two percent (2%)~~ for water, sewer, secondary water, and storm water utilities, beginning one ~~(1)~~ 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; Four family—A structure designed to be occupied by four (4) families, the structure having four (4) dwelling units.~~

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 ~~(1)~~ or more sections, is eight ~~(8')~~ 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 ~~five (5)~~ 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, Single-family - A structure designed to be occupied by one ~~(1)~~ family, the structure having only one ~~(1)~~ dwelling unit.

~~Dwelling; Three family—A structure designed to be occupied by three (3) families, the structure having three (3) dwelling units.~~

~~Dwelling; Townhouse/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.~~ 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 ~~(2)~~ families, the structure having two ~~(2)~~ 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 (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) 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, accupressurist, 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 (4) or more dogs, cats, and other household domestic animals, more than six (6) 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.

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.

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.

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.

Recreation Facility, Indoor - A recreation facility located within a structure or building and operated as a business or public entity for use by an admission fee, membership fee or other charge such as a skating rink, bowling alley, mini-golf course, games and activities of skill or amusement arcade or substantially similar uses.

Recreation Facility, Outdoor - A recreational facility operated as a business and open to the general public for a fee such as amusement parks, tennis facility, water park, swimming pool, golf driving ranges and baseball batting ranges or substantially similar uses.

Recreational Facility, Private - A recreation 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 ~~3~~ *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 (~~2~~) 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 ~~2~~ *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 ~~who~~ (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 ~~who~~ (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 ~~who~~ (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 ~~(2)~~ 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 ~~1 year~~ *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.

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:

- (i) gas lines less than 12 inches; and
- (ii) electric lines of less than 115,000 volts.

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.

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.

7-1-7. Violation and Penalties.

Violation of any of the provisions of this Title are punishable as a class C misdemeanor upon conviction.

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.

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.

CHAPTER 4. OFF-STREET PARKING REQUIREMENTS

7-4-1. Off-~~s~~Street ~~p~~Parking ~~r~~Required.

7-4-2. Access to ~~i~~Individual ~~p~~Parking ~~s~~Space.

7-4-3. Number of ~~p~~Parking ~~s~~Spaces.

7-4-4. Access ~~r~~Requirements.

7-4-5. Parking ~~l~~Lots.

7-4-6. Parking Calculation.

7-4-1. Off-~~s~~Street ~~p~~Parking ~~r~~Required.

- (1) At least ~~five percent~~ (5%) of the total area used for parking and related activities shall be landscaped by planting new or preserving existing trees or shrubs.
- (2) For the purpose of this Title, when the required number of off-street spaces results in a fractional space, fractions less than one-half (~~1/2~~) shall be disregarded. Fractions of one-half (~~1/2~~) or more shall be rounded up.

7-4-2. Access to ~~i~~Individual ~~p~~Parking ~~s~~Space.

Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.

7-4-3. Number of ~~p~~Parking ~~s~~Spaces.

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

- (1) Beauty Shop. Two (~~2~~) parking spaces for the first patron station and one (~~1~~) parking space for each additional patron station. Excluding wash stations.
- (2) Business or professional offices. One (~~1~~) parking space for each 200 ~~sq.-ft.~~ square feet of floor area.
- (3) Churches, sports arenas, auditoriums, theaters, assembly halls, meeting rooms, funeral homes, mortuaries, etc. One (~~1~~) parking space for each ~~3~~ three seats of maximum seating capacity.
- (4) Commercial Day-Care/Pre-School Center. One (~~1~~) space for every employee during regular business hours, plus four (~~4~~) visitor parking spaces with adequate drop off and pick up area as determined by the Director.
- (5) Dwellings. ~~Two (2) parking spaces for each dwelling unit, u~~Unless otherwise specified in Chapter 16 of this Title:
 - (a) single-family dwelling units shall provide two parking spaces per unit;
 - (b) two-family dwelling units shall provide two parking spaces per unit;
 - (c) multi-family dwelling units shall provide:
 - (i) units of less than two bedrooms shall provide 1½ parking spaces per unit;
 - (ii) two bedroom units shall provide 1½ parking spaces per unit;
 - (iii) units of three bedrooms or more shall provide two parking spaces per unit; and,
 - (d) visitor parking in developments containing multi-family dwelling units shall be provided as one space for every four dwelling units.
- (6) Furniture and appliance stores. One (~~1~~) parking space for each 600 ~~sq.-ft.~~ square feet of floor area.
- (7) Health Care Facility. One (~~1~~) parking space for each two (~~2~~) patient beds plus one (~~1~~) parking space for each employee during regular business hours.
- (8) Health Care Provider. Three (~~3~~) parking spaces for each doctor, dentist, therapist, or other health care provider plus one (~~1~~) parking space for each employee during regular business hours.
- (9) Hotels, motels, motor hotels. One (~~1~~) space for each living or sleeping unit, one (~~1~~) space for each employee, plus parking space for all accessory uses as herein specified.
- (10) Nursing homes. One (~~1~~) parking space for each four (~~4~~) patient beds plus one (~~1~~) parking space for each employee during regular business hours.
- (11) Personal Services. One (~~1~~) parking space for each 300 ~~sq.-ft.~~ square feet of gross floor area.
- (12) Public or Private Educational Facility, Public Use. As approved by ~~e~~Director recognizing the location and use proposed based on the nearest comparable use standards.
- (13) Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments. One (~~1~~) parking space for each three (~~3~~) seats or one parking space for each 100 ~~sq.-ft.~~ square feet of floor area (excluding kitchen, storage, etc.), whichever is more.
- (14) Retail Stores. One (~~1~~) parking space for each 300 ~~sq.-ft.~~ square feet of gross floor area.

- (15) Wholesale establishments, warehouses, manufacturing establishments, and all industrial uses. One ~~(1)~~ parking space for each employee during regular business hours, adequate spaces for company owned vehicles, plus four ~~(4)~~ visitor parking spaces.
- (16) Commercial Centers. One ~~(1)~~ parking space for each 300 ~~sq. ft.~~ square feet of gross floor area. As determined by the Director, individual establishments in a Commercial Center may share parking stalls upon the establishments demonstrating such factors as different hours of establishment operation and different peak hours of patronage to the sharing establishments.
- (17) All other uses not listed above. As determined by the Director, based on the nearest comparable use standards.

7-4-4. Access ~~R~~Requirements.

For purposes of this Chapter, a drive approach shall be that portion of the ingress and egress to and from a driveway from the front of the curb to the property line. Adequate ingress and egress to and from all uses shall be provided as follows:

- (1) One- and two-family residential lots. Access to one- and two-family residential lots shall be provided to meet the following requirements:
 - (a) Not more than two ~~(2)~~ drive approaches shall be allowed for any residential lot.
 - (b) The width of a drive approach shall not be greater than ~~thirty (30)~~ feet or more than one-third ~~(1/3)~~ of the lot frontage in which the drive approach is constructed, whichever is less. A drive approach adjacent to a Cul-de-sac or curved lot with a frontage of less than 90 feet may exceed one-third ~~(1/3)~~ of that frontage, as determined by written administrative policy.
 - (c) A lot may have a singular thirty-foot drive approach or two ~~(2)~~ drive approaches that total ~~thirty (30)~~ feet wide. A drive approach shall have a minimum width of ten ~~(10)~~ feet. Two ~~(2)~~ drive approaches on the same lot must have a minimum of ~~twelve (12)~~ feet between them.
 - (d) A drive approach shall be measured from the bottom of the flares. The flare shall not be greater than three ~~(3)~~ feet long.
- (2) Other lots. Access to lots other than one- and two-family residential lots shall be provided to meet the following requirements:
 - (a) Not more than one ~~(1)~~ drive approach shall be used for each ~~one hundred (100)~~ feet or fraction thereof of frontage on any street.
 - (b) No two ~~(2)~~ of said drive approaches shall be closer to each other than ~~twelve (12)~~ feet, and no drive approach shall be closer to a side property line than three ~~(3)~~ feet.
 - (c) Each drive approach shall not be more than ~~forty (40)~~ feet wide, measured at right angles to the center line of the drive approach, except as increased by permissible curb return radii. Upon the recommendation of the City Engineer, the Planning Commission may extend a commercial drive approach to ~~fifty (50)~~ feet wide.
 - (d) Where practical, adjacent properties are to share accesses. Unless a driveway access is shared by two ~~(2)~~ or more properties, no drive approach shall be closer than ten ~~(10)~~ feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.
 - (e) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant shall provide protection strips along the entire frontage of the property, except for the permitted drive approaches and on the street side of each such strip there shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the City Engineer.
 - (f) Driveways or drive approaches shall not be located where sharp curves, steep grades, restricted sight distances or any other feature or characteristics of the road or driveway or drive approach by itself or in combination impairs safe traffic operation. The relocation of highway signs, signals, lighting or other traffic control devices necessitated by a drive approach shall be relocated by Tooele City or its agent at the permittee's expense.

7-4-5. Parking ~~L~~lots.

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

- (1) Each off street parking lot shall be surfaced with a bituminous surface course, Portland cement concrete or other approved surface to provide a dustless surface. The planning commission must approve any surface that is not bituminous surface course or Portland cement concrete.

- (2) The sides and rear of any off-street parking lot which face or adjoin a residential district shall be adequately screened from such district by a masonry wall or solid visual barrier fence not less than three or more than six feet in height as measured from the high side.
- (3) Each parking lot shall be landscaped and permanently maintained.
- (4) Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises and from street traffic.
- (5) Where not otherwise authorized by this Title, when in the best interests of the community as determined by the planning commission, the commission may grant temporary or permanent conditional use permits for the use of land in residential districts for a parking lot, provided that in all cases the following conditions are met:
 - (a) The lot is to be used only for parking of passenger automobiles of employees, customers, or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance and upkeep.
 - (b) No charges shall be made for parking on the lot.
 - (c) The lot shall not be used for sales, repair work, or servicing of any kind, but shall be used for parking of vehicles only.
 - (d) Entrances to and exits from the lot shall be located so as to do the least harm to the residential district in an aesthetic context.
 - (e) No advertising sign shall be located on the lot.
 - (f) All parking is to be kept back of the setback building lines by a barrier which will prevent the use of the premises in front of the setback lines for the parking of automobiles.
 - (g) The parking lot and that portion of the driveway behind the building line is to be adequately screened from the street and from adjoining property in a residential district by a hedge or sightly fence or wall not less than three feet, nor more than six feet in height, which is to be located behind the building setback line. All lighting is to be arranged so there will be no glare therefrom annoying to the occupants of an adjoining property in a residential district. The surface of the parking lot is to be smoothly graded, hard-surfaced and adequately drained.
 - (h) There may be imposed such other conditions as may be deemed necessary by the planning commission to protect the character of the residential district.
 - (i) Drainage shall be disposed of upon the premises of the parking lot, as per the requirement set by the city engineer.
 - (j) No private or public garage or parking lot for more than five motor vehicles shall have an entrance or exit in any district within 150 feet of the entrance or exit of a public school, church, playground, or other public or semi-public institution or facility.

7-4-6. Parking Calculation.

The following provisions shall be used to calculate the total number of parking spaces required by this Chapter:

- (1) Fractional Numbers. Any fractional parking space requirement resulting from a parking calculation shall be rounded up to the next whole number.
- (2) More Than One Use on Lot. If a lot or parcel contains more than one use, parking spaces shall be provided in an amount equal to the total of the requirements for each use unless shared parking is approved pursuant to this Chapter.
- (3) Square Foot Basis. Parking requirements based on square footage shall be calculated using gross floor area unless otherwise provided in this Chapter.
- (4) Employee Basis. Parking requirements based on the number of employees shall be calculated using the largest number of persons working on any shift, including owners and managers.
- (5) Uses Not Listed. If a development application is received for a use not specifically included in this Chapter, the Director of the Community Development Department shall apply the parking requirements for the use deemed by the Director to be most similar to the use proposed in the application or may require a parking study be provided by the applicant to determine the appropriate parking requirement.
- (6) Accessible Parking Spaces. Parking spaces compliant with ADA regulations shall be provided as required by the current building codes adopted by the City and any other standards adopted by the City. Accessible spaces shall be counted towards the fulfillment of the on-site parking requirement for each use.

CHAPTER 11a. DESIGN STANDARDS: MULTI-FAMILY RESIDENTIAL

- 7-11a-1. Defined Terms: ~~General~~
- 7-11a-2. ~~Defined Terms: Architectural~~ Purpose and Scope
- 7-11a-3. ~~Purposes of Design Standards~~ General Provisions
- 7-11a-4. Project Application, Procedure
- 7-11a-5. Context and Setting
- 7-11a-6. Design Standards: Building Orientation
- 7-11a-7. Design Standards: Vertical Alignment, ~~Roofline~~ Articulation
- 7-11a-8. Design Standards: Horizontal Alignment, Facades Articulation
- 7-11a-9. Design Standards: Windows
- 7-11a-10. Design Standards: Building and Dwelling Unit Entries
- 7-11a-11. Design Standards: Project Entrances
- 7-11a-12. Design Standards: Landscaping
- 7-11a-13. Design Standards: Parking and Internal Circulation
- 7-11a-14. Design Standards: Signage
- 7-11a-15. Design Standards: Lighting
- 7-11a-16. Design Standards: Utilities
- 7-11a-17. Design Standards: Walls and Fences
- 7-11a-18. Design Standards: Building Materials
- 7-11a-19. Design Standards: Color
- 7-11a-20. Design Standards: Vents
- 7-11a-21. Design Standards: Dumpster Enclosures
- 7-11a-22. Design Standards: Common Areas
- ~~7-11a-23. Design Standards: Open Space~~
- 7-11a-~~23~~²⁴. Design Standards: Pedestrian Pathways
- 7-11a-~~24~~²⁵. Design Standards: Zoning
- 7-11a-~~25~~²⁶. Figures
- 7-11a-~~26~~²⁷. Photo Groups

7-11a-1. Defined Terms: ~~General~~.

The following terms, as used in this Chapter, shall be defined as follows:

- (1) "Alcove" means a recess or small room connected to or forming part of a larger room.
- (2) "Arch" means a curved structure for spanning an opening, designed to support a vertical load.
- (3) "CC&Rs" means covenants, conditions, and restrictions.
- (4) "Column" means a pillar with a cylindrical shaft.
- (5) "Common Area" means Project areas that are commonly owned and/or commonly used by Project residents, that allow for recreational and leisure activities, that are located generally interior to, between and around buildings. Areas and items not included in Common Area include parking areas, roadways, dumpster pads and enclosures, equipment pads, and other developed, non-landscaped areas. See **Figure 1** for examples of Common Area.
- (6) "Context and Setting" means that set of existing natural and manmade landmarks and structures adjacent to and near a proposed Project.
- (7) "Department" means the Community Development Department or successor department.
- (8) "Design Elements" means factors, features, elements, and considerations related to building and Project design.
- (9) "Director" means the director of the Community Development Department, or designee.
- (10) "Dry-Scape" means landscaped areas, plants, and materials that do not require more than drip irrigation, and includes the term "Xeriscape." "Dry-Scape" is not intended to be and does not include a waterless design.
- (11) "Elements" has the same meaning as "Design Elements".
- (12) "Eave" means the underside or lower edge of a roof overhang.
- (13) "Facade" means a two dimensional view of any building face.
- (14) "Gable" means a triangular section of wall at the end of a pitched roof, or a triangular ornamental seat over a window or door.

