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**PUBLIC NOTICE**

Notice is Hereby Given that the Tooele City Council, the Tooele City Redevelopment Agency of Tooele City & the Municipal Building Authority of Tooele City will meet in a Work Session, on Wednesday, April 17, 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:**

- **FY20 Labor Cost Projections**  
Presented by Kami Perkins
- **Resolution 2019-34** A Resolution of the Tooele City Council Re-Approving and Readopting Resolution 2017-18 Approving the Annexation of 49 Acres of Additional Sunset Estates Property into the North Tooele City Special Service District  
Presented by Michelle Pitt
- **Ordinance 2019-11** An Ordinance of Tooele City Amending Tooele City Code Chapter 10-3 Regarding Parking in the Public Rights-of-Way  
Presented by Roger Baker
- **Accessory Dwelling Units**  
Presented by Roger Baker & Andrew Aagard
- **Parade Guidelines**  
Presented by Roger Baker
- **Proposed Revisions to Chapter 7-4 Regarding Parking**  
Presented by Jim Bolser
- **Ordinance 2019-09** An Ordinance of the Tooele City Council Amending the Tooele City General Plan Land Use Map for Various Properties Located Throughout the City to the Medium Density Residential and High Density Residential Land Use Categories and Renaming Referenced Zoning Districts  
Presented by Jim Bolser
- **Ordinance 2019-10** An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Various Properties Located Throughout the City to the MR- 8 Multi- Family Residential, MR-16 Multi-Family Residential, and MR-25 Multi- Family Residential Zoning Districts  
Presented by Jim Bolser
- **Skyline Vista Concept Plan**  
Presented by Jim Bolser

- **Minor Subdivision Final Plat for the Mountain View Meadows Subdivision**, Located at 560 South 50 West in the R1-7 Residential Zoning District for the Purposes of Creating 4 Single-Family Residential Lots  
Presented by Jim Bolser
- **Subdivision Preliminary Plan for the Hunter's Meadow Subdivision**, Located at Approximately 760 West 700 South in the R1-7 Residential Zoning District for the Purposes of Creating 54 New Single-Family Residential Lots  
Presented by Jim Bolser
- **Zoning Map Amendment** from the R1-7 Residential Zoning District to R1-7 PUD for 36.11 Acres of Land Along Berra Boulevard and Aaron Drive  
Presented by Jim Bolser
- **MBA Resolution 2019-02** A Resolution of the Municipal Building Authority of Tooele City, Utah, Approving a Contract with GSH Materials Testing & Inspection, Inc. for Material Testing and Special Inspection Services on the New Police Station Project  
Presented by Paul Hansen
- **Budget Meeting Calendaring**  
Presented by Chairman Pruden

#### 4. Close Meeting

- Litigation and Property Acquisition

#### 5. Adjourn

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Michelle Y. Pitt  
Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2113 or [michellep@tooelecitey.org](mailto:michellep@tooelecitey.org), Prior to the Meeting.



# OUR #1 ASSET ...OUR STAFF



*Looking at the City as a Whole*

# Staff Report

## 2017

Full-time Regular	131
Part-time Regular	27
Contingent Workers	95
FTR Wage	\$21.21
Appointed Wage	\$43.79
Part-time Wage	\$11.54
Contingent Wage	\$10.19
Turnover FTR/Appointed	9%
Turnover PTR	29%
Turnover using 5-year Lookback Police Officer	61%

## 2018

Full-time Regular <i>2 Police Officers; 1 PW Director; 1 P&amp;R Director</i>	135
Part-time Regular <i>+2 CSO; +1 IT Tech; - 1 CTC; +1 Deputy Recorder; - 1 crossing guard (may have been turnover overlap last year)</i>	29
Contingent Workers	95
FTR Wage (3.1% increase) <i>Last year focus on lower wage earners and police</i>	\$21.87
Appointed Wage (0.39% increase)	\$43.96
Part-time Wage (3.15% increase) <i>Last year focus on lower wage earners</i>	\$11.90
Contingent Wage (4.42% increase) <i>Last year focus on lower wage earners</i>	\$10.69
Turnover FTR/Appointed	10%
Turnover PTR	15%
Turnover using 5-year Lookback Police Officer	58%
Turnover Sworn Police Officers 2018 <i>7 Sworn Officers Left:</i>	19%
<i>1 moved; 1 retired; 2 went to other agencies; 2 got out of police work; &amp; 1 resigned while under investigation</i>	

# Challenges

- Low Unemployment & Competition for Talent
  - *17-year low in December 2018 U.S. at 3.9%*
  - *See Article "The Blue-Collar Drought" – Skilled Workers*
  - *Public Safety*
  - *Lowest Paid Workers*
  - *Temps/Seasonal \$10.20 by 2020*
- Inflation
- Benefit Costs
  - *Health Insurance*
    - *2012 Ratio 78%*
    - *2017 Ratio 164% (with claims removed for reinsurance 140%)*  
*Started at 20% increase; Actual was 15% – Several declined; Only one other competitive bid*
    - *2018 Ratio 116% (Not far enough along to determine claims removed for reinsurance but trending slightly down in utilization)*  
*PEHP came in at 9.5% Renewal; Rebid this year – Several declined; Only one other competitive bid*
  - *Work Comp Down Slightly*
  - *Next Year – 2% Increase to Public Safety Retirement Plan*
- Requests for Additional Staffing
- Economic Forecasts/Assumptions

*FY 2020*

# LABOR PROJECTIONS

*Based on Current Staffing/Benefit Elections*

# WENT TO BID

PEHP Health 9.5% Increase

Cigna 1% increase and \$30K transition credit for first year

- *\*Discussed challenges with this change*

Declined to Bid or were not competitive (were at least 20% increases):

- Select Health
- BlueCross BlueShield
- EMI
- United Health Care

PEHP Dental 0% Increase

EMI -14.96% decrease

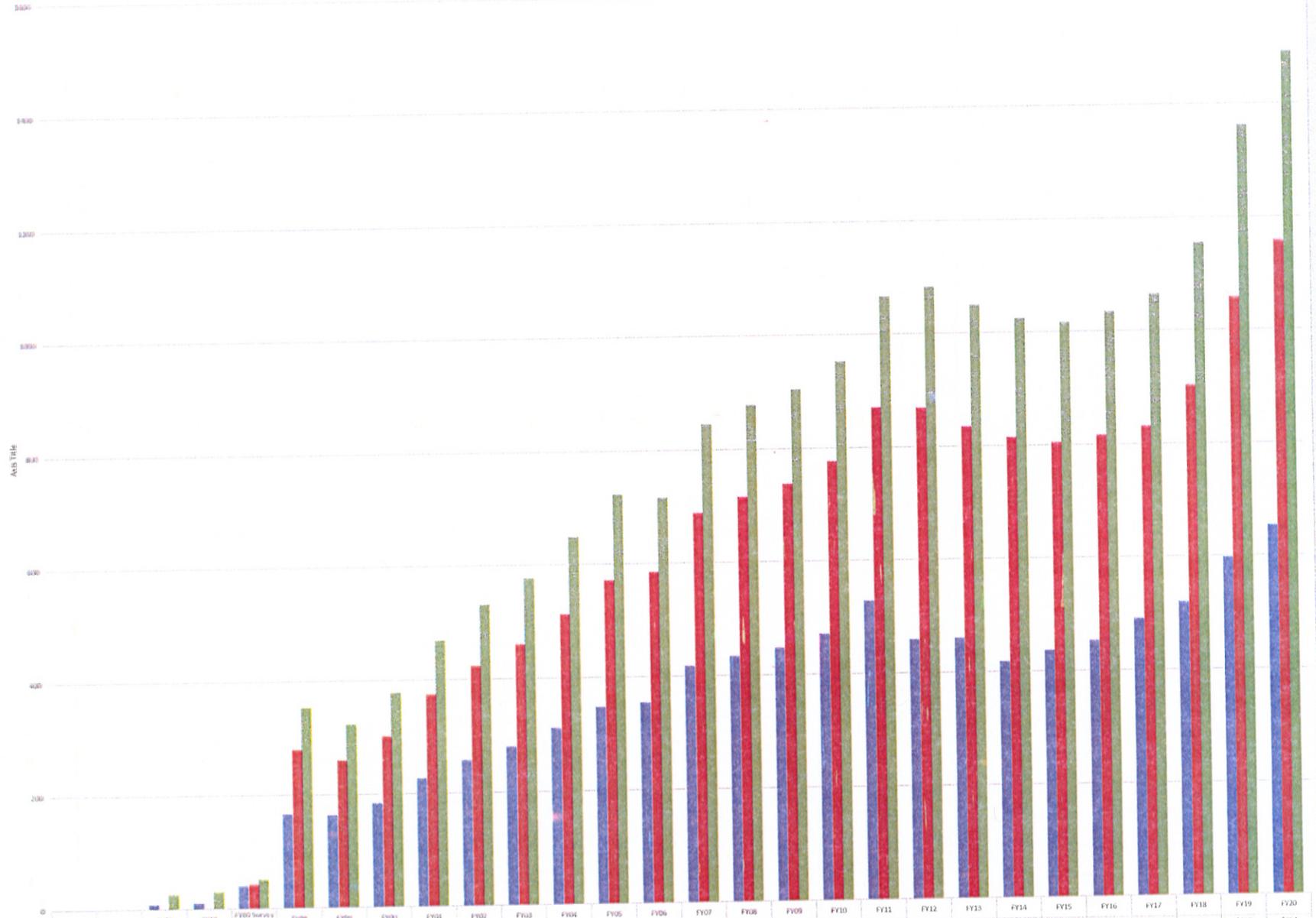
- This is primarily on EE Only
- Increases EE share of dependent Premium
- City's cost savings about 20K

Life Insurance - Still in Negotiation

- Anticipating a reduction from 55K to 50K on basic life (avoids imputed income taxation)
- Potential special enrollment period for EE's to add 5K to their voluntary supplemental life



# City's Insurance Rates



	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34	FY35
City Premium	59.00	530.94	541.30	528.07	5164	5184	5228	5259	5281	5312	5348	5355	5419	5435	5448	5471	5528	5459	5461	5418	5437	5453	5491	5817	5491	5519	5597	5654
City Service Revenue	59.00	530.94	541.30	528.07	5164	5184	5228	5259	5281	5312	5348	5355	5419	5435	5448	5471	5528	5459	5461	5418	5437	5453	5491	5817	5491	5519	5597	5654
City Service Revenue	59.00	530.94	541.30	528.07	5164	5184	5228	5259	5281	5312	5348	5355	5419	5435	5448	5471	5528	5459	5461	5418	5437	5453	5491	5817	5491	5519	5597	5654



# COLA

## Data for FY2020 Budget Consideration

Consumer Price Index (PR- All Urban Consumers, Seasonally Adjusted, U.S. City Averages during 2018)	2.4%
Consumer Price Index (West Urban, All Urban Consumers, 2018)	3.3%
Social Security Supplemental Income (SSI)	2.8%
Utah State Retirement Office – Pension Check Adjustments to Retirees	2.4%
Tooele County 2019 Approved COLA	1.2%
State of Utah – Legislature Funded General Wage Increase <i>(Their larges across-the-board increase since 2008; Governor proposed 2%, UPEA rallied for 2.5%)</i>	2.5%
Grantsville City (Based on preliminary discussions)	2.0%
Federal Civilians (President Trump Executive Order for retroactive pay increase)	1.66%

For Consideration:

Every 1% increase in wages costs approximately

\$110,000

Step 0		Current Rate	2.5% COLA New Rate	Pay Increase	Approximate New Rate w/ 50 cents inc. to Step 0	Approximate Pay Increase	% Increase
CW - 1	9.54	\$ 9.54	\$9.78	\$0.24	\$10.04	\$0.50	5.2%
CW - 2	10.11	\$ 10.11	\$10.37	\$0.25	\$10.61	\$0.50	4.9%
CW - 3	10.72	\$ 10.72	\$10.99	\$0.27	\$11.22	\$0.50	4.7%
CW - 4	11.36	\$ 11.36	\$11.65	\$0.28	\$11.86	\$0.50	4.4%
CW - 5	12.04	\$ 12.04	\$12.35	\$0.30	\$12.54	\$0.50	4.1%
6	12.65	\$ 12.65	\$12.96	\$0.32	\$13.15	\$0.50	4.0%
7	13.28	\$ 13.28	\$13.61	\$0.33	\$13.78	\$0.50	3.8%
8	13.95	\$ 13.94	\$14.29	\$0.35	\$14.45	\$0.51	3.6%
9	14.65	\$ 14.64	\$15.01	\$0.37	\$15.15	\$0.51	3.5%
10	15.45	\$ 15.44	\$15.83	\$0.39	\$15.95	\$0.51	3.3%
11	16.30	\$ 16.29	\$16.70	\$0.41	\$16.80	\$0.51	3.1%
12	17.20	\$ 17.19	\$17.62	\$0.43	\$17.70	\$0.51	3.0%
13	18.15	\$ 18.14	\$18.59	\$0.45	\$18.65	\$0.51	2.8%
14	19.15	\$ 19.13	\$19.61	\$0.48	\$19.65	\$0.52	2.7%
15	20.29	\$ 20.28	\$20.79	\$0.51	\$20.79	\$0.51	2.5%
16	21.51	\$ 21.50	\$22.04	\$0.54	\$22.01	\$0.51	2.4%
17	22.80	\$ 22.79	\$23.36	\$0.57	\$23.30	\$0.51	2.2%
18	24.16	\$ 24.16	\$24.76	\$0.60	\$24.66	\$0.50	2.1%
19	25.61	\$ 25.60	\$26.24	\$0.64	\$26.11	\$0.51	2.0%
20	27.15	\$ 27.14	\$27.82	\$0.68	\$27.65	\$0.51	1.9%
21	28.78	\$ 28.77	\$29.49	\$0.72	\$29.28	\$0.51	1.8%
22	30.51	\$ 30.50	\$31.26	\$0.76	\$31.01	\$0.51	1.7%
23	32.33	\$ 32.33	\$33.13	\$0.81	\$32.83	\$0.50	1.6%
24	34.27	\$ 34.26	\$35.12	\$0.86	\$34.77	\$0.51	1.5%
25	36.33	\$ 36.32	\$37.23	\$0.91	\$36.83	\$0.51	1.4%

Average \$0.50

2.5%

PO50	\$ 19.15	Cadet	\$19.63	\$0.48	\$19.65	\$0.50	2.6%
PO51	\$ 20.60	Police Officer I	\$21.12	\$0.51	\$21.10	\$0.50	2.4%
PO52	\$ 22.50	Police Officer II	\$23.06	\$0.56	\$23.00	\$0.50	2.2%
PO53	\$ 26.94	Corporal/PO III	\$27.61	\$0.67	\$27.44	\$0.50	1.9%
PO54	\$ 31.40	Sergeant	\$32.19	\$0.78	\$31.90	\$0.50	1.6%
PO55	\$ 36.44	Lieutenant	\$37.35	\$0.91	\$36.94	\$0.50	1.4%
PO56	\$ 39.48	Captain	\$40.47	\$0.99	\$39.98	\$0.50	1.3%

Average \$0.70

**WAGES -**

- Proposing approx. 50 cent increase across the board for general workforce as opposed to a flat percentage COLA. This adjusts our lower grades more aggressively than our upper grades but the increase in amount is the same. Recommended to address market pressures impacting lower wage workers. Average wage increase using a 2.5% COLA was .50.
- No increase included for elected officials
- Annual Merit Based Step Increases
- Established Career Ladder Promotions
- Additional 3.5 Hours per week per crossing guard due to kindergarten schedule
- Picks up more of the cost for a police officer that was funded two years ago through a grant
- Picks up more costs for an officer that was on military deployment part of last year
- Police overtime budget increases with pay increase
- Other related increases in costs such as uniform allowance, line of duty, etc.

INCLUDED IN THE NUMBERS...(This reflects wages & benefits)

- New Parks & Recreation Director\* (Adjusted for other EE salary reduction) \$100,000
- Anticipate Inc. per Agreement w/ Golf Pro per original offer – PGA obtained this year \$ 6,500
- 1 New FTR Police Officer (Inc. Count by 1 Officer) \$ 88,000
- 1 New FTR HR Assistant \$ 59,000
- Increase funding for museum staff \$ 6,500
- Market based reclassification of non-management/lead staff in shops, streets, water, sewer, & P&R Mechanic \$9K General Fund; \$11.5K Water; 16.5K Sewer

**BENEFITS \$ FIXED COSTS -**

- Medical 9.5% - Cost Shared by City and employees
- Life Insurance benefit will decrease slightly from \$55K to \$50K (EE's can pick up via supp.)
- Fire Department Benefit Slight Increase

**BENEFITS% OF SALARY -**

- *Work Compensation lowered slightly*
- *% benefits increased with wage increases*
- Employer 401K contribution held at 2%  
(Last year we tried to get to 3%; with insurance increase this year we are recommending we hold at 2%)

**WAGES**  
\$515,857

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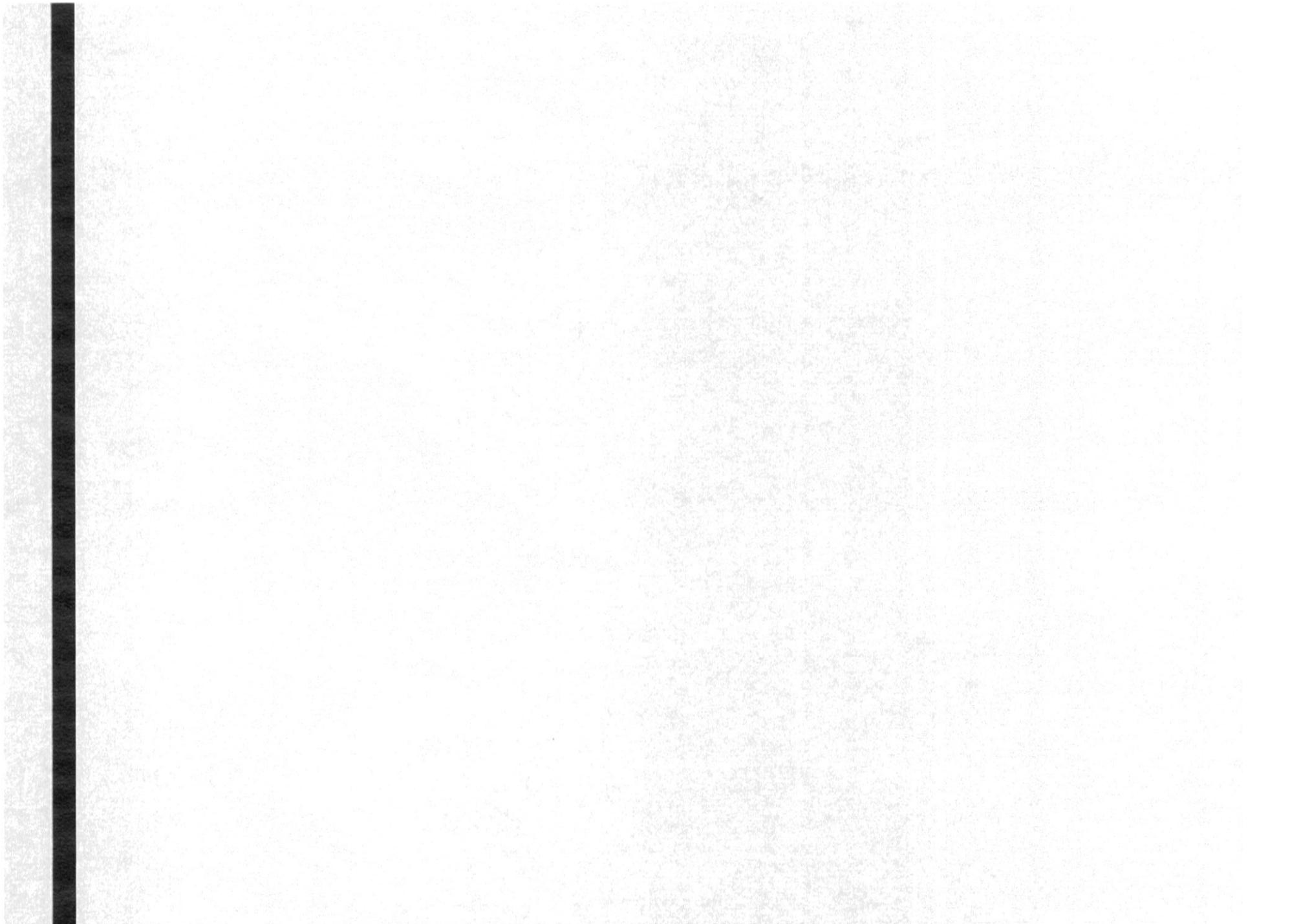
**BENEFITS**  
\$444,372

\$292,000

\$152,000

# ESTIMATED LABOR COST INCREASE

WAGES	\$515,857
BENEFITS	\$444,372
LESS ESTIMATE OF COST INCREASED TO BE CHARGED TO ENTERPRISE FUNDS, REIMBURSEMENTS, GRANTS	<94,789>
ESTIMATED GENERAL FUND IMPACT	\$869,100



# HR DEPARTMENT



## FY2019 Initiatives

- ApplicantPro
- HireForms
- Restructure
  - *Split CD/PW*
  - *PW Director*
  - *P&R Director*
  - *Community Services officer*
  - *Business Licensing*
  - *Deputy Recorder/CC Liaison*
  - *Utility Line Locator*
- Police Pay Plan
- Public Safety Tier 2 Enhanced Benefit
- Public Safety Student Loan Repayment
- \$10.20 by 2020
- Streets Career Ladder Competency Grid
- Electronic Filing of Money Management Report
- Fraud Prevention – ACH Preapproved
- Risk Management Team
- OSHA Audit
- Utah Retirement System Audit
- Annual Audit – No Findings

## FY2020 Anticipated

- Transition HR Database
  - *Training Tracks*
  - *Performance Evaluation System*
- Fraud Prevention – Positive Pay Implementation
- Some PW/skilled Reclassification
- Management Training
- URS Public Safety Tier 2
- Weather-related slips & falls
- Business/Payroll Continuity Plan

# REQUEST

One of the following:

PT Clerk	\$10,800
FTR HR Tech	\$59,000
HR Pro/Safety	\$80,000

1998 Avg. Staff Count was 75 + Fire Dpt.  
2006 Avg. Staff Count was 224 + Fire Dpt.  
2018 Avg. Staff Count was 255 + Fire Dpt.

*How we serve our workforce*

# WORKPLACE CULTURE

*Train people well enough so they can leave. Treat them well enough so they don't want to.*

*-sir Richard Branson*

## TOOELE CITY CORPORATION

### RESOLUTION 2019-34

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL RE-APPROVING AND RE-ADOPTING RESOLUTION 2017-18 APPROVING THE ANNEXATION OF 49 ACRES OF ADDITIONAL SUNSET ESTATES PROPERTY INTO THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT.**

WHEREAS, on April 6, 2017, the City Council voted to approve Resolution 2017-18 annexing into the North Tooele City Special Service District certain land comprising the Sunset Estates existing and future subdivisions; and,

WHEREAS, Utah Code Section 17D-1-403 provides that within 30 days of the City Council passing a resolution to annex area into a special service district, the City must provide to the Lieutenant Governor a copy of the final local entity plan showing and describing the annexed area; and,

WHEREAS, Tooele City had only recently received the local entity plat for annexation of the Additional Property (see below; consisting of Sunset Estates phase 7+ subdivision property); therefore, it is necessary to readopt Resolution 2017-18 so that both the local entity plat and the annexation resolution can be submitted to the Lieutenant Governor; and,

WHEREAS, the creation of special service districts is governed by U.C.A. Chapter 17D-1 Part 2; the procedure for annexing additional property into an existing special service district is the same as for the existing special service district's original creation; and,

WHEREAS, on June 16, 1999, the City Council approved Resolution 1999-29 for the creation of the North Tooele City Special Service District ("District") for the purpose of maintaining several unique public amenity features of the Overlake subdivisions; and,

WHEREAS, on December 17, 2003, the City Council approved Resolution 2003-62 for the annexation into the District of 30.69 acres, which comprised portions of the Sunset Estates subdivisions; and,

WHEREAS, on January 7, 2015, the City Council approved Resolution 2015-06 for annexation into the District of an additional 5.42 acres into the District, which comprised Sunset Estates phase 5 subdivision; and,

WHEREAS, on August 19, 2015, the City Council approved Resolution 2015-36 for annexation into the District of an additional 10.31 acres into the District, which comprised Sunset Estates phase 6 subdivision; and,

WHEREAS, Tooele City has received a Petition from the Tom Nixon Family Partnership (“Petitioner”) to annex an additional 48.69 acres into the District, which comprise Sunset Estates phase 7 and future Sunset Estates phases (“Additional Property”); and,

WHEREAS, because the Additional Property is held in common ownership by Petitioner, Tooele City and the Petitioner are relieved of complying with the Notice, Protest, and Public Hearing requirements of U.C.A. Sections 17D-1-205, 206, and 207, and the annexation may be approved simply by approving this Resolution, obtaining a Certificate of Incorporation from the Utah Lt. Governor, and recording the required documents with the Office of the Tooele County Recorder; and,

WHEREAS, the annexation of additional Sunset Estates property into the District, as proposed by this Resolution, has been requested not only by the Petitioner, but also by current and former members of the City Council, the Planning Commission, and the District’s Administrative Control Board; and,

WHEREAS, the purpose of the District in annexing the Additional Property will be to maintain within the Additional Property special features and amenities related to the unique design of public street lighting, public signage, public drainage and flood control, public recreation properties, public street design and traffic calming features, and associated and integral public landscaping (the “Amenities”); and,

WHEREAS, in addition to the above purposes, annexation into the District will also allow Tooele City to impose upon and enforce with the Additional Property the construction and maintenance of Amenities design standards common to the District, including the privately-owned and privately-maintained privacy fence along 400 West Street right-of-way property line, rather than defaulting to Tooele City’s regular design standards for such features and Amenities; and,

WHEREAS, the District will maintain only those Amenities formally accepted by and dedicated to Tooele City in the land use approval process; and,

WHEREAS, the City Council finds that it is in the best interest of the City in general and of District residents in particular, including the future residents of the Additional Property, to annex the Additional Property into the District; and,

WHEREAS, to the best of the City’s knowledge, all requirements of the law precedent to the approval of this Resolution have been fully met:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that Resolution 2017-18 regarding the annexation of the Additional Property into the District is hereby re-approved and re-adopted, and that the City Recorder is hereby instructed to file and record the necessary documents with the Utah Lt. Governor and the Tooele County Recorder.

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)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

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

S E A L

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

**TOOELE CITY CORPORATION**

**ORDINANCE 2019-11**

**AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE  
CHAPTER 10-3 REGARDING PARKING IN THE PUBLIC RIGHTS-OF-WAY.**

WHEREAS, it is in the public interest to clarify codifications of city policy from time to time through amendments to the Tooele City Code; and,

WHEREAS, Tooele City Code Chapter 10-3 governs parking in the public rights-of-way, including enforcement; and,

WHEREAS, Chapter 10-3 is intended to protect the public health, safety, welfare, and good order of the community; and,

WHEREAS, most of Chapter 10-3 has not been amended since 1990, and Chapter 10-3 requires modernization, including new definitions and other revisions; and,

WHEREAS, the current civil penalty for illegal parking in the public rights-of-way is \$25, reduced to \$10 if paid within 20 days; and,

WHEREAS, the City Administration suggests that the current civil penalty is an inadequate deterrent to illegal parking in the public rights-of-way, and recommends that the civil penalty for illegal parking be increased to \$100, reduced to \$50 if paid within 15 calendar days; and,

WHEREAS, the increased civil penalty is not intended to be a source of revenue to the general fund, but to be an adequate realistic deterrent to illegal parking; in any event, the increased civil penalty will not cover fully the City's costs to enforce the illegal parking provisions in Chapter 10-3:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL as follows:

1. Tooele City Code Chapter 10-3 is hereby amended to read in its entirety as shown in redline in Exhibit A; and,
2. The Tooele City Fee Schedule is hereby amended to include the updated civil penalties.

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)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

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

S E A L

Approved as to Form:



\_\_\_\_\_  
Roger Evans Baker, City Attorney

## Exhibit A

TCC Chapter 10-3 (Amended)

**CHAPTER 3. STOPPING, STANDING AND PARKING**

- 10-3-1. Regulation of parking - **Definitions.**
- 10-3-2. Signs and color markings.
- 10-3-3. Angle parking.
- 10-3-4. Parallel parking.
- 10-3-5. Parking not to obstruct traffic.
- 10-3-6. All night parking.
- 10-3-7. Parking for certain purposes prohibited.
- 10-3-8. Parking at Tooele High School.
- 10-3-9. Application of provisions.
- 10-3-10. Provisions not exclusive.
- 10-3-11. Vehicles - Registration and plates.
- 10-3-12. Parking signs required.
- 10-3-13. Approaching a parking space.
- 10-3-14. Procedure for leaving vehicle unattended.
- 10-3-15. Lights on parked vehicles.
- 10-3-16. Handicap parking - Public property.
- 10-3-17. Handicap parking - Private property.
- 10-3-18. Parking lots owned by the city.
- 10-3-19. Loading zones and restricted parking - Designation and signs.
- 10-3-20. Freight curb loading zones.
- 10-3-21. Restricted parking zones.
- 10-3-22. Parking in alleys.
- 10-3-23. Double parking, standing or stopping.
- 10-3-24. Stopping or parking - Roadways without curb.
- 10-3-25. Stopping standing or parking prohibited in certain areas.
- 10-3-26. Parking between curb and property line prohibited.
- 10-3-27. Using streets for storage prohibited.
- 10-3-28. Presumption of liability.
- 10-3-29. Parking violation - Owner's responsibility.
- 10-3-30. Moving illegally parked vehicles - Police authority.
- 10-3-31. Violations - Penalties.
- 10-3-32. Parking violations - Appeal procedure.
- 10-3-33. Using parking lots and vacant lots to display used vehicles for sale.

- 10-3-1. Regulation of **p**Parking - **Definitions.**
  - (1) The chief of police ~~is authorized to may~~ prohibit, restrict, or regulate the parking, stopping, and standing of vehicles, ~~including towing authority as set forth herein:~~
    - (a) on any public right-of-way;
    - (b) on any off-street parking facility or property which Tooele City owns or operates; ~~and,~~
    - (c) as otherwise authorized by federal, state, or local law.
  - (2) **Definitions.**
    - "Emergency use" areas means: those areas:
      - (a) designated by red curb markings (also known as "red zones");
      - (b) designated as ambulance zones, fire hydrant zones, or fire lanes, whether on public or private property; and,
      - (c) any other designated area of the city posted as restricted for emergency vehicles or emergency use.

"Park" "stand" and "stop" (as well as their variants), for purposes of this Chapter, shall have the same meaning, and mean a vehicle's complete cessation of movement upon or within a public right-of-way.

"Public right-of-way" means the surface of, and the space above and below, any public street, sidewalk, alley, curb and gutter, park strip, shoulder, or other public way of any type whatsoever, now or hereafter existing as such within Tooele City.

"Street" means the portion of a public right-of-way paved and utilized for vehicular traffic.

"Vehicle" means any motorized device for the transportation of people or goods containing two or more wheels.

(Ord. 1990-08, 06-14-1990)

**10-3-2. Signs and ~~c~~Color ~~m~~Markings.**

The ~~c~~City is authorized, subject to the provisions and limitations of this ~~t~~itle, to place ~~and when required herein shall place~~ and maintain ~~appropriate~~ signs or traffic markings to indicate stopping, standing, or parking regulations. The following traffic markings shall designate zones and have the following meanings:

(1) Red ~~-~~curb means no stopping, standing, or parking at any time.

(2) Yellow curb means no stopping, standing, or parking except as designated by ~~appropriate~~ signs or traffic markings.

(Ord. 1990-08, 06-14-1990)

**10-3-3. Angle **p**Parking.**

The chief of police shall determine on what **public rights-of-way and streets** ~~roadways~~ angle parking shall be permitted and shall mark or sign ~~them~~~~such~~ ~~roadways~~. Angle parking shall not be permitted upon any federal-aid or state highway unless the Utah Department of Transportation has determined that the roadway is of sufficient ~~configuration~~ ~~width~~ to permit angle parking without interfering with the free movement of **vehicular** traffic.

(Ord. 1990-08, 06-14-1990)

**10-3-4. Parallel **p**Parking.**

No person shall **stop**, stand, or park a vehicle in a roadway provided with curb other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right-hand wheels of the vehicle within eighteen inches of the curb ~~or edge of the roadway~~, except as otherwise provided in this ~~c~~Chapter.

(Ord. 1990-08, 06-14-1990)

**10-3-5. Parking ~~n~~Not ~~t~~To ~~o~~Obstruct ~~t~~Traffic.**

No person shall stop, stand, or park a vehicle upon a street in such a manner as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.—

(Ord. 1990-08, 06-14-1990)

**10-3-6. All ~~n~~Night **p**Parking.**

No person shall park a vehicle on any street between the hours of 2:00 a.m. and 6:00 a.m. of any day from November 1 through March 31. This provision does not

apply to authorized emergency vehicles in the performance of official duties.