- (15) *"Gambrel" means a ridged roof divided on each side into a shallower slope above a steeper one.*
- (16) *"Keystone" means the wedge-shaped element at the center, crown, or top of an arch, serving to lock all of the other elements of the arch into place.*
- (17) *"Land Use Plan" means the Land Use Element of the current Tooele City General Plan.*
- (18) *"Landmarks" means off-Project items or structures of visual prominence that are associated with a certain geographic area or development.*
- (19) *"Lintel" means a beam supporting the weight above a door or window.*
- (20) *"Net Developable Area" means the entire Site minus areas dedicated for public rights-of-way, interior roads, dumpster enclosures, and pathways.*
- (21) *"Pediment" means a wide, low-pitched gable, usually over an entry.*
- (22) *"Pier" means a vertical support structure such as a wall between two openings.*
- (23) *"Pilaster" means a rectangular column, projecting slightly from the wall.*
- (24) *"Pillar" means an upright, relatively slender shaft or structure used as a support or standing alone as a monument.*
- (25) *"Porch" means an exterior appendage to a building forming a covered approach or vestibule to a doorway.*
- (26) *"Portico" means a porch or walkway with a roof supported by columns often leading to the entrance of a building.*
- (27) *"Pre-existing" means in place or in effect prior to the date of Project Application.*
- (28) *"Project" means the full scope of a multi-family residential development project, including, but not limited to, site improvements, associated off-site and right-of-way improvements, buildings and Common Areas.*
- (29) *"Project Plan" means that set of documents comprising an Application for a Multi-Family residential development Project, including, but not limited to, all information and documents required by this Chapter.*
- (30) *"Shutter" means a louvered awning which is angled to shade a window from direct sunlight and glare while preserving the outside view and admitting soft, diffused light.*
- (31) *"Standards" means the Multi-Family Residential Design Standards contained in this Chapter.*
- (32) *"Surrounding Property" means all properties touching, adjacent to, affected by, or generally within the area of a Project.*
- (33) *"Trim" means a finished woodwork or the like used to decorate, border, or protect the edges of openings or surfaces.*
- (34) *"Wainscot" means a facing of finish material which typically covers the lower portion of a wall.*
- (1) ~~*"Application" means a complete Project Plan submission satisfying the requirements of this Chapter.*~~
- (2) ~~*"Building" means a multi-family residential building containing three or more Dwelling Units, or three (3) or more attached Dwelling Units.*~~
- (3) ~~*"CC&Rs" means covenants, conditions, and restrictions.*~~
- (4) ~~*"Common Area" means Project areas that are commonly owned and/or commonly used by Project residents, that allow for recreational and leisure activities, that are located generally interior to and between Buildings, and that are not Open Space. Areas and items not included in Common Area include parking areas, roadways, dumpster pads and enclosures, equipment pads, and other developed, non-landscaped areas. See **Figure 1** for examples of Common Area.*~~
- (5) ~~*"Context and Setting" means that set of existing natural and manmade landmarks and structures adjacent to and near a proposed Project.*~~
- (6) ~~*"Department" means the Community Development Department or successor department.*~~
- (7) ~~*"Design Elements" means factors, features, elements, and considerations related to Building and Project design, and has the same meaning as "Elements."*~~
- (8) ~~*"Director" means the director of the Community Development Department, or designee.*~~
- (9) ~~*"Dry-Scape" means landscaped areas, plants, and materials that do not require more than drip irrigation, and includes the term "Xeriscape."*~~
- (10) ~~*"Dwelling Unit" has the same meaning as Tooele City Code §7-1-5, as amended.*~~
- (11) ~~*"Elements" has the same meaning as "Design Elements."*~~
- (12) ~~*"General Plan" means the 1998 Tooele City General Plan and its various infrastructure elements, as amended, including culinary water, sanitary sewer, storm water, rights-of-way, transportation, parks and recreation, trails, police and fire, affordable housing, and land use.*~~

- (13) "Land Use Plan" means the Land Use Element of the 1998 Tooele City General Plan.
- (14) "Landmarks" means off-Project items or structures of visual prominence that are associated with a certain geographic area or development.
- (15) "Multi-Family" means residential development containing three (3) or more Dwelling Units per Building, or three (3) or more attached Dwelling Units.
- (16) "Net Developable Area" means the entire Site minus areas dedicated for public rights-of-way, interior roads, dumpster enclosures, and pathways.
- (17) "Open Space" means Project Site areas that are located generally outside of Buildings, between Buildings and the Project perimeter, and that are not Common Area. Areas and items not included in Common Area include parking areas, roadways, dumpster pads and enclosures, equipment pads, and other developed, non-landscaped areas. See **Figure 1** for examples of Open Space.
- (18) "Pre-existing" means in place or in effect prior to the date of Project Application.
- (19) "Project" means a Multi-Family residential development project, including, but not limited to, Buildings, Common Area, and Open Space.
- (20) "Project Plan" means that set of documents comprising an Application for a Multi-Family residential development Project, including, but not limited to, all information and documents required by this Chapter.
- (21) "Project Site" has the same meaning as "Site."
- (22) "Site" means the land area upon which a Project is constructed and developed, and has the same meaning as "Project Site."
- (23) "Standards" means the Multi-Family Residential Design Standards contained in this Chapter.
- (24) "Surrounding Property" means all properties touching or adjacent to, or abutting a street adjacent to, a Project.

7-11a-2. Defined Terms: Architectural Purpose and Scope.

- (1) Purpose. *The purpose of this Chapter is to establish minimum development standards for Projects that include multi-family dwellings. These standards are intended to ensure that such development is well-buffered from and compatible with adjacent property, serves the needs of occupants thereof, and retains long-term viability and quality through economies of scale. Further, the purposes of the Standards include the following:*
 - (a) To achieve the goals and objectives of the General Plan.
 - (b) To implement the policies of the General Plan, including the principles stated in the Land Use Plan.
 - (c) To guide the general configuration and appearance of buildings and Projects consistent with the General Plan.
 - (d) To preserve the valuations of buildings and Projects, as well as the valuations of the Surrounding Properties.
 - (e) To encourage an aesthetic appearance that serves to achieve the goals, objectives, policies, and principles of the General Plan and this Chapter.
 - (f) To provide a fair, equitable, and predictable process for the evaluation of Project applications.
 - (g) To improve the quality of life of multi-family residents by improving the quality of Projects and buildings.
 - (h) To recognize the fact that architectural and design considerations have a significant impact on the quality of life of Multi-Family residents and on property valuations.
 - (i) To recognize the distinct geographic, historical, and other contexts that make Tooele City unique, and to encourage Multi-Family development to do the same through building and Project design.
- (2) Scope.
 - (a) The requirements of this Chapter shall apply to all Projects that include multi-family dwellings. This includes but is not limited to residential condominium projects, townhomes, apartments, or other housing types located within any development, subdivision or project within the City.
 - (b) The requirements of this Chapter are intended to apply to all Projects that include multi-family dwellings in addition to all other applicable regulations, and the requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Tooele City Code and other laws. In the event of a conflict between the provisions of this Chapter and any other provisions of this Title, the Tooele City Code or other law, the more restrictive regulation shall apply.

- (1) "Alcove" means a recess or small room connected to or forming part of a larger room.
- (2) "Arch" means a curved structure for spanning an opening, designed to support a vertical load.
- (3) "Column" means a supporting pillar with cylindrical shaft.

- (4) ~~“Eave” means the overhanging lower edge of a roof.~~
- (5) ~~“Facade” means the front of a building or any of its sides facing a public way or space, esp, one distinguished by its architectural treatment.~~
- (6) ~~“Gable” means a triangular section of wall at the end of a pitched roof, or a triangular ornamental seat over a window or door.~~
- (7) ~~“Gambrel” means a ridged roof or ornamental openings divided on each side into a shallower slope above a steeper one.~~
- (8) ~~“Keystone” means the wedge at the center or top of an arch, serving to lock all of the other wedges into place.~~
- (9) ~~“Lintel” means a beam supporting the weight above a door or a window.~~
- (10) ~~“Pediment” means a wide, low pitched gable, usually over an entry.~~
- (11) ~~“Pier” means a vertical support structure such as a wall between two openings.~~
- (12) ~~“Pilaster” means a rectangular column, projecting slightly from the wall.~~
- (13) ~~“Pillar” means an upright, relatively slender shaft or structure used as a support or standing alone as a monument.~~
- (14) ~~“Porch” means an exterior appendage to a building forming a covered approach or vestibule to a doorway.~~
- (15) ~~“Portico” means a porch or walkway with a roof supported by columns.~~
- (16) ~~“Shutter” means a louvered awning which is angled to shade a window from direct sunlight and glare while preserving the outside view and admitting soft, diffused light.~~
- (17) ~~“Trim” means a finished woodwork or the like used to decorate, border, or protect the edges of openings or surfaces.~~
- (18) ~~“Wainscot” means a facing of finish material which typically covers the lower portion of a wall~~

7-11a-3. ~~Purposes of Design Standards~~ *General Provisions.*

- (1) ~~*Development Standards. All multi-family Projects shall be subject to the terms and regulations of this Chapter as set forth in this Section and shall comply with the development standards contained in this Chapter.*~~
- (2) ~~*The purposes of the standards do not include an intent to arbitrarily dictate color, materials, style, theme, and other similar considerations, but to provide parameters within which the above purposes can be fulfilled.*~~
- (3) ~~*Nothing in this Chapter shall be construed to limit the City’s exaction authority.*~~
- (4) ~~*Each Project shall include the creation of an association, or other legal mechanism acceptable to the City, with responsibility for, and authority to require and enforce, the permanent maintenance of all common ownership areas, including but not limited to amenities, landscaping and fences, in good condition so as to present a healthy, neat, and orderly appearance.*~~
- (1) ~~The purposes of the Standards include the following:

 - (a) ~~To achieve the goals and objectives of the General Plan.~~
 - (b) ~~To implement the policies of the General Plan, including the Principles stated in the Land Use Plan.~~
 - (c) ~~To guide the general configuration and appearance of Buildings and Projects consistent with the General Plan.~~
 - (d) ~~To preserve the valuations of Buildings and Projects, as well as the valuations of the Surrounding Properties.~~
 - (e) ~~To encourage an aesthetic appearance that serves to achieve the goals, objectives, policies, and principles of the General Plan and the Purposes stated in this Chapter.~~
 - (f) ~~To provide a fair, equitable, and predictable process for the evaluation of Project Applications.~~
 - (g) ~~To improve the quality of life of Mmulti-Ffamily residents by improving the quality of Projects and Buildings.~~
 - (h) ~~To recognize the fact that architectural and design considerations have a significant impact on the quality of life of Multi-Family residents and on property valuations.~~
 - (i) ~~To recognize the distinct geographic, historical, and other contexts that make Tooele City unique, and to encourage Multi-Family development to do the same through Building and Project design.~~
 - (j) ~~To protect major vistas and panoramas that give special emphasis to open space, mountains, and manmade or natural Landmarks.~~~~
- (2) ~~The Purposes of the Standards do not include an intent to arbitrarily dictate color, materials, style, theme, and other similar considerations, but to provide reasonable general parameters within which the above Purposes can be fulfilled.~~
- (3) ~~Nothing in this Chapter shall be construed to limit the City’s exaction authority.~~

7-11a-4. Project Application, Procedure.

- (1) Any person desiring to develop a Multi-Family Project shall submit to the Department a completed Application and Project Plan in conformance with Tooele City Code Chapter 7-11, Site Plan and Design Review.
- (2) The Application shall consist of the following information and documents, among others:
 - (a) Site plan showing the Project, including the configuration of all Buildings and other improvements.
 - (b) Site plan showing the Project and all existing public improvements, utilities, and structures within a distance of 150 feet from any Project property line.
 - ~~(c) Site plan showing the Project and all existing public improvements, utilities, and structures within a distance of 150 feet from any Project property line.~~
 - ~~(d)~~ Architectural rendering showing the Project and the configuration of Buildings and other improvements.
 - ~~(e)~~ Architectural rendering showing all Building elevations including all exterior details, including proposed color schemes, all and Design Elements.
 - ~~(f)~~ Architectural rendering showing the Project and all existing public improvements, utilities, and structures within a distance of 150 feet from any Project property line.
 - ~~(g)~~ All Building floor plans anticipated to be used.
 - ~~(h)~~ Landscape plan.
 - ~~(i)~~ Lighting plan which illustrates lighting accommodation for automobile and pedestrian networks and amenities.
 - ~~(j)~~ Parking plan.
 - ~~(k)~~ Signage plan.
 - ~~(l)~~ Pedestrian pathway and wheelchair ADA-compliant access plan.
 - ~~(m)~~ Storm water management plan.
 - ~~(n) Form of tenancy agreement, if the Building contains Dwelling Units for lease.~~
 - ~~(o)~~ Plans identifying at least the following:
 - (i) location of existing ~~or~~ and planned utilities including water mains and laterals, sewer mains and laterals, storm drain infrastructure, street lights, utility boxes, mail boxes, fire hydrants, electric meters, gas meters;
 - (ii) street centerline, curb, gutter, sidewalk;
 - (iii) property lines;
 - (iv) required setbacks;
 - (v) dimensioned curb cuts and driveways; and,
 - (vi) existing and proposed grades with two-foot ~~(2')~~ contours.
 - ~~(p)~~ Condominium CC&Rs, if the Building contains Dwelling Units for sale.
 - ~~(q)~~ Form of Project common ownership agreement if not covered by the CC&Rs.
 - ~~(r)~~ Other information and documents reasonably required by the Department.
 - ~~(s)~~ All schematics and drawings shall be to a scale of 100 feet to the inch, but additional schematics of higher or lower scales may be submitted.
 - ~~(t) A final proposed color palette for all Buildings, structures and fencing within the project. All schematics and drawings shall be on 24" x 36" copy or blue-line paper.~~
- (3) An Application that does not contain all of the information required by this Chapter, including the payment of application fees, shall be deemed incomplete, and shall not constitute a Project Plan, and shall not be accepted.
- (4) A Project Plan shall include consideration of the following Project site design Elements, among others:
 - (a) The coordination and integration of internal pedestrian, bicycle, and vehicular circulation routes, parking areas, and Building entries.
 - (b) The arrangement and adequacy of on-site and off-street parking.
 - (c) The location and dimensions of dumpsters and other similar structures.
 - (d) The location, type and dimensions of walls and fences.
 - (e) The coordination of the Project with existing or planned right-of-way alignments and street improvements.
 - (f) Sight distances from and to Project streets and driveways.
- (5) A Project Plan shall include consideration of the following Project landscape Design Elements, among others:
 - (a) The manner in which challenges and questions regarding sensitive lands, as defined in Tooele City Code Chapter 7-12, will be avoided, mitigated, or otherwise resolved.
 - (b) The manner in which Project landscaping will conceal or screen unsightly areas, including ground-mounted

- utility infrastructure.*
- (c) The location and *types dimensions* of hedges and other screen plantings.
 - (d) The manner in which the finish landscaping will be maintained.
 - (e) The manner in which sound and sight buffers will be incorporated *for the preservation of views, light, and air*, both within the Project and on the Surrounding Property.
 - (f) The manner in which *Open Space Common Areas* will be incorporated relative to *B*uildings, *Common Area*, parking areas, and internal circulation.
- (6) A Project Plan shall include consideration of the following Project site grading and drainage Elements, among others:
- (a) The manner in which on-site grading and drainage provides slope and soil stabilization, prevents erosion, and minimizes off-site impact.
 - (b) Plans for soil removal, fill work, retainage, soil stabilization, and erosion control.
 - (c) Plans for plantings, ground covers, and/or shrubbery as a means to prevent dust, stabilize soils, and control erosion.
 - (d) Integration and preservation of existing and proposed storm drainage ways, channels, and culverts.
 - (e) The maintenance of drainage ways, channels, and culverts on and through the Project.
- (7) A Project Plan shall include consideration of the following Project utility Elements:
- (a) The incorporation of utility systems in a manner that does not detract from *B*uilding or Project appearance.
 - (b) The size, location, and maintenance of service systems.
 - (c) The location of electrical and telephone service systems.
 - (d) The location and screening of transformers and pad-mount mechanical and electrical equipment.
 - (e) The location and sizes of all utility lines, manholes, poles, underground cables, gas lines, wells, and similar installations and facilities.
 - (f) Utility service systems maintenance.
- (8) At the time of Application, a Project applicant shall pay all site plan review and other fees approved by Resolution of the City Council.

7-11a-5. Context and Setting.

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

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

- (1) As a general rule, *B*uildings shall be oriented to the public rights-of-way and to internal circulation systems, in that order of priority.
- (2) For energy efficiency and resident comfort, *B*uildings shall be oriented so as to minimize east/west exposures and should utilize landscaping to create shade as a heat control mechanism.
- (3) Buildings and other structures shall be placed in a manner so as to minimize impairment to lines-of-sight for pedestrian, bicycle, and vehicular traffic.
- (4) Common Areas shall be located between all *B*uildings so as to encourage relatively even *B*uilding distribution on the Site and to discourage concentration of *B*uildings on any part of the Site. See **Figure 1** for examples of

Common Areas ~~and Open Space~~.

- (5) Setbacks for Multi-family dwelling buildings shall be within the range of ten to 20 feet from the edge of the public or private right-of-way. Variation in setback shall also be provided from internal roads and parking areas according to the same standard.
- (a) No more than 25% of buildings along the same frontage shall be allowed at the minimum of the setback range.
- (b) Variation in setback shall be not less than five feet between adjacent buildings along the same setback.
- (b) For projects with front loading garages and driveways, the garage door shall be setback at 20 feet from the right-of-way or accessing road to allow for tandem driveway parking.
- (c) The setback range shall be 15 feet to 30 feet when:
- (i) the proposed structure is three or more stories; or
- (ii) the project is adjacent to an existing or proposed arterial or collector street as shown on the Master Transportation Plan.
- (d) Development on corner lots shall comply with the provisions of Section 7-2-11 of the Tooele City Code in which the sight line at an intersection shall not be obstructed.
- (e) Setbacks between buildings shall not be less than one-half of the total height of the taller of the buildings between which the measurement applies as measured from finished grade to the peak of the roof pitch.

7-11a-7. Design Standards: Vertical Alignment, ~~Roofline Articulation~~.

- (1) Building rooflines shall be ~~articulated distinguished~~ by incorporating ~~the following Roofline Articulation alignment Elements such as:~~
- (a) Stair-stepped rise and/or fall in the roofline;~~;~~
- (b) Castle-top rise and fall in the roofline;~~;~~
- (c) Roof pitch;~~;~~
- (d) Gables;~~;~~ and
- (e) Gambrel windows.
- ~~(2) The number of Roofline Articulation Elements shall be as follows:~~
- ~~(a) At least one (1) Roofline Articulation Element for Buildings with three (3) or less Dwelling Units on any Building story.~~
- ~~(b) At least one (1) additional Roofline Articulation Element for every additional two (2) Dwelling Units above two (2) on any Building story. Example: a Building with five (5) Dwelling Units requires one (1) Roofline Articulation Element for the first three (3) Dwelling Units, and one (1) Roofline Articulation Element for the additional two (2) Dwelling Units.~~
- (2) Unit Definition. Multi-family Buildings shall include design features that differentiate adjoining units and create identity for each unit. This goal shall be achieved through the following requirements:
- (1) Multi-family Projects shall include a variety of unit sizes.
- (2) Multi-family Projects shall include a variety of heights which may include roofline stair-steps or castle-top rises.
- (i) Long, continuous rooflines greater than 50 feet shall not be permitted.
- (ii) To encourage height variation, multi-family Buildings shall be allowed to exceed the maximum allowable height by no more than three feet for no more than 50% of the building's units, except that in no event shall structures adjacent to a less intensive land use exceed the maximum allowable height within 50 feet of the Project boundary line adjacent to the less intense land use.
- (3) Each roofline stair-step or castle-top rise and/or fall shall be at least ~~twenty-four 24~~ inches (~~24"~~) in height.
- (4) See **Photo Group 1** for examples of Roofline ~~Articulation~~ Alignment Elements.
- (5) Rooftop heating, air conditioning, and other mechanical equipment shall be screened from the view of pedestrians or drivers from a horizontal distance of not less than ~~two hundred 200~~ feet (~~200'~~) in all directions from ~~B~~ buildings, at street level, with screening materials, design, and color similar to the supporting rooftop.
- (6) Vent stacks, pipes, and other similar features shall be black or of a color similar to the supporting rooftop.
- (7) Roofs and gables shall have a slope of at least a 1-to-4 ratio, or 22.5 degrees. Shallower or flat roofs are prohibited.

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

- (1) Front **B**uilding facades, and rear facades of **B**uildings backing onto a public street, shall ~~be articulated by~~ incorporate ~~ing~~ wall projections and recesses, and at least two ~~(2)~~ of the following ~~H~~orizontal ~~Articulation~~ ~~alignment~~ ~~E~~lements, as described in this Section:
 - (a) Vertical elements. *See Photo Group 3 for examples.*
 - ~~(i) Two (2) or more pillars, columns, pilasters, or other similar Vertical Elements, of at least twelve inches (12) inches each in width, and~~
 - ~~(ii) Corner treatments such as quoins, columns, pilasters or other Design Elements. See Photo Group 4 for examples.~~
 - (b) Wainscot.
 - (c) Windows and balconies.
- (2) Side **B**uilding facades shall ~~be articulated by~~ incorporate ~~ing~~ wainscot where wainscot is incorporated on any other **B**uilding facade, and incorporating at least one ~~(1)~~ windows per dwelling unit, as described in this Section.
- (3) Wall projections and recesses. See **Photo Group 2** for examples.
 - (a) Wall projections and recesses are sections of ~~a~~ **B**uilding facade that project out from the front ~~horizontal~~ ~~vertical~~ plane of the **B**uilding, or recess into the front horizontal plane of the **B**uilding.
 - (b) Dimensions.
 - (i) Projecting and recessed facade sections shall be at least as wide as a ~~D~~dwelling ~~U~~nit on the first fully or partially above-ground **B**uilding floor.
 - (ii) Each facade projection and/or recess shall be at least ~~twenty-four (24)~~ ~~inches (24")~~ deep.
 - (c) Quantity. The number of projecting and/or recessed front facade sections shall be as follows:
 - (i) At least one ~~(1)~~ for **B**uildings with three ~~(3)~~ or less ~~D~~dwelling ~~U~~nits on any **B**uilding story.
 - (ii) At least two ~~(2)~~ for **B**uildings with four ~~(4)~~ or five ~~(5)~~ ~~D~~dwelling ~~U~~nits on any **B**uilding story.
 - (iii) At least three ~~(3)~~ for **B**uildings with six ~~(6)~~ or more ~~D~~dwelling ~~U~~nits on any **B**uilding story.
- ~~(4) Vertical Elements. See Photo Group 3 for examples.~~
 - ~~(a) Two (2) or more pillars, columns, pilasters, or other similar Vertical Elements, of at least twelve inches (12) inches each in width, and~~
 - ~~(b) Corner treatments. See Photo Group 4 for examples.~~
- ~~(5) Wainscot. See Photo Group 5 for examples.~~
 - (a) Wainscot and trim along the entire **B**uilding facade.
 - (b) The wall areas above and below the wainscot trim shall be of different colors and/or materials.
- ~~(6) Windows and Balconies. See Photo Group 6 for examples.~~
 - (a) Bay and/or box windows: at least one ~~(1)~~ in the front **B**uilding facade for each one ~~(1)~~ ground-floor ~~D~~dwelling ~~U~~nit.
 - (b) Balconies: at least one ~~(1)~~ for each ~~one (1)~~ ~~D~~dwelling ~~U~~nit above the ground floor.
- ~~(7) For purposes of this Chapter, covered Ddwelling Uunit entrances do not constitute be considered horizontal articulation alignment elements.~~
- ~~(8) There shall be a roof overhang at the eaves and gable ends of not less than twelve (12) inches (12"), excluding rain gutters, measured from the vertical sides of the Bbuilding. The roof overhang requirement shall not apply to areas above porches, alcoves, and other appendages.~~
- ~~(9) Exposed foundation walls shall not exceed four feet above the finished grade at any point along the foundation.~~
- ~~(9) Rear and side building facades that face upon a public street shall be designed as though a front facade.~~
- ~~(10) Townhouse or other in-line oriented multi-family unit Buildings shall have no more than eight contiguous units without a separation in the building of at least the minimum side yard setback prescribed by the zoning district or the structural separation required by the Building Code, whichever is greater. Buildings containing apartment, condominium or other horizontally and vertically contiguous multi-family units shall be allowed up to 16 ground floor units with a maximum of eight ground floor units along any one Building facade.~~

7-11a-9. Design Standards: Windows.

- (1) Front facade windows, and rear facade windows of **B**uildings backing onto a public street, shall include the use of one ~~(1)~~ or more of the following ~~W~~indow ~~E~~lements:
 - (a) Shutters, of a color different than the wall sections adjacent to the shutters, and/or
 - (b) At least one ~~(1)~~ of the following ~~W~~indow ~~T~~rim ~~E~~lements:
 - (i) Trim, at least ~~four (4)~~ ~~inches (4")~~ in width, of a color different than the wall sections surrounding the

- (6) Quantity. ~~Projects shall include plantings in the following minimum quantities:~~ The plantings throughout multi-family Projects are intended to enhance and beautify community appearance and to protect welfare by protecting residents and visitors from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder and other adverse or harmful effects associated with some uses. For the purpose of this Section, a building section shall mean the area between building entrances, the area between a building entrance and the edge of the facade, or the number of horizontal units behind the facade where there are no building entrances. The following shall be required for areas of the Project:
- ~~(a) In areas located within thirty feet (30') of any Building~~
- ~~(i) One (1) deciduous tree per Dwelling Unit; and,~~
- ~~(ii) Four (4) shrubs per Dwelling Unit. Any one (1) shrub may be replaced by a grouping of at least three (3) perennial flowers.~~
- ~~(iii) Trees, shrubs, and/or flowers shall be distributed evenly around the Building perimeter, except that a larger proportion of trees may be placed on the eastern and western sides of the Building.~~
- ~~(iv) Trees, shrubs, and/or flowers shall be distributed evenly around the Building perimeter, except that a larger proportion of trees may be placed on the eastern and western sides of the Building.~~
- ~~(b) In Common Areas:~~
- ~~(i) One (1) tree grouping of three (3) or more deciduous trees per 1,000 square feet of Common Area.~~
- ~~(c) In Open Space:~~
- ~~(i) One (1) tree per 1,000 square feet of Open Space. Trees shall be a mixture of deciduous and evergreen, and may include preexisting mature trees that are incorporated into Project Open Space.~~
- ~~(ii) One (1) additional tree for each 500 square feet of Building footprint at ground-level; and,~~
- ~~(iii) Four (4) shrubs per Dwelling Unit.~~
- ~~(iv) Trees and shrubs may be grouped or clustered.~~
- (a) In on-site areas between each building and streets outside of the Project, per building section, exclusive of right-of-way and parkstrip requirements:
- (i) along arterial class roads:
1. at least two shade trees and one ornamental tree; and,
2. at least 150 square feet of planting beds containing flowers, shrubs, and non-turf ground cover;
- (ii) along major collector class roads:
1. at least two shade trees and one ornamental tree; and,
2. at least 100 square feet of planting beds containing flowers, shrubs, and non-turf ground cover;
- (iii) along minor collector class roads:
1. at least two shade trees; and,
2. at least 100 square feet of planting beds containing flowers, shrubs, and non-turf ground cover;
- (iv) along local class roads:
1. at least two shade trees; and,
2. at least 75 square feet of planting beds containing flowers, shrubs, and non-turf ground cover;
- (b) In areas fronting upon a road which fall between buildings, there shall be at least one tree for every 40 feet of frontage for that area;
- (c) In areas around buildings that border on Common Areas:
- (i) along a side facade of each building shall have at least one shade tree; and,
- (ii) along a rear facade of each building shall have at least two shade trees;
- (d) In areas between buildings and parking areas or internal access roads:
- (i) along a side facade of each building shall have at least one shade tree; and,
- (ii) along a front or rear facade of each building shall have at least two shade trees and planting beds containing flowers, shrubs, and non-turf ground cover that outline the entrance to the building; and,
- (e) In areas between buildings and Project boundaries not abutting a street, the requirements shall be the same as those for areas between buildings and a minor collector class street.
- (f) Common Areas not immediately adjacent to a building shall have shade trees and planting beds containing flowers, shrubs, and non-turf ground cover to complement usable open amenity areas for residents identified in Section 7-11a-22 of this Title. The number of trees to be provided shall not be less than the number of ground floor dwelling units in the Project and shall be generally distributed throughout the Project but may be clustered in Common Areas to provide open activity areas as identified in Section 7-11a-22 of this

Title.

- (a) For the purpose of compliance with this Section, townhouse Projects or portions of Projects containing townhomes, may reduce the required landscaping from Subsection (6)(a) herein, along the front and rear facade to not less than one tree and 50% of the required planting bed area but shall include the remainder of this requirement in Common Areas of the Project.
- (7) The landscaping plan for a Project shall consist of ground covers, shrubs and planting beds, and trees. Projects shall provide a landscaping plan that consists of at least 25% ground cover that is sod, grass or other surface material that provides a playable surface and a maximum of 75% may be planted with such ground covers. For the purpose of this calculation fall surfaces around play equipment may be considered as a playable ground cover surface.
- (8) Types. Landscaping includes trees, shrubs, groundcover, flowerbeds with perennial flowers, Dry-Scape, and grass. ~~Dry-scape includes rock, bark, and other low-water landscaping materials generally used in the landscaping industry.~~ New trees shall be at least ~~one and one-half~~ two-inch (~~1½~~) caliper measured at the base of the tree and at least six feet in height measured from the top of the root ball. Drought tolerant and water-wise landscaping is encouraged.
- (9) Projects shall be designed to incorporate existing mature trees (i.e., ten (~~10~~) or more years old, or four-inch (~~4"~~) caliper trunk measured at the base of the tree). The minimum required number of new trees in any Project area (i.e. ~~Open-Space Common Area~~) shall may be reduced by ~~one (1)~~ three for every ~~one (1)~~ existing mature tree preserved and incorporated into that area of the Project.
- (10) Landscaping used to satisfy any one requirement of this Section shall not be construed to satisfy any other requirement. Each requirement shall be satisfied independent of any other unless otherwise specified.
- (11) Irrigation.
- (a) All landscaped areas shall incorporate permanent, automated, irrigation systems that shall:
- (i) Utilize water consumption reducing mechanisms or devices, such as, low-volume sprinkler heads, drip emitters, and bubbler emitters; and,
 - (ii) Utilize water saturation sensors or other mechanisms or devices that prevent over-watering; and,
 - (iii) Irrigate trees and shrubs with drip irrigation; and,
 - (iv) Reduce wasteful and unnecessary water usage.
- (b) Trees and shrubs shall be located in similar water usage demand zones.
- (12) Maintenance. Each Project shall include the creation of an association, or other legal mechanism acceptable to the City, with responsibility for, and authority to require and enforce, the permanent maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat, and orderly appearance.
- (a) Dead trees, shrubs, and other plantings shall be replaced within ~~sixty (60)~~ days, or by November 1, whichever is earlier.
- (b) Grassy areas shall be treated in a manner so as to discourage weed growth.
- (c) For the purposes of compliance with this Chapter, artificial grass which emulates natural grass may be substituted for natural grass provided that maintenance is established for the regular cleaning of the surface and period replacement of the artificial grass as needed.
- (13) Parking areas. All landscaped areas shall be separated from parking and drive surfaces by a curb ~~at least six (6)~~ inches high.
- (14) Multi-family redevelopment projects within an existing registered historical building shall have no landscaping requirements specific to the historical building beyond those landscaping areas previously established with and around the building. Those previously established landscaping areas shall be developed according to the provisions of this section.
- (15) Detention basins shall be landscaped and maintained as a part of the Project landscaping.

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

- (1) Parking areas shall be contained within the interior of the Site ~~of or~~ under the ~~B~~ buildings. Parking areas shall be no closer to a public right-of-way or exterior road than ~~ten (10)~~ 20 feet ~~to a public right-of-way or the setback of the closest building to that same road, whichever is greater.~~
- (2) Direct access to parking areas shall be from internal roads, not from a public road.
- (3) Parking areas of six (~~6~~) or more spaces shall be effectively screened from public streets and Surrounding

Property. Screening may be with fencing, berming, or landscaping, which landscaping may be credited to the ~~Open Space~~ Common Area landscaping percentage requirements contained in this Chapter.

- (4) The predominant view from the public roads shall be Buildings, not parking areas.
- (5) Parking structures, including enclosed parking, shall utilize materials, colors, and design similar to those of the nearest Building.
- (6) Covered parking shall utilize colors and design similar to those of the nearest building.
- (7) At least one required resident parking space per unit shall be provided as a covered or enclosed parking space. Parking provided within an enclosed building may count towards required parking upon provision ensuring that the enclosed parking must be used for primarily parking.
- (8) All required parking for residents and visitors shall be provided within the Project, exclusive of roads and rights-of-way, and:
 - (a) resident spaces shall be made available to all residents and their visitors as a part of their residency without charge or restriction;
 - (b) resident spaces may be assigned for the dedicated use of the tenants of specific units;
 - (c) resident spaces may be restricted from use by non-residents or visitors; and
 - (d) visitor spaces shall be dispersed throughout the Project.
- (9) Rows of parking shall not include more than 12 spaces without a landscaping break of not less than five feet. These breaks are encouraged to include pedestrian pathways where reasonable for access around and through the Project and to buildings.
- (10) Roads on the interior of a Project are encouraged to emulate the horizontal cross section of public roads and shall meet the same minimum vertical construction standards as public roads.
- (11) A traffic impact study shall be required for all multi-family Projects planned to contain 50 or more units, or as otherwise required by the City Engineer.

7-11a-14. Design Standards: Signage.

- (1) Tooele City Code Chapter 7-25, regarding signage, shall apply to all Projects except as expressly provide otherwise by this Chapter.
- (2) Building signage shall be designed as an integral architectural part of Building design.
- (3) Project signage. See the Subsection, herein, relating to Project Entrances.

7-11a-15. Design Standards: Lighting.

- (1) Security and other lighting shall be sufficient to illuminate every building entrance, pedestrian pathway, and parking area, ~~but shall not be excessive.~~
- (2) Theme Lighting. Lighting and light fixtures utilized throughout the Project to illuminate streets, pathways, parking areas, Building entrances, and Building facades shall be consistent and thematic in terms of their design, placement, and brightness.
- (3) Building lighting. Buildings shall be illuminated with a minimum of one ~~(1)~~ wall-mounted light fixture per ground-floor Building and Dwelling Unit entrance.
- (4) Building Area Lighting. Where any Building is located more than 30 feet from a public street, additional lighting shall be provided by way of free-standing lighting fixtures located in the Common Area, ~~Open Space~~, and/or other area between the Buildings and public streets. ~~The fixtures shall produce light at least the equivalent to light produced by a 100-watt incandescent bulb per each 50 feet of street frontage or fraction thereof.~~
- (5) Common Area. Common Areas shall be lighted to illuminate an area with a radius equal to the distance between the approximate Common Area center and the nearest Building by installing lighting fixtures ~~that emit light at least equivalent to that of one (1) 100-watt incandescent bulb 200 feet in all directions.~~
- (6) Street Lights. If a pre-existing abutting public street is not lighted, the Project Plan shall include regularly-required street lights.
- (7) Parking Areas. Each parking area shall be illuminated for safety by installing lighting fixtures ~~that emit light at least equivalent to that of one (1) 100-watt incandescent bulb per 50 feet in all directions,~~ with a maximum fixture height of ~~sixteen (16)~~ feet.
- (8) Lighting used to satisfy any one requirement of this Section shall not be construed to satisfy any other requirement. Each requirement shall be satisfied independent of any other.
- (9) Glare and shielding. All lighting shall be shielded so as not to shine into adjacent Buildings or Surrounding

Property and to reduce glare and waste.

- (10) Light pollution. Lighting shall be designed and installed such that light will not spill ~~into~~ onto the Surrounding Property. All exterior lighting shall comply with Tooele City Code Chapter 7-30, regarding light pollution and waste.

7-11a-16. Design Standards: Utilities.

- (1) All new utilities shall be placed underground. Pre-existing above-ground utilities located on the Project side of public streets, or on the Site, shall be relocated underground.
- (2) Pad-mounted transformers and/or meter box locations shall be screened with landscaping or building materials similar to Project walls, fences, or Buildings.
- (3) ~~All utility connections shall be designed to be similar with the architectural elements of the site so as to minimize above-ground exposure and visibility.~~ All building and ground-mounted utility infrastructure, such as meters, shutoffs, junction boxes and transformers, shall be coordinated with the respective utility companies such that their final determined locations are shown on the application plans submitted for approval. Such infrastructure shall also be planned for such that their location minimizes their visibility from outside the Project and shall be screened using architectural features or landscaping.
- (4) Storm water detention and/or retention facilities shall be incorporated into, and be designed as part of, the landscaping plan.