(Ord. 1990-08, 06-14-1990)

#### 10-3-7. Parking for ~~c~~Certain ~~p~~Purposes ~~p~~Prohibited.

No person shall park a vehicle upon any street for any of the following purposes:

- (1) displaying the ~~such~~ vehicle for sale;
- (2) washing, greasing, or repairing the ~~such~~ vehicle except repairs necessitated by an emergency;
- (3) displaying advertising; or,
- (4) selling food or other merchandise ~~in any commercial district.~~

(Ord. 1990-08, 06-14-1990)

#### 10-3-8. Parking at Tooele High School.

The parking regulations of the current Student-Parent Manual of Tooele High School are hereby adopted and shall be enforced upon the premises of Tooele High School only.

(Ord. 1990-08, 06-14-1990)

#### 10-3-9. Application of ~~p~~Provisions.

The provisions of this ~~c~~Chapter shall apply at all times, or at those times specified in this ~~c~~Chapter, or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or ~~a~~ official traffic-control device.

(Ord. 1990-08, 06-14-1990)

#### 10-3-10. Provisions ~~n~~Not ~~e~~Exclusive.

The provisions of this ~~c~~Chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

(Ord. 1990-08, 06-14-1990)

#### 10-3-11. Vehicles - Registration and ~~p~~Plates.

(1) Every vehicle at all times while standing or being stopped or parked upon the streets or alleys of this city shall:

(a) be registered in the name of the owner thereof in accordance with the laws of the state, unless the ~~such~~ vehicle is not required by the laws of Utah to be registered in this state;

(b) display in proper position two valid, unexpired registration plates, one on the front and one on the rear of the ~~such~~ vehicle;

(c) when required, bear current validation or indicia of registration attached to the rear plate and in a manner complying with the laws of the state of Utah, which registration shall be free from defacement, mutilation, grease, dirt, and other obscuring ~~items~~ matters, so as to be plainly visible and legible at all times.

(2) If the ~~such~~ vehicle is not required to be registered in this state, and the indicia of registration issued by another state, territory, possession, or district of the United States, or of a foreign country, substantially complies with the provisions hereof, such registration shall be considered as in compliance with this ~~s~~Section.

(Ord. 1990-08, 06-14-1990)

#### 10-3-12. Parking ~~s~~Signs ~~r~~Required.

(1) When the City desires to implement any site-specific parking regulation that imposes a parking time limit or parking prohibition in a specific location, the City shall install and maintain ~~appropriate~~ signs and/or pavement markings that provide notice of the regulation at the location where enforcement is sought.

(2) This section shall not apply to the following:

(a) general parking regulations that apply city-wide;

(b) general parking regulations that apply under specified circumstances or to places in general that meet specified criteria without identifying specific places by address, street name, or other specific place description;

(c) any provision of the Tooele City Code listed below:

- i. §10-3-6
- ii. §10-3-11
- iii. §10-3-14
- iv. §10-3-22
- v. §10-3-23
- vi. §10-3-24
- vii. §10-3-25(1)
- viii. §10-3-26
- ix. §10-3-27; and,

(d) any State Code parking regulation of general application.

(3) When signs or pavement markings are erected or placed by direction of the ~~c~~City, it shall be a violation for any person to park a vehicle or allow a ~~such~~ vehicle to remain parked upon any street for longer than the time specified or contrary to the signs or markings.

(Ord. 2007-31, 12-19-2007) (Ord. 1990-08, 06-14-1990)

#### 10-3-13. Approaching a ~~p~~Parking ~~s~~Space.

(1) No person shall move a vehicle in any manner or leave a parking space and then reenter it to avoid the intent of this ~~c~~Chapter.

(2) Every driver about to enter a parking space being vacated shall stop the vehicle and wait to the rear of the vehicle in the actual process of vacating the parking space, and having so waited shall have prior right to the parking space over all other drivers.

(3) No driver shall stop a vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.

(4) No driver shall stop and wait for a parking space unless the vehicle vacating the space is actually in motion in the process of vacating.

(Ord. 1990-08, 06-14-1990)

#### 10-3-14. Procedure for ~~f~~Leaving ~~r~~Vehicle ~~n~~Unattended.

No driver or person in charge of a ~~motor~~ vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key and, when the ~~such motor~~ vehicle is standing, parked, or stopped upon any perceptible grade, without effectively setting the brakes thereon and turning ~~of~~ the front wheels

to the curb or side of the street.-  
(Ord. 1990-08, 06-14-1990)

### 10-3-15. Lights on ~~p~~Parked ~~v~~Vehicles.

(1) Whenever a vehicle is lawfully parked upon any street, no lights need be displayed upon ~~the such~~ parked vehicle.

(2) Any lighted headlamp upon a parked vehicle, except official emergency vehicles ~~in the performance of official duties while in official use~~, shall be depressed or dimmed.

(Ord. 1990-08, 06-14-1990)

### 10-3-16. Handicap ~~p~~Parking - Public ~~p~~Property.

(1) Handicap Parking in Restricted Areas.

(a) A ~~disabled handicapped~~ person whose automobile has affixed thereto, as provided by law, the handicap license plate or a transferable motor vehicle identification card issued by the state of Utah, shall be entitled to park in the following identified restricted parking areas without charge, notwithstanding any other state or municipal parking restriction:-

- (i) freight loading zones;,-
- (ii) passenger loading zones; and,
- (iii) time-limited parking zones.

(b) It is unlawful for a ~~disabled such handicapped~~ person to park for longer than the maximum designated time at restricted parking areas.

(2) The ~~c~~City is hereby authorized, at its discretion, to reserve by appropriate ~~signage signing~~; various public areas or property for handicap parking. It is unlawful for:

(a) any ~~disabled handicapped~~ person to park longer than the time shown on the sign designating the area as "handicap parking"; or,

(b) any vehicle to be parked in an area designated as handicapped parking, unless ~~the such~~ vehicle has displayed upon it the handicap parking plate or transferable identification card issued by the state.

(3) It is unlawful for any person using a vehicle with a handicap license plate or transferable motor vehicle identification card who is not ~~disabled handicapped~~ to use handicap parking.

(4) Restricted Areas Not Authorized for Special Handicap Parking. Nothing herein shall be construed to permit parking by any individual, contrary to or as an exception to the limited purpose of any of the following designated areas:

(a) any area where official signs or traffic markings absolutely prohibit stopping, standing, or parking;

(b) areas reserved for emergency use;

(c) on a sidewalk ~~area~~;

(d) in front of or within five feet of a private driveway;

(e) within five feet of a fire hydrant, as measured in both directions along the street or highway curblin, from a line extending from the center of the hydrant to the curblin at its nearest point;

(f) within 20 feet of a crosswalk at an intersection;

(g) within 30 feet of ~~upon~~ the approach to any

flashing beacon or traffic-control device located at the side of a roadway;

(h) between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless ~~official authorized~~ signs or markings indicate a different length;

(i) within 50 feet of the nearest rail of a railroad crossing;

(j) within 20 feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;

(k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct or be hazardous to traffic;

(l) upon any bridge or other elevated structure upon a street;

(m) at any place in any public park, playground, or grounds of any public building other than on the roads or parking lots provided for public parking in accordance with provisions of any officially installed signs;

(n) on any footpath ~~or trail~~ in any park, ~~recreational area~~, or playground; ~~or~~,

(o) taxi and bus stands or stops.

(Ord. 1990-08, 06-14-1990)

### 10-3-17. Handicap ~~p~~Parking - Private ~~p~~Property.

Only those vehicles displaying a handicap license plate or transferable identification card issued by the state may park in any parking spot designated for the parking of handicapped ~~or disabled~~ persons. This restriction shall apply to and be enforceable upon public property and private property where parking is open to the general public, whether parking is provided to the general public for free or for a fee.

(Ord. 1990-08, 06-14-1990)

### 10-3-18. Parking ~~l~~ots ~~o~~wned by the ~~c~~City.

(1) No person, on the premises of any parking lot owned by the ~~c~~City where a sign or signs are posted designating such parking lot as a parking lot of Tooele City, shall do any of the following:

(a) park any vehicle continuously in excess of ~~48 72~~ hours;

(b) park any boat, trailer, or ~~recreational vehicle~~ ~~motor home~~;

(c) park any vehicle over 18 feet in length or eight feet wide;

(d) abandon any vehicle;

(e) make repairs on any vehicle; ~~or~~,

(f) park any vehicle thereon which does not bear a valid license plate ~~and current registration~~.

(2) Any vehicle found in violation of Subsection (1) is hereby declared to be a nuisance and may be summarily abated by removing any such vehicle by, or under the direction of, or at the request of a police officer or other officer charged with enforcing the parking laws of the ~~c~~City to a place of storage within the city by means of towing.

(Ord. 1990-08, 06-14-1990)

### 10-3-19. Loading ~~z~~Zones and ~~r~~Restricted ~~p~~Parking - Designation and ~~s~~Signs.

The City is hereby authorized to determine the location of passenger and freight curb loading zones and restricted parking zones. The City shall place and maintain appropriate signs or markings indicating the same and stating the hours during which the provisions of this Section are applicable.  
(Ord. 1990-08, 06-14-1990)

#### 10-3-20. Freight Curb Loading Zones.

(1) No person shall stop or park a vehicle or permit the same to remain stopped or parked for any purpose or length of time other than for the expeditious loading or unloading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of materials exceed 30 minutes.

(2) The driver of a passenger vehicle may stop and park at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers provided that the driver must remain with the vehicle.  
(Ord. 1990-08, 06-14-1990)

#### 10-3-21. Restricted Parking Zones.

No person shall stop, stand, or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in the such zone is restricted, except that a driver of a passenger vehicle may stop or park temporarily in the such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purposes to which parking is restricted. The driver must remain with in the vehicle car.  
(Ord. 1990-08, 06-14-1990)

#### 10-3-22. Parking in Alleys.

No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance of or any abutting property, or interfere with the free movement of traffic through the alley.  
(Ord. 1990-08, 06-14-1990)

#### 10-3-23. Double Parking, Standing or Stopping.

No person shall park, stand, or stop a vehicle upon the roadway side of another vehicle which is parked, standing, or stopped except while actually engaged in loading or unloading passengers, or in compliance with directions of a police officer or traffic-control device, or when necessary to avoid other traffic.  
(Ord. 1990-08, 06-14-1990)

#### 10-3-24. Stopping or Parking - Roadways without Curb.

(1) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon any roadway constructed street without a curb, when it is

practical to stop, park, or so leave such vehicle off the streetsuch roadway. In every event, any such parked vehicle shall be parked in the direction of lawful traffic movement with an unobstructed width of the street roadway opposite the standing vehicle left for the free passage of other vehicles, and a clear view of such stopped vehicles shall be available.

(2) This Section shall not apply to the driver of any vehicle which is disabled while on the main traveled portion of a street in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the such disabled vehicle in that such position.  
(Ord. 1990-08, 06-14-1990)

#### 10-3-25. Stopping Standing or Parking Prohibited in Certain Areas.

(1) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (a) on a sidewalk or curb area;
- (b) in front or within five feet of a private driveway;
- (c) within an intersection;
- (d) within five feet of a fire hydrant, as measured in both directions along the street or highway curbline from the line extending from the center of the hydrant to the curbline at its nearest point;
- (e) on a crosswalk;
- (f) within 20 feet of a crosswalk at an intersection;
- (g) within 30 feet upon the approach of any flashing beacon or traffic-control device located at the side of a roadway;
- (h) between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different length;
- (i) within 50 feet of the nearest rail of a railroad crossing;
- (j) within 20 feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;
- (k) alongside or opposite any street excavation or obstruction, when stopping, standing, or parking would obstruct or be hazardous to traffic;
- (l) upon any bridge or other elevated structure upon a street;
- (m) where official signs or traffic markings prohibit stopping, standing, or parking;
- (n) in any public park, playground, recreational area, or grounds of any public buildings other than on the roads or parking lots provided for public parking and then only in accordance with provisions of any signs, officially installed by direction of the city;
- (o) on any footpath or trail in any park, recreational area, or playground;
- (p) within a fire lane, as designated by Tooele City, whether on public or private property;
- (q) on any median or island, or on any dividing section of a streetroadway;

(r) on any public street or alley ~~where the width of the roadway is less than 20 feet wide; or,~~

(s) on the south or east side of any public street or alley where the width ~~of the roadway is over 20 feet,~~ but less than 30 feet, unless otherwise directed by traffic-control devices.

(2) No person shall stop, stand, or park a vehicle in any manner or position contrary to any sign or marking officially placed by direction of the ~~City.~~

(3) No person shall move a vehicle under such person's control into any such prohibited area, or upon any area not designated for vehicular travel or parking. (Ord. 1990-08, 06-14-1990)

#### 10-3-26. Parking between ~~Curbs~~ and ~~Property~~ ~~Prohibited.~~

No person shall leave or cause to be left, or parked, any vehicle upon any portion of a street or highway between the curb lines or, ~~if there is no curb, between the later lines of a roadway edge of pavement,~~ and the adjacent property lines.

(Ord. 1990-08, 06-14-1990)

#### 10-3-27. Using ~~Streets~~ for ~~Storage~~ ~~Prohibited.~~

No person shall park a vehicle, boat, trailer, motor home, camper, ~~recreational vehicle,~~ motorcycle, or other item upon any ~~public right-of-way street~~ for a period of time longer than 48 hours.

(Ord. 1990-08, 06-14-1990)

#### 10-3-28. Presumption of ~~Liability.~~

The fact that a ~~vehicle an automobile~~ which is illegally parked is registered in the name of a person shall be sufficient to constitute a presumption that such person was in control of the ~~vehicle automobile~~ at the time of its ~~such~~ parking.

(Ord. 1990-08, 06-14-1990)

#### 10-3-29. Parking ~~Violation~~ - Owner's ~~Responsibility.~~

Whenever any vehicle ~~is shall have been~~ parked in violation of any of the provisions of this ~~Chapter,~~ the person in whose name ~~the such~~ vehicle is registered shall be prima facie responsible and strictly liable for the ~~such~~ violation and ~~associated the~~ penalty ~~therefor.~~

(Ord. 1990-08, 06-14-1990)

#### 10-3-30. Moving ~~illegally~~ ~~Parked~~ ~~Vehicles~~ - Police ~~Authority.~~

A police officer is hereby authorized to remove or caused to be removed to a place of safety any unattended vehicle stopped, parked, or left standing on a street or public right-of-way in a position or under circumstances as follows:

(1) the vehicle obstructs the normal and safe movement of vehicular, bicycle, or pedestrian traffic;

(2) the vehicle obstructs the normal and safe movement of authorized emergency vehicles and City service vehicles, including snow plows, in the performance of official duties;

(3) the vehicle otherwise creates a risk of danger to persons or damage to property; and,

(4) the vehicle is abandoned or displays common

~~indicia of abandonment. Whenever any police officer finds a vehicle parked or standing upon a street and such vehicle is creating a danger to persons or property, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same, to a position off the main-traveled part of such street.~~

(Ord. 1990-08, 06-14-1990)

#### 10-3-31. Violations - Penalties.

(1) A violation of this Chapter shall be a civil offense.

(2) Any person violating a provision of this ~~Chapter~~ shall be liable for a \$100 ~~25~~-civil penalty. Any penalty assessed under this ~~Chapter~~ may be in addition to such other penalties as may be provided in this ~~Title.~~

~~(3) Any penalty that is paid within 15 calendar 20~~ days from the date of receipt of notice shall be reduced to \$50 ~~by \$10.~~

~~(3) Any penalty that remains unpaid beyond 30 days from date of receipt of notice shall be increased by \$10.~~

~~(4) Any penalty that remains unpaid beyond 60 days from the date of receipt of notice shall be increased by an additional \$15.~~

~~(45) As used in this Chapter, "receipt of notice" means the affixing of a notice to the vehicle alleged to have been employed in such violation, or by delivery of such notice to the owner or driver of the vehicle in violation thereof.~~

(Ord. 1990-08, 06-14-1990)

#### 10-3-32. Parking ~~Violations~~ - Appeal ~~Procedure.~~

Appeal of civil penalties imposed under this Chapter shall be to the Administrative Hearing Officer ~~under Chapter 1-28 of this Code.~~

(Ord. 2013-07, 04-17-2013) (Ord. 2006-02, 01-04-2006)

(Ord. 1990-08, 06-14-1990)

#### 10-3-33. Using ~~Parking~~ ~~lots~~ and ~~Vacant~~ ~~lots~~ to ~~Display~~ ~~Used~~ ~~Vehicles~~ for ~~Sale.~~

~~(1) It shall be unlawful for the owner of a motor vehicle, trailer or boat, or for any other person, to park, cause to be parked, or allow to be parked the motor vehicle, trailer or boat on a vacant lot or parking lot owned by another person for the purpose of displaying the motor vehicle, trailer or boat for sale unless the owner or lessee of the property on which it is parked has given authorization for the vehicle or boat to be so parked. a city business license to sell motor vehicles, trailers or boats at that location. (2) It shall be unlawful for the owner or lessee of real property to allow another person to park a motor vehicle, trailer or boat on the property for the purpose of displaying the motor vehicle, trailer or boat for sale unless the owner or lessee of the real property is duly licensed to engage in the business of selling motor vehicles, trailers or boats at that location.~~

~~(3) Law enforcement personnel shall cause a notice of violation to be placed upon vehicles, trailers or boats parked in violation of this Section. If the vehicle, trailer or boat is not removed within 24 hours thereafter, and if the property owner or lessee indicates that the vehicle was left on the property without permission of the owner or~~

~~lessee, the vehicle shall be impounded as a nuisance to be  
released to the owner or responsible party.~~  
(Ord. 1994-29, 07-06-1994)



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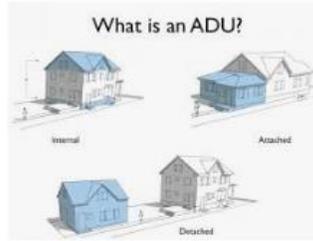
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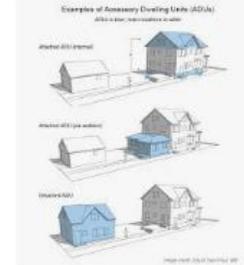
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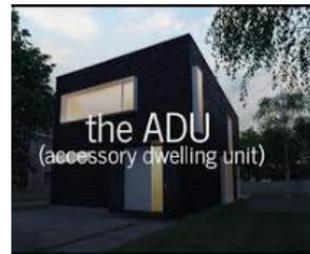
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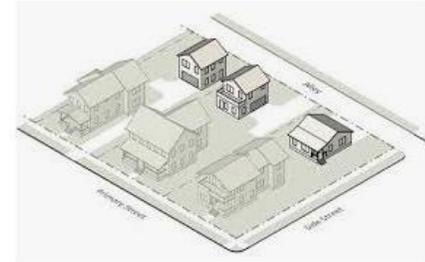
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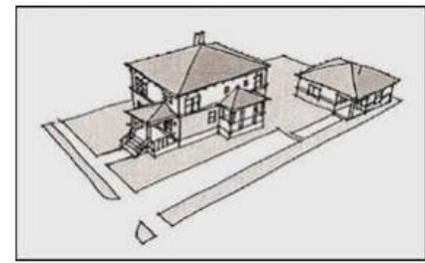
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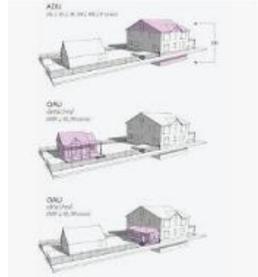
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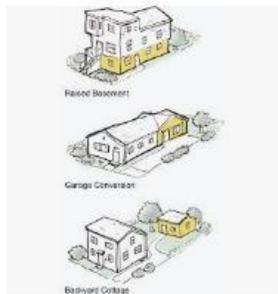
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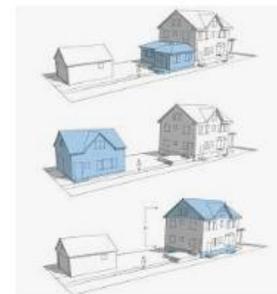
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## **Accessory Dwelling Units (ADUs)**

### **What is an ADU?**

- A second, small dwelling on the same grounds as the primary residence. It can be attached (e.g., basement apartment) or detached (e.g., back-yard cottage).
- Common types: basement apartment, garage apartment, mother-in-law apartment, granny flat, carriage house, coach house, tiny home, cottage.

### **What is the problem sought to be addressed through ADUs?**

- Utah's 3 million population is forecast to grow to 5 million by 2050 and 6 million by 2065.
- For the first time in Utah history, the number of families looking for housing exceeds the total housing supply, by 40,000 dwelling units.
- The shortage of housing supply is leading to a dramatic increase in housing prices.
- There are not enough houses at any prices, let alone affordable prices, for Utah families to buy.
- The existing housing stock is not affordable to most young people and families.
- The result is a housing availability and affordability crisis that is getting tremendous attention by Utah legislators, many of whom are blaming cities for a problem largely outside their control.
- The families looking for housing in Utah are predominantly our children, not families from out of state. (2/3 of Utah's growth is from Utah families.)
- Utah residents are frustrated with large high-density projects that bring congestion, traffic, loss of open space, loss of views, etc.

### **What are some tools available to Utah cities to address this problem?**

- Higher densities in appropriate areas with access to transportation, services, etc.
- Smaller lots in appropriate areas.
- Greater variety of housing types.
- Reduction in impact fees and other fees.
- **Accessory Dwelling Units (ADUs).**

**20 public policy benefits of ADUs.**

1. Providing lower priced housing for students, young families, retirees, and others since ADUs don't have to include the price of land (already paid for) and are smaller.
2. Government efficiency. Utilizing existing water, sewer, storm drain, and street infrastructure with no added city maintenance cost.
3. Increasing property values because of the additional appraised living space.
4. Providing to homeowners a supplemental, secondary income stream from ADU rentals.
5. Generating wealth within the community through mortgage reduction and fixed-income retirement supplements.
6. Allowing people to age in place instead of having to sell because of fixed incomes or to downsize. (Some homeowners choose to live in the ADU and rent out their primary residence.)
7. Officering social assistance and community support for ADU occupants by living in single-family neighborhoods with a mix of ages and income levels. "Family friendly."
8. Providing flexible life-cycle housing that allows people to stay in their homes and neighborhoods long-term despite changes in life stage.
9. Allowing people of all life stages to live together instead of being shunted into housing predominantly for the young, the old, the poor, etc. Community building v. segregation.
10. Venting some of the pressure to create new and large apartment projects for people who cannot afford to buy a house.
11. Contributing to neighborhood revitalization with new capital investment and increased motivation to maintain properties.
12. Offering to developers, contractors, land owners, and the housing market alternatives to apartment buildings, and allowing for the construction of more than one type of affordable housing unit.
13. Protecting and respecting private property rights.
14. Reducing single-family yard irrigation.
15. Legitimizing already existing but illegal basement apartments and other ADUs.
16. Reducing rents by adding to the supply of rental housing.
17. Contributing to the supply of available, affordable housing by reducing regulatory barriers and costs to such housing.
18. Being consistent with the single-family nature of neighborhoods as opposed to a large apartment buildings. (Picture cutting up an apartment building and spreading the units out in a large single-family neighborhood area.)
19. Offering cities a way of creating "gentle density" instead of the harsher density of large apartment projects.
20. Avoiding/delaying the loss of greenfield properties (e.g., farms, fields, hillsides) to new development.

December 13, 2018

## **CHAPTER 14a. ACCESSORY DWELLING UNITS**

### **7-14a-1. Definitions.**

The terms "Accessory Dwelling Unit," "ADU," "Base Zoning District," and "Primary Dwelling" shall have the meanings assigned in Section 7-1-5.

### **7-14a-2. Purpose.**

The purposes of this Chapter are as enumerated in Ordinance 2019-\_\_\_\_\_.

### **7-14a-3. Primary dwelling requirement.**

No ADU in a single-family zoning district shall be permitted or constructed except as an accessory dwelling to a habitable primary dwelling.

### **7-14a-4. Owner occupancy requirement.**

Either the primary dwelling or the ADU must be occupied by the primary dwelling owner.

### **7-14a-5. Permitted use.**

(1) ADUs shall be permitted uses in all single-family residential zoning districts, namely, R1-7, R1-8, R1-10, R1-12, R1-14, R1-30, RR-1, RR-5, and RR-20.

(2) ADUs shall be permitted uses in the Mixed Use-Broadway (MU-B), Mixed Use-General (MU-G), and Neighborhood Commercial (NC) zoning districts.

(3) Internal and attached ADUs shall be conditional uses in the General Commercial (GC) and Regional Commercial (RC) zoning districts. Detached ADUs shall be prohibited in those districts.

(4) An Accessory Dwelling Unit for Caretaker shall be a conditional use in all the mixed use, commercial, and industrial zoning districts.

(5) All ADUs shall be subject to the regulations of this Chapter and Title.

### **7-14a-6. Types of ADUs.**

An ADU may be internal, attached, or detached. See Figure 1.

### **7-14a-7. Number of ADUs per lot.**

No residential lot shall have more than 1 ADU.

### **7-14a-8. Planned Unit Developments.**

ADUs shall not be included in the density calculations for a planned unit development (PUD).

### **7-14a-9. Resident limit.**

ADU occupancy shall be limited to 1 family, as defined in Section 7-1-5.

### **7-14a-10. Size.**

A detached ADU shall be no smaller than 300 square-feet and no larger than 1,200 square-feet, and shall contain a maximum of two bedrooms.

### **7-14a-11. Height.**

ADU height shall be limited by both the regulations of the base zoning district and by the height of the primary dwelling unit, and shall be the lesser height of the two.

### **7-14a-12. Setbacks.**

Front, rear, and side setbacks for ADUs shall be as required by the regulations of the base zoning district.

### **7-14a-13. Separation.**

A detached ADU shall be separated from the primary dwelling by a distance of at least 10 feet.

### **7-14a-14. Lot coverage.**

Lot coverage limitations applicable to ADUs shall be those established by the regulations of the base zoning district.

### **7-14a-15. Utilities.**

An ADU is allowed but not required to have a separate utility meter and account from the primary dwelling. The ADU utility account must be in the name of the primary dwelling owner. An ADU is allowed but not required to have separate utility laterals from the primary dwelling utility laterals.

### **7-14a-16. Addressing.**

An ADU shall have the same street and mailing address as the primary dwelling, but shall add the letter "B" to the ADU address.

### **7-14a-17. Mailbox.**

An ADU is allowed but not required to have a separate mailbox from the primary dwelling.

### **7-14a-18. Subdivision.**

An ADU may not be sold or divided from the primary dwelling through deed, condominium, subdivision, plat, boundary line agreement, or otherwise.

### **7-14a-19. Design.**

An ADU shall have the same or substantially similar architectural features, materials, and colors as the primary dwelling.

### **7-14a-20. Site plan.**

An ADU building permit application shall include a scaled site plan. The site plan indicate the locations and dimensions of property lines and existing and

proposed buildings, building entrances, additions, setbacks, parking spaces, driveways, utility meters, and utility laterals and conduits. The site plan need not be engineered.

**7-14a-21. Parking.**

An ADU shall provide 1 additional on-site parking stall. No ADU parking spaces may be located within the front or side yard setbacks adjacent to a street except for within an approved driveway. See Figure 1.

**7-14a-22. Entrances.**

Entrances to internal ADUs shall be to the side or rear of the primary dwelling or ADU. See Figure 1.

**7-14a-23. Site location.**

Detached ADUs shall be located to the rear of the primary dwelling, except that on a corner lot a detached ADU may be located to the side of the primary dwelling but flush with or set back from the primary dwelling side facade. See Figure 1.

**7-14a-24. Impact fee reductions.**

Notwithstanding the provisions of Chapter 4-15, an ADU shall pay the following impact fees:

- (1) Culinary water: 50% of the single-family culinary water impact fee for interior water use only, and no impact fee for exterior water use.
- (2) Sanitary sewer: 50% of the single-family sanitary sewer impact fee.
- (3) Public safety: 50% of the single-family public safety impact fee.
- (4) Parks and recreation: 50% of the single-family parks and recreation impact fee.

**7-14a-25. Water rights.**

Notwithstanding the provisions of Chapter 7-26, an ADU shall not be required to convey water rights to the City.

**7-14a-26. Fee reductions.**

An ADU shall not be required to pay the street light utility fee or the storm water utility fee.

**7-14a-27. Building permits - building codes - foundations.**

(1) The installation and/or construction of an ADU shall require the application for and issuance of a building permit. An ADU building permit shall clearly identify that it is for an ADU.

(2) Unless otherwise required by applicable building and fire codes, an internal ADU shall not be required to construct 1-hour fire rated separations between the area of the primary dwelling used by the primary dwelling occupants and the ADU portion of the

primary dwelling.

(3) ADUs must comply with all uniform building codes applicable to dwellings.

(4) ADUs shall be constructed on site-built permanent foundations, which may include slabs-on-grade.

(5) All running gear, tongues, axles, and wheels must be removed at the time of ADU installation.

**7-14a-28. Variance.**

An ADU located on a legal nonconforming lot may apply to the Zoning Administrator for a variance from the setbacks of the base zoning district to match the setbacks of the primary dwelling or to comply with applicable building and fire codes.

**7-14a-29. Conversion.**

Non-dwelling accessory structures may be converted into detached ADUs upon compliance with applicable building and fire codes.

**7-14a-30. Business license.**

The owner of an ADU shall not be required to obtain a city business license to own or rent the ADU.

**7-14a-31. Home occupation.**

Subject to the primary dwelling owner's written consent, an ADU may contain a home occupation, which must be conducted entirely within the ADU.

**7-14a-32. Registration.**

No ADU registration shall be required in addition to the building permit.

**7-14a-33. Zoning Administrator - appeals.**

(1) Interpretations and decisions applying this Chapter shall be made by the Zoning Administrator.

(2) Administrative appeals of Zoning Administrator interpretations and decision shall be made under Chapters 1-27 and 1-28.

### Accessory Dwelling Unit Ordinances in Utah (2018)

Jurisdiction/Standard	Salt Lake City	Murray	Cedar Hills	Alpine	Sandy	Orem	Pleasant Grove	Provo	North Ogden	North Salt Lake	Recommended
Owner occupancy required for Primary Residence or ADU	1 or both	1 or both	1 or both	Y main residence	Y	Y	Y	Y	Y for both	1 or both	
Deed restriction requiring owner occupancy	Y	N	N	N	Y	N	N		Y	N	
# of ADUs per lot	1	1	1	1	1	1	1	1	1	1	
Building height	base zoning + no taller than primary residence	1 story or 20 feet, whichever is less							base zoning + no taller than primary residence	base zoning	
Setbacks	base zoning	base zoning		12 feet side/rear	NA	NA			base zoning	base zoning	
Distance between primary & ADU											10 ft
Lot coverage restrictions	base zoning	base zoning			NA	NA				base zoning	
Conversion of accessory structure to ADU allowed	Y	Y							Y	Y	
Primary residence required	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Internal ADU allowed (basement apartment)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Attached ADU allowed (e.g., above garage)	Y	Y	Y		N	Y	Y	N	Y	Y	
Detached ADU allowed	Y	Y	Y	Y	N	N	Y	N	Y	Y	
Minimum Lot Area: Internal	NA	NA								none	
Minimum Lot Area: Attached	NA	NA		not allowed						none	
Minimum Lot Area: Detached	5,000 SF	12,000 SF		5 acres	NA	NA			1 AC/20,000 SF	none	
Separate utility meters allowed	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Allowed	Allowed	Allowed	Required	Allowed	
Separate utility accounts allowed			N (must be in name of owner)	N (must be in name of owner)	N	Y (both in owner name)	Y (both in owner name)	Y (both in owner name)	Y (both in owner name)	Y (both in owner name)	
Utility lateral collocation required		Y	Y	Y	Y	N	N	N	N	Y	
Multi-family lot ADUs	Y if built single-family		N	N	N	N	prohibited			N	
Jurisdiction/Standard	Salt Lake City	Murray	Cedar Hills	Alpine	Sandy	Orem	Pleasant Grove	Provo	North Ogden	North Salt Lake	Recommended
ADUs exempt from density calculations	Y		Y								
Home occupations allowed	Y						Y (home office only, with owner consent)		Y (home office only, with owner consent)	Y (home office only, with owner consent)	Y (with owner consent)
Maximum size	50% of primary residence or 650 SF, whichever is less	40% of primary residence or 1,000 SF, whichever is more	N		30% of primary residence or 1020 SF, whichever is less	1200 SF			40% primary residence	1200 SF	
Minimum size	N	N	300 SF	300 SF		300 SF				300 SF	
Bedroom restriction	N	2	N		2 max	2 max			Y/N	2 bedroom max	
Subdivision from primary residence allowed	N	N	N	N	N	N	N	N	Y/N	N	
Parking: studio/1 bedroom	1 stall	2 stalls	2 stalls	1 stall for ADU	3 total	3 total	4+2=6	4 total	SF	1 stall for ADU	
Parking: 2 bedroom	2 stalls	2 stalls	2 stalls	1 stall for ADU	3 total	3 total	4+2=6	4 total	SF	1 stall for ADU	
On street parking allowed with staff approval	Y	N	N								Not prohibit
Business license required	Y	N	N						Y for rental	N	
Design	no standards; general compatibility	color standards	same as primary residence	same as primary residence	same as primary residence				same as primary residence	same as primary residence	
Impact fees				1.5 X single-family fees					1.0 x single-family fees	N	0%-50% of single-family fees
Water rights waiver/requirement			none	1/2 AF for ADU						none	
1-hour fire separation required for attached ADU										comply with building codes	
Transit proximity required	Y									parking reduction	N bc not relevant in Tooele context for foreseeable future
Jurisdiction/Standard	Salt Lake City	Murray	Cedar Hills	Alpine	Sandy	Orem	Pleasant Grove	Provo	North Ogden	North Salt Lake	Recommended
ADU resident limit	1 family (as defined)	2 adults + their children	1 family (as defined)			1 family	1 family	1 family	1 family	1 family	
Conditional Use Permit (CUP) required	N	Y	Y (administrative)	Y (administrative attached; PC detached)	Y (PC); renewal every 2 years	N			Y (administrative)	N (permitted with codified conditions)	
ADU entrance restrictions	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Separate address required	N	N (prohibited)	N (#A & #B)		N (prohibited)		ADU is #B	Y	ADU is #B	ADU is #B	
Separate mailboxes					N (prohibited)					N	
Process to make nonconforming ADUs conforming	N	Y	Y							Y (PC)	Y with limitations
Variance allowed		Y				Y	Y	Y	Y	Y	
Building permit required	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Registration of existing ADUs required	N	Y	Y	Y (accessory apartment permit)		Y (accessory apartment permit)	Y (\$25)	Y (accessory apartment permit)	Y	Y	track through building permit
Driveway restrictions				Y						Y	combine with parking
Requires ADU overlay zone	N	N	N	N	N	N	N	Y	N	N	
Site plan required					Y	Y	Y	Y	Y	Y	

## Accessory Dwelling Unit Ordinances in Utah (2018)

Jurisdiction/Standard	Salt Lake City	Murray	Cedar Hills	Alpine	Sandy
Owner occupancy required for Primary Residence or ADU	1 or both	1 or both	1 or both	Y main residence	Y
Deed restriction requiring owner occupancy	Y	N	N	N	Y
# of ADUs per lot	1	1	1	1	1
Building height	base zoning + no taller than primary residence	1 story or 20 feet, whichever is less			
Setbacks	base zoning	base zoning		12 feet side/rear	NA
Distance between primary & ADU					
Lot coverage restrictions	base zoning	base zoning			NA
Conversion of accessory structure to ADU allowed	Y	Y			
Primary residence required	Y	Y	Y	Y	Y
Internal ADU allowed (basement apartment)	Y	Y	Y	Y	Y
Attached ADU allowed (e.g., above garage)	Y	Y	Y		N
Detached ADU allowed	Y	Y	Y	Y	N
Minimum Lot Area: Internal	NA	NA			
Minimum Lot Area: Attached	NA	NA		not allowed	
Minimum Lot Area: Detached	5,000 SF	12,000 SF		5 acres	NA
Separate utility meters allowed	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Separate utility accounts allowed			N (must be in name of owner)	N (must be in name of owner)	N
Utility lateral collocation required		Y	Y	Y	Y
Multi-family lot ADUs	Y if built single-family		N	N	N

## Accessory Dwelling Unit Ordinances in Utah (2018)

Jurisdiction/Standard	Salt Lake City	Murray	Cedar Hills	Alpine	Sandy
ADUs exempt from density calculations	Y		Y		
Home occupations allowed	Y				
Maximum size	50% of primary residence or 650 SF, whichever is less	40% of primary residence or 1,000 SF, whichever is more	N		30% of primary residence or 1020 SF, whichever is less
Minimum size	N	N	300 SF	300 SF	
Bedroom restriction	N	2	N		2 max
Subdivision from primary residence allowed	N	N	N	N	N
Parking: studio/1 bedroom	1 stall	2 stalls	2 stalls	1 stall for ADU	3 total
Parking: 2 bedroom	2 stalls	2 stalls	2 stalls	1 stall for ADU	3 total
On street parking allowed with staff approval	Y	N	N		
Business license required	Y	N	N		
Design	no standards; general compatibility	color standards	same as primary residence	same as primary residence	same as primary residence
Impact fees				1.5 X single-family fees	
Water rights waiver/requirement			none	1/2 AF for ADU	
1-hour fire separation required for attached ADU					
Transit proximity required	Y				

## Accessory Dwelling Unit Ordinances in Utah (2018)

Jurisdiction/Standard	Salt Lake City	Murray	Cedar Hills	Alpine	Sandy
ADU resident limit	1 family (as defined)	2 adults + their children	1 family (as defined)		
Conditional Use Permit (CUP) required	N	Y	Y (administrative)	Y (administrative attached; PC detached)	Y (PC); renewal every 2 years
ADU entrance restrictions	Y	Y	Y	Y	Y
Separate address required	N	N (prohibited)	N (#A & #B)		N (prohibited)
Separate mailboxes					N (prohibited)
Process to make nonconforming ADUs conforming	N	Y	Y		
Variance allowed		Y			
Building permit required	Y	Y	Y	Y	Y
Registration of existing ADUs required	N	Y	Y	Y (accessory apartment permit)	
Driveway restrictions				Y	
Requires ADU overlay zone	N	N	N	N	N
Site plan required					Y

Orem	Pleasant Grove	Provo	North Ogden	North Salt Lake	Recommended
Y	Y	Y	Y for both	1 or both	
N	N		Y	N	
1	1	1	1	1	
			base zoning + no taller than primary residence	base zoning	
NA			base zoning	base zoning	
					10 ft
NA				base zoning	
			Y	Y	
Y	Y	Y	Y	Y	
Y	Y	Y	Y	Y	
Y	Y	N	Y	Y	
N	Y	N	Y	Y	
				none	
				none	
NA			1 AC/20,000 SF	none	
Allowed	Allowed	Allowed	Required	Allowed	
Y (both in owner name)	Y (both in owner name)				
N	N	N	N	Y	
N	prohibited			N	

Orem	Pleasant Grove	Provo	North Ogden	North Salt Lake	Recommended
	Y (home office only, with owner consent)		Y (home office only, with owner consent)	Y (home office only, with owner consent)	Y (with owner consent)
1200 SF			40% primary residence	1200 SF	
300 SF				300 SF	
2 max				2 bedroom max	
N	N	N	Y/N	N	
3 total	4+2=6	4 total	SF	1 stall for ADU	
3 total	4+2=6	4 total	SF	1 stall for ADU	
					Not prohibit
			Y for rental	N	
			same as primary residence	same as primary residence	
			1.0 x single-family fees	N	0%-50% of single-family fees
				none	
				comply with building codes	
				parking reduction	N bc not relevant in Tooele context for foreseeable future

Orem	Pleasant Grove	Provo	North Ogden	North Salt Lake	Recommended
1 family	1 family	1 family	1 family	1 family	
N			Y (administrative)	N (permitted with codified conditions)	
Y	Y	Y	Y	Y	
	ADU is #B	Y	ADU is #B	ADU is #B	
				not required	allow
			Y	N	
				Y (PC)	Y with limitations
Y	Y	Y	Y	Y	
Y (accessory apartment permit)	Y (\$25)	Y (accessory apartment permit)	Y	Y	track through building permit
				Y	combine with parking
N	N	Y	N	N	
Y	Y	Y	Y	Y	

## MEMORANDUM

To: Tooele City Planning Commission  
From: Jim Bolser, AICP, Director  
Date: March 21, 2019  
Re: Parking Standards Text Amendment to the Tooele City Code

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## Subject:

Over the past number of years, Tooele City has supplemented the existing provisions of Chapter 7-4 of the City Code regarding parking with policy determinations to address certain aspects of parking design and layout. It is proposed not only to revisit the existing provisions of the Chapter 7-4 for areas that may be improved but also look for ways to condense provisions or remove duplications as well as bring policies topics into the codified regulations. 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 attached proposal for Chapter 7-4 is shown in a final layout form rather than in the typical strikeout and underline format for ease of reading. For comparative purposes, there is also attached a copy of the existing Chapter 7-4. 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**

- General update and modernization of ordinances related to parking
- Incorporate existing policies related to parking design and layout into the Code
- Clarify term for the provision of parking
- Clarify terms on the calculation of parking requirements
- Provide some measure of flexibility where appropriate for the requirements for parking
- Provide clarity and codification of provisions regarding parking lot design, including landscaping
- Establish clear provisions for aspects of parking design related to public safety
- General housekeeping and technical updates

**Chapter 7-15 – Residential Facilities for Persons with a Disability**

- Clarify provision regarding parking to defer to Chapter 7-4

**Chapter 7-15a – Residential Facilities for Elderly Persons**

- Clarify provision regarding parking to defer to Chapter 7-4

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

- Remove Table 3 to the Chapter to condense and include the information contained into Chapter 7-4

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

**PROPOSED LANGUAGE FOR CITY CODE CHAPTER 7-4 PARKING**

## CHAPTER 4. OFF-STREET PARKING REQUIREMENTS

### 7-4-1. Purpose and Scope.

### 7-4-2. Parking to be Prohibited.

### 7-4-3. Parking Calculation.

### 7-4-4. Number of Parking Spaces.

### 7-4-5. Parking Calculation Ranges.

### 7-4-6. Parking Studies

### 7-4-7. Parking Location.

### 7-4-8. Access Requirements.

### 7-4-9. Parking Lots.

### 7-4-10. Parking Dimensions.

### 7-4-11. Public Safety Aisles.

### 7-4-1 Purpose and Scope.

- (1) Purpose. The purpose of this Chapter is to ensure the provision and maintenance of off-street parking and loading facilities in proportion to the parking and loading demand of the associated land uses. The requirements of this Chapter are intended to provide functional, efficient and attractive parking and loading facilities, to protect public safety, and to mitigate adverse land use impacts.
- (2) Scope. This Chapter is applicable to all new and existing development requiring vehicular access under the provisions of this Title. The requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Tooele City Code, or other laws.

### 7-4-2 Parking to be Provided.

- (1) Parking Required. Every land use established under the authority of this Title shall provide parking as required by this Chapter. Each person who establishes any such land use shall provide the required parking. The establishment of a land use shall include any change in use and any increase in the capacity or intensity of an existing use.
- (2) Continual Obligation to Provide Parking. Provision of parking as required by this Chapter shall be a continual obligation so long as the associated use exists, including during times of vacancy. It shall be unlawful for any property owner, land use operator, or person responsible for providing parking to discontinue or dispense with required parking facilities without providing alternate parking which meets the requirements of this Chapter.
- (3) Alteration Where Parking Insufficient. A building, structure, or use which lacks sufficient parking as required by this Chapter may not be altered, enlarged, or changed in a manner that affects their parking calculation unless additional parking for the alteration, enlargement, or change is supplied that meets the requirements of this Chapter.

### 7-4-3. 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, subject to Section 7-4-5(2) of this Chapter.
- (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) Capacity Basis. Parking requirements based on the number of seats, beds, or other capacity determinations shall be calculated using the maximum capacity for those units of measure.
- (6) Director Determinations. If a use listed in Table 7-4-1 identifies the calculation of its parking requirement to be a determination of the Director, or for a use not otherwise listed in Table 7-4-1, the Director of the Community Development Department shall determine the appropriate parking calculation by:

- (a) first, applying the parking requirements for a use deemed most similar to the use proposed; or then
  - (b) second, applying an established standard specific to that use from a professional publication such as the Institute of Traffic Engineers; or then
  - (c) third, requiring a parking study be provided by the applicant to provide guidance for the Director to determine the appropriate parking calculation requirement. The Director shall not be under any obligation or requirement to agree or follow the recommendations of the submitted parking study.
- (7) ADA-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 officially adopted by the City. Accessible spaces shall be counted towards the fulfillment of the on-site parking requirement for each use.
- (8) Parking Space Calculations. Standard parking spaces shall be provided as set forth in Section 7-4-4. Formulas and calculations shown in that Section represent both the maximum and minimum parking requirements subject to the provisions of Section 7-4-5. Uses and terms listed in Section 7-4-4 shall have no effect on the permissibility or definition of uses.

**7-4-4. Number of Parking Spaces.**

The number of required off-street parking spaces shall be calculated according to Table 7-4-1, subject to Section 7-4-5 herein.

**Table 7-4-1 – Parking Space Requirement Calculations.**

Land Use		Parking Requirement
Accessory Uses		As determined by the Director
Auditoriums		1 space for every 3 seats
Bar, Tavern, and Private Club		1 space for every 3 seats or 1 space per 100 square feet of floor area (excluding kitchen, storage, etc.) whichever is more
Beauty Shop	First patron station	2 spaces
	Each additional station (excluding wash stations)	1 space
Churches and Places of Worship		1 space for every 3 seats in the primary assembly area
Commercial Center		1 space per 300 square feet
Commercial Day Care / Pre-School Center		1 space for every employee, plus 4 visitor spaces <sup>1</sup>
Convalescent Care Facility		1 space for every 4 patient beds, plus 1 space per employee
Dwelling <sup>2</sup>	Single-Family	2 spaces per dwelling unit
	Two-Family	2 spaces per dwelling unit
Dwelling, Multi-Family <sup>2</sup>	<2 Bedroom Units	2 spaces per unit
	2 Bedroom Units	2 spaces per unit
	3+ Bedroom Units	2 spaces per unit
Dwelling, Visitor Parking <sup>3</sup>		1 space for every 4 dwelling units
Educational Facility	Public Use	As determined by the Director
	Private Use	As determined by the Director
Funeral Homes and Mortuaries		1 space for every 3 seats
Health Care Facility		1 space for every 2 patient beds, plus 1 parking space for each employee

Health Care Provider		3 spaces for each doctor, dentist, therapist, or other provider, plus 1 space for each employee
Hotel		1 space for each living or sleeping unit, plus 1 space for each employee
Industrial Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces
Manufacturing Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces
Motel		1 space for every living or sleeping unit, plus 1 space per employee
Nursing homes		1 space for every 4 patient beds, plus 1 space per employee
Office	Business	1 space per 200 square feet
	Professional	1 space per 200 square feet
Personal Services		1 space per 300 square feet
Public Use		As determined by the Director
Residential Facility for Elderly Persons	Bedroom for 1 or 2 Persons	1 space per bedroom, plus 1 space per employee
	Bedroom for 3 or 4 Persons	2 space per bedroom, plus 1 space per employee
Residential Facility for Persons with a Disability	Bedroom for 1 or 2 Persons	1 space per bedroom, plus 1 space per employee
	Bedroom for 3 or 4 Persons	2 space per bedroom, plus 1 space per employee
Restaurant		1 space for every 3 seats or 1 space per 100 square feet of floor area (excluding kitchen, storage, etc.) whichever is more
Retail	General	1 space per 300 square feet
	Appliance Stores	1 space per 600 square feet
	Furniture Stores	1 space per 600 square feet
Sports Arenas		1 space for every 3 seats
Theaters, Assembly Halls and Meeting Rooms		1 space for every 3 seats
Uses not listed		As determined by the Director
Warehouse Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces
Wholesale Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces

<sup>1</sup> With adequate drop off and pick up area as determined by the Director

<sup>2</sup> Unless otherwise specified in Chapter 16 of this Title

<sup>3</sup> In developments of three-family, four-family, or multi-family dwelling units

#### 7-4-5 Parking Calculation Ranges.

- (1) Purpose of Parking Calculation Ranges. The number of parking spaces required under Section 7-4-4 may be adjusted in accordance with the provisions in this section. The purpose of adjustments is to provide flexibility to those requirements in recognition that many factors can be unique to various potential uses of land in the city, to adapt to specific circumstances, reduce potential environmental impacts, and conserve resources.
- (2) Natural Adjustment Range. Where permitted, a Natural Adjustment Range allows for parking to be freely modified to increase or decrease the amount of parking spaces provided without necessity of requesting a formal modification as outlined in this Section. The calculation of the Natural Adjustment Range shall be based on the true calculation from Table 7-4-1 without rounding allowed under Section 7-4-3(1) of this Chapter. In all

situations where the Natural Adjustment Range results in a partial or fractional parking requirement, the requirement shall be rounded up to the next whole number.

- (a) Residential Uses.
  - (i) Single-Family and Two-Family Residential Uses. No Natural Adjustment shall be allowed and the parking calculations established in Table 7-4-1 shall represent the minimum requirements.
  - (ii) Multi-Family Residential Uses. Multi-family residential developments where the parking calculations established in Table 7-4-1 result in a requirement of 100 parking spaces or less, exclusive of required visitor parking, shall have no Natural Adjustment allowed and the parking calculations established in Table 7-4-1 shall represent the minimum requirements. Multi-family residential developments where the parking calculations established in Table 7-4-1 result in a requirement of 101 parking spaces or more, exclusive of required visitor parking, may apply a maximum 8% Natural Adjustment Range.
  - (iii) Visitor Parking. Visitor parking calculations shall not be eligible for Natural Adjustment and the calculations established in Table 7-4-1 shall represent the minimum requirements.
- (b) Non-Residential Uses. The parking requirement calculations from Table 7-4-1 shall represent both the minimum and maximum parking requirement. Non-residential developments may apply a maximum 15% Natural Adjustment Range.
- (3) Deviations Beyond the Natural Adjustment Range. In cases where parking in amounts beyond the allowances of the Natural Adjustment Range may be appropriate, the Planning Commission may approve a request for a modification, by way of a parking study, to increase or reduce parking requirements based on findings found in Subsection (4) by not more than an additional 10% of the calculation from Section 7-4-4.

#### **7-4-6. Parking Studies.**

In any instance where a parking study is required, a parking study shall be prepared and submitted by the applicant for review. Parking studies shall be prepared by a professional engineer licensed to work in the State of Utah and reviewed as a part of the land use application.

- (1) The study shall provide:
  - (a) planning and traffic engineering data, including estimates of parking demand based on the most current recommendations from the Institute of Transportation Engineers;
  - (b) data collected from uses or combinations of uses that are the same or highly comparable to the proposed application as indicated and justified by density, scale, bulk, area, type of activity, and location;
  - (c) the source of data used to develop the study's recommendations;
  - (d) a recommendation for parking requirement standard or calculations applicable to the site for which the study is being prepared based on site specific factors, data, circumstances, and conditions compared against study-collected data; and
  - (e) the name and qualifications of the person(s) preparing the study.
- (2) City staff shall review the study and make a recommendation to the Planning Commission concerning the validity of the parking study, the appropriateness of the conclusions reached, and the appropriate standard and minimum number of parking spaces that should be required.
- (3) The Planning Commission shall determine the appropriate standard and required minimum number of parking spaces required after:
  - (a) considering the recommendations of the parking study and City staff; and
  - (b) making the findings required under Subsection (3)(d), according to the type of application.
- (4) Findings Required. The Planning Commission may approve a deviation from strict compliance for the number of parking spaces required or the standard of calculation to be used only after making the findings of this subsection.
  - (a) For commercial, retail, office, and mixed-use developments, the Planning Commission must find that:
    - (i) adequate parking will be provided;
    - (ii) the total number of spaces that would otherwise be required for each individual establishment in the development is overly burdensome or underestimates the actual parking needed for the site specific factors of the application;
    - (iii) the estimated trade-offs between businesses which are open when others are closed will not over burden the parking proposed;
    - (iv) there is an adequate availability of shared parking for all associated uses;

- (v) site- or use-specific conditions or factors do not provide for compliance with the parking calculation used or parking requirements outlined in Section 7-4-4;
- (vi) any potential for future expansion or addition to the development will have or will provide adequate parking for that expansion or addition; and
- (vii) ADA-compliant parking requirements are not proposed for adjustment; or
- (b) For multi-family developments, the Planning Commission must find that:
  - (i) adequate parking will be provided;
  - (ii) the size of housing units, considered by the number of bedrooms and required visitor parking, does not support or necessitates more than the calculated parking requirements of this Chapter;
  - (iii) the size of project does not reflect the calculated parking requirements of this Chapter, necessitating more or fewer spaces;
  - (iv) the specific parking proposed to be dedicated for use by visitors is appropriate;
  - (v) any potential for future expansion or addition to the development will have or will provide adequate parking for that expansion or addition;
  - (vi) ADA-compliant parking requirements are not proposed for adjustment; and
  - (vii) restrictive covenants specific to the development make provisions to control parking such that parking for the development will not impact neighboring properties or public rights-of-way.

**7-4-7. Parking Location.**

- (1) On-Site Parking. Except as allowed in Subsection (2), all required parking shall be located on the same lot or parcel as the use to which it is associated. On-site parking shall be made available without charge for the use of or providing of the parking. In the case of a multi-tenant non-residential development in which multiple parcels are covered by the tenant uses and their associated parking, the parking shall be considered on-site for all of those tenant uses.
- (2) Off-Site Parking. Where practical difficulties exist in providing on-site parking or if public safety would be better served by locating parking on a separate lot or parcel, the Planning Commission may authorize such off-site parking subject to the following conditions:
  - (a) no other practical alternative exists for providing on-site parking such that any of the following shall deem a request for off-site parking ineligible for approval:
    - (i) the hardship causing the need for off-site parking is self-imposed;
    - (ii) the hardship causing or resulting from the provision of off-site parking is financial in nature;
  - (b) providing off-site parking does not affect or reduce the amount of parking required or provided;
  - (c) required ADA-compliant parking spaces shall not be located in an off-site parking area;
  - (d) off-site parking areas shall be located in the same or a more intensive zone which applies to the property where the use served is located;
  - (e) the shortest practical and safe walking path is conveniently usable without causing unreasonable:
    - (i) hazard to pedestrians;
    - (ii) hazard to vehicular traffic;
    - (iii) traffic congestion;
    - (iv) interference with safe and convenient access or use of other parking areas in the vicinity;
    - (v) detriment to the appropriate, convenient and reasonable use of any business in the vicinity; or
    - (vi) detriment to any residential neighborhood;
  - (f) no off-site parking space shall be located more than 600 feet from a public entrance of the use served, measured along the route of the shortest practical and safe walking path;
  - (g) off-site parking shall not be separated from the principal use by a street right-of-way of a collector or arterial class;
  - (h) off-site parking separated by from the principal use by a local class street has adequate and convenient crosswalk facilities to serve the practical and safe walking path;
  - (i) availability of each off-site parking area shall be assured by an agreement reviewed and accepted by the City which requires at least the following:
    - (i) all parking spaces shall be available perpetually to all uses utilizing the parking;
    - (ii) all parking spaces shall be available without charge; and

- (iii) provisions exist for the perpetual maintenance and upkeep, including but not limited to snow removal, striping, and signage, of the practical and safe walking path by private parties to the agreement; and
- (3) Vacant Lots and Open Land. Vacant lots and open land areas shall not be used as parking areas, except as allowed for a temporary use or special event.
- (4) Parking of Recreational Vehicles in Residential Zones. Personal recreational vehicles, including but not limited to trailers, boats and watercraft, travel trailers, utility trailers, and motor homes parked in residential zones shall be parked on a hard surfaced area behind the front wall plane of the primary structure on the same property. Parking for such vehicles within residential developments approved with off-street recreational vehicle parking areas shall be allowed within those recreational vehicle parking areas only.

**7-4-8. Access 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 in compliance with the following requirements:
  - (a) Not more than two drive approaches shall be allowed for any residential lot.
  - (b) The width of a drive approach shall not be greater than 30 feet or more than one-third of the lot frontage in which the drive approach is constructed, whichever is less. A drive approach from a cul-de-sac or curved lot with a frontage of less than 50 feet at the property line may exceed one-third of that frontage, but shall not be more than 50% of the frontage at the property line.
  - (c) A lot may have a singular 30-foot drive approach or two drive approaches that total 30 feet wide. A drive approach shall have a minimum width of ten feet. Two drive approaches on the same lot must have a minimum of 12 feet between them.
  - (d) A drive approach shall be measured from the bottom of the flares, at its widest point. The flare shall not be greater than three feet long.
- (2) Other Residential Uses. Access to lots other than one- and two-family residential lots shall be provided in compliance with the following requirements:
  - (a) Access to each parking space shall be from a private driveway and not from a public street.
  - (b) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street.
  - (c) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.
  - (d) No drive approaches shall be located within 50 feet of an intersection of two streets, measured from the existing or planned terminus of the curve return.
- (3) Non-Residential Uses. Access to non-residential uses shall be provided in compliance with the following requirements:
  - (a) Each drive approach shall not be more than 40 feet wide, measured at right angles to the centerline of the drive approach, measured curb-face to curb-face, exclusive of tapered areas. Upon the recommendation of the City Engineer, the Planning Commission may extend a commercial drive approach to 50 feet wide.
  - (b) Divided or one-way access and egress driveways shall maintain a minimum of a 12-foot wide travel lane, per lane, measured curb-face to curb-face, exclusive of tapered areas.
  - (c) Driveways for two-way access and egress shall maintain a minimum of a 24-foot width measured curb-face to curb-face, exclusive of tapered areas.
  - (d) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street except that a use on its own property with less than 100 feet of frontage or which cannot meet the spacing between existing drive approaches on adjacent properties may be approved by the Planning Commission for one drive access of not more than 30 feet in width according to Chapter 11 of this Title.
  - (e) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.
  - (f) No drive approaches shall be located within 50 feet of an intersection of two streets, measured from the existing or planned terminus of the curve return.
- (4) General Standards for All Uses. All access to properties shall be provided to meet the following general requirements:

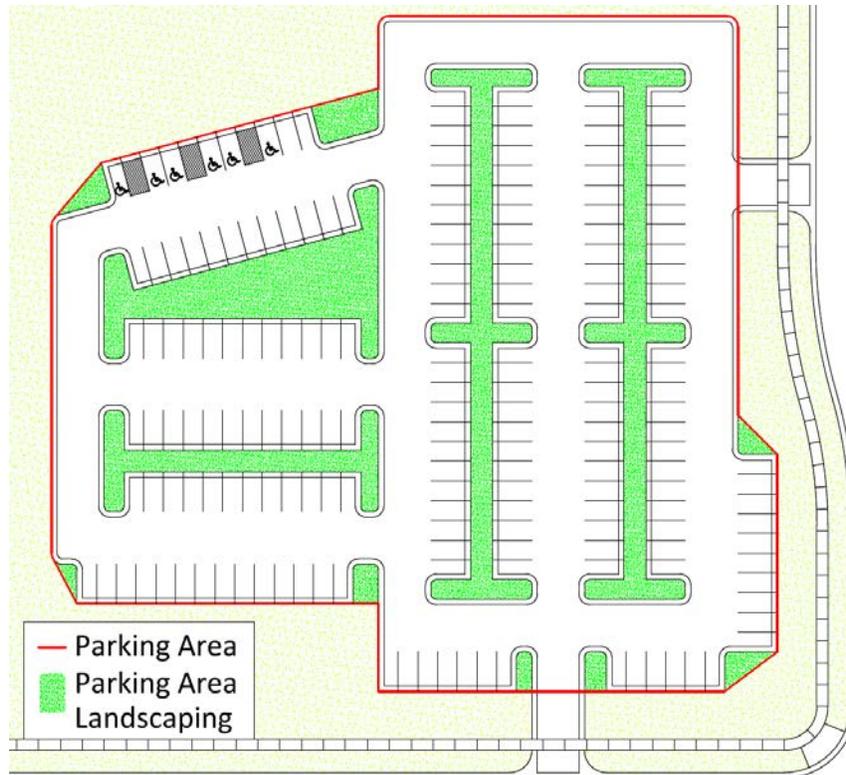
- (a) Where practical, adjacent properties are to share accesses. Unless a driveway access is shared by two or more properties, no drive approach shall be closer than ten feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.
- (b) 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.
- (c) Driveways or drive approaches which provide access and egress to and from a street controlled by the Utah Department of Transportation (UDOT) must be reviewed and approved by UDOT and shall be sized according to applicable UDOT standards.

**7-4-9. Parking Lots.**

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

- (1) 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, following a recommendation from the City Engineer, 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 abut 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) Landscaping.
  - (a) Each parking lot shall be landscaped and permanently maintained.
  - (b) Landscaping area within the parking lot shall also be eligible for calculation into the required site landscaping requirement.
  - (c) At least 5% of the total area used for parking and related activities shall be landscaped by planting new or preserving existing trees or shrubs.
  - (d) For the purpose of identifying areas in and around a parking lot that are eligible for consideration, Figure 7-4-1 identifies areas anticipated for consideration.
  - (e) Landscaping islands not less than eight feet in width, exclusive of curbing, and extending the entire length of the parking stalls it borders shall be provided at each end of parking rows. Landscape islands shall be outlined with curbing to ensure the viability of the landscaping and separation between parking and landscaping. These islands shall include one tree for each parking stall it borders except that trees may be eliminated where pedestrian walkways are provided in their place.
  - (f) The maximum number of parking spaces in a row without separation by a landscaping island shall be 12. Landscaping islands that provide this separation shall comply with the requirements of Subsection (e) herein except that the number of trees required shall be based on the number of parking stalls bordered on one side only.
  - (g) Where landscaping islands are proposed to run the length of parking rows:
    - (i) those areas shall include plantings and ground covers with at least one tree per four parking stalls that front upon that landscaping;
    - (ii) trees shall be evenly spaced through the landscaping area;
    - (iii) landscaping areas may be broken up by pedestrian pathways that cross the landscaping area only when that pathway is a segment of an established and identified pedestrian pathway beyond the landscaping area and through the parking area
    - (iv) pedestrian pathways running the length of the landscaping island shall be not less than five feet in width;
    - (v) pedestrian pathways running the length of the landscaping island may be included in the calculation of landscaping only when landscaping of at least three in width is provided between the walkway and the parking spaces it borders.

**Figure 7-4-1 – Parking Area Landscaping.**



- (4) Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjacent properties, uses and streets.
- (5) Alignment. Parking lots which include multiple drive aisles that access parking spaces, or adjacent parking lots that connect, function, or have the ability to function as a single parking lot shall be designed such that drive aisles align across connecting drive aisles. Drive aisles which intersect on an angle to the connecting drive aisle shall connect only as a three leg intersection which does not interfere with traffic movements of nearby drive aisle intersections at the discretion of the City Engineer. Accesses to a parking lot from an adjacent right-of-way shall align with parking lot drive aisles or end at the first intersecting drive aisle in a perpendicular intersection. Alignment requirements of this Subsection are generally displayed in Figure 7-4-1.
- (6) 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 a Conditional Use Permit for the exclusive use as a parking lot on a parcel of land in residential districts, 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 sight-obscuring 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) Drainage shall be disposed of upon the premises of the parking lot, as per the requirement set by the city engineer.
- (i) 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.
- (j) There may be imposed such other conditions as may be deemed necessary by the Planning Commission to address findings of identified impacts on the residential district.

**7-4-10. Parking Dimensions.**

Minimum parking space and related dimensions shall be as set forth in this Section.

- (1) Standard parking spaces shall be a minimum of nine feet wide by 20 feet deep.
- (2) Where a front overhang over a sidewalk is proposed or provided, and the sidewalk is a minimum of six feet in width, parking spaces may be reduced to 18 feet deep. In the instance where the sidewalk is less than six feet in width, parking stalls shall be at least 20 feet deep and contain wheel stops to prevent vehicles from overhanging the sidewalk.
- (3) Where a front overhang over a landscape area is proposed or provided, parking spaces may be reduced to 18 feet deep.
- (4) Driving aisles between or along parking stalls within a parking area shall be not less than 24 feet wide for two-way traffic or not less than 16 feet in width for one-way traffic, subject to Section 7-4-10.
- (5) Carports shall have a minimum inside dimension of nine feet wide by 20 feet deep for each parking space.
- (6) Garages shall have a minimum inside dimension of ten feet wide by 22 feet deep and a minimum door width of eight feet for each parking space contained therein, unless a greater requirement is established elsewhere in this Title.
- (7) ADA-accessible parking spaces shall be provided and designed according to the provisions and requirements of the adopted building and fire code.
- (8) Angled parking spaces shall be sized based on the angle of parking spaces shown in this Section, Table 7-4-2 and Figure 7-4-2. Parking spaces positioned nose-to-nose shall be at least 20 feet deep each.
- (9) Parallel parking spaces shall be a minimum of eight feet wide by 22 feet deep.
- (10) Loading spaces shall be a minimum of ten feet wide by 25 feet deep.
- (11) Stacking and queuing spaces shall be a minimum of ten feet wide by 20 feet deep.
- (12) Sites containing 50 or more parking spaces may provide compact parking spaces for a portion of the required parking for the site. Compact parking, when proposed, shall adhere to the following:
  - (a) Compact parking spaces may be utilized to provide up to:
    - (i) a maximum of 5% of the total parking requirement for the site; or
    - (ii) a maximum of 10% of the total parking requirement for the site when combined with the following:
      - (A) a landscaped plaza area near the primary entrance to the building associated with compact parking spaces that is equal in area to 15% of the total building square footage;
      - (B) pedestrian amenities, such as but not limited to benches, throughout the plaza; and
      - (C) pedestrian pathways from the primary entrance to and through the plaza which connect to street sidewalks and neighboring sites or uses; and
  - (b) All compact parking spaces shall:
    - (i) measure no less than eight feet wide and 16 feet deep;
    - (ii) be clearly identified and shown on a site plan approved by the Planning Commission; and
    - (iii) be marked on the surface as "Compact" and maintained.
  - (c) Under no circumstances shall ADA-accessible parking spaces qualify or be sized as compact spaces.