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

- (1) The Project perimeter property line shall be fenced, except for the portions of the Project that abut a public street.
- (2) Perimeter fencing shall utilize ~~materials,~~ colors, and design similar to those utilized for Buildings.
- (3) Allowed fencing materials include natural or cultured stone masonry, brick masonry, split-faced block masonry, decorative precast concrete panel, stucco, vinyl, and other similar materials.
- (4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between ~~twenty (20) eight~~ and 50 ten feet apart).
- (5) Prohibited fencing materials include chain link, barbed wire and other wire materials, wood, and cinder block masonry, except where covered by stucco or brick masonry.
- (6) Sight-obscuring privacy fencing shall be provided along Project boundaries abutting properties zoned for or developed with non-multi-family uses. All other Project boundaries, when proposed for fencing, shall be fenced with minimally sight-obscuring fencing, such as split rail fencing, that creates an open and inviting atmosphere with openings that permit access from adjacent streets. Each Project shall include the creation of an association, or other legal mechanism acceptable to the City, with responsibility for, and authority to require and enforce, the permanent maintenance of all fences in good condition so as to present a healthy, neat, and orderly appearance.
- (7) ~~Examples of allowed fencing materials and vertical sections are shown in~~ **Photo Group 10.**

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

- (1) Siding Exterior Finishes. Exterior Building ~~siding~~ materials shall be natural or cultured brick or stone over at least ~~ten (10) 50% percent~~ of the entire Building facade (not including windows and doors), the remaining ~~90 percent~~ 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least ~~33 75% percent~~ of the ~~ten (10) 50% percent~~ shall be on the front Building facade. All building facades that face a public right-of-way or exterior street shall utilize at least 40% of these allowable materials.
- (2) Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

7-11a-19. Design Standards: Color.

- (1) ~~Colors selected for~~ Colors selected for Buildings, parking structures, dumpster enclosures, fences, and other structures and materials shall serve to achieve the purposes of the General Plan ~~the and~~ this Chapter, particularly earth tone colors, and shall take into consideration a Project's Context and Setting. Each building facade shall incorporate not less than two colors per elevation, with front building facades and rear building facades facing onto a public street incorporating not less than three colors each.
- (2) ~~Building facade colors shall be low reflective, subtle, neutral, or earth tone colors. No sharply contrasting, overly-~~

~~bright, or obnoxious colors (e.g., hot pink) are allowed.~~

7-11a-20. Design Standards: Vents.

- (1) Where vents are utilized, whether functional or faux, on a ~~B~~building facade, the vents shall be of the same colors, materials, and style as the ~~B~~building facade upon which the vents are mounted, but shall be of a color different than the wall sections surrounding the vents, or shall be trimmed with a color different than the wall sections surrounding the vents.
- (2) See **Photo Group 11** for examples.

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

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

7-11a-22. Design Standards: Common Areas.

- (1) Common Areas shall incorporate Design Elements that encourage frequent, safe use of the Common Area by Project residents and visitors. Common Areas shall be incorporated in the development plans such that it is made available to everyone residing in the boundaries of the development.
- (2) Common Areas between any two ~~(2)~~ adjacent ~~B~~buildings shall be of sufficient dimensions to accommodate pedestrian pathways, landscaping, and area for activities an eight-foot long picnic table.
- (3) Common Area shall be landscaped in accordance with the Landscaping Design Standards, above. Common Area may include pathways, patios, recreational activity areas, picnic tables, pavilions, gazebos, and water features. All areas containing play equipment shall include fall material to a depth of at least 12 inches or a depth required by the manufacturer, whichever is greater.
- (4) ~~Common Area in Projects of twenty (20) or more Dwelling Units shall include a playground with play equipment designed to accommodate at least twenty (20) children. All play equipment shall be commercial grade and shall satisfy the minimum standards and specifications contained in the Consumer Products Safety Commission (CPSC) and the American Standards for Testing Materials (ASTM). Every additional twenty (20) Dwelling Units shall trigger the requirement for additional playground area with play equipment designed to accommodate an additional twenty (20) children. All playground areas containing play equipment shall include fall material to a depth of at least twelve (12) inches.~~ The playground facilities are private Project improvements and shall not entitle the Project to a credit against City impact fees.
- (5) Common Area shall include functional Design Elements, such as, seating and tables for eating, ~~and~~ trash receptacles, patios, recreational activity areas, picnic tables, pavilions, gazebos, and water features which shall be accessible to all residents including the disabled and to children, and which shall be designed in relation to trees and tree groupings for shade and to pedestrian pathways for access. Areas provided for recreational activities shall be open areas free from trees or other Design Elements with grass or other appropriate surfacing, but not rock or mulch materials, that allows for general play or activity. Open areas for recreational activities may be associated with gathering spaces such as pavilions, seating, picnic or eating areas.
- (6) ~~Each Project shall include the creation of an association, or other legal mechanism acceptable to the City, with responsibility for, and authority to require and enforce, the permanent maintenance of all Common Areas in~~

~~good condition and free from refuse and debris so as to present a healthy, neat, and orderly appearance.~~

~~Amenities. Centrally located amenities shall be provided for all multi-family Projects.~~

~~(a) Projects of fewer than 50 dwelling units shall provide an amenities package including at least one amenity from the following list.~~

~~(i) Tot lot / play structure.~~

~~(ii) Courtyard with benches, picnic tables and BBQ areas with shade structures.~~

~~(iii) Swimming pool (indoor or outdoor).~~

~~(iv) Sports courts (i.e. tennis, basketball, volleyball).~~

~~(v) Other active or passive recreational areas that meet the intent of this standard.~~

~~(b) Projects of 51 to 100 dwelling units shall include two amenities listed in Subsection (6)(a) plus a minimum of one functional social area, inside or outside, of not less than 1,000 square feet in gathering space.~~

~~(c) Projects of 101 to 150 dwelling units shall include two amenities listed in Subsection (6)(a) plus a minimum of one inside social area of not less than 1,000 square feet in gathering space and a minimum of one outside covered social area of not less 1,000 square feet in gathering space.~~

~~(d) Projects containing 151 units or more shall include those amenities identified in Subsection (6)(c) plus one additional amenity listed in Subsection (6)(a) for every 50 units or portion thereof thereafter.~~

~~(e) Projects located on properties identified by any City master plan to contain or are adjacent to corridors for trails shall incorporate and construct the trails pursuant to the terms of the master plan.~~

~~(7) Phasing. Projects proposed to be constructed in phases shall design for amenities needed for a total buildout prior to approval of the first phase. Amenities may be constructed such that amenities are implemented as phases include the number of units requiring those amenities. Amenities shall be constructed and completed prior to the completion and occupancy of the phase that necessitates those amenities.~~

~~(8) Slope Areas. A maximum of 25% of a Project's slope areas in excess of 30% can be included in the required area calculation for Common Space provided that all slope areas in excess of 30% are preserved from disturbance. Inclusion of sloped area in the calculation of required Common Space is intended to be complimentary and shall not relieve the requirement for the provision of amenities, pathways, or any other Common Space requirement.~~

~~7-11a-23. Design Standards: Open Space.~~

~~(1) In addition to Common Areas, Open Space shall be provided on the Site equal to 25% of the Net Developable Area.~~

~~(2) Open Space shall be landscaped in accordance with the Landscaping Design Standards, above.~~

~~(3) Each Project Plan shall incorporate areas for trails pursuant to any City master plan or capital facilities plan relating to trails.~~

~~(4) Open Space may include pathways, patios, recreational activity areas, picnic tables, pavilions, gazebos, and water features so long as such surfaces do not exceed fifteen (15) percent of the minimum Open Space.~~

~~7-11a-234. Design Standards: Pedestrian Pathways.~~

~~(1) All improved pathways shall be wheelchair ADA-accessible.~~

~~(2) Crosswalks shall utilize materials and colors different than the road sections that the crosswalks traverse.~~

~~(3) All Sites shall incorporate continuous, wheelchair ADA-accessible pedestrian pathway that provides direct access to each Bbuilding, Common Area, parking area, and public sidewalk.~~

~~(4) Pedestrian pathways shall be provided between development access points, entryways, gathering nodes, parking areas and linking the Project to surrounding neighborhoods.~~

~~7-11a-245. Design Standards: Zoning.~~

~~Cross reference Tooele City Code Chapter 7-14 for questions of zoning, including allowed uses, required setbacks, and maximum building heights.~~

~~7-11a-256. Figures.~~

~~Figure 1: Common Area, Open Space~~

~~7-11a-267. Photo Groups.~~

~~Photo Group 1: Roofline Articulation~~

Photo Group 2: Wall Projections and Recesses
Photo Group 3: Vertical Elements
Photo Group 4: Corner Treatments
Photo Group 5: Wainscot
Photo Group 6: Windows and Balconies
Photo Group 7: Windows
Photo Group 8: Building and Dwelling Unit Entries
Photo Group 9: Project Entry Monuments
Photo Group 10: Fencing
Photo Group 11: Vents

CHAPTER 13. ZONING DISTRICTS

7-13-1. Establishment of ~~z~~Zoning ~~d~~Districts.

7-13-2. Rules for ~~l~~Locating ~~b~~Boundaries.

7-13-1. Establishment of ~~z~~Zoning ~~d~~Districts.

- (1) In order to accomplish the purposes of this Title, Tooele City is hereby divided into the following zoning districts:
 - (a) [Multi-Family Residential \(MR-25\)](#)
 - (b) ~~High-Density~~ [Multi-Family Residential \(HDR MR-16\)](#);
 - (c) ~~Medium-Density~~ [Multi-Family Residential \(MDR MR-8\)](#);
 - (d) Medium Density Residential (R1-7);
 - (e) Medium Density Residential (R1-8);
 - (f) Medium Density Residential (R1-10);
 - (g) Low Density Residential (R1-12);
 - (h) Low Density Residential (R1-14);
 - (i) Low Density Residential (R1-30);
 - (j) Low Density Residential (RR-1);
 - (k) Low Density Residential (RR-5);
 - (l) Low Density Residential (RR-20);
 - (m) Multiple Use (MU-160).
 - (n) [Mixed Use – General \(MU-G\)](#)
 - (o) [Mixed Use – Broadway \(MU-B\)](#)
 - (p) [Neighborhood Commercial \(NC\)](#)
 - (q) [General Commercial \(GC\)](#)
 - (r) [Regional Commercial \(RC\)](#)
 - (s) [Light Industrial \(LI\)](#)
 - (t) [Industrial \(I\)](#)
 - (u) [Research and Development \(RD\)](#)
- (2) The location and boundaries of each of the zoning districts are shown on the zoning map entitled, "Tooele City Zoning." All boundaries, notations, and other data shown thereon are hereby adopted as part of this Title.
- (3) [Special Purpose Overlay Zoning Districts. From time to time the City may establish overlay zoning districts for specific purposes that apply on top of the base zoning districts identified in this Section. These overlay zoning districts may be established in other chapters of this Title based on their intended purpose.](#)

7-13-2. Rules for ~~l~~Locating ~~b~~Boundaries.

Where uncertainty exists as to the boundary of any District, the following rules shall apply:

- (1) Wherever the District boundary is indicated as being approximately upon the centerline of a street, alley or block or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley, block or such property line, shall be construed to be the boundary of such District.
- (2) Wherever such boundary line of such District is indicated as being approximately at the line of any river, irrigation canal or other waterway, or railroad right-of-way, or public park or other public land, or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such District.
- (3) Where such District boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
- (4) Where the application of the above rules does not clarify the District boundary location, the Board of Adjustment shall interpret the map.

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

- 7-14-1. Residential Zoning Districts.
- 7-14-2. Residential Zoning Districts Purpose.
- 7-14-3. Uses Allowed within the Residential Zoning Districts.
- 7-14-4. Table of Allowed Residential Density and Table of Residential Site Planning and Development Standards.
- 7-14-5. Table of Minimum Residential Dwelling Unit Size.
- 7-14-6. Accessory Structure Requirements.
- 7-14-7. Porches.
- 7-14-8. Off-Street Parking Requirements.
- 7-14-9. Keeping of Animals and Household Pets.
- 7-14-10. Apiaries

7-14-1. Residential Zoning Districts.

In accordance with the requirement of the Utah Code that zoning within municipalities be by districts, Tooele City has established and identified on the Tooele City Zoning District Map the following residential zoning districts which govern the use, intensity, area and other requirements for the use of residential land as required by this Ordinance. The map accompanying this Ordinance, and incorporated herein by reference, identifies the location and extent of each residential zoning district within the City. All development, use, activity, and authorized permits and licenses shall adhere to all the provisions, standards, and requirements of the applicable zoning district. To meet the purposes of this Ordinance, Tooele City is divided into the following residential and special purpose zoning districts:

~~High-Density Residential (HDR)~~
~~Medium Density Residential (MDR)~~
[Multi-Family Residential \(MR-25\)](#)
[Multi-Family Residential \(MR-16\)](#)
[Multi-Family Residential \(MR-8\)](#)
Medium Density Residential (R1-7)
Medium Density Residential (R1-8)
Medium Density Residential (R1-10)
Low Density Residential (R1-12)
Low Density Residential (R1-14)
Low Density Residential (R1-30)
Low Density Residential (RR-1)
Low Density Residential (RR-5)
Low Density Residential (RR-20)
Multiple Use (MU-160)
In-Fill Overlay (IFO)

7-14-1.1. In-Fill Overlay District.

The In-Fill Overlay special purpose zoning district is formulated to appropriately encourage residential development and redevelopment on lots and parcels of record that may be nonconforming or surrounded by developed land in order to more efficiently utilize residential land, existing public infrastructure, and public services. Table 5 to this Chapter establishes development standards designed to fulfill the purpose of the In-Fill Overlay district.

7-14-2. Residential Zoning Districts Purpose.

The residential zoning districts of Tooele City, and as presented in Table 1 and Table 2 are formulated and provided and achieve the following purposes:

- (1) [The purpose of the MR-25 Multi-Family Residential district is to provide an environment and opportunities for high-density residential uses, primarily, apartments, condominiums and townhouses.](#) The purpose of the ~~High Density~~ ~~MR-16 Multi-Family Residential~~ district (~~HDR~~) is to provide an environment and opportunities for high-density residential uses, including ~~single-family detached and~~ [primarily](#) attached residential units, apartments, condominiums and townhouses [with limited attached single-family dwellings.](#) [The purpose of the MR-8 Multi-Family Residential district is to provide an environment and opportunities for high-density residential uses,](#)

including attached single-family residential units, apartments, condominiums and townhouses. This zoning district is intended to serve as a transitional district between principally single-family residential zoning districts and higher density multi-family zoning districts.

- (2) The medium density residential districts (~~MDR~~, **R1-7, R1-8, and R1-10**) are designed to provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City's residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single-family dwellings, and two-family dwellings ~~and multi-family dwellings~~ in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.
- (3) The low density residential districts (**R1-12, R1- 14, R1-30, RR-1, RR-5, RR-20**) provide for single-family residential areas and single-family dwelling units on larger individual lots. Additionally these districts are intended to allow and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.
- (4) The purpose of the Multiple Use District (**MU-160**) is to provide areas in mountain, hillside, canyon, valley, desert and other open and generally undeveloped lands where residential uses should be limited in order to protect the land resource, to limited demands for public facilities and services, to provide opportunities for forestry, agriculture, mining, wildlife habitat, and recreation, to avoid damage to water resources and water shed areas, and to protect the health and safety of the residents of the City and adjoining areas.

7-14-3. Uses Allowed within the Residential Zoning Districts.

The Table of Uses (Table 1) identifies the uses allowed within each Residential Zoning District of the City. The Table of Uses identifies uses allowed as a Permitted Use (identified as "P" in the Table of Uses) and uses allowed as a Conditional Use (identified as "C" in the Table of Uses). Uses not identified as either a Permitted or Conditional Use are deemed to be prohibited.

7-14-4. Table of Allowed Residential Density and Table of Residential Site Planning and Development Standards.

The table of Allowed Residential Density (Table 2) and the Table of Residential Site Planning and Development Standards (Table 3) identifies the residential intensity, lot area requirements, site development standards, site coverage standards, and other requirements for the uses allowed within each Residential Zoning District provided by Tooele City.

7-14-5. Table of Minimum Residential Dwelling Unit Size.

Table 4 establishes the minimum dwelling unit size allowed within the Residential Zoning Districts of the City.

7-14-6. Accessory Structure Requirements.

To facilitate the placement of accessory buildings and structures on a residential lot that already has a principal residential structure established the following requirements are identified:

- (1) All accessory buildings and structures shall be required to comply with the minimum front yard setback and shall be set back a minimum of at least six ~~(6)~~ feet from the principal structure.
- (2) All accessory buildings and structures shall be setback a minimum of five ~~(5)~~ feet from the rear and side property lines. This five ~~(5)~~ feet setback may be reduced to one ~~(1)~~ foot provided the following requirements are met:
 - (a) accessory buildings are constructed in such a manner that the roof does not infringe onto adjoining property;
 - (b) all accessory buildings are constructed of fire resistant materials which provide a one ~~(1)~~ hour or greater fire rating; and,
 - (c) no accessory structure may encroach upon a public utility and drainage easement.
- (3) No accessory building or structure or group of accessory buildings or structures shall cover more than ~~eight (8%) percent~~ of the total lot area, except as may be allowed by the provisions of 7-14-6(8).
- (4) No accessory building or structures shall encroach upon any easement or right-of-way.
- (5) Detached garages and all other accessory buildings and structures shall be located at least ten ~~(10)~~ feet from any dwelling or main building located on an adjoining lot.
- (6) All accessory buildings accessed by vehicle (for example: detached garage) shall be set back a minimum of 25

feet from the public right-of-way from which the accessory building is vehicle accessed.

- (7) Accessory buildings and structures located in the side yard of an interior lot or the street side yard of a corner lot shall not exceed ~~fifteen (15)~~ feet in height. Views of accessory buildings and structures from adjoining streets and properties shall be screened with a visual screening treatment. On corner lots all accessory buildings and structures shall be located to the rear of the main building.
- (8) Separate meter connections for water, sewer, gas, or other utilities are not permitted for any accessory building or structure.
- (9) All detached garages and other accessory structures greater than 2,500 square feet in size or greater than ~~fifteen (15)~~ feet in height require a hearing before the Planning Commission and will be considered a Conditional Use in all residential zoning districts. The Planning Commission will determine and consider any adverse impacts the proposed building or structure may have on adjoining properties. Notice of the Planning Commission hearing shall be sent by regular mail to all adjoining property owners, the applicant being required to pay all the costs incurred by the City to provide the required notice. The Planning Commission shall approve or deny the conditional use application pursuant to Tooele City Code Chapter 7-5.

7-14-7. Porches.

Porches are allowed provided the following minimum requirements are met:

- (a~~1~~) The porch shall be no closer than ~~twenty (20)~~ 20 feet to the front property line; and,
- (b~~2~~) Any roof overhang shall not be greater than two feet (~~2~~); and,
- (c~~3~~) The porch may not be deeper (front to back) than seven feet (~~7~~); and,
- (d~~4~~) The porch area shall be included in determining lot coverage; and,
- (e~~5~~) The porch shall not be closed in; and,
- (f~~6~~) A building permit for the porch must be obtained prior to construction.

7-14-8. Off-Street Parking Requirements.

The ~~off-street~~ parking standards and requirements applicable to the Residential Zoning Districts provided by Tooele City shall be as identified in Chapter 7-4 of the Tooele City ~~Code Zoning Guide, January 1996, as amended.~~

7-14-9. Keeping of Farm Animals.

- (1) Except as modified in subparagraph (2) applicable to pets, the following requirements apply to the keeping of farm animals within the ~~R~~residential ~~Z~~zoning ~~D~~districts of the City:
 - (a) No farm animal(s) shall be kept on any lot in the ~~MR-25, HDR MR-16, MDR MR-8,~~ R1-7, R1-8, R1-10, R1-12 or R1-14 Districts or on any lot smaller than 30,000 square feet.
 - (b) The number of farm animals kept on any lot or parcel in the R1-30 District shall not exceed one farm animal unit, as defined herein, for each 10,000 square feet of lot or parcel size.
 - (c) Farm animals may be kept on any lot or parcel in the RR-1, RR-5, RR-20 and MU-160 districts without restriction to the number of farm animals, provided the keeping of farm animals in these districts does not constitute a nuisance as defined in the laws of the City.
 - (d) No farm animal(s) shall be kept on any lot or parcel where less than 20,000 square feet of the lot or parcel is used as livestock management, nor shall fractional animal units be permitted. Livestock management areas shall include all portions of the lot or parcel used as sheds, barns, coops, corrals, pastures, stables, gardens or cultivated grounds, where animal waste can be spread, but shall not include any area of the lot or parcel devoted to dwellings, sidewalks, driveways or lawns.
 - (e) One animal unit shall be any one (~~1~~) of the following: One (~~1~~) cow, one (~~1~~) horse, one (~~1~~) donkey, four (~~4~~) adult sheep, eight (~~8~~) feeder lambs, four goats, or ~~twelve (12)~~ fowl, together with the suckling offspring thereof.
 - (f) Structures shall be provided and maintained for all animals. Such structures shall be enclosed (fully or partially), roofed, and sited at the rear of the main building, and shall comply with all other setback and yard requirements for the district.
 - (g) The following additional requirements shall apply to the location of all pens, corrals, barns, stables, coops, and other structures for the confinement and keeping of animals:
 - (i) All such structures shall be setback at least 100 feet from all streets.
 - (ii) All such structures and buildings shall be located at least 50 feet from all dwellings located on adjoining

lots or parcels, or if any adjoining lot or parcel does not have a dwelling located thereon, at least 30 feet from the property lines of the adjacent lot or parcel.

- (2) Pet rabbits, ducks, and chickens are permitted in the [MR-25](#), [MR-16](#), ~~MDR~~ [MR-8](#), R1-7, R1-8, R1-10, R1-12, and R1-14 Districts. No more than a total of six ~~(6)~~ animals in any combination of rabbits, ducks, and chickens are allowed on any lot in these districts. Houses, cages, pens, coops, etc. shall be provided for all animals kept outdoors.
- (3) Nuisance. In all zoning districts of the City, persons owning or harboring farm animals may not keep their animals in any manner that constitutes a nuisance as defined by City ordinance.

7-14-10. Apiaries.

- (1) Definitions. The following words, terms, and phrases, when used in this Section, shall have the following meanings:
 - (a) Apiary: a place where bee colonies are kept.
 - (b) Bee: any stage of the common domestic honey bee species, *Apis Mellifera*.
 - (c) Beekeeper: a person who owns or has charge of one or more colonies of bees.
 - (d) Beekeeping Equipment: anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
 - (e) Colony: a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.
 - (f) Hive: a structure intended for the housing of a bee colony.
 - (g) Parcel: a continuous parcel of land under common ownership.
- (2) Hives. All bee colonies shall be kept in inspectable type hives with removable combs. Hives shall be kept in a sound and usable condition.
- (3) Setback. All hives shall be located at least five feet from any adjoining property with the back of the hive facing the nearest adjoining property.
- (4) Fencing of flyways. In each instance in which any colony is situated within 25 feet of a developed public or private property line of the parcel upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six ~~(6)~~ feet in height consisting of a solid wall or fence parallel to the property line and extending ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six ~~(6)~~ feet above ground level over the property lines in the vicinity of the apiary.
- (5) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, pet water bowls, birdbaths, or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.
- (6) Maintenance. Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (7) Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
- (8) Colony Densities. Up to four ~~(4)~~ colonies may be kept on a parcel of property one acre or less in size. Each additional colony over four ~~(4)~~ shall require one-quarter acre of land in addition to the base one acre. Examples: six ~~(6)~~ colonies requires at least 1.5 acres; ten ~~(10)~~ colonies requires at least 2.5 acres. No more than 20 colonies may be kept on any parcel or group of contiguous parcels under common ownership. The keeping of more than four ~~(4)~~ colonies requires a business license.
- (9) State Registration. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.
- (10) Prohibited. The keeping by any person of bee colonies in the City not in strict compliance with this section is prohibited. Any bee colony residing in a standard or homemade hive which, by virtue of its condition, appears to have been abandoned, is unlawful and may be summarily destroyed or removed from the City by the Community Development Director or designee.

(11) Notwithstanding compliance with the various requirements of this Chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.

(See Tables on Following Pages)

**TABLE 1
TABLE OF USES**

USE	DISTRICT												
	<u>MR-25</u>	HDR <u>MR-16</u>	MDR <u>MR-8</u>	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30	RR-1	RR-5	RR-20	MU-160
Accessory Buildings and Uses	<u>C</u>	P	P	P	P	P	P	P	P	P	P	P	P
Agriculture (Forestry/Horticultural Production)		P	P	P	P	P	P	P	P	P	P	P	P
Agriculture (Livestock Production)									C	C	C	C	C
Agriculture Business											C	C	C
Apiary											P	P	P
Bed and Breakfast Inn		C	C	C	C	C	C	C	C	C	C	C	C
Campgrounds											C	C	P
Churches and Religious Facilities	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C	C
Commercial Day-Care / Pre-School		C	C	C									
Commercial Kennel/Animal Hospital											C	C	C
Concrete and Asphalt Plant													C
Day Treatment Facility and Program		C	C	C	C	C	C	C	C	C	C	C	C
Dwelling; Single- f Family		P	P	P	P	P	P	P	P	P	P	P	P
Dwelling; Two- f Family		P	P	P	C								
Dwelling; Three-family		P	C										
Dwelling; Four-family		P	C										
Dwelling; Multiple- f Family (more than 4 units)	<u>P</u>	C <u>P</u>	C <u>P</u>										
Dwelling; Cabin / Seasonal Home												C	C
<u>Dwelling; Condominium</u>	<u>P</u>	<u>P</u>	<u>P</u>										
Dwelling; Farm and Ranch Employee Housing												C	C
Dwelling; Manufactured H ousing u nit		P	P	P	P	P	P	P	P	P	P	P	P
Dwelling; Townhouse / Condominium	<u>P</u>	P	C <u>P</u>	C	C	C	C	C	C				

USE	DISTRICT												
	<u>MR-25</u>	HDR <u>MR-16</u>	MDR <u>MR-8</u>	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30	RR-1	RR-5	RR-20	MU-160
Gardening		P	P	P	P	P	P	P	P	P	P	P	P
Golf Course / Country Club	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C	C
Home e Occupation	<u>P**</u>	P	P	P	P	P	P	P	P	P	P	P	P
Home e Occupation - e Day e Care / p Preschool		C	C	C	C	C	C	C	C	C	C	C	C
Hospital	<u>C</u>	C	C	C									
Outpatient Treatment Facility and Program		C	C	C	C	C	C	C	C	C	C	C	C
Medical and e Dental e Clinic a Accessory to a h Hospital and l Located on the s Same p Premises		C	C	C									
Mine, Quarry, Gravel Pit, Rock Crusher													C
Mobile Home Parks													
Mobile Home Subdivision													
Nursery / Greenhouse (wholesale and retail)										C	C	C	C
Open Space Areas, Trails	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P
Outpatient Treatment Facility and Program		C	C	C	C	C	C	C	C	C	C	C	C
Park and Ride Facilities l Located on a Arterial s Streets	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C	C
Private Parks	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C	C
Private and Public Schools	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C	C
Residential Support Facility and Programs		P	P	P	P	P	P	P	P	P	P	P	P
Private Recreational Facilities		C	C	C	C	C	C	C	C	C	C	C	C
Professional Offices		C	C	C									
Public Buildings, Facilities and Parks	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C	C
Public and Private Utility Transmission Lines and Facilities	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C	C
Residential Facilities for p Persons with a Disability	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P
Residential Facilities for Elderly Persons	<u>P</u>	C	C	C	C	C	C	C	C	C	C	C	C
Residential Support Facility and Programs	<u>P*</u>	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*

USE	DISTRICT												
	<u>MR-25</u>	HDR <u>MR-16</u>	MDR <u>MR-8</u>	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30	RR-1	RR-5	RR-20	MU-160
Residential Treatment Facilities and Program		C	C										C
Retirement Center		C	C	C	C	C	C						C
Sports Fields	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C	C
Temporary Concessions <u>!</u> Located in Public Parks	<u>P</u>	P	P	C	P	P	P	P	P	P	P	P	P
Temporary Construction Buildings and Storage	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Sales Office	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Seasonal Use										P	P	P	
Vacation Resort / Vacation Ranch												C	C

* Permitted Use with Conditions

** Home Office with No Customers Only

TABLE 2
TABLE OF ALLOWED RESIDENTIAL DENSITY

	RESIDENTIAL ZONING DISTRICTS							
	High Density			Medium Density			Low Density	
	<u>MR-25</u>	HDR MR-16	MDR MR-8	R1-7	R1-8	R1-10	R1-12	R1-14
Zones being r Replaced by i Inclusion		HDR , RM-16 (and proposed RM12)	MDR , R2-8 (and proposed RM-10, RM-8)	R1-7	R1-8, R1-9 (and proposed RM-6)	R1-10 (and proposed RM-4)	R1-12	R1-14
Single-Family Dwelling / Minimum Lot Size (square feet)	<u>Not Permitted</u>	P / 7,000 <u>Not Permitted</u>	P / 8,000 <u>Not Permitted</u>	P / 7,000	P / 8,000	P / 10,000	P / 12,000	P / 14,000
Two-Family Dwelling / Minimum Lot Size (square feet)	C / 10,000 <u>Not Permitted</u>	P / 10,000	P / 12,000	P / 14,000	C / 16,000			
Three-Family Dwelling / Minimum Lot Size (square feet)		P / 12,000	C / 18,000					
Four-Family Dwelling / Minimum Lot Size (square feet)		P / 15,000	C / 24,000					
Multiple-Family Dwelling	<u>P</u> <u>maximum 25 units per acre</u>	C P <u>maximum 16² units per acre¹</u>	C P <u>maximum 8 units per acre</u>					
<u>Multi-Family Dwelling Minimum Lot Size</u>	<u>No Minimum³</u>	<u>No Minimum³</u>	<u>No Minimum³</u>					
Maximum Dwelling u Units p Per a Acres for PUD	<u>25.0</u>	16.0	8.0	5.0	4.0	3.5	3.0	2.5
Other a Allowed Uses (minimum square feet required)	<u>8,000</u>	8,000	8,000	10,000	10,000	12,000	12,000	14,000

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

² multi-family residential projects in the MU-B zoning district a maximum density of 25 dwelling units per acre

³ see Table 4 of Chapter 7-14

TABLE 2
TABLE OF ALLOWED RESIDENTIAL DENSITY (Continued)

	RESIDENTIAL ZONING DISTRICTS				
	Low Density				
	R1-30	RR-1	RR-5	RR-20	MU-160
Zones being R Replaced by i Inclusion	RA1-30	RR-1	RR-5		MU-160
Single-Family Dwelling / Minimum Lot Size (<u>square feet</u>)	P / 30,000	P / 1 acre	P / 5 acres	P / 20 acres	P / 160 acres
Two-f Family Dwelling					
Three-family Dwelling					
Four-family Dwelling					
Multiple-f Family Dwelling					
Maximum Dwelling u Units p Per a Acre for PUD	1.2	1.0	0.2	0.05	0.0063
Other a Allowed Uses (<u>minimum square feet</u> required)	30,000	43,560	5 acres	20 acres	160 acres

TABLE 3

RESIDENTIAL SITE PLANNING AND DEVELOPMENT STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES

	RESIDENTIAL ZONING DISTRICT												
	<u>MR-25</u>	HDR <u>MR-16</u>	MDR <u>MR-8</u>	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30	RR-1	RR-5	RR-20	MU-160
Minimum Lot Width (at frontage property line)	<u>35 feet</u>	35 feet at front property line. 50-ft single-family; 60-ft two-family; 70-ft other residential uses at front setback line. All other uses 80 ft at front setback line	35 feet at front property line. 60-ft single-family; 60-ft two-family; 75-ft other residential uses at front setback line. All other uses 80 ft at front setback line	35 feet at front property line. All residential uses 60 feet at front setback line. All other uses 80 feet at front setback line	35 feet at front property line. All residential uses 75 feet at front setback line. All other uses 80 feet at front setback line	35 feet at front property line. All residential uses 85 feet at front setback line. All other uses 100 feet at front setback line	35 feet at front property line. All residential uses 85 feet at front setback line. All other uses 100 feet at front setback line	35 feet at front property line. All residential uses 90 feet at front setback line. All other uses 100 feet at front setback line	35 feet at front property line. All residential uses 100 feet at front setback line. All other uses 100 feet at front setback line	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (at front setback, single-family)	<u>50 feet</u>	<u>50 feet</u>	<u>60 feet</u>	<u>60 feet</u>	<u>75 feet</u>	<u>85 feet</u>	<u>85 feet</u>	<u>90 feet</u>	<u>100 feet</u>	<u>100 feet</u>	<u>200 feet</u>	<u>250 feet</u>	<u>1320 feet</u>
Minimum Lot Width (at front setback, two-family)	<u>60 feet</u>	<u>60 feet</u>	<u>60 feet</u>	<u>60 feet</u>	<u>75 feet</u>	<u>85 feet</u>	<u>85 feet</u>	<u>90 feet</u>	<u>100 feet</u>	<u>100 feet</u>	<u>200 feet</u>	<u>250 feet</u>	<u>1320 feet</u>
Minimum Lot Width (at front setback, all other residential uses)	<u>70 feet</u>	<u>70 feet</u>	<u>75 feet</u>	<u>60 feet</u>	<u>75 feet</u>	<u>85 feet</u>	<u>85 feet</u>	<u>90 feet</u>	<u>100 feet</u>	<u>100 feet</u>	<u>200 feet</u>	<u>250 feet</u>	<u>1320 feet</u>
Minimum Lot Width (at front setback, all other uses)	<u>80 feet</u>	<u>80 feet</u>	<u>80 feet</u>	<u>80 feet</u>	<u>80 feet</u>	<u>100 feet</u>	<u>100 feet</u>	<u>100 feet</u>	<u>100 feet</u>	<u>100 feet</u>	<u>200 feet</u>	<u>250 feet</u>	<u>1320 feet</u>