**Figure 7-4-2 – Angled Parking Layout.**

Parking Stalls with Front Overhang

Parking Stalls without Front Overhang

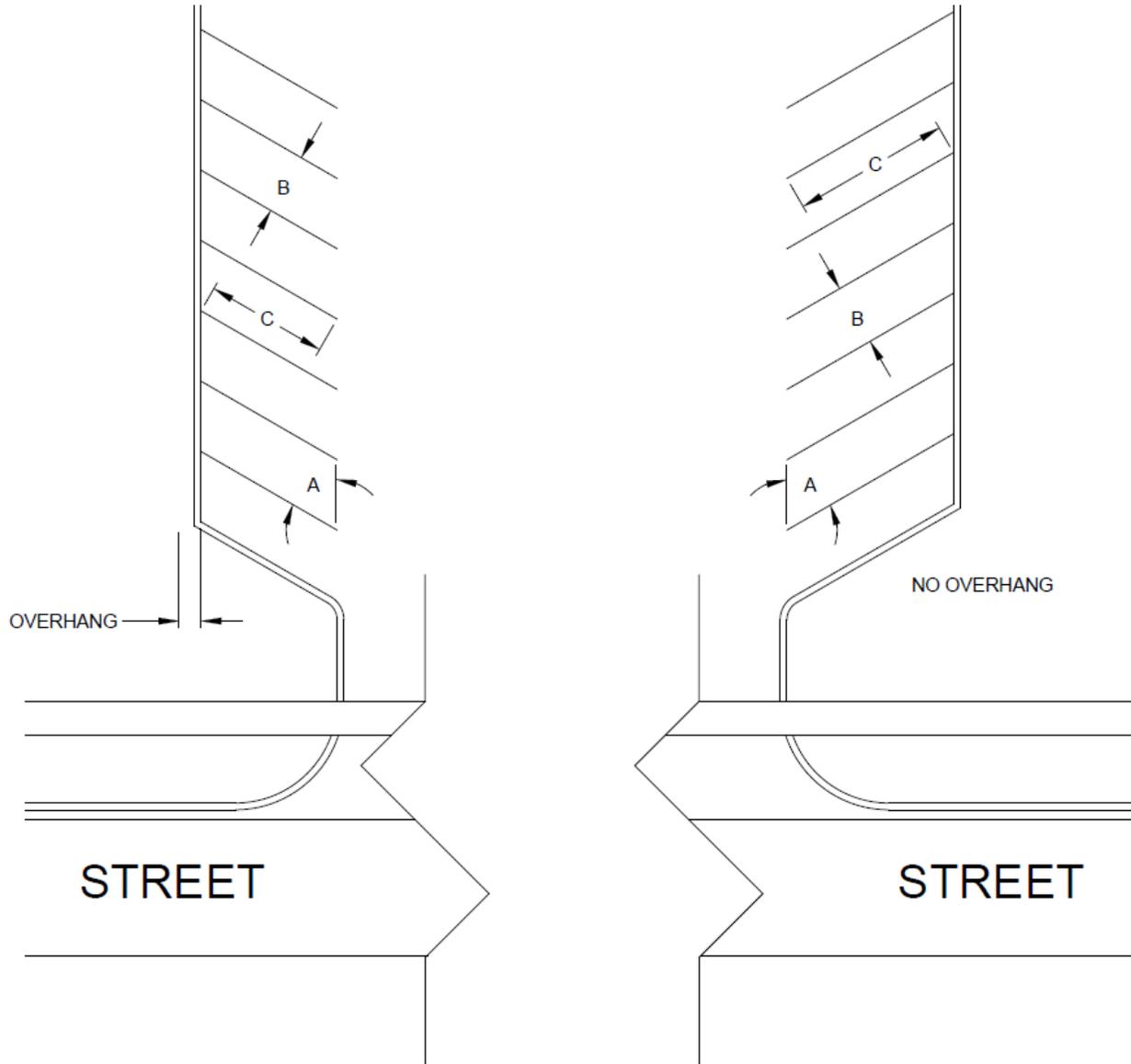


Table 7-4-2 – Angled Parking Dimensions.

Parking Stalls with Front Overhang		
Parking Angle A	Stall Width B	Stall Depth C
90°	9 Feet	18 Feet
60°	9 Feet	18 Feet
45°	9 Feet	18 Feet

Parking Stalls without Front Overhang		
Parking Angle A	Stall Width B	Stall Depth C
90°	9 Feet	20 Feet
60°	9 Feet	20 Feet
45°	9 Feet	20 Feet

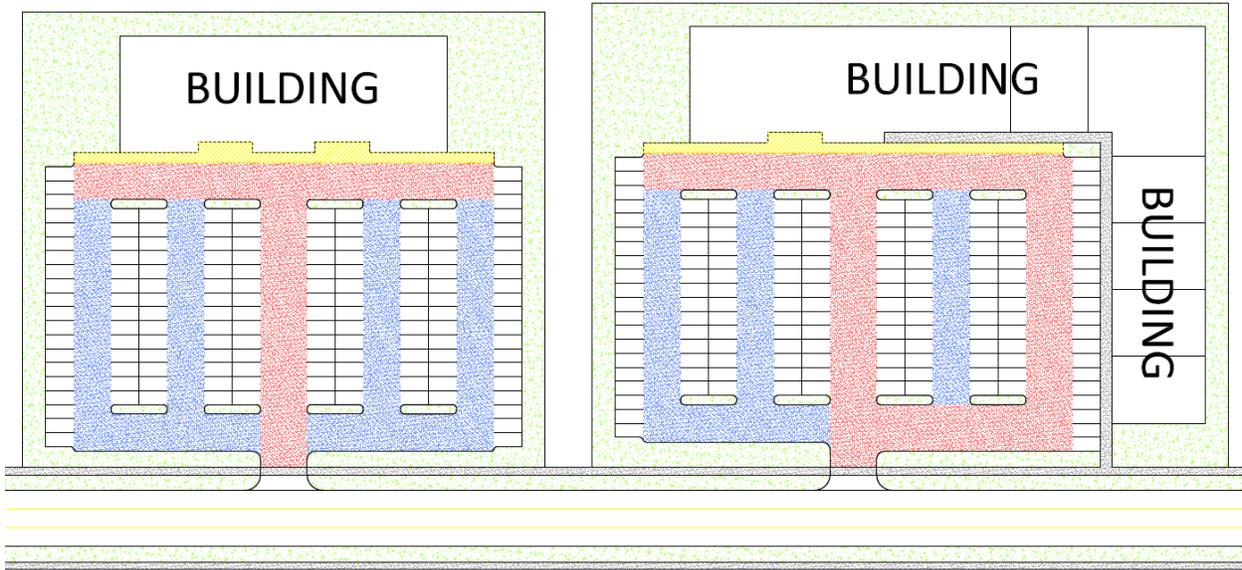
**7-4-11. Public Safety Aisles.**

Every lot or parcel that includes a parking area with internal vehicular aisles for access to parking spaces shall provide public safety access and facilitation aisles. Those public safety aisles shall be a minimum of 30 feet in width, measured from curb-face to curb-face and as shown in Table 7-4-2, regardless of whether the aisle accommodates one- or two-way traffic. Public safety aisles, as represented and depicted in the Figure 7-4-3, shall consist of all aisles that:

- (1) provide access from a public or private street;

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

Figure 7-4-3 – Public Safety Aisles.



24' Standard Parking Aisles

30' Emergency Access Routes

**PROPOSED LANGUAGE FOR ASSOCIATED CITY CODE CHAPTERS**

**CHAPTERS 7-15  
CHAPTERS 7-15a  
CHAPTERS 7-16**

## CHAPTER 15. RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

### 7-15-1. Applicability.

### 7-15-2. Purpose.

### 7-15-3. Permitted Use; Requirements.

### 7-15-4. State Certification or Licensure.

### 7-15-5. Revocation of Occupancy Permit.

### 7-15-6. Violations.

### 7-15-7. Reasonable Accommodation.

### 7-15-8. Appeals.

### 7-15-1. Applicability.

Any structure or dwelling encompassed within the definition of “Residential Facility for Persons with a Disability” shall comply with the requirements of this Chapter notwithstanding other provisions of this Code to the contrary.

### 7-15-2. Purpose.

The purposes of this Chapter include:

- (1) to comply with the Federal Fair Housing Act (42 U.S.C. §3601 et seq.);
- (2) to comply with the Utah Fair Housing Act (U.C.A. Chapter 57-12);
- (3) to comply with U.C.A. §10-9a-520 (Residences for persons with a disability);
- (4) to permit housing for persons with disabilities in a non-discriminatory manner; and,
- (5) to allow for reasonable accommodations to afford persons with disabilities equal housing opportunities.

### 7-15-3. Permitted Use; Requirements.

A residential facility for persons with a disability (for purposes of this Chapter, a “facility”) shall be a permitted use in any zoning district in which a dwelling is a permitted primary use. Each facility shall comply with the following requirements.

- (1) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
- (2) The facility shall comply with all of the provisions of this Title applicable to dwellings, unless otherwise specified in this Chapter.
- (3) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
- (4) Each facility located in a multi-family zoning district (MR-25, MR-16 and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
- (5) The minimum number of parking spaces required for a facility shall be ~~as required in Chapter 7-4 of this Title one space for each bedroom designed for occupancy by one or two persons and two spaces for each bedroom designed for occupancy by three or four persons, plus one space for each employee.~~ *as required in Chapter 7-4 of this Title*
- (6) No more than four persons may be housed in a single bedroom.
- (7) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
- (8) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
- (9) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
- (10) No facility may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.

### 7-15-4. State Certification or Licensure.

- (1) Prior to the City issuing a certificate of occupancy for a facility, and prior to actual occupancy of a facility, the person or entity licensed or certified by the State of Utah to establish and operate the facility shall:
  - (a) provide a copy of the required State of Utah licenses and/or certificates for the facility and for any State-regulated programs provided at the facility; and,
  - (b) certify by affidavit to the City that no person will reside or remain in the facility whose tenancy likely would constitute a direct threat to the health or safety of others or would result in substantial physical damage to

the property of others.

- (2) For purposes of this Chapter, State of Utah licenses and certificates for facilities and programs are applicant-specific, facility-specific, and program-specific, and shall not be transferrable to any other owner, operator, facility, or program.

#### **7-15-5. Revocation of Occupancy Permit.**

The City may revoke the occupancy permit of any facility upon the occurrence of any of the following:

- (1) the facility is devoted to a use other than a residential facility for persons with a disability;
- (2) any license or certificate required and issued by the State of Utah for the facility or a program provided at the facility terminates for any reason (including expiration, revocation, suspension for five years or more, denial of renewal);
- (3) the facility fails to comply with all of the requirements of this Chapter; or,
- (4) the facility allows a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others.

#### **7-15-6. Violations.**

- (1) The following shall constitute a violation of this Chapter:
  - (a) continued occupation of a facility upon the revocation of the occupancy permit;
  - (b) continued occupation of a facility upon the termination of the State of Utah license or certificate for the facility;
  - (c) continued providing of a program upon the termination of the State of Utah license or certificate for that program;
  - (d) noncompliance with any provision of Title 4 or Title 7 of this Code applicable to the facility;
  - (e) allowing a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others; and,
  - (f) allowing the facility to be devoted to a use other than a residential facility for persons with a disability.
- (2) Any violation of this Chapter is a class B misdemeanor.

#### **7-15-7. Reasonable Accommodation.**

None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a facility. Any person or entity who wishes to request a reasonable accommodation shall make application to the Director of the Community Development Department and shall articulate in writing the basis for the requested accommodation. Each application for a reasonable accommodation shall be decided by the Director within 30 days. Failure of the Director to issue a decision within 30 days shall be deemed a denial of the application.

#### **7-15-8. Appeals.**

- (1) The denial of a request for reasonable accommodation may be appealed to the Zoning Administrator by filing with the Community Development Department a written appeal within ten days of the date of denial. The Zoning Administrator shall issue a written decision within 15 days of the date of the appeal. Failure of the Zoning Administrator to issue a written decision within the 15 days shall be considered a denial of the appeal.
- (2) The decision of the Zoning Administrator may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of denial. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Zoning Administrator of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.
- (3) The revocation of an occupancy permit pursuant to this Chapter may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of the revocation notice. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Director of the Community Development Department of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.

## CHAPTER 15a. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

### 7-15a-1. Applicability.

### 7-15a-2. Purpose.

### 7-15a-3. Permitted or Conditional Use; Requirements.

### 7-15a-4. Revocation of Permit.

### 7-15a-5. Violations.

### 7-15a-6. Reasonable Accommodation.

### 7-15a-7. Appeals.

### 7-15a-1. Applicability.

Any structure or dwelling encompassed within the definition of “Residential Facility for Elderly Persons” shall comply with the requirements of this Chapter notwithstanding other provisions of this Code to the contrary.

### 7-15a-2. Purpose.

The purposes of this Chapter include:

- (1) to comply with the Federal Fair Housing Act (42 U.S.C. §3601 et seq.);
- (2) to comply with the Utah Fair Housing Act (U.C.A. Chapter 57-12);
- (3) to comply with U.C.A. §§10- 9a-516 through -519 (Residential facilities for elderly persons, etc.);
- (4) to permit housing for elderly persons in a non- discriminatory manner; and,
- (5) to allow for reasonable accommodations to afford elderly persons equal housing opportunities.

### 7-15a-3. Permitted or Conditional Use; Requirements.

- (1) A residential facility for elderly persons (for purposes of this Chapter, a “facility”) housing eight or fewer residents shall be a permitted use in any residential zoning district in which a single-family dwelling is a permitted primary use.
- (2) A facility housing more than eight residents shall be a conditional use in any residential zoning district.
- (3) Each facility shall comply with the following requirements.
  - (a) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
  - (b) The facility shall comply with all of the provisions of this Title applicable to single-family dwellings, unless otherwise specified in this Chapter.
  - (c) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
  - (d) Each facility located in a multi-family zoning district (MR-25, MR-16 and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
  - (e) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title ~~one space for each bedroom designed for occupancy by one or two persons and two spaces for each bedroom designed for occupancy by three or four persons, plus one space for each employee.~~
  - (f) No more than four persons may be housed in a single bedroom.
  - (g) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
  - (h) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
  - (i) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
  - (j) No facility with more than eight occupants may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.
  - (k) Placement in a facility shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

**7-15a-4. Revocation of Permit.** The City may revoke the Conditional Use Permit and occupancy permit of any facility

upon the occurrence of any of the following:

- (1) the facility is devoted to a use other than a residential facility for elderly persons;
- (2) any license or certificate required by the State of Utah for the facility or a program provided at the facility terminates for any reason (including expiration, revocation, suspension for five years or more, denial of renewal);
- (3) the facility fails to comply with all of the requirements of this Chapter; or,
- (4) the facility allows a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others.

**7-15a-5. Violations.**

- (1) The following shall constitute a violation of this Chapter:
  - (a) continued occupation of a facility upon the revocation of the conditional use permit or occupancy permit;
  - (b) continued occupation of a facility upon the termination of a required State of Utah license or certificate for the facility;
  - (c) continued providing of a program upon the termination of a required State of Utah license or certificate for that program;
  - (d) noncompliance with any provision of Title 4 or Title 7 of this Code applicable to the facility;
  - (e) allowing a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others; and,
  - (f) allowing the facility to be devoted to a use other than a residential facility for elderly persons.
- (2) Any violation of this Chapter is a class B misdemeanor.

**7-15a-6. Reasonable Accommodation.**

None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a facility. Any person or entity who wishes to request a reasonable accommodation shall make application to the Director of the Community Development Department and shall articulate in writing the basis for the requested accommodation. Each application for a reasonable accommodation shall be decided by the Director within 30 days. Failure of the Director to issue a decision within 30 days shall be deemed a denial of the application.

**7-15a-7. Appeals.**

- (1) The denial of a request for reasonable accommodation may be appealed to the Zoning Administrator by filing with the Community Development Department a written appeal within ten days of the date of denial. The Zoning Administrator shall issue a written decision within 15 days of the date of the appeal. Failure of the Zoning Administrator to issue a written decision within the 15 days shall be considered a denial of the appeal.
- (2) The decision of the Zoning Administrator may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of denial. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Zoning Administrator of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.
- (3) The revocation of an occupancy permit pursuant to this Chapter may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of the revocation notice. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Director of the Community Development Department of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.

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

**TABLE 3**  
**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 square feet 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 square feet 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.

**EXISTING LANGUAGE FOR CITY CODE CHAPTER 7-4 PARKING**

## CHAPTER 4. OFF-STREET PARKING REQUIREMENT

### 7-4-1. Off-street parking required.

### 7-4-2. Access to individual parking space.

### 7-4-3. Number of parking spaces.

### 7-4-4. Access requirements.

### 7-4-5. Parking lots.

#### 7-4-1. Off-street parking 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 (½) shall be disregarded. Fractions of one-half (½) or more shall be rounded up. (Ord. 2011-17, 09-21-11); (Ord. 83-05, 04-20-83)

#### 7-4-2. Access to individual parking 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. (Ord. 83-05, 04-20-83)

#### 7-4-3. Number of parking spaces.

The 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. of floor area.

(3) Churches, sports arenas, auditoriums, theaters, assembly halls, meeting rooms, funeral homes, mortuaries, etc. One (1) parking space for each 3 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.

(6) Furniture and appliance stores. One (1) parking space for each 600 sq. ft. 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. of gross floor area.

(12) Public or Private Educational Facility, Public Use. As approved by 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. of floor area (excluding kitchen, storage, etc.), whichever is more.

(14) Retail Stores. One (1) parking space for each 300 sq. ft. 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. 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.

(Ord. 2014-08, 08-06-2014); (Ord. 2011-17, 09-21-11); (Ord. 85-17, 11-06-85, Ord. 83-05, 04-20-83)

#### 7-4-4. Access 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.

(Ord. 2004-20, 11-03-04); (Ord. 83-05, 04-20-83)

#### **7-4-5. Parking 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 slightly 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. (Ord. 2004-20, 11-03-04); (Ord. 94-56, 01-31-95); (Ord. 84-16, 10- -84); (Ord. 83-05, 04-20-83)

**TOOELE CITY CORPORATION**

**ORDINANCE 2019-09**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY GENERAL PLAN LAND USE MAP FOR VARIOUS PROPERTIES LOCATED THROUGHOUT THE CITY TO THE MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL LAND USE CATEGORIES AND RENAMING REFERENCED ZONING DISTRICTS.**

**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 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 official regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations, public comments, and other relevant considerations; and,

**WHEREAS**, the Land Use Plan and the policies contained therein may be amended from time to time by the Tooele City legislative body to reflect the changing policies and values of the elected officials and the public; and,

**WHEREAS**, Utah Code § 10-9a-403 and § 10-9a-404 provide for the municipal legislature to consider General Plan amendment recommendations given by the Planning Commission, and to approve, revise, or reject proposed General Plan amendments; and,

**WHEREAS**, on March 20, 2019, the City Council approved Ordinance 2019-08 which made significant changes to the terms of the Tooele City Code regarding multi-family residential zoning districts and land uses; and,

**WHEREAS**, Ordinance 2019-08, in part, changed the title of existing multi-family residential zoning districts and created an additional multi-family residential zoning district; and,

**WHEREAS**, Ordinance 2019-08 addressed revisions to the terms of the City Code but did not address the renaming or reassignment of properties to those zoning districts on the Zoning Map or the corresponding land use categories on the General Plan Land Use Map; and,

**WHEREAS**, Ordinance 2019-08 provides opportunities to address affordable housing needs within the community that can now be applied to various areas of the community through this General Plan Land Use Map; and,

**WHEREAS**, Ordinance 2019-08 provides opportunities to provide diverse housing opportunities within the community that can now be applied to various areas of the community through this General Plan Land Use Map; and,

**WHEREAS**, the City has initiated an amendment to the Land Use Plan to apply the changes resulting from the adoption of Ordinance 2019-08 to the General Plan Land Use Plan; and,

**WHEREAS**, the City has initiated an amendment to the Land Use Plan to apply the changes resulting from the adoption of Ordinance 2019-08 to the General Plan Land Use Plan as shown in the attached **Exhibit A**; and,

**WHEREAS**, on April 10, 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 B**); and,

**WHEREAS**, on \_\_\_\_\_, the City Council convened a duly-advertised public hearing:

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

1. this Ordinance and the Land Use Plan amendments proposed herein are in the best interest of the City in that they will further the potential for desirable and most-reasonable development of or existing land uses on the properties, are consistent with the desires of the affected property owners, and are consistent with the General Plan; and,
2. the Land Use Plan and Map are hereby amended for all properties currently assigned the MR-8 zoning district, previously the MDR zoning district, to the Medium Density Land Use designation as illustrated in **Exhibit A**, attached.
3. the Land Use Plan and Map are hereby amended for all properties currently assigned the MR-16 zoning district, previously the HDR zoning district, to the High Density Land Use designation as illustrated in **Exhibit A**, attached.
4. the Land Use Plan and Map are hereby amended for the property located near 300 East 1000 North as illustrated in **Exhibit A**, attached.
5. the Land Use Plan and Map are hereby amended for the property located near 800 North 100 East as illustrated in **Exhibit A**, attached.
6. the Land Use Plan and Map are hereby amended for the property located near 350 West 400 North as illustrated in **Exhibit A**, attached.

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)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Pitt, City Recorder

SEAL

Approved as to Form:

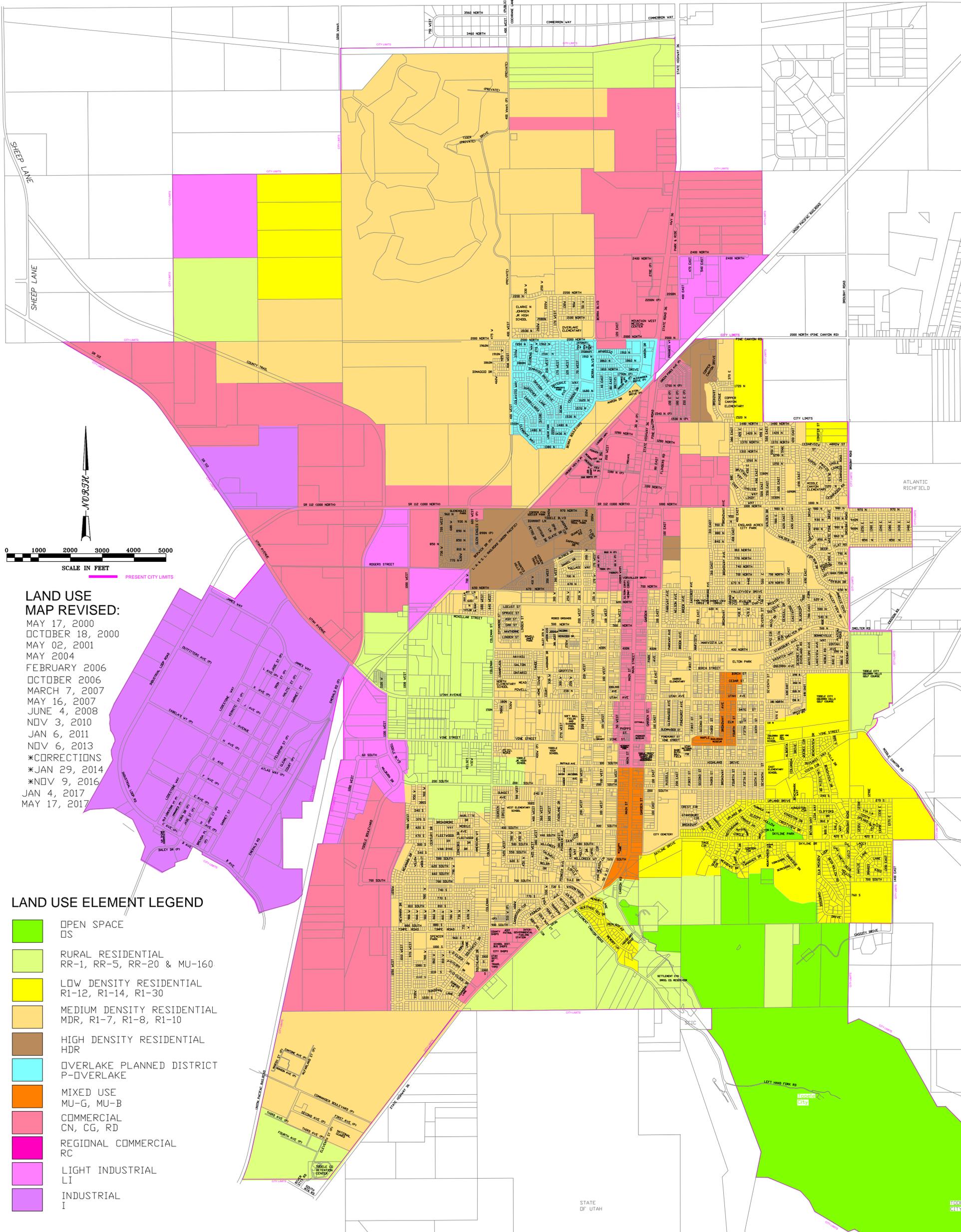
\_\_\_\_\_  
Roger Baker, Tooele City Attorney

**Exhibit A**

**Amendments to the General Plan Land Use Plan Map**

# TOOELE CITY MAP

## GENERAL PLAN - LAND USE ELEMENT

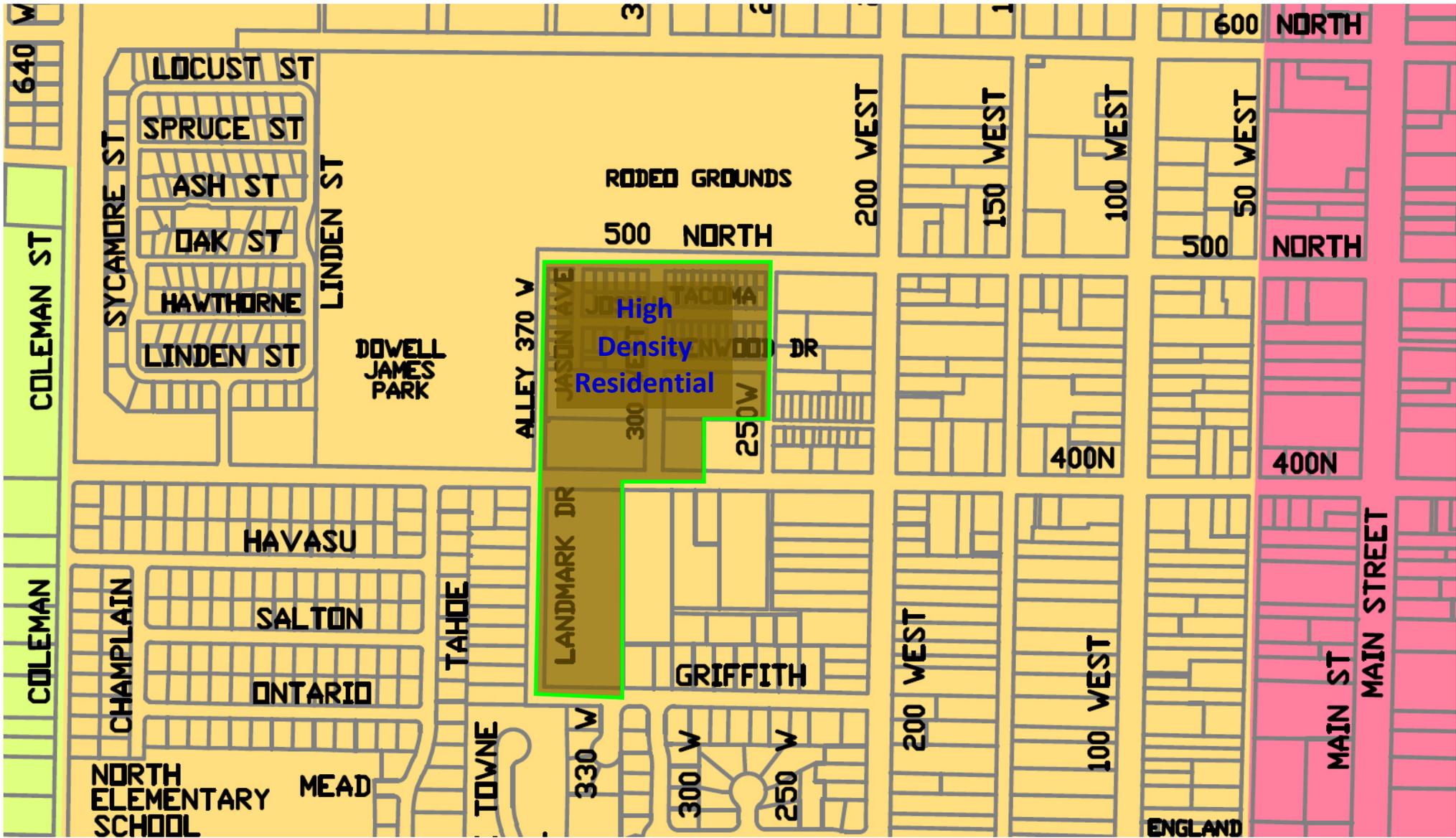


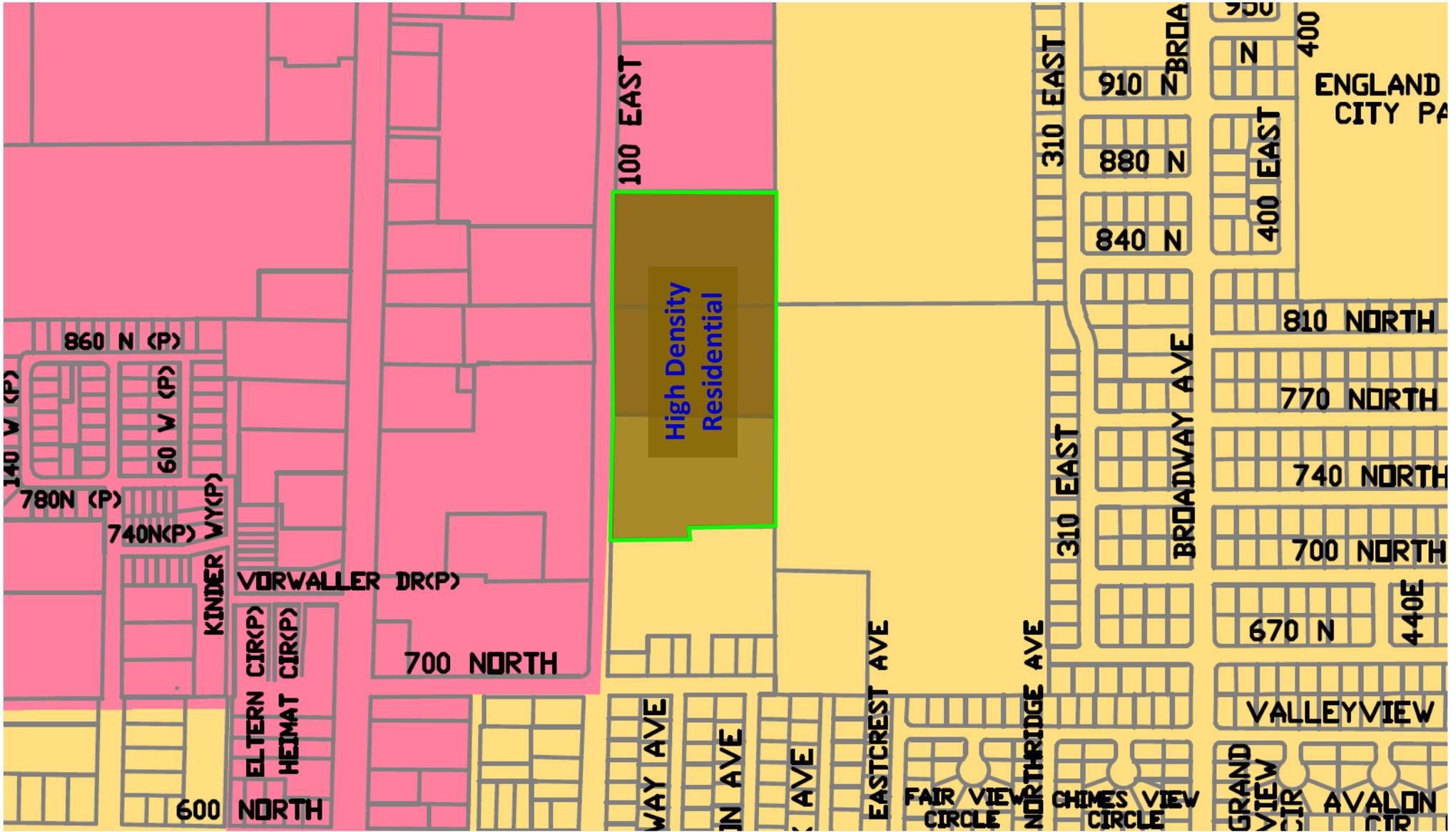
### LAND USE MAP REVISED:

- MAY 17, 2000
- OCTOBER 18, 2000
- MAY 02, 2001
- MAY 2004
- FEBRUARY 2006
- OCTOBER 2006
- MARCH 7, 2007
- MAY 16, 2008
- JUNE 4, 2008
- NOV 3, 2010
- JAN 6, 2011
- NOV 6, 2013
- \*CORRECTIONS
- \*JAN 29, 2014
- \*NOV 9, 2016
- JAN 4, 2017
- MAY 17, 2017

### LAND USE ELEMENT LEGEND

- OPEN SPACE  
OS
- RURAL RESIDENTIAL  
RR-1, RR-5, RR-20 & MU-160
- LOW DENSITY RESIDENTIAL  
R1-12, R1-14, R1-30
- MEDIUM DENSITY RESIDENTIAL  
MDR, R1-7, R1-8, R1-10
- HIGH DENSITY RESIDENTIAL  
HDR
- OVERLAKE PLANNED DISTRICT  
P-OVERLAKE
- MIXED USE  
MU-G, MU-B
- COMMERCIAL  
CN, CG, RD
- REGIONAL COMMERCIAL  
RC
- LIGHT INDUSTRIAL  
LI
- INDUSTRIAL  
I







**Exhibit B**

**Planning Commission Minutes**

**STAFF REPORT**

April 4, 2019

**To:** Tooele City Planning Commission  
Business Date: April 10, 2019

**From:** Planning Division  
Community Development Department

**Prepared By:** Jim Bolser, Director

**Re: Multi-Family Residential – General Plan Land Use Map Amendment Request**

Application No.: P19-226  
Applicant: Tooele City  
Zoning: Various Zones  
Request: Request for approval of a General Plan Land Use Map Amendment in various zones regarding the reassignment of land use designations to coincide with the reassignment of properties to the newly adopted multi-family zoning residential classifications.