	RESIDENTIAL ZONING DISTRICT												
	<u>MR-25</u>	HDR <u>MR-16</u>	MDR <u>MR-8</u>	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30	RR-1	RR-5	RR-20	MU-160
Minimum Front Yard Setback	<u>25 feet²</u>	25 <u>feet²</u>	25 <u>feet²</u>	20 <u>feet</u> 25 <u>feet</u> for garages	20 <u>feet</u> 25 <u>feet</u> for garages	25 <u>feet</u>	25 <u>feet</u>	25 <u>feet</u>	30 <u>feet</u>	30 <u>feet</u>	30 <u>feet</u>	30 <u>feet</u>	30 <u>feet</u>
Minimum Rear Yard Setback (Interior Lot)	<u>20 feet²</u>	20 <u>feet</u> for detached single-family 25 <u>feet</u> for all others ²	20 <u>feet</u> for detached single-family 25 <u>feet</u> for all others ²	20 <u>feet</u> for detached single-family	20 <u>feet</u> for detached single-family	30 <u>feet</u> ^{*1}	30 <u>feet</u> ^{*1}	30 <u>feet</u> ^{*1}	30 <u>feet</u>	30 <u>feet</u>	60 <u>feet</u>	60 <u>feet</u>	60 <u>feet</u>
Minimum Rear Yard Setback (Corner Lot)	<u>20 feet²</u>	20 <u>feet²</u>	20 <u>feet²</u>	20 <u>feet¹</u>	20 <u>feet¹</u>	30 <u>feet</u> ^{*1}	30 <u>feet</u> ^{*1}	30 <u>feet</u> ^{*1}	30 <u>feet</u>	30 <u>feet</u>	60 <u>feet</u>	60 <u>feet</u>	60 <u>feet</u>
Minimum Side Yard Setback (Interior Lot)	<u>10 feet²</u>	6 <u>feet²</u>	6 <u>feet²</u>	6 <u>feet</u>	8 <u>feet</u>	10 <u>feet</u>	10 <u>feet</u>	10 <u>feet</u>	12 <u>feet</u>	20 <u>feet</u>	20 <u>feet</u>	60 <u>feet</u>	60 <u>feet</u>
Minimum Side Yard Setback (Corner Lot)	<u>15 feet²</u>	15 <u>feet²</u>	15 <u>feet²</u>	20 <u>feet</u>	20 <u>feet</u>	20 <u>feet</u>	20 <u>feet</u>	20 <u>feet</u>	20 <u>feet</u>	30 <u>feet</u>	60 <u>feet</u>	60 <u>feet</u>	60 <u>feet</u>
Maximum/ Minimum Building Height	<u>45 feet / 1 story</u>	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story	35 <u>feet</u> / 1 story
Total Lot Coverage (all buildings)	<u>40%</u>	40%	40%	35%	35%	35%	35%	35%	25%	20%	10%	10%	10%

^{*1} The minimum rear yard setback may be reduced to 25 feet for not more than 20% of the width of the rear yard, measured at the rear yard property line

² Multi-family developments subject to Chapter 7-11a of this Title shall follow setback requirements in Section 7-11a-6

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

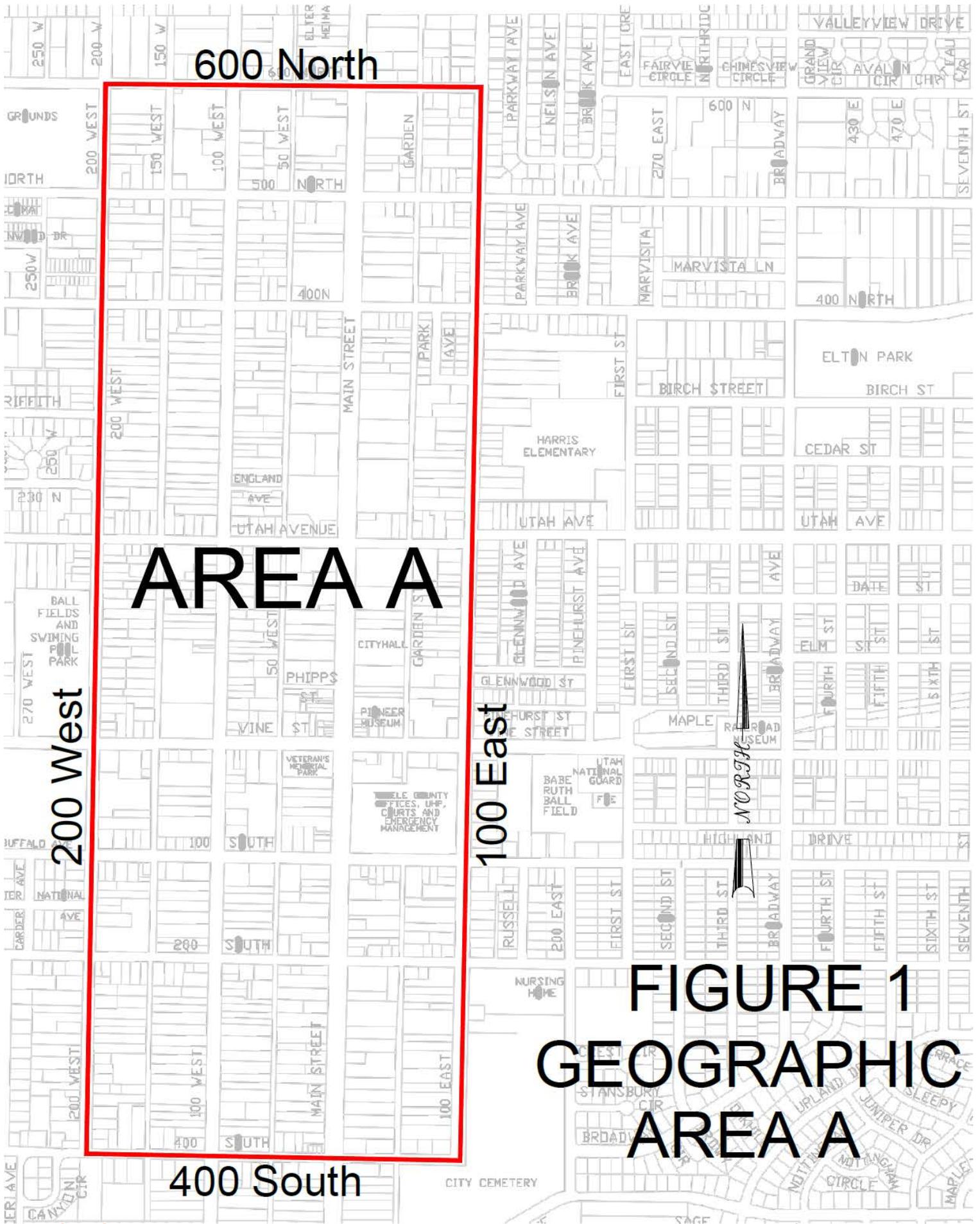
RESIDENTIAL ZONING DISTRICT	ONE STORY (includes Split Level and Split Entry)			TWO STORY (Total Both)		
	With Single Covered Parking	With Single Garage	With Double + Garage	With Single Covered Parking	With Single Garage	With Double Garage
MR-25	750	750	750	1000	1000	1000
HDR MR-16	900 ¹	850 ¹	800 ¹	1250 ¹	1165 ¹	1100 ¹
MDR MR-8	900	850	800	1350	1250	1125
R1-7	900	850	800	1350	1250	1125
R1-8	1000	950	800	1500	1375	1250
R1-10	Not Permitted	Not Permitted	1300	Not Permitted	Not Permitted	1625
R1-12	Not Permitted	Not Permitted	1350	Not Permitted	Not Permitted	1685
R1-14	Not Permitted	Not Permitted	1350	Not Permitted	Not Permitted	1685
R1-30	Not Permitted	Not Permitted	1350	Not Permitted	Not Permitted	1685
RR-1	Not Permitted	Not Permitted	1350	Not Permitted	Not Permitted	1685
RR-5	Not Permitted	Not Permitted	1350	Not Permitted	Not Permitted	1685
RR-20	Not Permitted	Not Permitted	1350	Not Permitted	Not Permitted	1685
MU-160	Not Permitted	Not Permitted	1350	Not Permitted	Not Permitted	1685

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

**TABLE 5
IN-FILL OVERLAY DISTRICT DEVELOPMENT STANDARDS**

Development Standard	Geographic Area A	Geographic Area B	Nonconforming Lot/Parcel
Min. Front Yard Setback	May reduce to 65% of underlying zoning district	May reduce to 80% of underlying zoning district	May reduce to 90% of underlying zoning district, or to historic foundation line, whichever is less
Min. Garage Setback	25 <u>feet</u>	25 <u>feet</u>	25 <u>feet</u>
Min. Rear Yard Setback (interior lot)	May reduce to 65% of underlying zoning district	May reduce to 80% of underlying zoning district	May reduce to 90% of underlying zoning district, or to historic foundation line, whichever is less
Min. Rear Yard Setback (corner lot)	May reduce to 65% of underlying zoning district	May reduce to 80% of underlying zoning district	May reduce to 90% of underlying zoning district, or to historic foundation line, whichever is less
Min. Side Yard Setback (interior lot)	May reduce to 65% of underlying zoning district, or to 5 <u>feet</u> , whichever is greater	May reduce to 80% of underlying zoning district, or to 5 <u>feet</u> , whichever is greater	May reduce to 90% of underlying zoning district, or to 5 <u>feet</u> , whichever is greater, or to historic foundation line
Min. Side Yard Setback (corner lot)	May reduce to 65% of underlying zoning district, or to 5 <u>feet</u> , whichever is greater	May reduce to 80% of underlying zoning district, or to 5 <u>feet</u> , whichever is greater	May reduce to 90% of underlying zoning district, or to 5 <u>feet</u> , whichever is greater, or to historic foundation line
Total Lot Coverage (all buildings)	May increase to 135% of underlying zoning district	May increase to 120% of underlying zoning district	May increase to 110% of underlying zoning district
Roadway Improvements Required	As required by Tooele City Code, for only the subject lot/parcel side of the roadway	As required by Tooele City Code	As required by Tooele City Code
Water Rights (payment of fee in lieu of conveyance)	Pay 50% of the fee-in-lieu established by the City	Pay 75% of the fee-in-lieu established by the City	Pay 100% of the fee-in-lieu established by the City

Figure 1: Geographic Area A
Figure 2: Geographic Area B



600 North

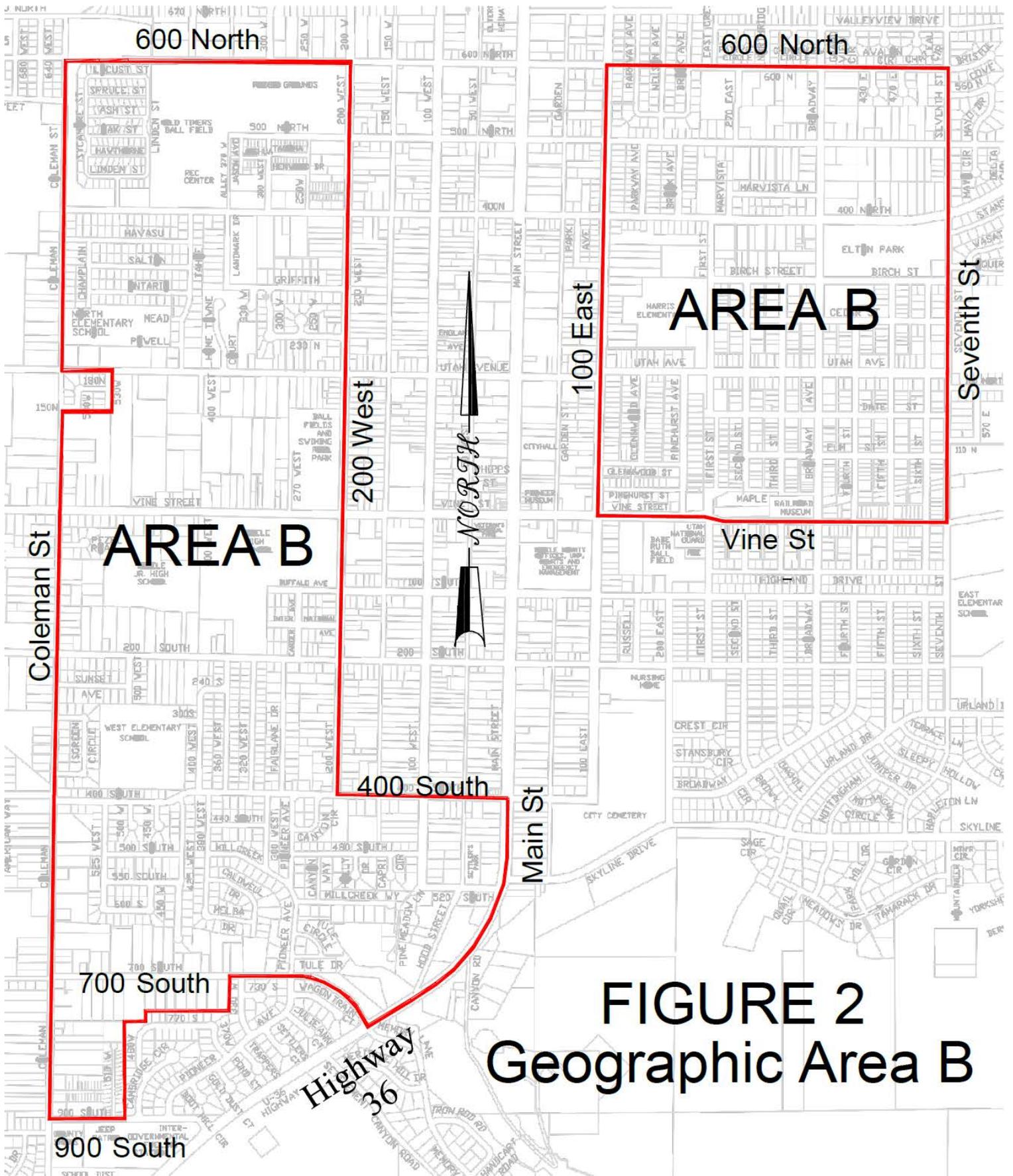
AREA A

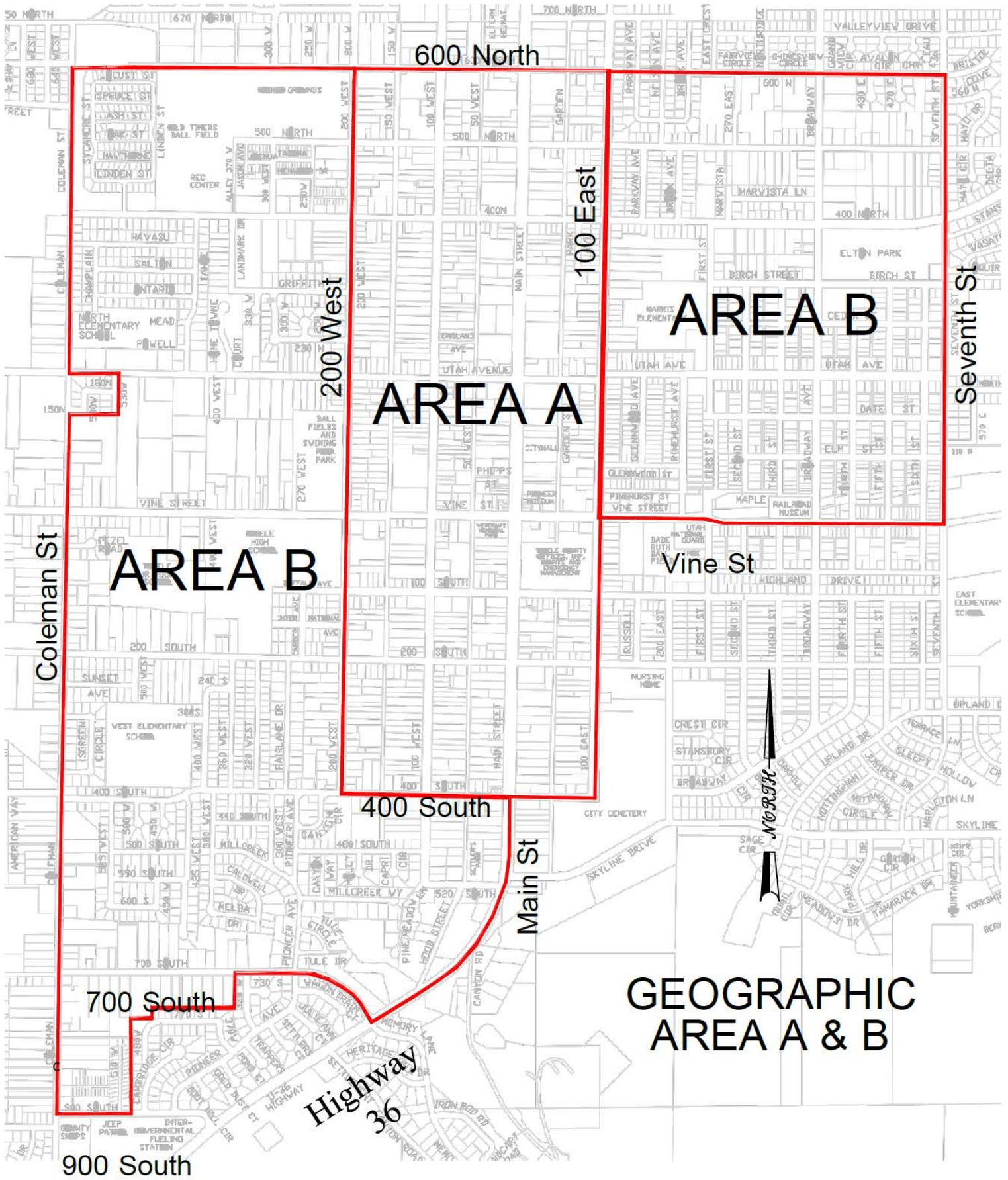
200 West

100 East

400 South

FIGURE 1
GEOGRAPHIC
AREA A





CHAPTER 16. ZONING DISTRICT PURPOSE AND INTENT. MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS

7-16-1. Mixed Use, Commercial, Industrial and Special Purpose Zoning Districts.

7-16-2. Purposes and Intent.

7-16-2.1a. Gateway Overlay Districts-Location.

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

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

~~7-16-5. Table 3. Table of Minimum Off Street Parking Standards.~~

~~7-16-6. Use Definitions.~~

7-16-1. Mixed Use, Commercial, Industrial and Special Purpose Zoning Districts.