**BACKGROUND**

This application is a request for approval of a General Plan Land Use Map Amendment to coincide with a Zoning Map Amendment to reassign certain properties around the city to the newly developed multi-family residential zoning districts. On March 20, 2019 the Tooele City Council approved Ordinance 2019-08 which amended the terms of nine chapters of Title 7 of the City Code regarding multi-family residential zoning districts, their allowable uses, design standards, supplemental provisions, and associated technical revisions. In adopting that ordinance, the terms of the City Code were revised, but the newly developed zoning districts were not yet applied to properties in the community on the official Zoning Map. Similarly, the Land Use Map of the General Plan was not amended to coordinate the assigned land uses to the for those same properties with the new zoning designations.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the various land use designations for the properties potentially involved in this proposed amendment. The various properties have also been assigned various zoning classifications. During the discussion and review of the Ordinance 2019-08, the Planning Commission discussed certain properties as an initial suggestion for reassignment. Mapping of those properties as well as the overall Land Use Map for the city can be found in Exhibit "A" to this report. As a part of this proposed revision, there is proposed a series of automatic land use designation amendments. First, all properties currently assigned the MR-8 Multi-Family Residential zoning district, previously the MDR Medium Density Residential zoning district, are proposed to automatically be reassigned to the Medium Density Land Use category. Second, all properties currently assigned the MR-16 Multi-Family Residential zoning district, previously the HDR High Density Residential zoning district, are proposed to automatically be reassigned to the High Density Land Use category. The Planning Commission, through recommendation to the City Council, will need to identify other properties to be reassigned to these land use categories districts to correspond to zoning assignment recommendations, including the assignment of the newly created MR-25 Multi-Family

Residential zoning district.

*Criteria For Approval.* The criteria for review and potential approval of a General Plan Land Use Map Amendment request is found in Sections 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
  - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
  - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
  - (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
  - (f) The overall community benefit of the proposed amendment.

*Noticing.* The City has expressed their desire to amend the General Plan Land Use Map 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 General Plan Land Use Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-3 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 the amendments may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed amendments may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed amendments may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed amendments is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed amendments on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed amendments may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed amendments may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed amendments may effect the uses or potential uses for

- adjoining and nearby properties.
9. The overall community benefit of the proposed amendments.
  10. 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 Multi-Family Residential General Plan Land Use Map Amendment Request by Tooele City, application number P19-226, based on the following findings and conditions:”

1. List findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Multi-Family Residential General Plan Land Use Map Amendment Request by Tooele City, application number P19-226, based on the following findings and conditions:”

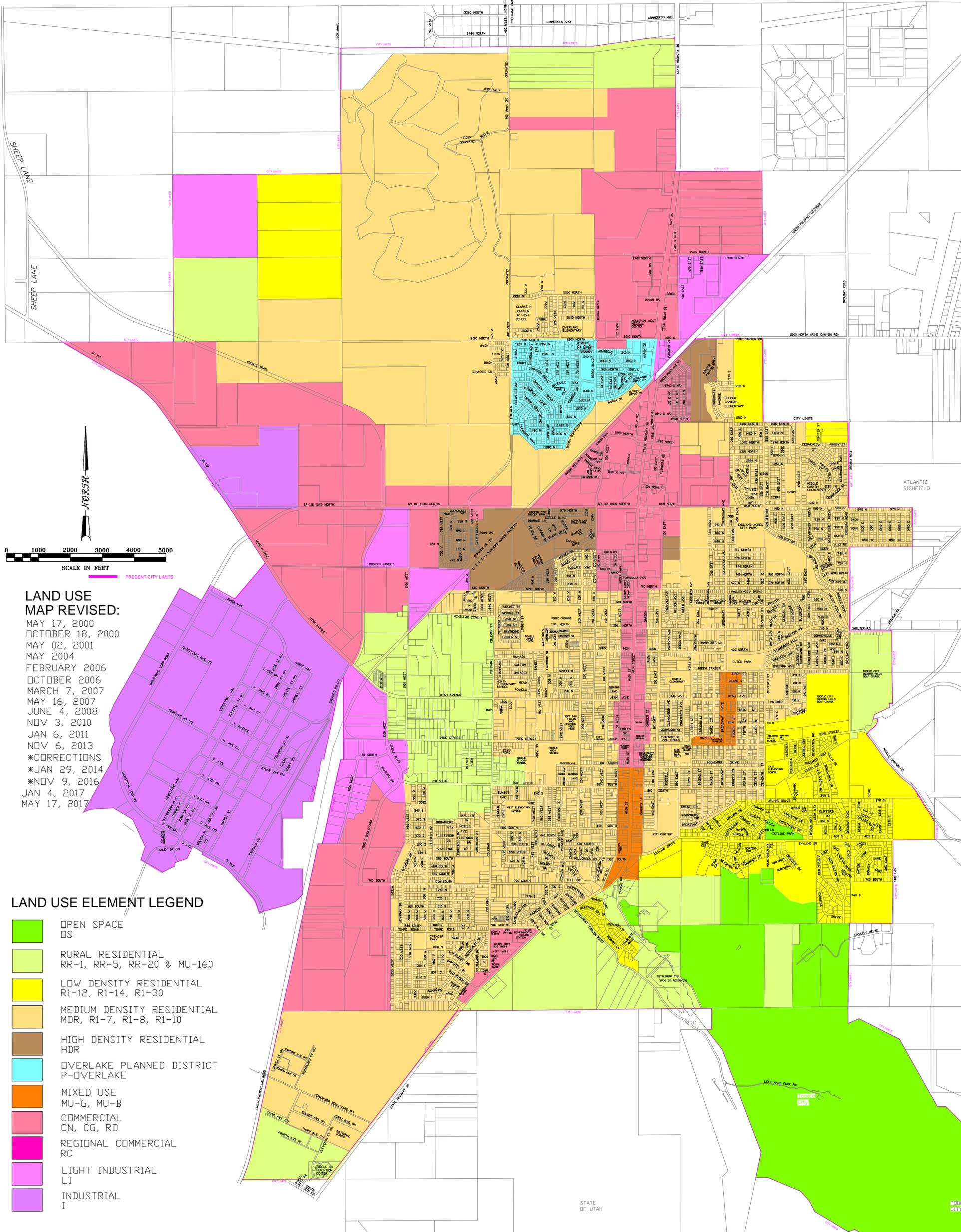
1. List findings and conditions ...

**EXHIBIT A**

**MAPPING PERTINENT TO THE  
MULTI-FAMILY RESIDENTIAL GENERAL PLAN LAND USE MAP AMENDMENT**

# TOOELE CITY MAP

## GENERAL PLAN - LAND USE ELEMENT

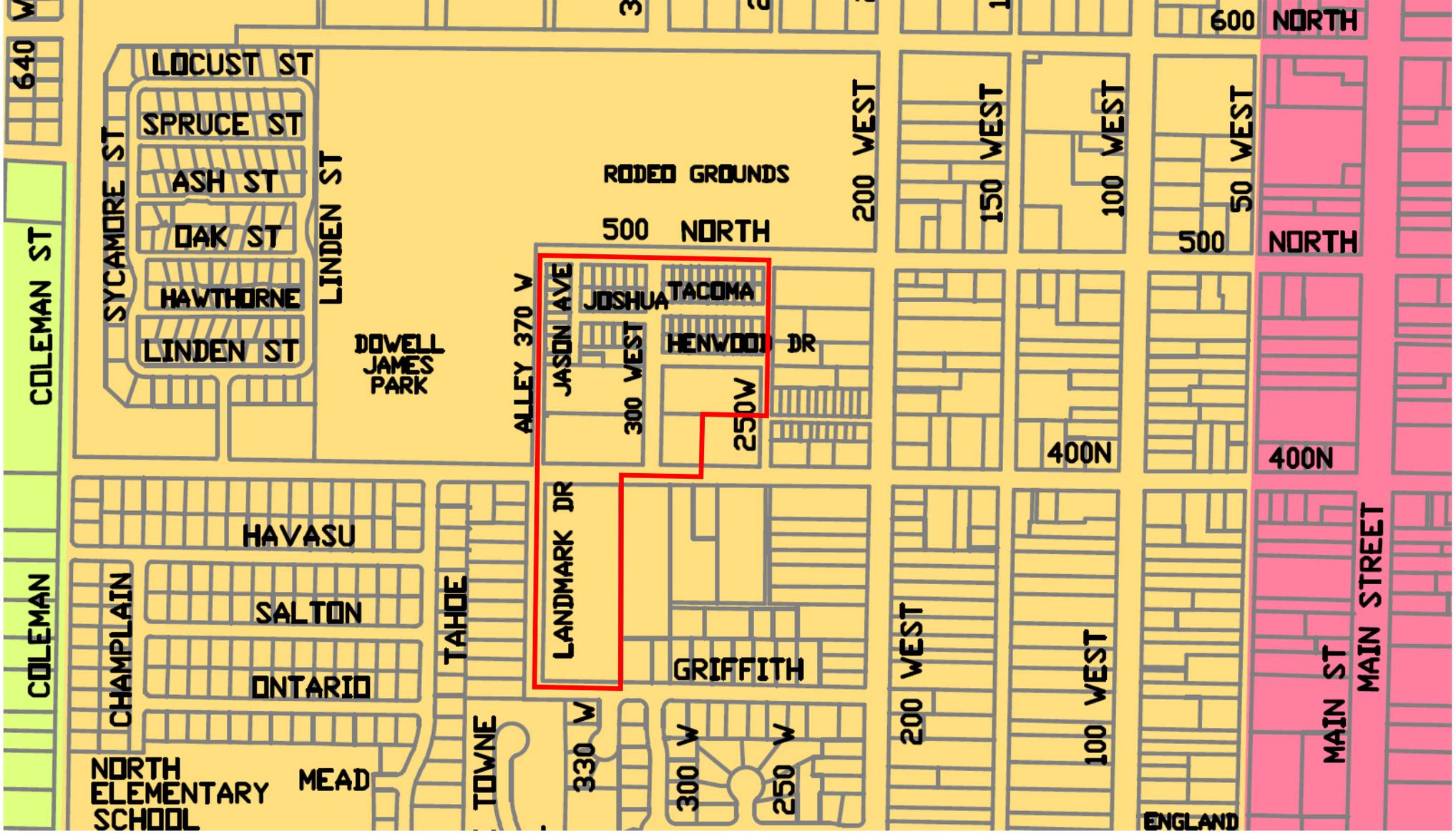


### LAND USE MAP REVISED:

- MAY 17, 2000
- OCTOBER 18, 2000
- MAY 02, 2001
- MAY 2004
- FEBRUARY 2006
- OCTOBER 2006
- MARCH 7, 2007
- MAY 16, 2008
- JUNE 4, 2008
- NOV 3, 2010
- JAN 6, 2011
- NOV 6, 2013
- \*CORRECTIONS
- \*JAN 29, 2014
- \*NOV 9, 2016
- JAN 4, 2017
- MAY 17, 2017

### LAND USE ELEMENT LEGEND

- OPEN SPACE  
OS
- RURAL RESIDENTIAL  
RR-1, RR-5, RR-20 & MU-160
- LOW DENSITY RESIDENTIAL  
R1-12, R1-14, R1-30
- MEDIUM DENSITY RESIDENTIAL  
MDR, R1-7, R1-8, R1-10
- HIGH DENSITY RESIDENTIAL  
HDR
- OVERLAKE PLANNED DISTRICT  
P-OVERLAKE
- MIXED USE  
MU-G, MU-B
- COMMERCIAL  
CN, CG, RD
- REGIONAL COMMERCIAL  
RC
- LIGHT INDUSTRIAL  
LI
- INDUSTRIAL  
I



640 W

COLEMAN ST

COLEMAN

SYCAMORE ST  
LOCUST ST  
SPRUCE ST  
ASH ST  
OAK ST  
HAWTHORNE  
LINDEN ST

LINDEN ST

DOVELL  
JAMES  
PARK

ALLEY 370 W

LANDMARK DR

JASON AVE

JOSHUA TACOMA

300 WEST

250 W

HENWOOD DR

RODED GROUNDS  
500 NORTH

200 WEST

150 WEST

100 WEST

500

50 WEST

600 NORTH

NORTH

400N

400N

HAVASU  
SALTON  
ONTARIO

TAHOE

TOWNE

330 W

300 W

250 W

GRIFFITH

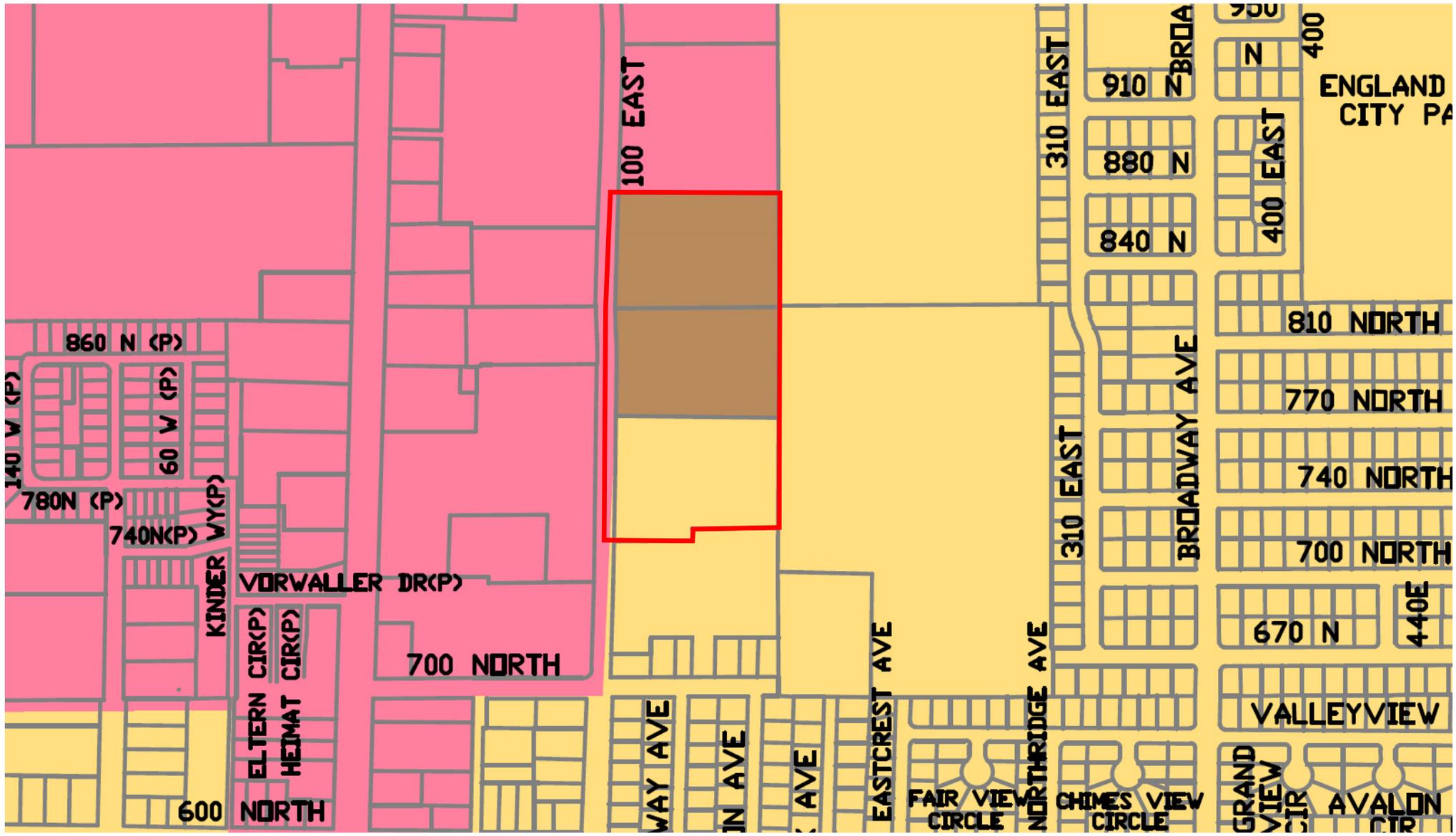
200 WEST

100 WEST

ENGLAND

MAIN ST  
MAIN STREET

NORTH  
ELEMENTARY  
SCHOOL  
MEAD



100 EAST

310 EAST

310 EAST

BROADWAY AVE

700 NORTH

810 NORTH

770 NORTH

740 NORTH

700 NORTH

670 N

440E

VALLEYVIEW

GRAND VIEW CIR

AVALON CIR

FAIR VIEW CIRCLE

CHIMES VIEW CIRCLE

EASTCREST AVE

NORTHRIDGE AVE

WAY AVE

LIN AVE

AVE

600 NORTH

600 NORTH

ELTERN CIR(P)  
HEIMAT CIR(P)

VORWALLER DR(P)

KINDER WY(P)

740N(P)

780N(P)

60 W (P)

860 N (P)

910 N

880 N

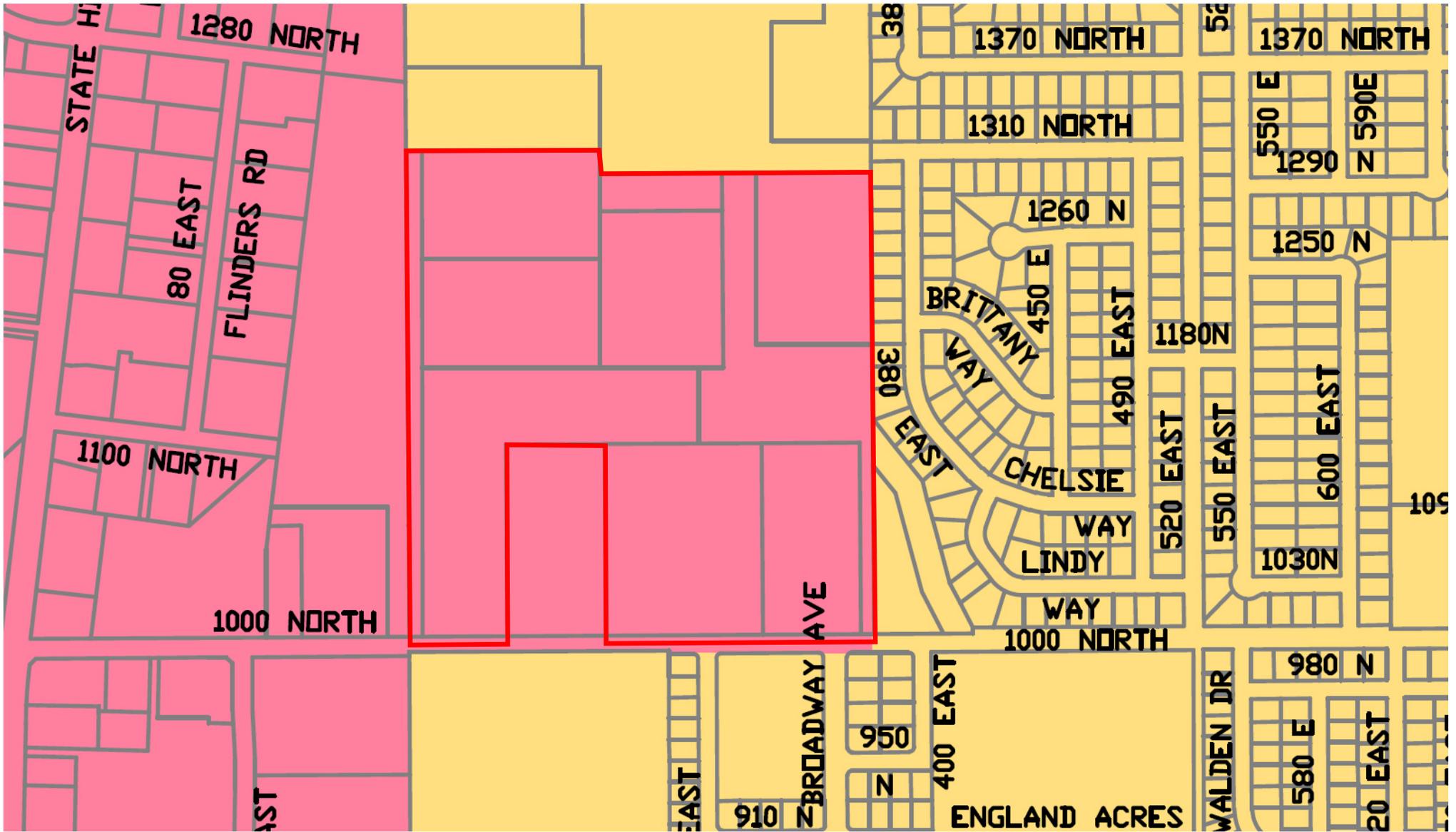
840 N

400 EAST

ENGLAND CITY PA

400

900 N



**EXHIBIT B**

**PROPOSED ORDINANCE 2019-09**

**TOOELE CITY CORPORATION**

**ORDINANCE 2019-10**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY ZONING MAP FOR VARIOUS PROPERTIES LOCATED THROUGHOUT THE CITY TO THE MR-8 MULTI-FAMILY RESIDENTIAL, MR-16 MULTI-FAMILY RESIDENTIAL, AND MR-25 MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS.**

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

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

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

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

**WHEREAS**, on March 20, 2019, the City Council approved Ordinance 2019-08 which made significant changes to the terms of the Tooele City Code regarding multi-family residential zoning districts and land uses; and,

**WHEREAS**, Ordinance 2019-08, in part, changed the title of existing multi-family residential zoning districts and created an additional multi-family residential zoning district; and,

**WHEREAS**, Ordinance 2019-08 addressed revisions to the terms of the City Code but did not address the renaming or reassignment of properties to those zoning districts on the Zoning Map or the corresponding land use categories on the General Plan Land Use Map; and,

**WHEREAS**, Ordinance 2019-08 provides opportunities to address affordable housing needs within the community that can now be applied to various areas of the community through this General Plan Land Use Map; and,

**WHEREAS**, Ordinance 2019-08 provides opportunities to provide diverse housing opportunities within the community that can now be applied to various areas of the community through this General Plan Land Use Map; and,

**WHEREAS**, the City has initiated an amendment to the official Zoning Map to apply the changes resulting from the adoption of Ordinance 2019-08 to the map; and,

**WHEREAS**, the City has initiated an amendment to the official Zoning Map to apply the changes resulting from the adoption of Ordinance 2019-08 to the map as shown in the attached **Exhibit A**; and,

**WHEREAS**, on April 10, 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 B**); and,

**WHEREAS**, on \_\_\_\_\_, the City Council convened a duly-advertised public hearing:

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

1. this Ordinance and the Zoning Map amendments proposed herein are in the best interest of the City in that they will further the potential for desirable and most-reasonable development of or existing land uses on the properties, are consistent with the desires of the affected property owners, and are consistent with the General Plan; and,
2. the Zoning Map is hereby amended for all properties currently assigned the MDR zoning district, to the MR-8 zoning district, as illustrated in **Exhibit A**, attached.
3. the Land Use Plan and Map are hereby amended for all properties currently assigned the HDR zoning district, MR-16 zoning district, as illustrated in **Exhibit A**, attached.
4. the Land Use Plan and Map are hereby amended for the property located near 300 East 1000 North as illustrated in **Exhibit A**, attached.
5. the Land Use Plan and Map are hereby amended for the property located near 800 North 100 East as illustrated in **Exhibit A**, attached.
6. the Land Use Plan and Map are hereby amended for the property located near 350 West 400 North as illustrated in **Exhibit A**, attached.

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)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Pitt, City Recorder

S E A L

Approved as to Form:

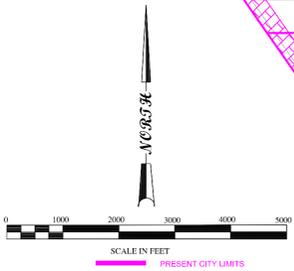
\_\_\_\_\_  
Roger Baker, Tooele City Attorney

**Exhibit A**

**Application for Zoning Amendment**

# TOOELE CITY ZONING

-  NORTH GATEWAY OVERLAY ZONE  
BETTER LANDSCAPING, LESS PARKING IN FRONT  
BETTER BUILDING VIEW TO MAIN STREET
-  WEST GATEWAY OVERLAY ZONE  
BETTER LANDSCAPING, LESS PARKING IN FRONT  
BETTER BUILDING VIEW TO MAIN ROAD
-  SOUTH GATEWAY OVERLAY ZONE  
BETTER LANDSCAPING, LESS PARKING IN FRONT  
BETTER BUILDING VIEW TO MAIN STREET
-  DOWNTOWN OVERLAY ZONE  
LESSEN RESTRICTIONS TO PROMOTE BUSINESS  
LESS PARKING, MORE USE ALLOWED, LIVE AND STYLE



- MAP REVISIONS**  
LISTED CHANGES STARTING NOV 2013
- ORDINANCE 2013-08 11/06/13
  - ORDINANCE 2013-19 11/06/13
  - ORDINANCE 2014-01 01/15/14
  - ORDINANCE 2014-04 02/04/14
  - ORDINANCE 2014-04 08/17/14
  - ORDINANCE 2014-21 01/04/14
  - ORDINANCE 2014-05 05/17/14
  - MAP CORRECTION 09-24-2017
  - ORDINANCE 2014-01 02/18/14
  - ORDINANCE 2014-14 09/04/14
  - ORDINANCE 2014-25 10/03/14
  - ORDINANCE 2014-25 12/19/14
  - ORDINANCE 2014-25 03/07/14

TOOELE CITY COMMUNITY DEVELOPMENT DEPARTMENT  
90 NORTH MAIN STREET  
TOOELE, UTAH 84074-2191  
VOICE (435) 865-2190  
FAX (435) 843-2199

TOOELE CITY AREA = 24.0 SQUARE MILES  
1990 US CENSUS POPULATION = 13,987  
2000 US CENSUS POPULATION = 22,502  
2010 US CENSUS POPULATION = 31,605  
2017 US CENSUS ESTIMATE = 34,628  
ELEVATION AT CITY HALL = 5040 FEET ABOVE SEA LEVEL  
THIS MAP MAY CONTAIN ERRORS. VERIFY BEFORE USING.  
MAP PRINTED MARCH 8, 2015  
(P) AFTER STREET NAME = PRIVATE OR NOT CITY MAINTAINED

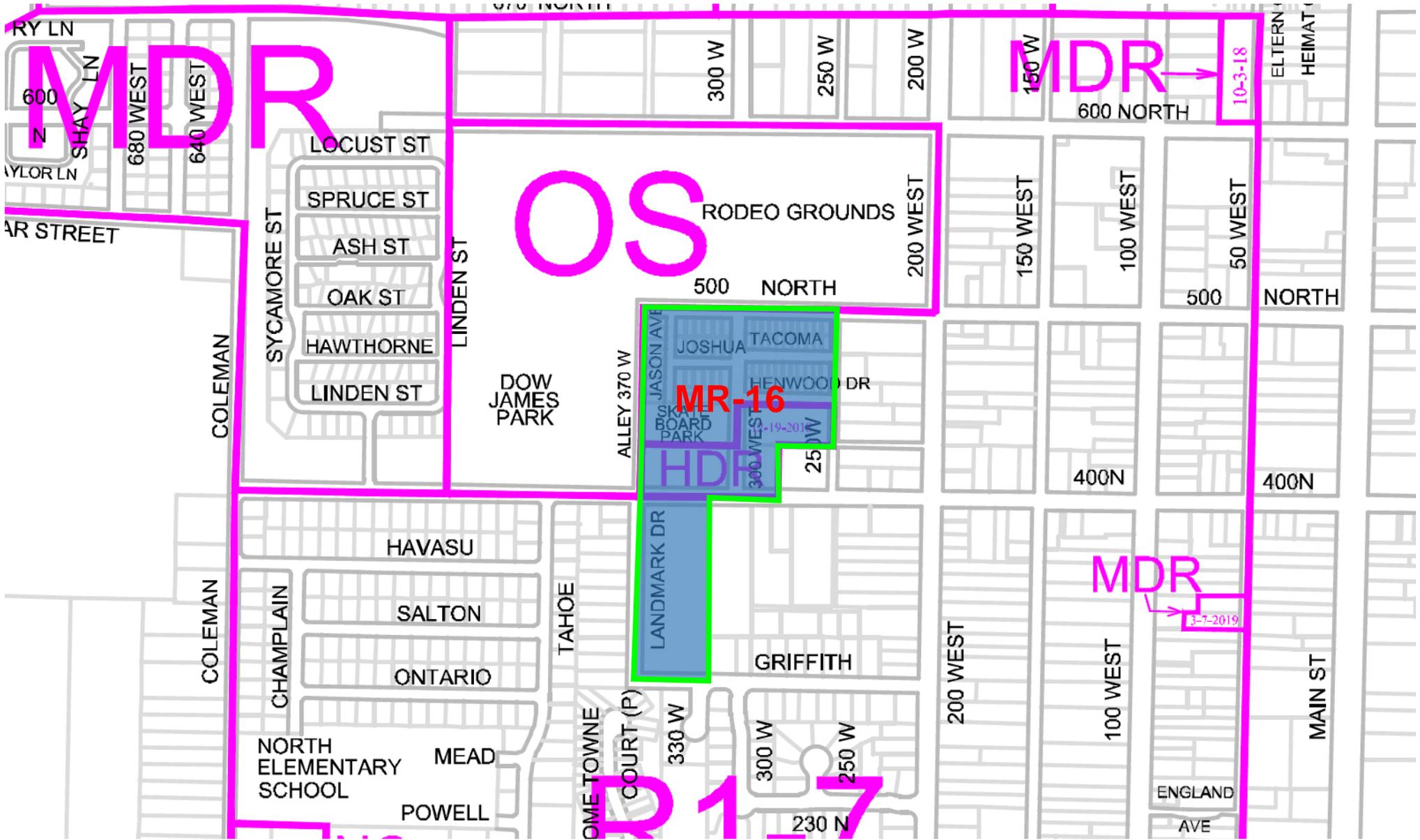
- MU-G** MIXED USE DISTRICTS TO PROVIDE AREA FOR APPROPRIATE MIX OF COMPATIBLE RESIDENTIAL, LIMITED COMMERCIAL, & CORPORATE BUSINESS & PROFESSIONAL OFFICES.
- MU-B** NEIGHBORHOOD COMMERCIAL DISTRICT CONVENIENCE RETAIL & SERVICES SMALL SCALE ON-DUTY BUSINESS CONVENIENCE STORE, GAS, CAR WASH, ECT.
- NC** GENERAL COMMERCIAL DISTRICT WIDE VARIETY OF RETAIL, COMMERCIAL USES, SERVICE COMMERCIAL ACTIVITIES, ENTERTAINMENT AND OTHER SERVICES AND ACTIVITIES MEETING THE NEEDS OF THE CITY.
- GC** REGIONAL COMMERCIAL DISTRICT TO PROMOTE AREAS FOR LOCAL COMMERCIAL AND OTHER USES THAT HAVE A REGIONAL INFLUENCE AND MAY GENERATE HIGH TRAFFIC AND RELATED NOISE.
- RC** RESEARCH & DEVELOPMENT DISTRICT PROFESSIONAL, BUSINESS OFFICES WITH A MIX OF CERTAIN SMALL COMMERCIAL AND LIGHT INDUSTRIAL USES.
- RD** LIGHT INDUSTRIAL DISTRICT LIGHT INDUSTRIAL ASSEMBLY & MANUFACTURING USES THAT PRODUCE NO APPRECIABLE NEGATIVE IMPACT TO ADJACENT PROPERTIES.
- LI** INDUSTRIAL DISTRICT HEAVY MANUFACTURING, WAREHOUSING AND INDUSTRIAL PROCESSES MAY IMPACT ADJACENT PROPERTIES.
- I** PETERSON INDUSTRIAL DEPOT (PID) AREA OF OLD ARMY DEPOT BUILDINGS HEAVY MANUFACTURING, WAREHOUSING AND INDUSTRIAL PROCESSES MAY IMPACT ADJACENT PROPERTIES. REDUCED SETBACKS FROM ZONE.
- PID**
- PUD**

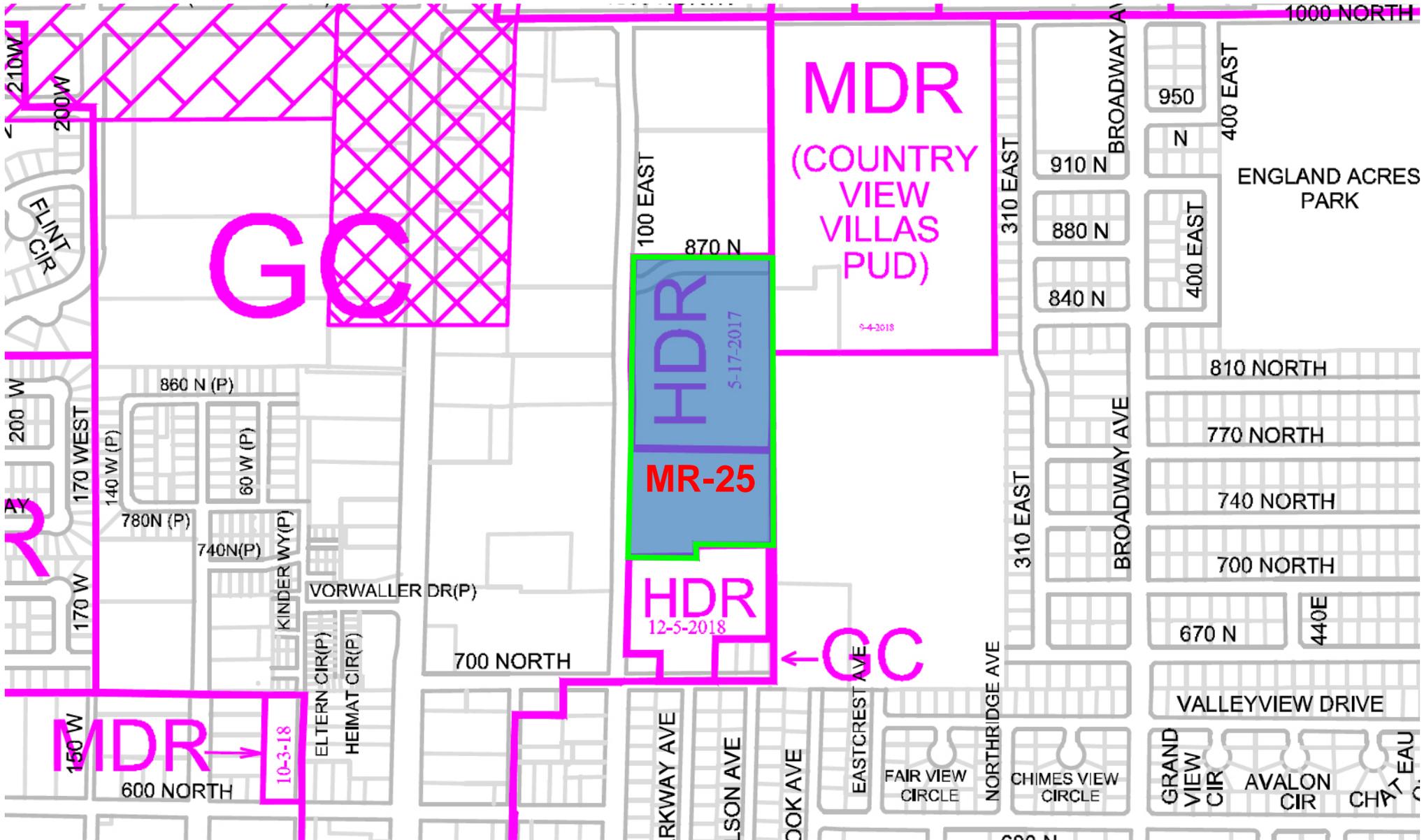
TOOELE CITY MUST FOLLOW THE STATE REQUIREMENTS FOR ANNEXATIONS. THE CITY ANNEXATION GROWTH ELEMENT, PART OF THE CITY MASTER PLAN SHOWS AREAS WHERE ANNEXATIONS MAY BE ACCEPTED. NOT ALL ANNEXATIONS GET FINAL APPROVAL. THE CITY MASTER PLAN HAS A LAND USE ELEMENT WHICH GUIDES ZONING REQUESTS. IF A ZONING APPLICATION DOES NOT CONFORM WITH THE LAND USE ELEMENT, IT CAN NOT BE APPROVED BY THE PLANNING COMMISSION OR THE CITY COUNCIL. ANNEXATIONS IF APPROVED BY THE CITY COUNCIL CAN TAKE 180 TO 360 DAYS. ZONING AND LAND USE ELEMENT CHANGES CAN TAKE FROM 90 TO 180 DAYS. SUBDIVISION PRELIMINARY AND FINAL APPROVALS CAN TAKE FROM 90 TO 180 DAYS. A SUBDIVISION MUST BE CONSTRUCTED AND ACCEPTED WITHIN ONE YEAR FROM THE CITY COUNCIL FINAL APPROVAL DATE.