(1) The Mixed Use, Commercial, Industrial and Special Purpose Zoning Districts of Tooele City are established and provided to implement the Tooele City General Plan. These Districts are:

- (a) Mixed Use - General District (MU-G)
- (b) Mixed Use - Broadway District (MU-B)
- (c) Neighborhood Commercial District (NC)
- (d) General Commercial District (GC)
- (e) Regional Commercial District (RC)
- (f) Light Industrial District (LI)
- (g) Industrial District (I)
- (h) Research and Development District (RD)

(2) Also provided are the following Special Purpose Overlay Districts, formulated to establish special design, use requirements and general site planning provisions for specific areas of the City. These Districts are:

- (a) Downtown Overlay District (DO)
- (b) Gateway Overlay District (GO)

(3) The Commercial Districts of Tooele City are intended to reflect the diversity of the City's commercial areas and to provide a wide range of commercial services for Tooele City and surrounding areas. Each Zoning District is distinguished by the uses and intensity of development allowed. The Mixed Use District (MU) and Neighborhood Commercial District (NC) encourage a mix of residential and commercial uses that are supportive of adjoining residential areas. The Industrial Districts of Tooele City are provided to encourage economic diversity and vitality for the City and provide a range of employment opportunities for City residents, and residents of surrounding areas.

7-16-2. Purposes and Intent.

The purposes and intent of the Tooele City Mixed Use, Commercial, Industrial and Special Purpose Districts are:

- (1) Mixed Use (MU-B and MU-G) Districts. The purpose of the Mixed Use Districts is to provide an area for an appropriate mix of compatible residential, limited commercial and compatible business and professional offices. A goal of this district is to preserve existing residential buildings and structures while allowing some opportunities for their use for limited commercial and business activity. This district also encourages the establishment of residential and limited nonresidential uses within the same structure or located on the same lot.
- (2) Neighborhood Commercial (NC) District. The Neighborhood Commercial District (NC) is designed and intended for small areas for limited commercial uses providing goods and services to residents in the surrounding neighborhood area. The District encourages the provision of small-scale retail and service uses for nearby residents. Uses are restricted in type and size to promote a local orientation and to limit possible adverse impacts on nearby residential areas. The Neighborhood Commercial District is to be located in areas of the City so as to facilitate pedestrian access and to encourage the continued viability of the uses allowed in the District. The location and design of all buildings and accessory activities and uses should respect the neighborhood and residential activities that adjoin this District and all activities should be conducted in a manner that adds to neighborhood amenity and the residential setting.

- (3) General Commercial (GC) District. The General Commercial (GC) District is intended and provided to encourage the establishment of a wide variety of retail commercial uses, service commercial activities, entertainment and other services and activities meeting the needs of the residents of the City. The General Commercial District (GC) allows and encourages that retail and service businesses and related uses be grouped together into commercial centers. The uses and activities allowed in this District should enhance employment opportunities, provide for commercial activities and services required by residents of the city and surrounding areas, encourage the efficient use of land, enhance property values and add to the overall strength of the city's tax base.
- (4) Regional Commercial District (RC). The Regional Commercial District is established to provide for large scale commercial and other uses that have a regional influence and that may be areas of high traffic generation, because of the nature of the use, the diversity of uses, or the size of the activity. The Regional Commercial (RC) District is designed to provide areas for intensive retail commercial uses, such as retail shopping centers, large retail outlets, large office buildings, entertainment uses, public uses and quasi-public uses and related activities. This District shall be located so as to be able to provide the services and infrastructure available to meet the demands of intensive commercial uses. This District will be located in proximity to major roads and transportation corridors to facilitate access by the private automobile and public transportation. This District encourages creative site planning and design for activities and uses that will provide commercial and other services to residents of the Tooele Valley and adjoining areas. All buildings and structures within this District will be attractively designed and incorporate a design theme through architectural design elements. These areas should also provide amenities for the use of city residents and patrons including open space and trail features, mass transit terminals and other amenities.
- (5) Light Industrial (LI) District. The purpose of the Light Industrial (LI) District is to provide locations for light industrial assembly and manufacturing uses that produce no appreciable negative impact to adjacent properties. This District encourages clean, light industrial and manufacturing uses which provide employment opportunities for city residents, strengthen the city's tax base and diversify the local economy.
- (6) Industrial (I) District. The Industrial (I) District is formulated to recognize existing industrial sites and uses within the city and to allow for the establishment of additional industrial uses which add to employment opportunities and economic diversity within the city.
- (7) Research and Development (RD) District. The Research and Development (RD) District is intended to combine certain elements of the General Commercial and Light Industrial zoning districts while excluding other elements. The intent of the RD zone is to allow for a professional business park within the City where businesses may locate in an environment that allows a mix of certain small commercial and light industrial uses. It is not intended for large commercial or industrial uses or for intensive retail or manufacturing activities.
- (8) Downtown Overlay (DO) District. The Tooele City Downtown Overlay District (DO) is formulated to encourage and provide opportunities for various retail, service and other uses within the existing Main Street "downtown" area of the City. This area is generally characterized and recognized by two (2) story buildings constructed to the front property line. It is the goal of the Downtown Overlay to recognize the existing development pattern of the area and allow for the strengthening of the character, vitality and amenities of the Downtown area through specific downtown site planning and building standards and requirements. The Downtown Overlay District (DO) allows and requires the establishment of uses that work to reinforce the existing Main Street through special standards for building location, parking, uses, signage and other considerations.
- (9) Gateway Overlay (GO) Districts. The Gateway Overlay Districts (GO) are provided to encourage unified and consistent design elements and site planning to promote an attractive and desirable streetscape for areas that are visually prominent and located at the key entry points, or "gateways" to Tooele City. The streetscape is a combination of buildings and structures, signage, landscaping, off-street parking areas, street improvements and other elements that dominate the view of the driver or pedestrian at the identified gateway areas of the City. The design and overall attractiveness and quality of the city's gateway areas is indicative of the values and character of the City. An attractive and functional streetscape is one that promotes cohesiveness and establishes a design theme for signage, building design, landscaping and street trees and other street amenities. The Tooele City Gateway Overlay Districts (GO) require site planning and design for all buildings and structures within the District to be reviewed and approved by the Planning Commission with requirements for landscaping, signage and the location of required off-street parking areas.

7-16-2.1a. Gateway Overlay Districts – Location.

Tooele City Gateway Overlay Districts shall be the following:

- (1) Northern Gateway
 - (a) Length: from approximately 925 North Main Street ("SR-36 North") to the northern city boundary, on either and/or both sides of SR-36 North.
 - (b) Depth: the greater of
 - (i) the depth of any lot adjoining SR-36 North, or
 - (ii) 300 feet perpendicular to the nearest SR-36 North right-of-way line, and, if an interior public or private right-of-way ("interior road") crosses any portion of a lot within said 300 feet, then the greater of
 - (A) the depth of any lot adjoining the interior road, or
 - (B) 300 feet beyond the outer boundary of the interior road, perpendicular to the nearest SR-36 North right-of-way line, and measured from the point on the interior road farthest from the nearest SR-36 North right-of-way line.
- (2) Western Gateway A
 - (a) Length: on State Road 112 ("SR-112") from the intersection of Rogers Road and SR-112 to the western city boundary, on either and/or both sides of SR- 112.
 - (b) Depth: the greater of
 - (i) the depth of any lot adjoining SR-112, or
 - (ii) 300 feet perpendicular to the nearest SR-112 right-of-way line, and, if an interior public or private right-of-way ("interior road") crosses any portion of a lot within said 300 feet, then the greater of
 - (A) the depth of any lot adjoining the interior road, or
 - (B) 300 feet beyond the outer of the interior road, perpendicular to the nearest SR-112 right- of-way line, and measured from the point on the interior road farthest from the nearest SR-112 right-of-way line.
- (3) Western Gateway B.
 - (a) Length: on SR-112 from the City's western boundary to the intersection of SR-112 and 1000 North, thence east on 1000 North to the intersection of 1000 North and SR-36;
 - (b) Depth: the greater of
 - (i) the depth of any lot adjoining SR-112 or 1000 North, or
 - (ii) 300 feet perpendicular to the nearest SR-112 or 1000 North right-of-way line, and, if an interior public or private right-of-way ("interior road") crosses any portion of a lot within said 300 feet, then the greater of
 - (A) the depth of any lot adjoining the interior road, or
 - (B) 300 feet beyond the outer boundary of the interior road, perpendicular to the nearest SR-112 or 1000 North right-of-way line, and measured from the point on the interior road farthest from the nearest SR-112 or 1000 North right-of-way line.
- (4) Southern Gateway
 - (a) Length: from approximately Settlement Canyon Road (approximately 800 South) to the southern city boundary, on either and/or both sides of SR-36 ("SR- 36 South").
 - (b) Depth: the greater of
 - (i) the depth of any lot adjoining SR-36 South, or
 - (ii) 300 feet perpendicular to the nearest SR-36 South right-of-way line, and, if an interior public or private right-of-way ("interior road") crosses any portion of a lot within said 300 feet, then the greater of
 - (A) the depth of any lot adjoining the interior road, or
 - (B) 300 feet beyond the outer boundary of the interior road, perpendicular to the nearest SR-36 South right-of-way line, and measured from the point on the interior road farthest from the nearest SR-36 South right-of-way line.

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

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

USE	DISTRICT							
	MU-B	MU-G	NC	GC	RC	LI	I	RD
	Mixed Use - Broadway	Mixed Use - General	Neighborhood Commercial (Maximum individual lot Size 15,000 square feet)	General Commercial	Regional Commercial	Light Industrial	Industrial	Research & Development
Accessory Building	P	P	P	P	P	P	P	P
Accessory Drive Through Facility (considered as a Conditional Use for a use allowed in the district, see Note #3 and Table 2)	C	C		C	C	C		C
Accessory Dwelling Unit for Caretaker Only (must be located within primary structure. See Table 2)	C	C	C	C		C	C	C
Accessory Dwelling Unit(s) (located above ground floor. See Table 2)	P	P	P	C	C			
Accessory Dwelling Unit (located on the same lot as primary structure. See Table 2)	P	P	P					
Accessory Outdoor Sales and Display Incidental to an Allowed Use (considered as a Conditional Use for a use allowed in the district, see Note #4 and Table 2)				C	C	C	C	
Accessory Outside Storage (considered as a Conditional Use for a use allowed in the district, see Note #2 and Table 2)				C		C	C	

USE	DISTRICT							
	MU-B	MU-G	NC	GC	RC	LI	I	RD
	Mixed Use - Broadway	Mixed Use - General	Neighborhood Commercial (Maximum individual lot Size 15,000 square feet)	General Commercial	Regional Commercial	Light Industrial	Industrial	Research & Development
Accessory Outside Storage of Flammable or Hazardous Materials (considered as a Conditional Use for a use allowed in the district, see Note #2 and Table 2)							C	
Agriculture (horticulture)						P	P	C
Airport							C	
Auto Impound Yard, Military Surplus Yard, and Vehicle Storage Yard							C	
Automobile Sales and Rental	C	C Minimum Lot size 30,000 square feet with access from arterial road only		C	C	P	P	
Automobile Service and Repair	C			C		P	P	
Automobile Service and Repair Accessory to a Principal Use					C			
Automobile Body and Fender Service and Repair						C	P	
Bed and Breakfast Inn (located in an existing structure)	C	C	C	P				
Boarding House	C	C	C					
Building Maintenance Services						C	P	P
Business Office				P	P	P	P	P
Business Office (located within an existing structure)	C	C	C	P	P	P	P	P
Campground, Travel Trailer Park						C	C	
Car Wash				C		P	P	C
Chemical Manufacture and Storage							C	
Church	C	C	C	C				P

USE	DISTRICT							
	MU-B	MU-G	NC	GC	RC	LI	I	RD
	Mixed Use - Broadway	Mixed Use - General	Neighborhood Commercial (Maximum individual lot Size 15,000 square feet)	General Commercial	Regional Commercial	Light Industrial	Industrial	Research & Development
Conference Center				P	P	P		P
Contractor's Display/Office				C		P	P	P
Contractor's Storage Yard						C	P	
Convenience Store, without Gasoline Sales	P	P	P	P	P	P	P	P
Convenience Store, with Gasoline Sales	C	C	C	P	C	P	P	P
Cultural activities and uses	C	C		P	C	P		P
Day-Care/Pre- School (Home Occupation)	P	P	P	P	P	C	C	
Day Care/Pre- School Center	C	C	C	P		C		C
Distribution Center						C	P	
Dwelling; Single- Family (Detached)	P	P	P					
Dwelling; Two- Family	P	C						
Dwelling; Three family	P	E						
Dwelling; Four family	P	E						
Dwelling; Multi- Family	C See Note 6	C						
Extractive Industry								
Fast Food Restaurant	C	C		P	P	P		P
Financial Services	C	C	C	P	P	P		P
Food and Beverage Processing						C	C	
Funeral Home/Mortuary	C	C		P		P		P
Garden Center	C	C		P	P	P		
General Industrial Activity						P	P	P
Group Home	C	C		C				
Hardware and Garden Supply Store	C			P	P	P		
Hazardous Material Storage								
Hazardous Waste In-Transit Facility							C	
Health Care Facility				C	C	P	P	C

USE	DISTRICT							
	MU-B	MU-G	NC	GC	RC	LI	I	RD
	Mixed Use - Broadway	Mixed Use - General	Neighborhood Commercial (Maximum individual lot Size 15,000 square feet)	General Commercial	Regional Commercial	Light Industrial	Industrial	Research & Development
Health Care Provider	C	C	C	P	P	P		P
Health Care Provider (located within an existing structure)	C	C		P	P	P	P	P
Health Club	C	C		P	P	P	P	P
Heavy Equipment Sales and Rental						C	P	
Heavy Industrial Manufacturing and Assembly							C	
Heliport				C	C	C	C	C
Home Occupation (must comply With all requirements of a Home Occupation)	P	P	P	P	P	P	P	
Hotel	C	C		P	P	P		P
Junkyard/Salvage Yard							C	
Kennel						C	P	
Laundromat	C	C	C	P		P	P	
Light Manufacturing and Assembly						P	P	
Liquor Store				C	C			C
Membership Club				C		C	C	
Motel	C	C		P	P	P		P
Nursery	C	C				P	P	C
Nursing Home, Convalescent Care Facility	C	C	C	P	P			
Open Space Areas, Trails	P	P	P	P	P	P	P	P
Park and Ride Facilities				C	C	C	C	C
Personal Services	C	C		P	P	P		P
Pet Shop / Pet Grooming	C	C		C				
Public or Private Educational Facility	C	C		C	C	C	C	C
Personal Storage Facility (Mini- Storage)						P	P	
Private Club/Bar	C			C	C	C	C	C
Professional Office	C	C	C	P	P	P	P	P

USE	DISTRICT							
	MU-B	MU-G	NC	GC	RC	LI	I	RD
	Mixed Use - Broadway	Mixed Use - General	Neighborhood Commercial (Maximum individual lot Size 15,000 square feet)	General Commercial	Regional Commercial	Light Industrial	Industrial	Research & Development
Professional Office (located within an existing structure)	C	C	C	P	P	P	P	P
Public Use	C	C	C	C	C	C	C	C
Reception Center	C	C		P	P	P		P
Reception Center (located within an existing structure)	C	C		P	P	P		P
Recreational Facility (Indoor)				P		P	P	C
Recreational Facility (Outdoor)				C		C		C
Recycling Collection Site				C		P	P	
Recycling Processing Center							C	
Repair Shop (household and personal goods with no outside storage)	C	C		P		P	P	P
Research Facility				P		P	P	P
Restaurant	C	C		P	P	P	P	P
Restaurant (located within an existing structure)	C	C		P	P	P		P
Retail Sales Accessory to an Allowed Use				P	P	P	P	P
Retail Store (located within an existing structure)	C	C	C	P	P			
Retail Store (Total maximum 3,000 square footage)	C	C	C	P		P		P
Retail Store or Commercial Center				C				
Retail Store or Commercial Center (Minimum 120,000 building square foot and planned and phased by approval of a Master Development Site Plan)					C			
Retirement Center	C	C						
Rock, Sand and Gravel Storage and Distribution							P	
Sexually Oriented Business							P	
Shooting Range, Indoor				C		C	C	C
Telecommunications Site/Facility						C	C	C

USE	DISTRICT							
	MU-B	MU-G	NC	GC	RC	LI	I	RD
	Mixed Use - Broadway	Mixed Use - General	Neighborhood Commercial (Maximum individual lot Size 15,000 square feet)	General Commercial	Regional Commercial	Light Industrial	Industrial	Research & Development
Temporary Construction Office	C	C	C	P	P	P	P	P
Temporary Seasonal Use	C	C	P	P	P	P	P	
Temporary Use	C	C	C	C	C	P	P	
Theater (Indoor)	C	C		P	P			P
Theater (Outdoor)				C		P	P	
Tobacco Specialty Store (see Note #5)				C	C	P	P	C
Utility Service Facility (major)				C	C	C	C	C
Utility Service Facility (minor)			C	C	C	C	C	
Veterinary Clinic / Animal Hospital						P	P	
Veterinary Clinic/ Animal Hospital eOperating eEntirely within an eEnclosed bBuilding	C	C		P		P	P	P
Warehouse						C	P	

P = PERMITTED USE
C = CONDITIONAL USE

ANY USE NOT IDENTIFIED AS EITHER A PERMITTED (P) OR CONDITIONAL (C) USE IS USE THAT IS A PROHIBITED USE WITHIN THE ZONING DISTRICT

ANY USE NOT IDENTIFIED IN THE TABLE OF USES IS A PROHIBITED USE IN TOOELE CITY.