- R1-30** HIGH DENSITY RURAL RESIDENTIAL MIN. 20,000 SQUARE FOOT LOT MIN. 110' FOOT FRONTAGE, 1 LOT/70,000 SF MIN. 110' HOUSE WOODS, ONE CAR GARAGE SINGLE FAMILY, LIMITED LIVESTOCK PERMITTED
- RR-1** MODERATE DENSITY RURAL RESIDENTIAL MIN. 1 ACRE LOT (43,560 SF) MIN. 100' FOOT ROAD FRONTAGE SINGLE FAMILY, LIVESTOCK PERMITTED
- RR-5** LOW DENSITY RURAL RESIDENTIAL MIN. 1 ACRE LOT (43,560 SF) MIN. 100' FOOT ROAD FRONTAGE SINGLE FAMILY, LIVESTOCK PERMITTED
- RR-20** VERY LOW DENSITY RURAL RESIDENTIAL MIN. 20 ACRE LOT (871,200 SF) MIN. 200' FOOT ROAD FRONTAGE SINGLE FAMILY, LIVESTOCK PERMITTED
- MU160** MULTIPLE USE DISTRICT MIN. 160 ACRES PER LOT MIN. 100' FOOT ROAD FRONTAGE SINGLE FAMILY, LIVESTOCK PERMITTED
- OS** OPEN SPACE ZONING LARGE AREAS ESTABLISHED FOR PARKS, SCHOOLS, OPEN AIR THEATERS, GYMNASIUMS, FAIR GROUNDS, PUBLIC SERVICES, HISTORIC SITES
-  BENEFIT'S AREA OVERLAY HILLSIDE AND CANYON AREAS MIN. STANDARDS FOR DEVELOPMENT TO MINIMIZE ENVIRONMENTAL IMPACTS

NONCONFORMING USES FOR LIVESTOCK. THE LIVESTOCK MUST BE KEPT ON THE LAND FOR A MINIMUM OF 90 DAYS EACH CALENDAR YEAR TO MAINTAIN THE NONCONFORMING USE.

- R1-7** MEDIUM DENSITY RESIDENTIAL MIN. 2,000 SQUARE FOOT LOT MIN. 200' FOOT FRONTAGE, 1 LOT/20,000 SF MIN. 110' HOUSE W/2 CAR GARAGE
- R1-8** MEDIUM DENSITY RESIDENTIAL MIN. 8,000 SQUARE FOOT LOT MIN. 75' FOOT FRONTAGE, 4 LOTS/ACRE MAX. MIN. 1100 SF HOUSE W/2 CAR GARAGE
- R1-10** MEDIUM DENSITY RESIDENTIAL MIN. 9,000 SQUARE FOOT LOT MIN. 85' FOOT FRONTAGE, 3 LOTS/ACRE MAX. MIN. 1100 SF HOUSE W/2 CAR GARAGE
- R1-12** LOW DENSITY RESIDENTIAL MIN. 12,000 SQUARE FOOT LOT, 3 LOTS/ACRE MAX. MIN. 85' FOOT FRONTAGE
- R1-14** LOW DENSITY RESIDENTIAL MIN. 20,000 SQUARE FOOT LOT MIN. 90' FOOT FRONTAGE, 2 LOTS/ACRE MAX. MIN. 1100 SF HOUSE W/2 CAR GARAGE
- HDR** HIGH DENSITY RESIDENTIAL MIN. 1,000 SQUARE FOOT LOT MIN. 200' FOOT FRONTAGE, 1 LOT/20,000 SF MIN. 110' HOUSE W/2 CAR GARAGE 2 FAMILY = 10,000 SF, 3 FAMILY = 12,000 SF, 4 FAMILY = 15,000 SF, 5 FAMILY = 18,000 SF, 6 FAMILY = 21,000 SF, 7 FAMILY = 24,000 SF, 8 FAMILY = 27,000 SF, 9 FAMILY = 30,000 SF, 10 FAMILY = 33,000 SF, 11 FAMILY = 36,000 SF, 12 FAMILY = 39,000 SF, 13 FAMILY = 42,000 SF, 14 FAMILY = 45,000 SF, 15 FAMILY = 48,000 SF, 16 FAMILY = 51,000 SF, 17 FAMILY = 54,000 SF, 18 FAMILY = 57,000 SF, 19 FAMILY = 60,000 SF, 20 FAMILY = 63,000 SF, 21 FAMILY = 66,000 SF, 22 FAMILY = 69,000 SF, 23 FAMILY = 72,000 SF, 24 FAMILY = 75,000 SF, 25 FAMILY = 78,000 SF, 26 FAMILY = 81,000 SF, 27 FAMILY = 84,000 SF, 28 FAMILY = 87,000 SF, 29 FAMILY = 90,000 SF, 30 FAMILY = 93,000 SF, 31 FAMILY = 96,000 SF, 32 FAMILY = 99,000 SF, 33 FAMILY = 102,000 SF, 34 FAMILY = 105,000 SF, 35 FAMILY = 108,000 SF, 36 FAMILY = 111,000 SF, 37 FAMILY = 114,000 SF, 38 FAMILY = 117,000 SF, 39 FAMILY = 120,000 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**Exhibit B**

**Planning Commission Minutes**

**STAFF REPORT**

April 4, 2019

**To:** Tooele City Planning Commission  
Business Date: April 10, 2019

**From:** Planning Division  
Community Development Department

**Prepared By:** Jim Bolser, Director

**Re: Multi-Family Residential – Zoning Map Amendment Request**

Application No.: P19-227  
Applicant: Tooele City  
Zoning: Various Zones  
Request: Request for approval of a Zoning Map Amendment in various zoning districts regarding the reassignment of zoning districts for certain properties to utilize the newly adopted multi-family zoning residential classifications.

**BACKGROUND**

This application is a request for approval of a Zoning Map Amendment to coincide with a Land Use Map Amendment to reassign certain properties around the city to the newly developed multi-family residential zoning districts. On March 20, 2019 the Tooele City Council approved Ordinance 2019-08 which amended the terms of nine chapters of Title 7 of the City Code regarding multi-family residential zoning districts, their allowable uses, design standards, supplemental provisions, and associated technical revisions. In adopting that ordinance, the terms of the City Code were revised, but the newly developed zoning districts were not yet applied to properties in the community on the official Zoning Map.

**ANALYSIS**

*General Plan and Zoning.* The official Zoning Map calls for the various zoning designations for the properties potentially involved in this proposed amendment. During the discussion and review of the Ordinance 2019-08, the Planning Commission discussed certain properties as an initial suggestion for reassignment. Mapping of those specific properties as well as the overall Zoning Map for the city can be found in Exhibit “A” to this report. As a part of this proposed revision, there is proposed a series of automatic zoning district amendments. First, all properties currently assigned the MDR Medium Density Residential zoning district are proposed to automatically be reassigned to MR-8 Multi-Family Residential zoning district as the latter directly replaced the former. Second, all properties currently assigned the HDR High Density Residential zoning district are proposed to automatically be reassigned to MR-16 Multi-Family Residential zoning district as the latter directly replaced the former. The Planning Commission, through recommendation to the City Council, will need to identify other properties to be reassigned to these zoning districts or to the newly created MR-25 Multi-Family Residential zoning district.

*Criteria For Approval.* The criteria for review and potential approval of a Zoning Map Amendment request is found in Sections 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.

*Noticing.* The City 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 the amendments may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed amendments may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed amendments may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed amendments is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed amendments on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed amendments may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed amendments may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed amendments may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendments.
10. 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 Multi-Family Residential Zoning Map Amendment Request Tooele City, application number P19-227, based on the following findings and conditions:”

1. List findings and conditions...

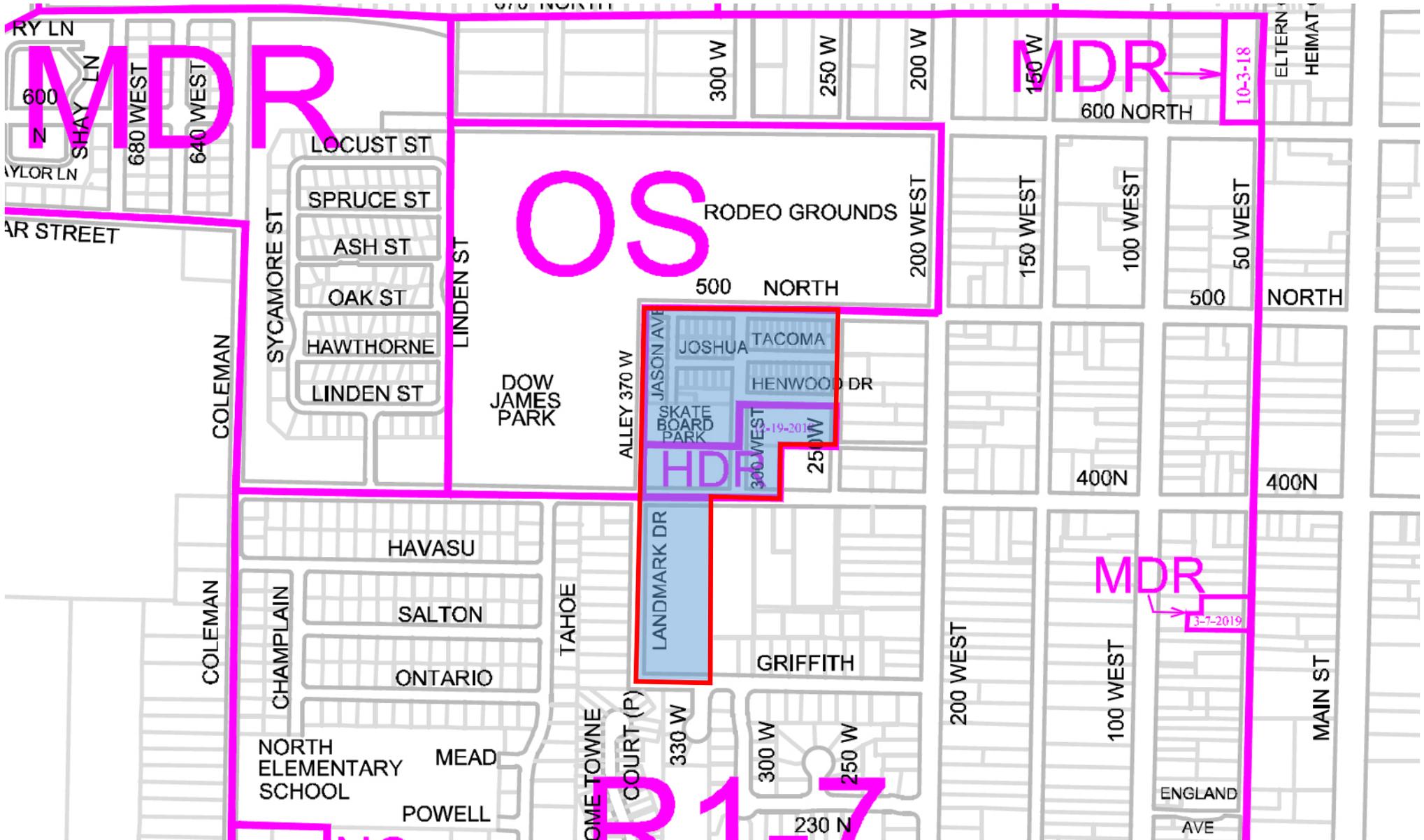
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Multi-Family Residential Zoning Map Amendment Request by Tooele City, application number P19-227, based on the following findings and conditions:”

1. List findings and conditions ...

**EXHIBIT A**

**MAPPING PERTINENT TO THE  
MULTI-FAMILY RESIDENTIAL ZONING MAP AMENDMENT**





MDR

OS

MDR

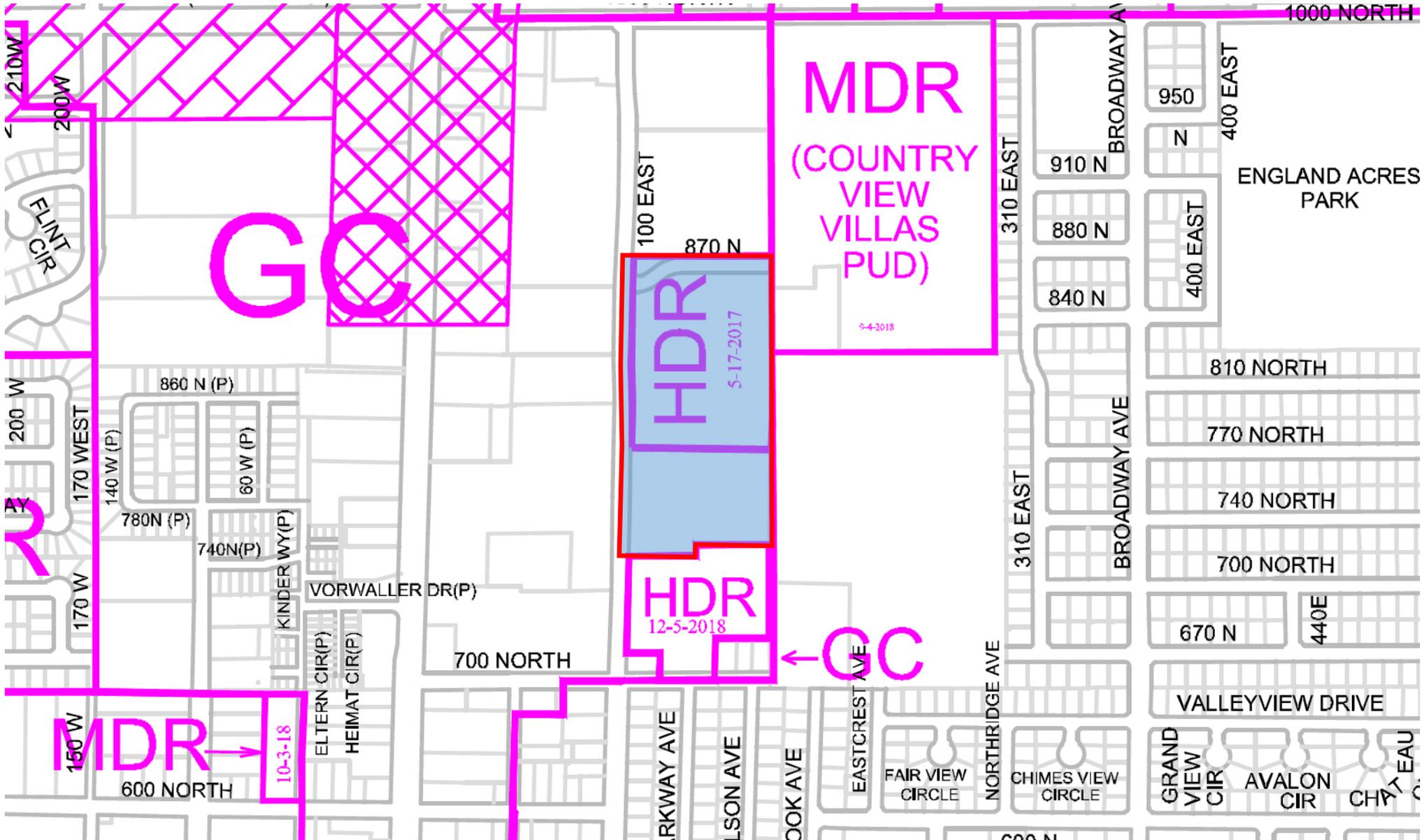
10-3-18

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MDR

3-7-2019

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GC

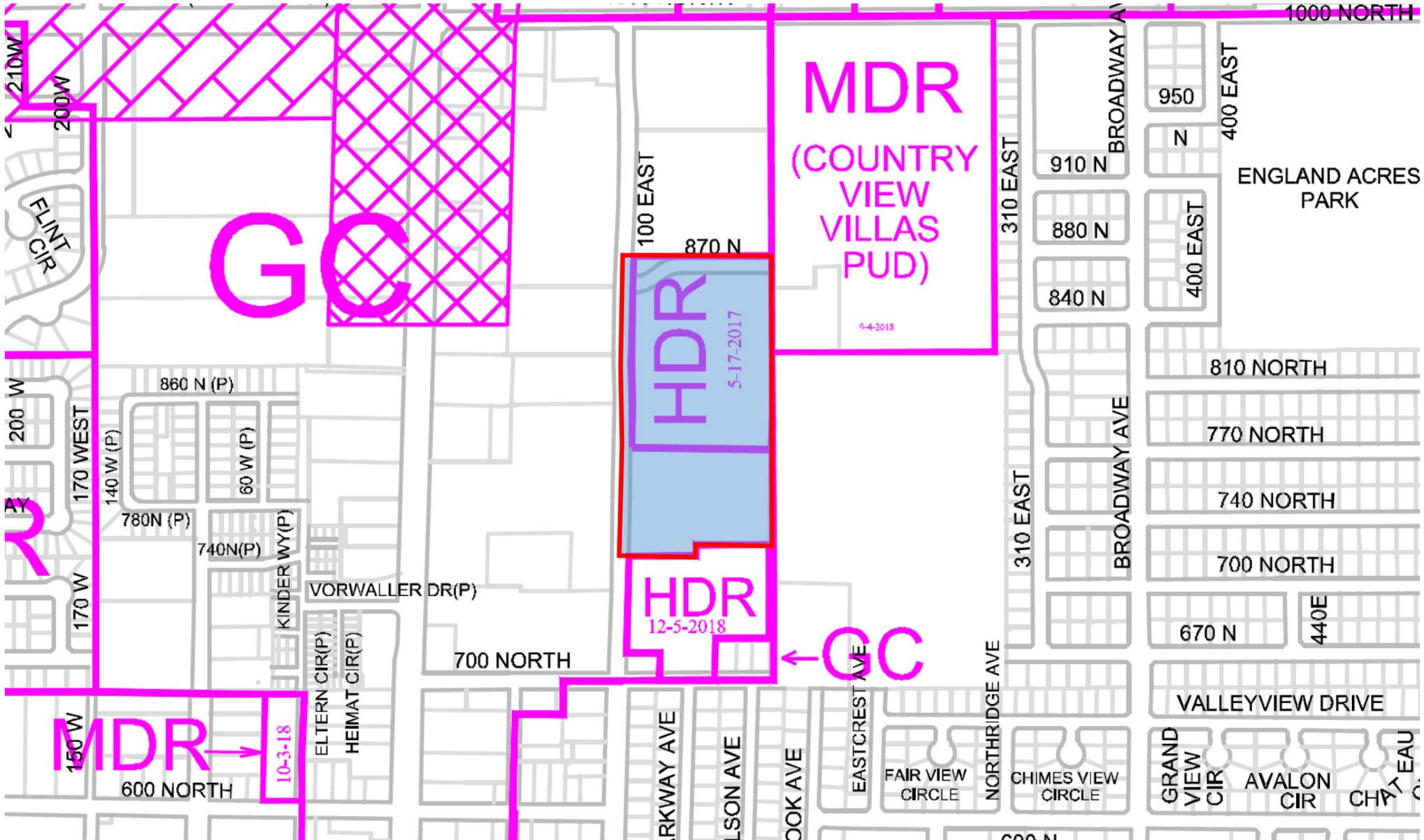
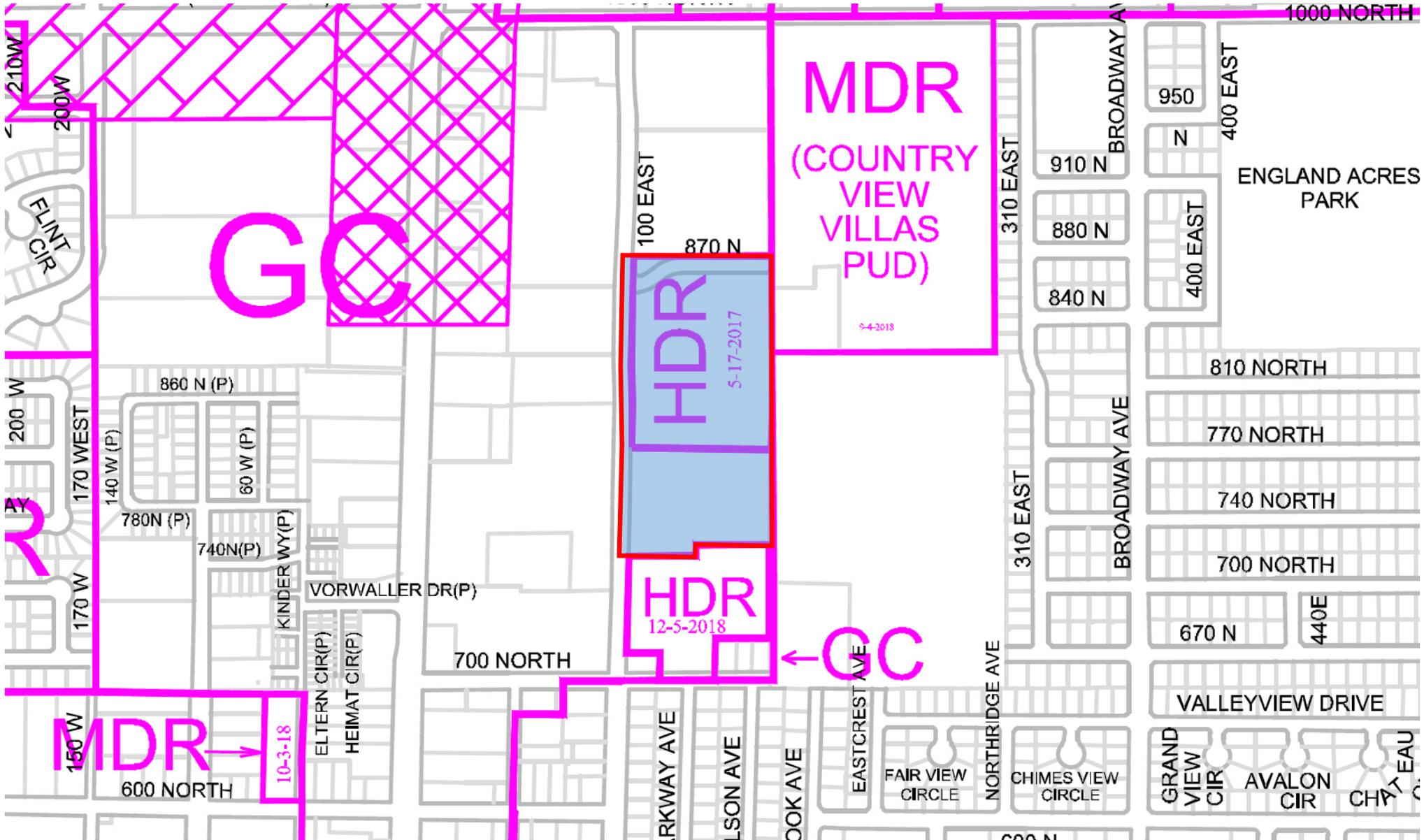
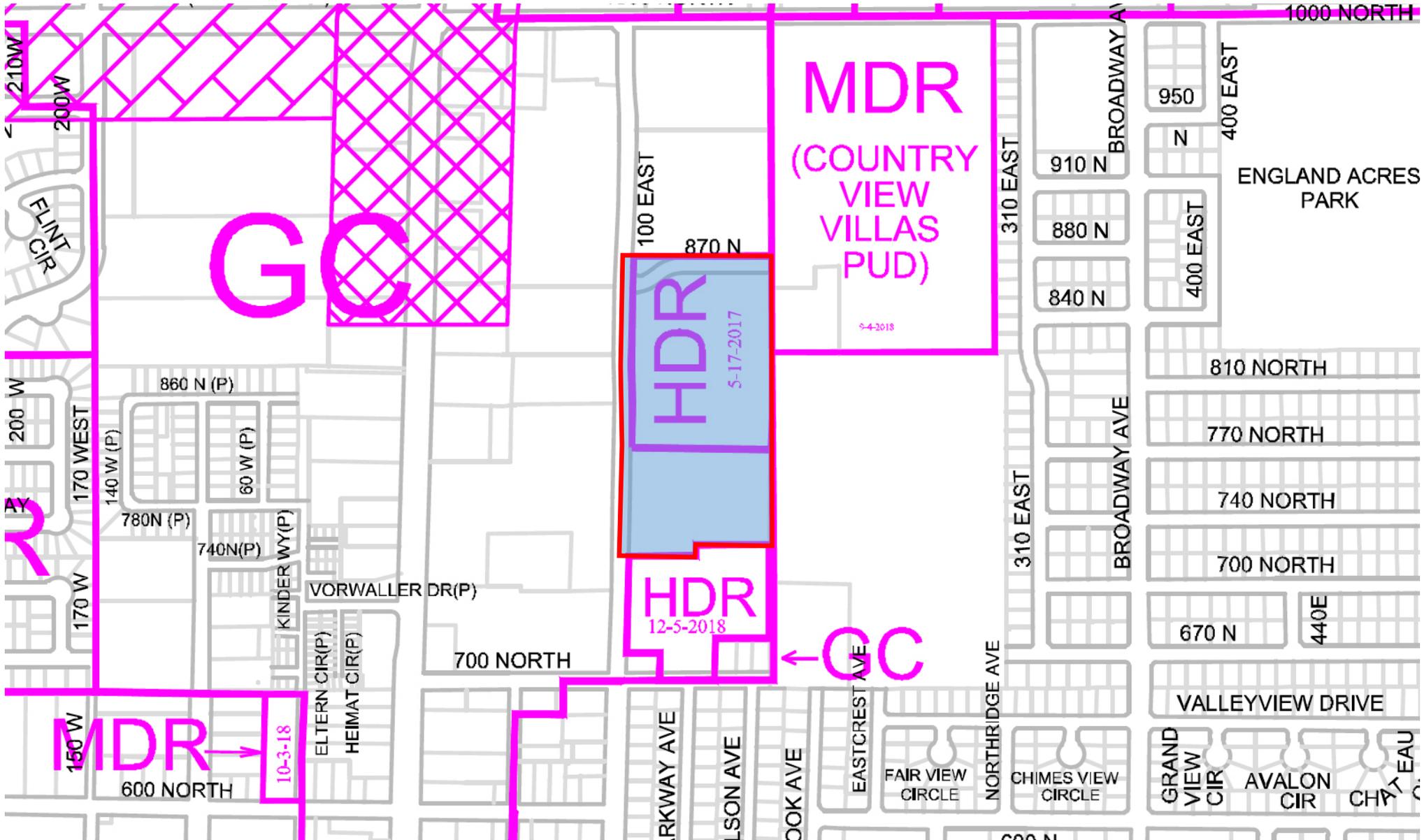
MDR  
(COUNTRY  
VIEW  
VILLAS  
PUD)

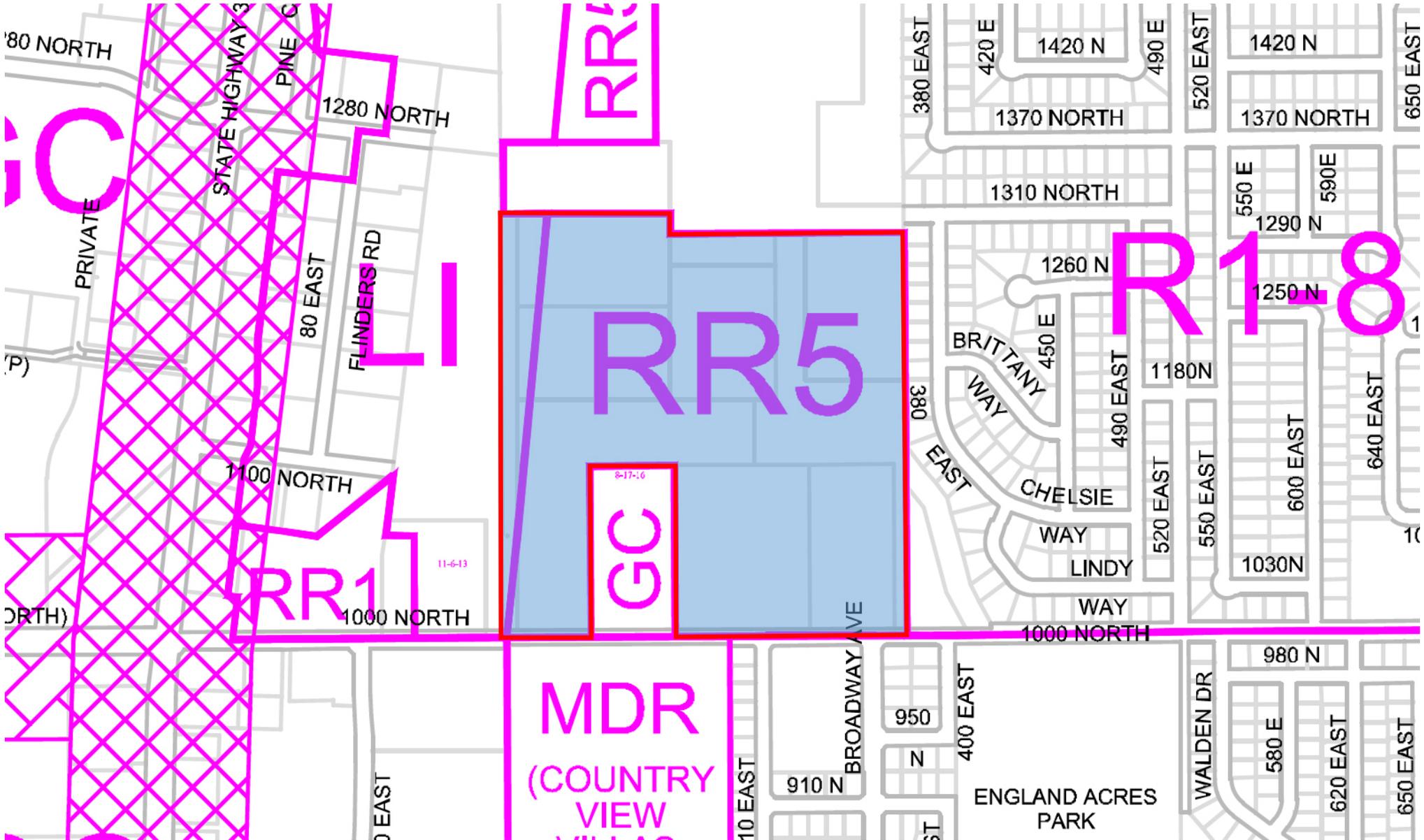
HDR  
5-17-2017

HDR  
12-5-2018

MDR

GC





1000 NORTH

PRIVATE

STATE HIGHWAY 3

PINE C

1280 NORTH

80 EAST

FLINDERS RD

1100 NORTH

RR1

1000 NORTH

10 EAST

RR5

GC

RR18

380 EAST

420 E

1420 N

490 E

520 EAST

1420 N

1370 NORTH

1310 NORTH

550 E

1290 N

590E

RR18

RR5

BRITTANY WAY

450 E

1260 N

490 EAST

1180N

520 EAST

550 EAST

600 EAST

1030N

WAY

LINDY

WAY

RR5

8-17-16

GC

MDR

(COUNTRY VIEW

10 EAST

910 N

BROADWAY AVE

950

400 EAST

ENGLAND ACRES PARK

WALDEN DR

980 N

580 E

620 EAST

650 EAST

1000 NORTH

RR18

1000 NORTH

**EXHIBIT B**

**PROPOSED ORDINANCE 2019-10**

**PROJECT TABULATIONS**

TOTAL PROJECT AREA	14.24 AC	100%
UNBUILDABLE AREA (+30% SLOPE)	6.79 AC	48%
NET DEVELOPABLE AREA	7.45 AC	52%

**DENSITY CALCULATION**

PROPOSED ZONE:		
SENSITIVE AREA OVERLAY ALLOWED DENSITY	25 DU/NET AREA (AC)	
# OF UNIT ALLOWED IN PUD	7.45 AC x 25 DU/AC =	186 DU
# OF APARTMENT UNITS	126 DU	
# OF TOWNHOMES	32 DU	
TOTAL UNITS	158 DU	21.20 DU/AC

**SLOPE ANALYSIS**

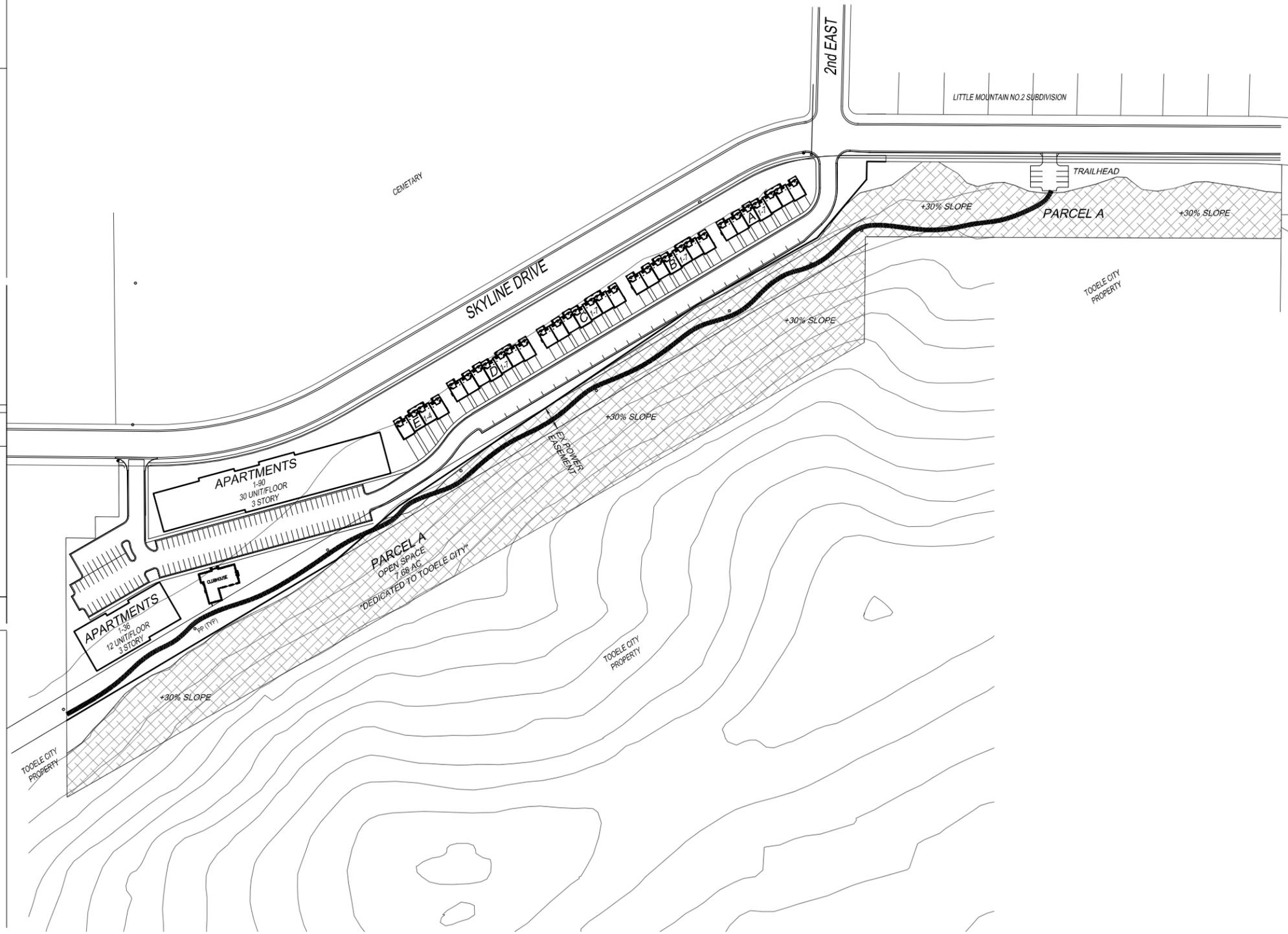
-  AREAS OF BETWEEN 10% AND 30% SLOPE
-  AREAS OF ABOVE 30% SLOPE

**VICINITY SKETCH**



**LEGEND**

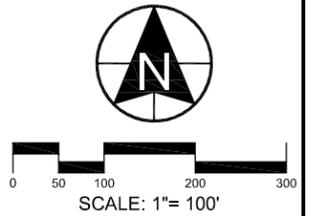
-  PROPERTY LINE
-  LOT LINE
-  EASEMENT LINE
-  EXISTING CURB
-  PROPOSED CURB



DEVELOPER

DEVELOPMENT

# Skyline Vista



**CIVIL ENGINEERING**  
 11038 N Highland Blvd Suite 400  
 Highland Ut, 84003  
 office (801) 492-1277  
 cell (801) 616-1677

REVISIONS			SEAL
NO.	DATE	DESCRIPTION	
1			
2			
3			
4			
5			
6			
7			

ACTION	DATE
CONCEPT	3/27/19

PROJECT

# Skyline Vista

DESCRIPTION

**CONCEPT PLAN**  
 PRELIMINARY - NOT FOR CONSTRUCTION

SHEET NAME SHEET NUMBER

COVER **C0**

**STAFF REPORT**

April 4, 2019

**To:** Tooele City Planning Commission  
Business Date: April 10, 2019

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, City Planner / Zoning Administrator

**Re: Mountain View Meadows – Minor Subdivision Request**

Application No.: P18-621  
Applicant: Laramie Dunn, representing Eagle Point Homes  
Project Location: 560 South 50 West  
Zoning: R1-7 Residential Zone  
Acreage: 2.35 Acres (Approximately 102,622 ft<sup>2</sup>)  
Request: Request for approval of a Minor Subdivision in the R1-7 Residential zone regarding the creation of 4 new single-family residential lots.

**BACKGROUND**

This application is a request for approval of a Minor Subdivision for approximately 2.35 acres located at approximately 560 South 50 West. The property is currently zoned R1-7 Residential. The applicant is requesting that a Minor Subdivision be approved to allow for the subdivision of a 2.35 acre lot into 4 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 R1-7 Residential zoning classification, supporting approximately five dwelling 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. 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 zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. Properties to the north, west and south are also zoned R1-7 Residential. Properties to the east, on the adjacent side of 50 West, are zoned MU-G Mixed Use General. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The existing 2.35 acre parcel exists west of 50th West and north of SR-36. The application proposes to split the parcel into 4 lots ranging in size from 9,939 square feet at the smallest up to 59,647 square feet at the largest. Each lot will front onto and have access to 50<sup>th</sup> West. All lots in the subdivision meet or exceed all requirements for lot size, lot width and lot frontages as required by the R1-7 Residential zoning district.

Lot #4 is the largest lot in the proposed subdivision and is shaped in the form of an “L.” The northern

portion of the lot will be encumbered by a permanent drainage and storm water retention easement for and in behalf of all lots within the subdivision.

It should be noted for information purposes that this subdivision is located within the In-Fill Area Overlay, geographic area B. The In-Fill area overlay provides some exemptions to some typical development standards, water rights, setbacks and so forth.

Criteria For Approval. The criteria for review and potential approval of a Minor Subdivision request is found in Section 7-19-35 of the Tooele City Code. This section provides an exemption of a minor subdivision from Preliminary Plan requirements. Minor subdivisions are then required to follow the standards as required in sections 7-19-10 and 11 of the Tooele City Code. These sections detail the process and requirements of a Subdivision Final Plat.

## **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. All lots within the proposed minor subdivision meet or exceed minimum lot standards regarding lot size, lot width and lot frontages and conforms to all other applicable codes and development standards as required by Tooele City codes.

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 with the following comments:

1. Tooele City's in-fill overlay zone provides some exemptions to standard right-of-way improvements that would typically be required of new development, such as curb, gutter and sidewalk. This subdivision rests in the in-fill overlay and has been allowed to develop with minimal roadway criteria as demonstrated on the plans.

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Minor Subdivision by Laramie Dunn, representing Eagle Point Homes, application number P18-621, 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. All lots within the proposed minor subdivision meet or exceed minimum lot standards

- regarding lot size, lot width and lot frontages and conforms to all other applicable codes and development standards as required by Tooele City codes.
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 Mountain View Meadows Minor Subdivision Request by Laramie Dunn, representing Eagle Point Homes to create 4 single-family residential lots at 560 South 50 West, application number P18-621, based on the findings and subject to the conditions listed in the Staff Report dated April 4, 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 Mountain View Meadows Minor Subdivision Request by Laramie Dunn, representing Eagle Point Homes to create 4 single-family residential lots at 560 South 50 West,, application number P18-621, based on the following findings:”

1. List any additional findings...

**EXHIBIT A**

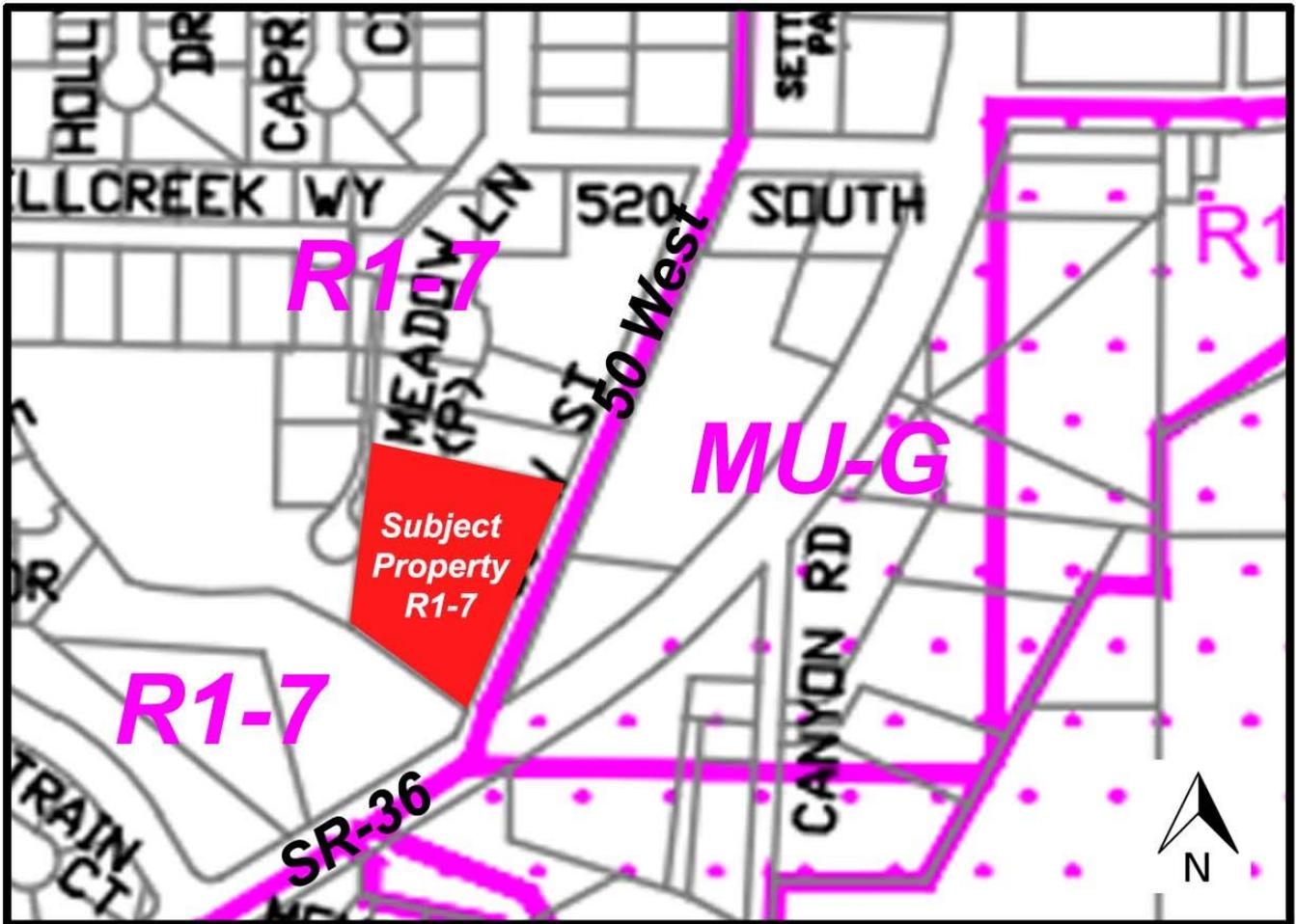
**MAPPING PERTINENT TO THE MOUNTAIN VIEW MEADOWS MINOR  
SUBDIVISION**

***Mountain View Meadows Minor Subdivision***



***Aerial View***

**Mountain View Meadows Minor Subdivision**



**Current Zoning**

**EXHIBIT B**  
**PROPOSED DEVELOPMENT PLANS**

FINAL PLAT  
TOOELE CITY  
MOUNTAIN VIEW MEADOWS MINOR SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 33,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN  
CITY OF TOOELE, TOOELE COUNTY, UTAH



VICINITY MAP  
SCALE: 1"=500'



SURVEYOR'S CERTIFICATE

I, Nolan C. Hathcock, do hereby certify that I am a Professional Land Surveyor holding License No. 166346 as prescribed by the laws of the State of Utah. I further certify that by authority of the owner, 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 four (4) lots, hereafter to be known as

MOUNTAIN VIEW MEADOWS MINOR SUBDIVISION

and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

A parcel of land located in the Northeast Quarter of Section 33, Township 3 South, Range 4 West, Salt Lake Base and Meridian, in the city of Tooele, Tooele County, Utah described by survey as follows:

Beginning at a point in an established chain link fence line, said point lies West 19.09 feet (record = 18.88') and South 975.616 feet (record = 973.31') from the unmarked location of the North Quarter Corner of Section 33, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said North Quarter Corner location lies South 89°39'39" West 197.30 feet from a Tooele County Surveyor brass monument, Witness Monument to said North Quarter Corner established in 1982, and said Witness Monument lies South 89°39'39" West 2455.63 feet from a Tooele County Surveyor brass monument also established in 1982, representing the Northeast Corner of said Section 33;

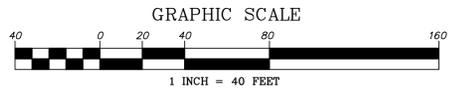
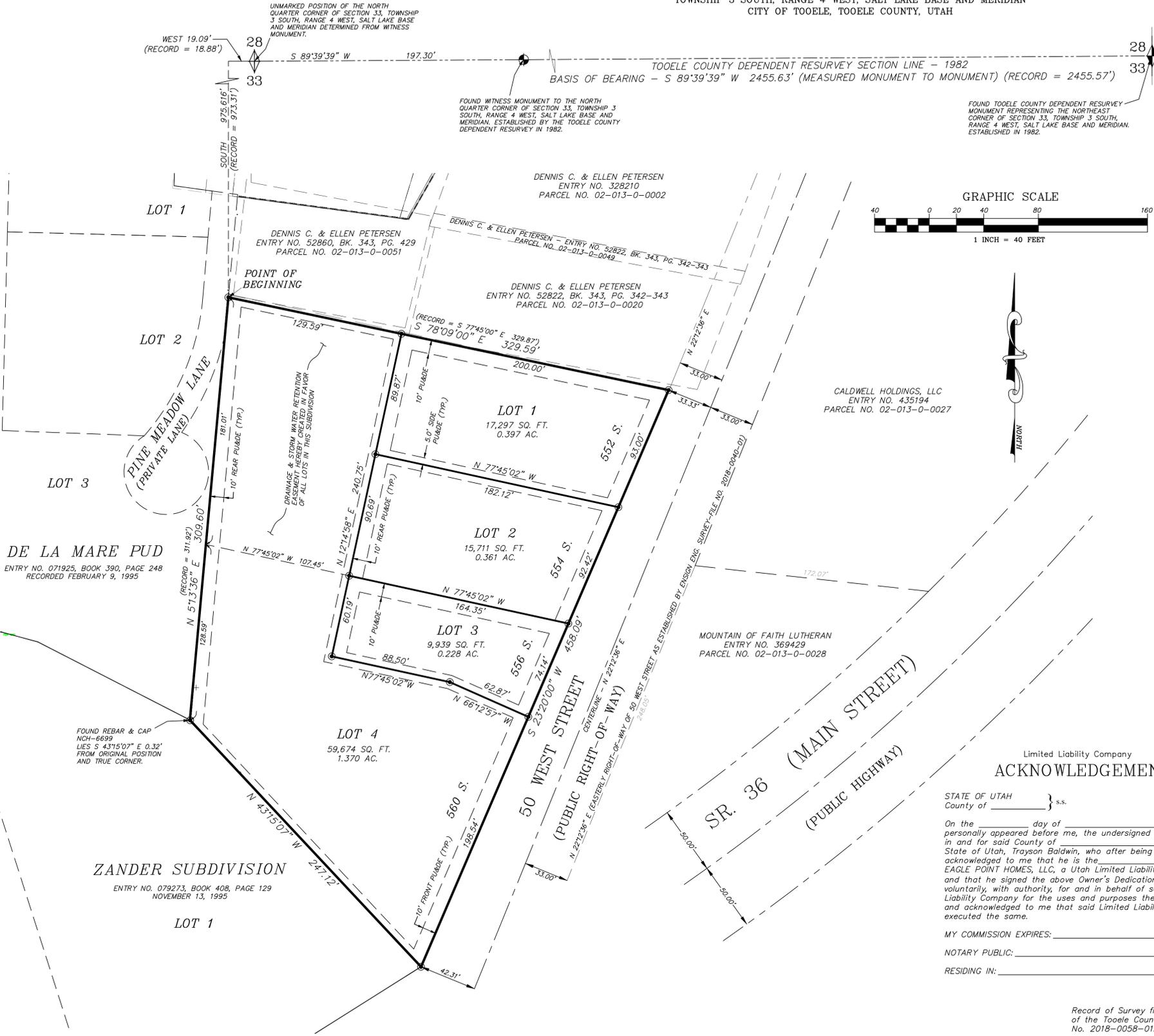
thence from said Point of Beginning, generally along established fence lines, South 78°09'00" East 329.59 feet (record = 329.87 feet) to a rebar and cap survey monument marked NCH 6699;

thence along the westerly right-of-way line of 50 West Street, South 23°20'00" West 458.09 feet to a rebar and cap survey monument marked NCH 6699, marking the most easterly corner of ZANDER SUBDIVISION, recorded November 13, 1995 as Entry No. 079273 in Book 408 at Page 129 in the office of the Tooele County Recorder;

thence along a northeasterly boundary of said ZANDER SUBDIVISION, North 43°15'07" West 247.12 feet;

thence along an established fence line and an easterly boundary of DE LA MARE PUD, recorded February 9, 1995 as Entry No. 071925 in Book 390 at Page 248 in the office of said Tooele County Recorder, North 51°3'36" East 309.60 feet (record = 311.92 feet) to the Point of Beginning.

The above-described parcel of land contains approximately 102,622 square feet in area or 2.356 acres divided into four (4) lots..



- LEGEND
- ◆ FOUND SECTION CORNER MONUMENT PLACED BY THE TOOELE COUNTY DEPENDENT RESURVEY IN 1982 (UNLESS OTHERWISE NOTED HEREON)
  - FOUND TOOELE COUNTY DEPENDENT RESURVEY WITNESS MONUMENT (3" BRASS CAP)
  - SET 3/8" X 24" REBAR WITH YELLOW PLASTIC CAP MARKED "HATHCOCK - LS 166346"
  - PU&DE PUBLIC UTILITY & DRAINAGE EASEMENT

**ROCKY MOUNTAIN POWER**

1. Pursuant to Utah Code Ann. s 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.

2. Pursuant to Utah Code Ann s 17-27a-603(4)(c)(ii) Rocky Mountain Power accepts delivery of the p.u.e. as described in this plat and approves this plat solely for the purpose of confirming that the plot contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that rocky mountain power has under:

- (1) a recorded easement or right-of-way
- (2) the law applicable to prescriptive rights
- (3) Title 54, Chapter 8a Damage to Underground Utility facilities or
- (4) an other provision of law

Approved by Rocky Mountain Power this \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**DOMINION ENERGY**

Dominion Energy approves this plat solely for the purpose of confirming that the plat contains Public Utility Easements. Dominion Energy may require other easements in order to serve this development. This Approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the Plat, including those set forth in the Owner's Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Dominion Energy's Right of Way Department at 1-800-366-8332.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Dominion Energy  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

**TOOELE CITY COUNCIL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 201\_\_ BY THE TOOELE CITY COUNCIL.

ATTEST: CITY RECORDER

**OWNER'S DEDICATION AND CONSENT TO RECORD**

Know all men by these presents that the undersigned is the owner of the hereon described tract of land and hereby causes the same to be divided into lots together with easements as set forth, hereafter to be known as:

**MOUNTAIN VIEW MEADOWS MINOR SUBDIVISION**

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

In witness whereof said owner has hereunto set his hand this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 201\_\_.

EAGLE POINT HOMES, LLC  
BY: TRAYSON BALDWIN, Manager

**OWNER OF RECORD**

EAGLE POINT HOMES, LLC  
1031 TAYLORS MEADOW COURT  
TAYLORSVILLE, UTAH 84123  
PARCEL NO. 02-014-0-0031

AUGUST 10, 2018  
FINAL PLAT  
MOUNTAIN VIEW MEADOWS  
MINOR SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 33,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN  
CITY OF TOOELE, TOOELE COUNTY, UTAH

Limited Liability Company  
**ACKNOWLEDGEMENT**

STATE OF UTAH } s.s.  
County of \_\_\_\_\_ }

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 201\_\_, personally appeared before me, the undersigned Notary Public, in and for said County of \_\_\_\_\_ in the State of Utah, Trayson Baldwin, who after being duly sworn, acknowledged to me that he is the \_\_\_\_\_ of EAGLE POINT HOMES, LLC, a Utah Limited Liability Company and that he signed the above Owner's Dedication freely and voluntarily, with authority, for and in behalf of said Limited Liability Company for the uses and purposes therein mentioned and acknowledged to me that said Limited Liability Company executed the same.

MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC: \_\_\_\_\_  
RESIDING IN: \_\_\_\_\_

Record of Survey filed in the office of the Tooele County Surveyor, File No. 2018-0058-01.

PREPARED BY: NOLAN C. HATHCOCK PROFESSIONAL LAND SURVEYOR LICENSE NO. 166346 9592 STORNOWAY CIRCLE SOUTH JORDAN, UTAH 84095 PHONE 801-557-5398	TOOELE CITY ENGINEER APPROVED AS TO FORM THIS _____ DAY OF _____ 201__ BY THE TOOELE CITY ENGINEER. CITY ENGINEER	TOOELE COUNTY HEALTH DEPARTMENT APPROVED THIS _____ DAY OF _____ 201__ BY THE TOOELE COUNTY HEALTH DEPARTMENT. TOOELE CO. HEALTH DEPARTMENT	TOOELE CITY ATTORNEY APPROVED AS TO FORM THIS _____ DAY OF _____ 201__ BY THE TOOELE CITY ATTORNEY. TOOELE CITY ATTORNEY	TOOELE COUNTY TREASURER APPROVED THIS _____ DAY OF _____ 201__ BY THE TOOELE COUNTY TREASURER. TOOELE COUNTY TREASURER	TOOELE CITY COMMUNITY DEVELOPMENT APPROVED AS TO FORM THIS _____ DAY OF _____ 201__ BY THE TOOELE CITY COMMUNITY DEVELOPMENT. TOOELE CITY COMMUNITY DEVELOPMENT	TOOELE COUNTY SURVEY DEPT. APPROVED THIS _____ DAY OF _____ 201__ BY THE TOOELE COUNTY SURVEY DEPT. DIRECTOR RECORD OF SURVEY FILE NO.2018-0058.	TOOELE CITY PLANNING COMMISSION APPROVED THIS _____ DAY OF _____ 201__ BY THE TOOELE CITY PLANNING COMMISSION. CHAIR, TOOELE CITY PLANNING COMM.	RECORDED # STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ FEE \$ _____ TOOELE COUNTY RECORDER
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**STAFF REPORT**

April 4, 2019

**To:** Tooele City Planning Commission  
Business Date: April 10, 2019

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, City Planner / Zoning Administrator

**Re: Hunter's Meadow – Preliminary Plan Subdivision Request**

Application No.: P18-825  
Applicant: Kameron Spencer representing MW Brown Engineering  
Project Location: 760 West 700 South  
Zoning: R1-7 Residential Zone  
Acreage: 14 Acres (Approximately 609,840 ft<sup>2</sup>)  
Request: Request for approval of a Preliminary Plan Subdivision in the R1-7 Residential zone regarding the creation of 54 new single-family residential lots.

**BACKGROUND**

This application is a request for approval of a Preliminary Plan Subdivision for approximately 14 acres located at approximately 760 West 700 South. The property is currently zoned R1-7 Residential. The applicant is requesting preliminary plan approval in order to subdivide 14 acres into 54 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 R1-7 Residential zoning classification, supporting approximately five dwelling 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. 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 zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. Properties to the north and east are zoned R1-7 Residential. Properties to the south and west are zoned MDR Medium Density Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The proposed subdivision rests north of 700 South and west of Coleman Street. Currently there are 14 acres and the request is to divide the 14 acres into 54 single-family residential lots ranging in size from 7100 square feet up to 12,400 square feet. Each lot within the subdivision meets or exceeds all minimum lot development standards for lot size, lot width and lot frontage as required by the R1-7 Residential zoning district.

You will note that the subdivision plat actually displays 54 lots. Lot 54 is a bit of an anomaly and even though this subdivision plat creates the lot the lot will actually be part of the Porter's Place subdivision. Currently, Porter's Place subdivision includes lots 40, 41, 42 and 54. This subdivision plat will amend creates lot 54 which will ultimately be part of the Porter's Place Subdivision.

There are three connections into the subdivision. Connections will be from 700 South, from an existing stub at 680 South at the north west corner and to the north at American Way into the Westland Mobile Estates. The connection to American Way will cross a drainage / irrigation easement that runs the entire length of the subdivision. This easement will remain in place and will be unaffected by the subdivision.

Lot #45 is a flag lot. Tooele City's Subdivision ordinance permits flag lots when there are no other alternatives available to develop property. After many design iterations it was determined that in order to provide the safest and most efficient interior roads that a flag lot is necessary for that hard to reach corner. The flag lot and flag staff do meet ordinance requirements. The staff portion of the flag lot does need to be paved in either asphalt or concrete.

There is a storm water detention basin at the north west corner of the subdivision that will be dedicated to Tooele City for future ownership and maintenance. The applicant has submitted a landscape and irrigation plan for this basin. The landscape and irrigation plan will be reviewed in greater detail as part of the final plat application.

*Criteria For Approval.* The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

## **REVIEWS**

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

1. All lots within the proposed minor subdivision meet or exceed minimum lot standards regarding lot size, lot width and lot frontages and conforms to all other applicable codes and development standards as required by Tooele City codes.
2. The staff portion of the flag lot, lot #45, will need to be paved in either concrete or asphalt as per Tooele City code requirements.
3. The applicant will need to submit a full landscape and irrigation plan for official review as part of the final plat subdivision application.

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Preliminary Plan Subdivision by Kameron Spencer, representing MW Brown Engineering, application number P18-825, 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.
5. The staff portion of lot #45 shall be paved in either concrete or asphalt as required by Tooele City Code.
6. The applicant shall submit a full landscape and irrigation plan for the storm water detention basin for City review as part of the final plat subdivision application.

This recommendation is based on the following findings:

1. All lots within the proposed Preliminary Plan subdivision meet or exceed minimum lot standards regarding lot size, lot width and lot frontages and conforms to all other applicable codes and development standards as required by Tooele City codes.
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 Hunter’s Meadow Preliminary Plan subdivision request by Kameron Spencer, representing MW Brown Engineering to create 54 single-family residential lots at approximately 760 West 700 South, application number P18-285, based on the findings and subject to the conditions listed in the Staff Report dated April 4, 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 Hunter’s Meadow Preliminary Plan subdivision request by Kameron Spencer, representing MW Brown Engineering to create 54 single-family residential lots at approximately 760 West 700 South, application number P18-285, based on the following findings.”