NOTES:

1. With the exception of detached single-family dwellings, all dwellings in the MU (Mixed Use) zoning district must comply with the regulations and requirements, as amended, of the [HDR MR-16 \(High-Density Multi-Family Residential\)](#) zoning district, or its equivalent replacement, contained in [Chapters 7-14, Tables 2, 3, and 4 and 7-11a](#) unless otherwise specified in this Chapter.
2. For any Use allowed in a zoning district and proposing or requiring any area for Accessory Outside Storage, for any purpose, such use and outside storage area shall be considered as a Conditional Use. All Accessory Outside Storage is prohibited in the Mixed Use (MU) District and the Neighborhood Commercial (NC) District.
3. For any Use allowed in a zoning district and proposing or requiring a “Accessory Drive Through Facility”, such Drive Through Facility shall be considered as a Conditional Use. All Accessory Drive Through Facilities are prohibited in the Mixed Use (MU) District and the Neighborhood Commercial (NC) District.
4. For any Use allowed in a zoning district and proposing any Accessory Outside display and sales area, such Accessory Outside Display and Sales use and area, shall be considered as a Conditional Use for any Uses allowed in the District, except that it shall be a permitted use in the Downtown Overlay District. Accessory Outside Display and Storage is prohibited in the Mixed Use (MU) District, Neighborhood Commercial (NC) District, and the Research and Development (RD) District. Accessory Outdoor sales and display in the Downtown Overlay District shall be subject to the following requirements:
 - A. A 6-foot-wide unobstructed pedestrian pathway shall be maintained at all times on all sidewalks.
 - B. All sales and display items shall be removed from the sidewalk and brought indoors into the business at the end of the business’ hours of daily operation.
 - C. No sales or display items may extend more than 24 inches from the building facade of the selling or displaying business.
 - D. No sales or display items may be located within the landscaped park strip, on the curb, in the gutter, or in the vehicular travel lanes.
 - E. All sales and display items shall be located directly in front of the business selling or displaying the items and may not be located in front of other businesses or properties.
5. This use is not permitted if any part of the proposed or existing building containing the use is located within 1,500 feet from (a) any school (public or private kindergarten, elementary, middle, charter, junior high, high school), public park, public recreational facility, youth center, library, or church, (b) any other Tobacco Specialty Store, (c) any residential use or residential zoning boundary, including mixed-use zones, or (d) on Vine Street. Distances shall be measured in a straight line, without regard to intervening structures or zoning districts, from a Tobacco Specialty Store structure to the property line of a school, public park, library, church, youth center, cultural activity, residential use, zoning district boundary, or other Tobacco Specialty Store.
6. This use shall be a permitted use when proposed within and as a part of the redevelopment of an existing registered historical building.

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

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

DEVELOPMENT REQUIREMENT	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Maximum Lot Area	No maximum	25,000 square feet	No maximum	No maximum	No maximum	No maximum	No maximum	No maximum	No maximum
Minimum Area for District	No minimum	No minimum	3 acres. Smaller areas may be added to an existing GC area. See Note C	60 acres. Smaller areas may be added to an existing RC area. See Note C	No minimum	No minimum	No minimum	No minimum	No minimum
Minimum Lot Width (Frontage)	80 Feet at Front setback line	80 Feet at Front setback line	80 Feet at Front setback line	100 Feet at Front setback line	60 Feet at Front Setback line	80 Feet at Front setback line	60 Feet at Front setback line	No Minimum Requirement	80 Feet at Front setback line
Minimum Front Yard Setback	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	30 Feet. May be reduced to 20 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	40 Feet	30 Feet	30 Feet	20 Feet	10 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	30 Feet. May be reduced to 20 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code
Maximum Front Yard Setback	No requirement	No requirement	No requirement	No requirement	No requirement	No requirement	No Requirement	20 Feet. May be increased following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	As required by the Planning Commission for compliance with Chapter 7-11 Tooele City Code

DEVELOPMENT REQUIREMENT	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Minimum Required Front Yard Landscape Area (measured from front property line) See Note F1	20 feet May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	20 feet May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	15 feet See Note F1	40 feet See Note F1	15 feet See Note F1	15 feet No landscaping required for auto impound yard, military surplus yards, or vehicle storage yards. See Note H See "Minimum Required Landscape Area", below	15 feet See Note F1	10 feet May be reduced to 0 feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	20 feet See Note F-1
Minimum Side Yard Setback	Note B when adjoining a residential zone. Otherwise See Note A	Note B when adjoining a residential zone. Otherwise See Note A	Note B when adjoining a residential zone. Otherwise See Note A	30 feet	Note B when adjoining a residential zone. Otherwise See Note A	30 feet	Note B when adjoining a residential zone. Otherwise See Note A	Note A	Note B when adjoining a residential zone. Otherwise See Note A
Minimum Rear Yard Setback	Note B when adjoining a residential zone. Otherwise See Note A	Note B when adjoining a residential zone. Otherwise See Note A	Note B when adjoining a residential zone. Otherwise See Note A	30 feet	Note B when adjoining a residential zone. Otherwise See Note A	30 feet	Note B when adjoining a residential zone. Otherwise See Note A	See Note A	Note B when adjoining a residential zone. Otherwise See Note A
Minimum Rear Yard Setback (Corner Lot)	Note B when adjoining a residential zone. Otherwise See Note A	Note B when adjoining a residential zone. Otherwise See Note A	Note B when adjoining a residential zone. Otherwise See Note A	30 feet	Note B when adjoining a residential zone. Otherwise See Note A	30 feet	Note B when adjoining a residential zone. Otherwise See Note A	See Note A	Note B when adjoining a residential zone. Otherwise See Note A
Minimum Required Landscape Area (percentage of total site area which may include required landscaping within parking areas)	No Requirement but must comply with requirements of the Planning Commission for Compliance with Chapter 7-11 Tooele City Code See Note F1	No Requirement but must comply with requirements of the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	10% See Note F1	15% See Note F1	See Note F2	No landscaping required for auto impound yards, military surplus yards, or vehicle storage yards. See Note H See Note F2	10% See Note F1	No Requirement but must comply with requirements of the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	15%, provided a greater percentage may be required by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1

DEVELOPMENT REQUIREMENT	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Maximum/Minimum Building Height	35 feet or two stories for new construction/1 story	35 feet or two stories/1 story	50 feet or 4 stories/1 story	70 feet or 6 stories/1 story	50 feet or 4 stories/1 story	70 feet or 6 stories/1 story	50 feet or 4 stories/1 story	45 feet or 3 stories/1 story	As required by the Planning Commission for compliance with Chapter 7-11 Tooele City Code
Site Planning and Building Design Review Compliance	Must comply with Design Review requirements of Chapter 7-11 Tooele City Code	Must comply with Design Review requirements of Chapter 7-11 Tooele City Code	Must comply with Design Review requirements of Chapter 7-11 Tooele City Code	Master Development Site Plan required for approval by the Planning Commission See Note D	Must comply with Design Review requirements of Chapter 7-11 Tooele City Code	Must comply with Design Review requirements of Chapter 7-11 Tooele City Code	*To be written	Must comply with Design Review requirements of Chapter 7-11 Tooele City Code	Master Development Site Plan required for approval by the Planning Commission See Note D
Accessory Dwelling Units for caretaker. Allowed as a Conditional Use only	One (±) accessory dwelling unit for caretaker (must be located within primary structure)	One (±) accessory dwelling unit for caretaker (must be located within primary structure)	One (±) accessory dwelling unit for caretaker (must be located within primary structure)	Not allowed	One (±) accessory dwelling unit for caretaker (must be located within primary structure)	One (±) accessory dwelling unit for caretaker (must be located within primary structure)	One (±) accessory dwelling unit for caretaker (must be located within primary structure)	Requirement of underlying zone applies	Requirement of underlying zone applies
Accessory Dwelling Unit(s) (located above ground floor)	One (±) accessory dwelling unit for each 6,000 square feet site area	One (±) accessory dwelling unit for each 6,000 square feet site area	As a Conditional Use only. One (±) accessory dwelling unit for each 6,000 square feet site area	As a Conditional Use only. One (±) accessory dwelling unit for each 6,000 square feet site area	Not allowed	Not allowed	Not allowed	One (±) accessory dwelling unit for each 2,000 square feet site area	Requirement of underlying zone applies
Accessory Dwelling Unit (located on the same lot as primary structure)	One (±) Accessory Dwelling Unit for each 10,000 square feet Site Area	One (±) Accessory Dwelling Unit for each 10,000 square feet Site Area	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Requirement of underlying zone applies	Requirement of underlying zone applies
Accessory Drive through Facilities	Not allowed	Not allowed	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required
Accessory Outdoor Sales and Display	Not allowed	Not allowed	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Not allowed	Conditional Use Approval Required	Conditional Use Approval Required
Accessory Outside Storage	Not allowed	Not allowed	Conditional Use Approval Required	Not Allowed	Conditional Use Approval Required	Conditional Use Approval Required	Not allowed	Conditional Use Approval Required	Conditional Use Approval Required

DEVELOPMENT REQUIREMENT	DISTRICT								
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlays (GO)
Accessory Outside Storage of Flammable or Hazardous Materials	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Conditional Use Approval Required	Not allowed	Not allowed	Not allowed
Issuance of Demolition Permit for Existing Buildings and Structures	Planning Commission Approval required and building permit	Building permit required	Building permit required	Building permit required	Building permit required	Building permit required	Building permit required	Planning Commission Approval required and building permit	Planning Commission Approval required and building permit
Off-Street Parking Requirements	See Note E	As required by Table 3	As required by Table 3	As required by Table 3	As required by Table 3	As required by Table 3	As required by Table 3	See Note E	As required by Table 3
Location of required Off-Street Parking Spaces	As practical to be located to the rear and screened behind building(s)	As practical to be located to the rear and screened behind building(s)						As practical to be located to the rear and screened behind building(s)	As practical to be located to the rear and screened behind building(s)
Landscaping Requirements	See Note F1	See Note F1	See Note F1	See Note F1	See Note F2	Critical Areas plus 1% of site acreage or mitigation (Ord. 02-24, 12-04-02) See Note F2	See Note F1	See Note F1	See Note F1

WHERE TABLE 2 DOES NOT IDENTIFY A DEVELOPMENT STANDARD (THE TABLE CELL IS BLANK) THE REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT SHALL APPLY

NOTE:

- A. As allowed by the International Building Code and any required or existing easements. Side yard setbacks measured from a street right-of-way for corner lots in the MU-B zoning district may be reduced to ~~0~~ zero feet upon approval of the Planning Commission as a part of design review in compliance with Title 7 Chapter 11 of the Tooele City Code.
- B. The minimum set back requirements of the Residential Zoning District shall apply for all adjoining lots, buildings, parking areas, mechanical equipment, solid waste containers, and all other structures. Side yard setbacks measured from a street right-of-way for corner lots in the MU-B zoning district may be reduced to ~~0~~ zero feet upon approval of the Planning Commission as a part of design review in compliance with Title 7 Chapter 11 of the Tooele City Code.
- C. Smaller areas may be added to an existing and adjoining District provided such parcels become integrated within the existing development area and comply with all applicable development requirements.
- D. The Master Development Site Plan is required to generally identify for the total development site existing and reasonable projected development on the site, providing locations, design and proposed architecture of all buildings, a proposed signage theme and sign locations, open space areas with proposed landscape treatments, location of all parking areas, identifying total parking spaces, mass transit facilities, loading and unloading areas, access points, etc. The Master Development Site Plan must comply with all requirements of Chapter 7-11 of the Tooele City Code and as required by the Planning Commission.
- E. No minimum off-street parking requirements are established. It is the policy of the City to maintain existing uses which do not meet the Off-Street Parking requirements of the City and to encourage additional uses and activities within the District. The number of required off-street parking shall be as determined and approved by the Planning Commission, following a recommendation from the City Staff, and recognizing the nature and location of the proposed use or activity. Joint use of parking areas will be encouraged.
- F1. No plans for any primary building or structure shall be approved by the Planning Commission or Community Development Department unless a Landscaping Plan is submitted and approved by the Planning Commission or Community Development Department, consistent with the considerations of Tooele City Code §7-11-8. Landscaping in accordance with the approved Landscaping Plan shall be installed prior to issuance of a Certificate of Occupancy unless a bond is posted pursuant to Tooele City Code §7-22-4. The Landscaping Plan shall include at a minimum:
 - 1. A 50/50 mix of evergreen and deciduous trees and shrubs;
 - 2. 60% of trees and shrubs with a minimum caliper of ~~2~~ two inches and a minimum height of ~~5~~ five feet;
 - 3. park strip trees, at least one for every 30 feet of right-of-way frontage, in compliance with Tooele City Code §4-11-22
- F2.
 - 1. Critical Areas. "Critical Areas" shall mean those areas of a development site which have a particular sensitivity to environmental considerations, aesthetics, and employee and public convenience, health, and well being. Critical areas shall be determined administratively during discussions/negotiations between Tooele City staff and the developer, and shall address at least the following areas: principle vehicle entrances for employees and customers; principle pedestrian building entrances for employees and customers; employee gathering and rest areas; storm water drainage, detention, and retention facilities; and, screening of exterior building equipment.
 - 2. Minimum Acreage. The 1% site acreage requirement is in addition to, not inclusive of, Critical Area landscaping.
 - 3. Minimum Acreage Requirement Mitigation. In lieu of the 1% acreage landscaping requirement, the developer may pay to Tooele City a mitigation sum equal to the requirement, multiplied by \$20,000 per

acre, a reasonable average landscaping budget based upon the 1998 Tooele City Parks and Special Purpose Recreational Facilities Capital Facilities Plan. For example, the optional mitigation sum for a 200 acre site would be \$40,000; for a ~~5-~~ *five* acre site, \$1,000. Tooele City will apply mitigation funds to landscaping improvements in Tooele City Parks.

4. Critical Area Requirement Mitigation. In the event that Tooele city staff and the developer conclude that landscaping of a given Critical Area is not possible or practicable due to feasibility or engineering difficulties, the developer shall pay a mitigation sum equal to the area of the Critical Area not landscaped, multiplied by \$20,000 per acre, in lieu of installing the subject Critical Area landscaping. Financial or budgetary difficulties shall not be considered grounds for a determination of impossibility or impracticability or for payment of a Critical Area requirement mitigation sum.
 5. Administrative Appeal. Development applicants affected by the administrative determination referenced above may appeal in writing to the Planning Commission, which shall uphold, modify, or reject the determination. No further administrative appeal shall exist.
- G.
1. Fencing. Auto impound yards, military surplus yards, and vehicle storage yards shall be fenced with a view-obscuring fence, hedge, or landscaped berm at a height at least equal to the height of the materials stored within but not higher than eight feet.
 2. Location. Auto impound yards, military surplus yards, and vehicle storage yards may not be located closer than 300 feet to a State highway, 500 feet to a zoning district boundary, or 1000 feet to a school.

TOOELE CITY, UTAH TABLE 3
TABLE OF MINIMUM OFF-STREET PARKING STANDARDS

USE	PARKING REQUIREMENT
Beauty Shop	2 parking spaces for the first patron station, 1 parking space for each additional patron station. Excluding wash stations.
Business Offices and Professional Offices	1 parking space for each 200 <u>square feet</u> of floor area.
Church, Sports Arenas, Theaters, Halls, Meeting Rooms	1 parking space for each 3 seats of maximum seating capacity.
Commercial Day-Care/Pre-School Center	1 for every employee during regular business hours, plus 4 visitor parking spaces with adequate drop off and pick up area as determined by the Director.
Dwellings	2 parking spaces for each dwelling unit.
Hotel and Motel	1 parking space for each sleeping unit, plus 1 for each employee.
Health Care Facility	1 parking space for each 2 patient beds plus 1 parking space for each employee during regular business hours.
Health Care Provider	3 parking spaces for each doctors/dentist/therapist or other health care provider plus 1 parking space for each employee during regular business hours.
Manufacturing, Industrial, Wholesale Facilities	1 parking space for each employee during regular business hours, adequate spaces for company owned vehicles, plus 4 visitor parking spaces.
Nursing Home, Convalescent Care Facility	1 parking space for each 4 patient beds plus 1 parking space for each employee during regular business hours.
Public or Private Educational Facility	As approved by director recognizing the location and facility proposed, based on the nearest comparable use standards.
Public Use	As approved by the director, recognizing the location and use proposed based on the nearest comparable use standards.
Residential Facility for Elderly Persons	1 parking space for each bedroom designed for occupancy by 1 or 2 persons; 2 parking spaces for each bedroom designed for occupancy by 3 or 4 persons; 1 parking space for each employee.
Residential Facility for Persons with a Disability	1 parking space for each bedroom designed for occupancy by 1 or 2 persons; 2 parking spaces for each bedroom designed for occupancy by 3 or 4 persons; 1 parking space for each employee.
Restaurant, Bar, Private Club	1 parking space for each 3 seats or 1 parking space for each 100 square feet of gross building square footage (excluding kitchen and storage) whichever is more.
Retail Store, Commercial Center, Personal Services	1 parking space for each 300 square feet of gross building square footage. Furniture and appliance stores: one parking space for each 600 <u>square feet</u> of floor area.

NOTE: All property owners and applicants for all development approvals are advised that in addition to the minimum off-street parking spaces required they are also required to comply with the minimum standards for the provision of all required handicapped parking spaces as identified and required by the Americans with Disabilities Act, as amended.

~~7-16-6.—Use Definitions.
(Repealed, Ordinance 2012-17)~~