1. List any findings...

**EXHIBIT A**

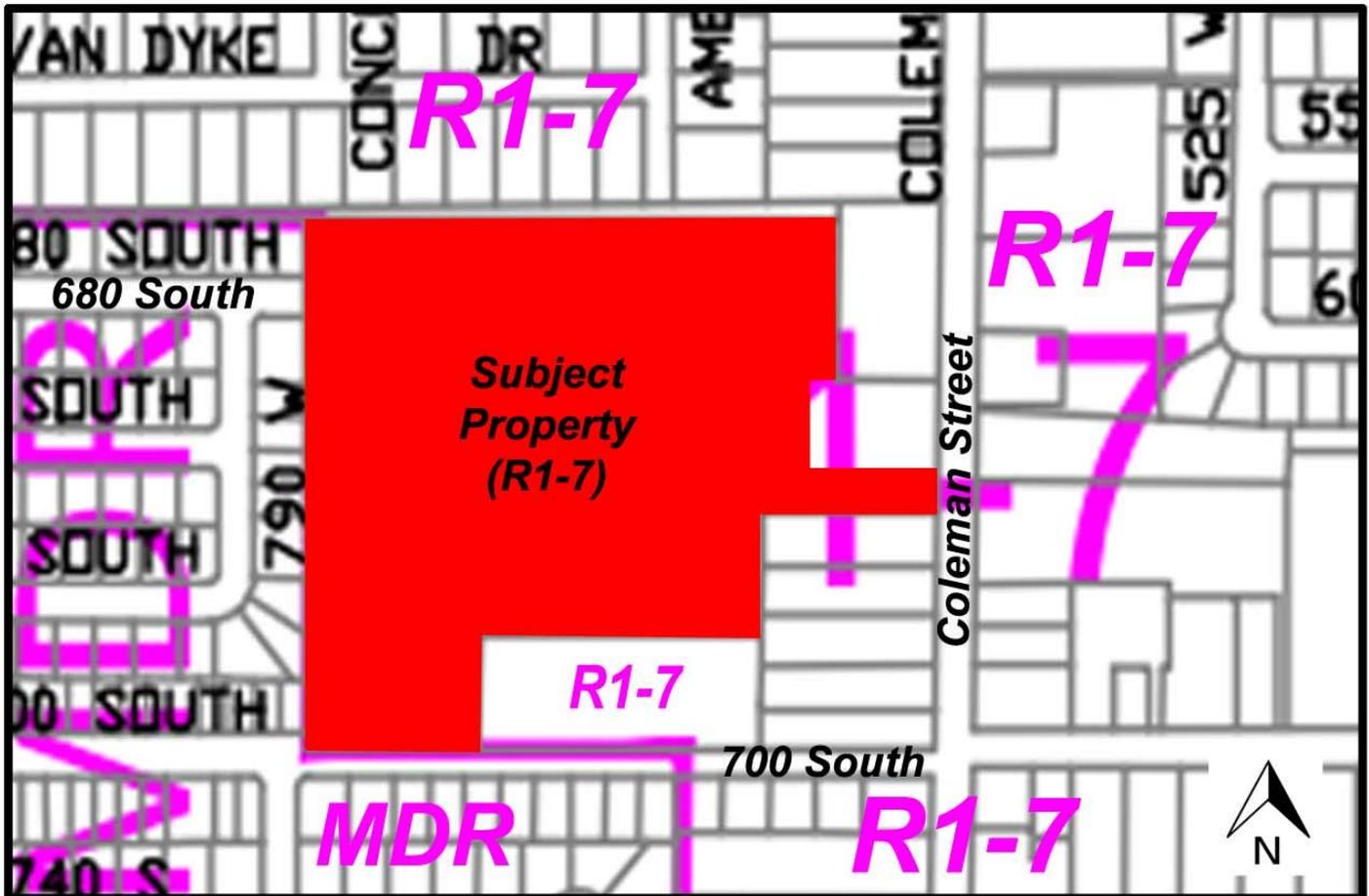
**MAPPING PERTINENT TO THE HUNTER'S MEADOW PRELIMINARY PLAN  
SUBDIVISION**

***Hunter's Meadow Preliminary Plan Subdivision***



***Aerial View***

**Hunter's Meadow Preliminary Plan Subdivision**



**Current Zoning**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**



**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](http://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.

Project Information				PI9-155			
Date of Submission:	3/12/19	Current Map Designation:	RI-7 Zone	Proposed Map Designation:	RI-7 PUD Zone	Parcel #(s):	
Project Name:	Berra Blvd. Development					Acres: 36.11 AC	
Project Address:	Aaron Dr & Berra Blvd. Berra Blvd. south of 1380 N and northwest of the Union Pacific Railroad						
Proposed for Amendment:	<input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan:						
Brief Project Summary:							
A zone amendment from RI-7 to RI-7 PUD for 36.11 acres owned by Metro West Developers is being requested. This will feature a single-family residential neighborhood with an emphasis on open space, amenities, walkability, and a variety of single-family home product types.							
Property Owner(s): Metro West Developers, LLC				Applicant(s): Metro West Developers, LLC			
Address: 1168 Hanline Circle				Address: Same			
City: Kaysville	State: UT	Zip: 84037	City: Same		State: →	Zip: →	
Phone: (801) 550-5499				Phone: →			
Contact Person: Jack Andrews				Address: 1168 Hanline Circle			
Phone: (801) 550-5499				City: Kaysville		State: UT	Zip: 84037
Cellular: (801) 550-5499		Fax:		jackandrews360@gmail.com			

Aaron Dr & Berra Blvd.

\*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.

2190154

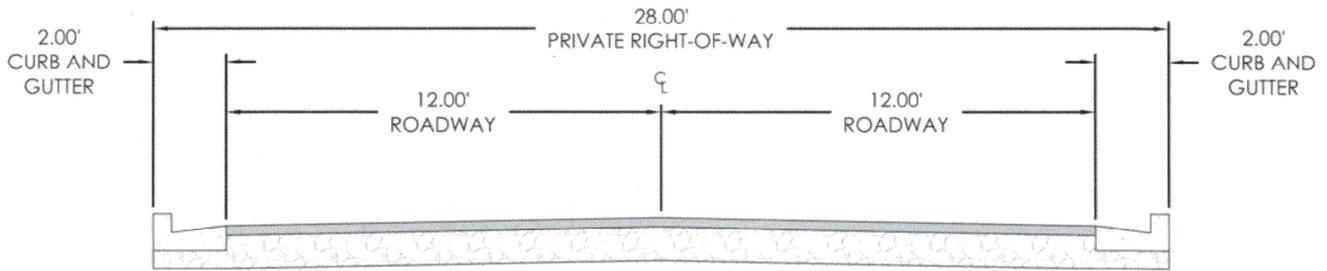
For Office Use Only			
Received By: CA	Date Received: 3/13/19	Fees: 44,600 <sup>00</sup>	Receipt App. #: 0034128Z



# TOOELE CITY REZONE PETITION

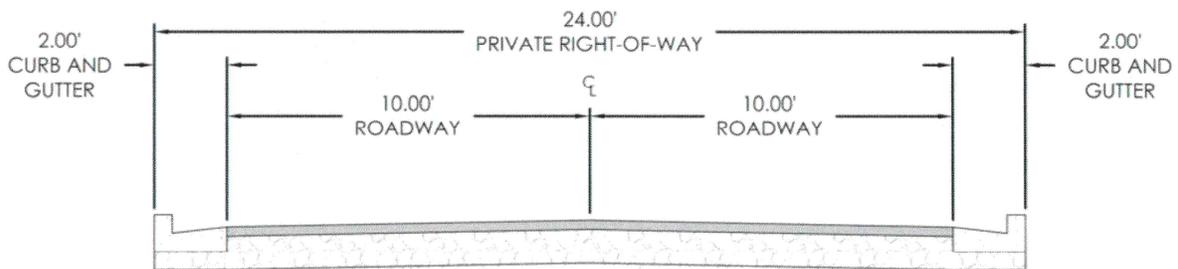
## R1-7 to R1-7 PUD Rezone Exceptions

1. Permit a Single Family Dwelling to have a Minimum Lot Size of 2,500 sq. ft.
2. Maintain the Maximum Dwelling units per acre for PUD at 5.0 units per acre.
3.
  - a. Permit a minimum of 30 Ft. frontage at front property line.
  - b. Permit all residential uses 30 Ft. minimum lot width at front setback line.
  - c. Permit all other uses 30 Ft. minimum at front setback line.
4. Where front-loaded Single Family Dwellings face a public right-of-way:
  - a. Permit a minimum Front Yard Setback of 15 ft. from right-of-way to dwellings and 18 ft. from right-of-way to garages.
  - b. Permit a minimum Side Yard Setback of 3 ft. from any shared lot line, 6 ft. total between interior lots, and 10 ft. for corner lots.
  - c. Permit a minimum Rear Yard Setback of 10 ft. for interior lots and 5 ft. for corner lots.
5. Where front-loaded Single Family Dwellings face a private road or shared driveway:
  - a. Permit a minimum Front Yard Setback of 5 ft. from private road or shared driveway to dwellings and garages.
  - b. Permit a minimum Side Yard Setback of 3 ft. from any shared lot line, 6 ft. total between interior lots, and 10 ft. for side yards adjacent to a right-of-way.
  - c. Permit a minimum Rear Yard Setback of 5 ft. from any shared lot line, 10 ft. total between interior lots, and 10 ft. for backyards adjacent to a right-of-way.
6. Where rear-loaded Single Family Dwellings face a public or private right-of-way or open space:
  - a. Permit a minimum Front Yard Setback of 10 ft. from public right-of-way
  - b. Permit a minimum Side Yard Setback of 3 ft. from any shared lot line, 6 ft. total between interior lots, and 10 ft. for side yards adjacent to a right-of-way.
  - c. Permit a minimum Rear Yard Setback of 5' ft. from private road or shared driveway to dwellings and garages.
7. Maintain a maximum building height of 35 ft. and a minimum building height of 1 story and a maximum building height of 3 stories.
8. Permit a maximum total lot coverage of 60% for all buildings.
9. Maintain all R1-7 minimum residential dwelling unit sizes (finished sq. ft.) shown on Table 4 of Title 7, Chapter 14.
10. Permit private road and shared driveway cross-sections per the Cross-Section Exhibit provided with this application.
11. Require a minimum of 21,780 sq. ft. (one half-acre) of improved open space with a minimum of one playground area (700 sqft minimum) and one covered sitting area (100 sqft min).



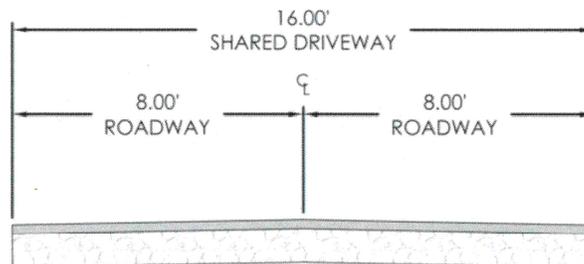
**28' PRIVATE THROUGH ROAD**

N.T.S.



**24' PRIVATE DEAD-END ROAD**

N.T.S.

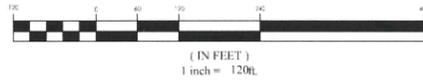


**16' SHARED DRIVEWAY**

N.T.S.



GRAPHIC SCALE

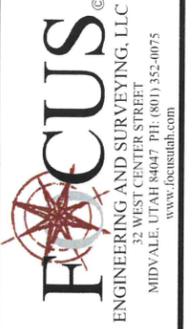


**LEGEND**

PROPOSED R1-7 PUD ZONE (36.11 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. THIS ZONE IS ADJACENT TO THE OVERLAKE DEVELOPMENT, CURRENTLY ZONED AS R1-7. BOTH R1-7 AND R1-7 PUD ZONES MAINTAIN THE SAME MAXIMUM DENSITY OF 5.0 UNITS PER ACRE.
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.
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 TOOEE.
5. THE PROPOSED ZONING WOULD FOLLOW TOOEE'S COMMUNITY DEVELOPMENT MISSION BY CREATING A QUALITY SINGLE-FAMILY NEIGHBORHOOD DESIGN THAT WOULD BOOST NEIGHBORHOOD LIVABILITY AND APPEARANCE, FACILITATE REDEVELOPMENT, ATTRACT BUSINESS, AND RETAIN BUSINESS.



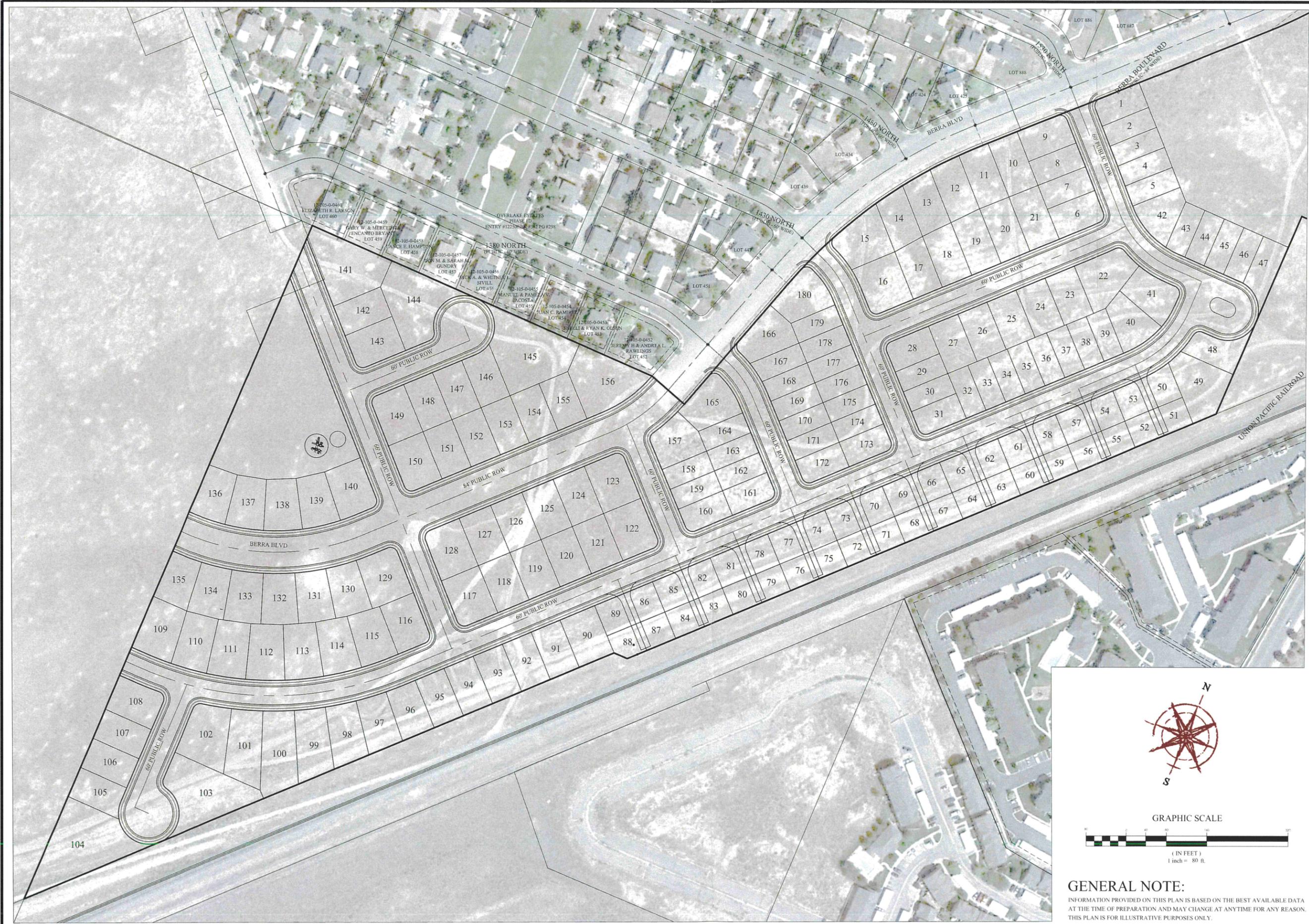
**BERRA BLVD DEV.**  
TOOELE, UTAH  
**REZONE EXHIBIT**

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

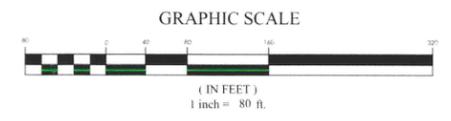
**ZONING MAP**

Scale: 1"=120'      Drawn: CJG  
 Date: 3/12/19      Job #: 18-263  
 Sheet: 1

F:\2018\18-263 Miller - Berra Blvd\Map 18-263\Map\Map\Berra Blvd\Rezone Exhibit 031719.dwg



**BERRA BLVD DEV.**  
 TOOELE, UTAH  
**CONCEPT PLAN**



**GENERAL NOTE:**  
 INFORMATION PROVIDED ON THIS PLAN IS BASED ON THE BEST AVAILABLE DATA AT THE TIME OF PREPARATION AND MAY CHANGE AT ANYTIME FOR ANY REASON. THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY.

REVISION BLOCK	
#	DESCRIPTION
1	
2	
3	
4	
5	
6	

<b>SINGLE FAMILY CONCEPT</b>	
Scale: 1"=80'	Drawn: CJG
Date: 3/12/19	Job #: 18-263
Sheet:	<b>G</b>

**MUNICIPAL BUILDING AUTHORITY OF TOOELE CITY, UTAH**

**RESOLUTION 2019-02**

**A RESOLUTION OF THE MUNICIPAL BUILDING AUTHORITY OF TOOELE CITY, UTAH, APPROVING A CONTRACT WITH GSH MATERIALS TESTING & INSPECTION, INC. FOR MATERIALS TESTING AND SPECIAL INSPECTION SERVICES ON THE NEW POLICE STATION PROJECT.**

WHEREAS, Tooele City Corporation, through its Municipal Building Authority (MBA), is constructing a new Police Station located at 70 North Garden Street; and,

WHEREAS, the City requires materials testing of construction materials and special inspection services which include, but are not limited to, soils and aggregate, concrete, structural steel, structural masonry, fireproofing, and related construction elements; and,

WHEREAS, GSH has existing knowledge of the property in that they previously performed the geotechnical engineering work for the Police Station project and have provided design criteria used in the project; and,

WHEREAS, GSH Materials Testing & Inspection, Inc. has submitted a cost proposal of Thirty One Thousand Three Hundred Eighty Eight Dollars and 50 Cents (\$31,388.50) to perform the required materials testing; and,

WHEREAS, the proposal, including estimate details and hourly rates, are as described in the attached Proposal dated March 14, 2019 (Exhibit A); and,

WHEREAS, funding for the study will be paid using revenue from the Public Safety Impact Fee fund and/or related project funds,

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL BUILDING AUTHORITY OF TOOELE CITY, UTAH, that the MBA hereby approves a contract with GSH Materials Testing & Inspection, Inc. in the amount of Thirty One Thousand Three Hundred Eighty Eight Dollars and 50 Cents (\$31,388.50) to perform the materials testing services associated with construction of the Police Station located at 70 North Garden Street (Exhibit B).

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 Municipal Building Authority of Tooele City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2019.

MUNICIPAL BUILDING AUTHORITY OF TOOELE CITY, UTAH

(For)

(Against)

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

ATTEST:

\_\_\_\_\_  
Michelle Pitt, MBA Secretary

S E A L

Approved as to Form:

  
\_\_\_\_\_  
Roger Evans Baker, MBA Attorney

## Exhibit A

### Materials Testing and Inspection Proposal



March 14, 2019

**Tooele City Corporation**  
Attention: Mr. Paul Hansen  
90 North Main Street  
Tooele, UT 84074

Email: PaulH@TooeleCity.org  
Phone: (435) 843-2132

Re: Tooele City Police Station  
80 North Garden Street  
Tooele, UT 84074  
GSH MTI Proposal No. 19-0207MR1

Mr. Hansen,

GSH Materials Testing and Inspection (GSH MTI) is pleased to submit the following fee estimate and unit rates to provide materials testing and special inspection services on a "Part Time" basis for the Tooele City Police Station project.

Based on our understanding of this project, GSH MTI proposes to provide the following services on a unit price, time and materials basis in accordance with the attached *Estimate Detail*.

- Soils and Aggregate Field and Laboratory Testing
- Concrete Field and Laboratory Testing
- Structural Concrete Special Inspection
- Structural Masonry Special Inspection
- Spray Applied Fireproofing Special Inspection
- Structural Steel Special Inspection

Time will be billed as "Portal to Portal" and rounded up to the nearest one-half hour with a two (2) hour minimum. Premium time will be invoiced at 1.5 times the regular rates for all field and laboratory hours worked in excess of 8 hours per day and/or before 8:00am and after 5:00pm, Monday through Friday, and all hours worked on Saturdays, Sundays, and Holidays, or exceeding forty hours per week if GSH MTI is requested to provide personnel on a Full Time basis which is defined as on-site every work day for a minimum of forty hours per week per individual GSH MTI employee. **The total actual charges for our services are completely controlled by the Contractor, Sub-Contractors and Suppliers performance and schedules and will depend upon the extent and nature of the work to be performed, the contractor's ways and means of construction, the amount of services requested, and the construction schedule and productivity.** We will strive to keep costs to a minimum, consistent with the owner's interest and the projects requirements.

GSH MTI's estimated fees are based on our review of the information derived from information and documents made available to us via E-mail dated February 21<sup>st</sup>, 2019 from Big-D Construction. During the development of this proposal and fee estimate no detailed construction schedule was provided nor specific earthwork, utilities installation, civil work, concrete or structural steel detailed placement and/or production schedules were made available; therefore assumptions were made based on the information

provided and our experience on similar projects. Our estimate, based upon our assumptions and information provided is **\$31,388.50**, which is summarized on the attached *Estimate Detail*. **We recommend that Tooele City Corporation and Big-D Construction review the attached Estimate Detail to ensure the estimate sufficiently meets the project testing and inspection requirements and the intent of the General Contractor's Schedule, Quantities and Production Rates (ie. number of site visits, number of man-hours on site, number of laboratory samples and testing, etc.).** Services will be billed only for work actually performed.

GSH MTI will commence with the work upon receipt of a signed copy of this proposal intact, a purchase order, letter, or contract incorporating this proposal. When returning the signed proposal, please complete the attached *Project Data Sheet* so that your file can be properly established.

GSH MTI appreciates the opportunity of offering our services to your project and look forward to working with you. Please feel free to contact us with any questions you may have concerning the proposal and the services that GSH MTI can provide your project.

Respectfully submitted,  
**GSH Materials Testing and Inspection, Inc.**



Ken Lobato  
Operations Manager

<b>Authorization</b>			
To execute this proposal, please sign and complete the authorization information below along with applicable payment instructions, and return one copy of the authorized proposal to our office.			
_____ Authorized By (please print)		_____ Signature	
_____ Title		_____ Firm	
_____ Address			
_____ City	_____ State	_____ Zip Code	_____ Telephone
_____ Email Address		_____ Fax Number	
_____ Date		_____ Purchase Order No. / Project Tracking No. (if applicable)	

**ESTIMATE DETAIL**

**1.0 SITE DEVELOPMENT**

**1.1 Site Development - Field**

	Estimated No. Trips	Hours Per Trip	Estimated Total	Hourly Rate	Total
1.1.1 Engineering Technician - Soils Testing	21	x 3	= 63	x \$45.50	= \$2,866.50
1.1.2 Inspector - Geopiers	0	x 0	= 0	x \$65.00	= \$0.00
1.1.4 Engineering Technician - Asphalt Testing	1	x 8	= 8	x \$47.00	= \$376.00
1.1.5 Engineering Technician - Sample Pick-Up	1	x 2	= 2	x \$43.00	= \$86.00
<b>Subtotal:</b>					<b>\$3,328.50</b>

**1.2 Site Development - Laboratory**

	Unit/Measure	Test Method	Estimated Total	Unit Rate	Total
1.2.1 Soils					
1.2.1.1 Moisture Density Relationship	(each)	ASTM D1557	3	x \$185.00	= \$555.00
1.2.1.2 Atterberg Limits Test	(each)	ASTM D4318	3	x \$90.00	= \$270.00
1.2.1.3 Sieve Analysis	(each)	ASTM C136	3	x \$90.00	= \$270.00
1.2.2 Asphalt					
1.2.2.1 Theoretical Max Density (Rice)	(each)	ASTM 2041	1	x \$90.00	= \$90.00
1.2.2.2 Marshall, Stability and Flow	(each)	ASTM D1559	1	x \$295.00	= \$295.00
1.2.2.3 Extraction/Gradation	(each)	ASTM D2172	1	x \$195.00	= \$195.00
<b>Subtotal:</b>					<b>\$1,675.00</b>

**TOTAL: SITE DEVELOPMENT \$5,003.50**

**2.0 CONCRETE**

**2.1 Concrete - Field**

	Estimated No. Trips	Hours Per Trip	Estimated Total	Hourly Rate	Total
2.1.1 Special Inspector - Reinforced Concrete	15	x 4	= 60	x \$62.50	= \$3,750.00
2.1.2 Special Inspector - Post-Tension Concrete	0	x 0	= 0	x \$65.00	= \$0.00
2.1.3 Special Inspector - Epoxy Anchor	4	x 3	= 12	x \$65.00	= \$780.00
2.1.4 Technician - Concrete	19	x 3	= 57	x \$45.50	= \$2,593.50
2.1.5 Technician - Sample Pick Up	10	x 2	= 20	x \$43.00	= \$860.00
2.1.6 Technician - Floor Flatness / Levelness	0	x 0	= 0	x \$80.00	= \$0.00
<b>Subtotal:</b>					<b>\$7,983.50</b>

**2.2 Concrete - Laboratory**

	Unit/Measure	Estimated Total	Unit Rate	Total
2.2.1 Concrete Compressive Strength	(sets of 4) (\$16.00/each)	29	x \$64.00	= \$1,856.00
<b>Subtotal:</b>				<b>\$1,856.00</b>

**TOTAL: CONCRETE \$9,839.50**

**3.0 MASONRY**

**3.1 Special Inspector - Field**

	Estimated No. Trips	Hours Per Trip	Estimated Total	Hourly Rate	Total
3.1.1 Special Inspector - Structural Masonry	29	x 4	= 116	x \$62.50	= \$7,250.00
<b>Subtotal:</b>					<b>\$7,250.00</b>

**3.2 Masonry - Laboratory**

	Unit/Measure	Test Method	Estimated Total	Unit Rate	Total
3.2.1 Masonry Prisms	(sets of 3)	ASTM C1314	6	x \$255.00	= \$1,530.00
3.2.2 Compressive Strength Grout	(sets of 4)		0	x \$140.00	= \$0.00
3.2.3 Compressive Strength Mortar	(sets of 3)		0	x \$48.00	= \$0.00
<b>Subtotal:</b>					<b>\$1,530.00</b>

**TOTAL: MASONRY \$8,780.00**

4.0 STEEL	Estimated No. Trips	Hours Per Trip	Estimated Total	Hourly Rate	Total
<b>4.1 Steel - Field</b>					
4.1.1 Special Inspector - Structural Steel	4	x 4	= 16	x \$75.00	= \$1,200.00
4.1.2 Special Inspector - Ultrasonic Testing	2	x 6	= 12	x \$90.00	= \$1,080.00
	<b>Subtotal:</b>				<b>\$2,280.00</b>

4.2 Misc. Field and Laboratory	Unit/Measure	Test Method	Estimated Total	Unit Rate	Total
<b>4.2.1 High Strength Grout</b>					
4.2.1.1 Compressive Strength Grout	(sets of 3)	ASTM C39	0	x \$48.00	= \$0.00
<b>4.2.2 Spray Applied Fireproofing</b>					
<b>4.2.2.1 Special Inspector</b>					
Spray Applied Fireproofing	3	x 3	= 9	x \$62.50	= \$562.50
<b>4.2.2.2 Density Testing</b>					
Density Testing	(each)		2	x \$25.00	= \$50.00
<b>4.2.2.3 Adhesion/Cohesion Testing</b>					
Adhesion/Cohesion Testing	(each)		2	x \$25.00	= \$50.00
	<b>Subtotal:</b>				<b>\$662.50</b>

<b>TOTAL: STEEL</b>	<b>\$2,942.50</b>
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5.0 STRUCTURAL WOOD INSPECTION	Trips	Trip	Total	Hourly Rate	Total
<b>5.1 Shear Wall/Roof Sheathing</b>					
5.1.1 Shear Wall Inspection	0	x 0	= 0	x \$62.50	= \$0.00
5.1.1 Fire Caulking Inspection	0	x 0	= 0	x \$62.50	= \$0.00
	<b>Subtotal:</b>				<b>\$0.00</b>

<b>TOTAL: STRUCTURAL WOOD</b>	<b>\$0.00</b>
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6.0 TRANSPORTATION	Trips	Trip	Total	Unit Rate	Total
<b>6.1 Vehicle Charges</b>					
6.1.1 Mileage	106	x 70	= 7420	x \$0.65	= \$4,823.00
	<b>Subtotal:</b>				<b>\$4,823.00</b>

<b>TOTAL: TRANSPORTATION</b>	<b>\$4,823.00</b>
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7.0 PROJECT ADMINISTRATION		
<b>7.1 Management</b>		
7.1.1 Project Management (Including daily field and laboratory report review)		\$90.00 / Hour
7.1.2 Project Engineer		\$145.00 / Hour
<b>7.2 Clerical</b>		
7.2.1 Daily Field and Laboratory Reports		\$7.00 / Each
7.2.2 Clerical (Tasks other than normal daily field and laboratory reports)		\$40.00 / Hour

<b>TOTAL PROJECT ESTIMATE</b>	<b>\$31,388.50</b>
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Estimate Reviewed & Approved by:

\_\_\_\_\_  
 (Client)

Date:

\_\_\_\_\_

### PROJECT DISTRIBUTION LIST

(Please include anyone who needs to be emailed project testing and inspection data)

Project Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

Your Job No.: \_\_\_\_\_

Project Manager: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Number and Distribution of Reports: \_\_\_\_\_

( ) \_\_\_\_\_ ( ) \_\_\_\_\_

\_\_\_\_\_

Attn: \_\_\_\_\_ Attn: \_\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell \_\_\_\_\_ Phone: \_\_\_\_\_ Cell \_\_\_\_\_

( ) \_\_\_\_\_ ( ) \_\_\_\_\_

\_\_\_\_\_

Attn: \_\_\_\_\_ Attn: \_\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell \_\_\_\_\_ Phone: \_\_\_\_\_ Cell \_\_\_\_\_

Invoicing Address: \_\_\_\_\_

\_\_\_\_\_

Attn: \_\_\_\_\_

Site Contact: \_\_\_\_\_ Phone No.: \_\_\_\_\_ Mobile: \_\_\_\_\_

Other Pertinent Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## TERMS AND CONDITIONS

1. **AUTHORIZATION TO PROCEED.** The signing of this Agreement by the Client and GSH MTI will serve as written authorization for GSH MTI to proceed with the services called for in this Agreement.
2. **EXTENT OF AGREEMENT.** This Agreement, including attachments incorporated herein by reference, represents the entire agreement between GSH MTI and Client and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be altered only by written instrument signed by authorized representatives of both Client and GSH MTI.
3. **CHANGES.** Work beyond the scope of services, redoing any part of the project through no fault of GSH MTI, or the discovery of conditions or circumstances not contemplated by GSH MTI at the commencement of this Agreement shall constitute extra work and shall be paid for on a time-and-materials basis in accordance with Schedule of Charges attached to this Agreement. GSH MTI will not perform such extra work without Client's notification and approval. In the event GSH MTI's work is interrupted due to delays other than delays caused by GSH MTI, GSH MTI shall be compensated equitably in accordance with the Schedule of Charges attached to this Agreement for the additional labor or other charges associated with maintaining its work force for Client's benefit during the delay, or at the option of the Client, for charges incurred by GSH MTI for demobilization and subsequent remobilization.
4. **PAYMENT.** GSH MTI shall invoice Client periodically for the services performed under this Agreement. Client shall pay such invoice upon receipt. Invoices not paid within thirty (30) days of the invoice date shall be subject to a late payment charge of 1-1/2 percent per month (18% per annum) from date of billing until paid. The invoice amounts shall be presumed to be correct unless Client notifies GSH MTI in writing within fourteen (14) days of receipt. Progress billings, when paid; represent acceptances by Client of the invoiced services performed by GSH MTI. The Client agrees to pay attorney fees and costs necessary to collect on past due accounts. If client fails to pay an invoice when due, GSH MTI may suspend all services until such invoice is paid in full.
5. **PERMITS, UTILITIES AND ACCESS.** Unless otherwise stated in the Proposal, the Client shall apply for and obtain all required permits and licenses. The Client shall make all necessary arrangements for right of entry to provide GSH MTI access to the site for all equipment and personnel at no charge to GSH MTI. The Client shall also provide GSH MTI with the location of all underground utilities and structures in the exploration area, unless otherwise agreed in writing. While GSH MTI will take all reasonable precautions to minimize any damage to the property, the Client agrees to hold GSH MTI harmless for any damages to any subterranean structures or any damage required for right of entry.
6. **PROBABLE COSTS.** GSH MTI does not guarantee the accuracy of probable costs for providing services hereunder. Such probable costs represent only GSH MTI judgment as a Professional and are supplied only for the general guidance of the Client. Items listed under Project Administration in the Estimate Detail of this proposal are included as unit / hourly rates only and not as total project costs for these items.
7. **DISPUTES.** Any dispute arising hereunder shall first be resolved by taking the following steps, where a successive step is taken if the issue is not resolved at the preceding step: 1) by the technical and contractual personnel for each party performing this Subcontract, 2) by executive management of each party, 3) by mediation, 4) by arbitration if both parties agree or 5) through the court system of the jurisdiction of the GSH MTI office that entered into this Agreement.
8. **STANDARD OF CARE.** GSH MTI shall perform its services in a manner consistent with the standard of care and skill ordinarily exercised by members of the profession practicing under similar conditions in the geographic vicinity and at the time the services are performed. This Agreement neither makes nor intends a warranty or guarantee, express or implied.
9. **INDEMNITY.** Client waives any claim against GSH MTI, its officers, employees and agents and agrees to defend, indemnify, protect and hold harmless GSH MTI and its officers, employees and agents from any and all claims, liabilities, damages or expenses, including but not limited to delay of the project, reduction of property value, fear of or actual exposure to or release of toxic or hazardous substances, and any consequential damages of whatever nature, which may arise directly or indirectly, to any party, as a result of the services provided by GSH MTI under this Agreement, unless such injury or loss is caused by the sole negligence of GSH MTI. All claims by Client shall be deemed relinquished unless filed within one (1) year after substantial completion of the services.
10. **LIMITATION OF LIABILITY.** Notwithstanding any other provision of this Agreement, Client agrees to limit GSH MTI's and its officers, employees and agents liability due to professional negligence and to any liability arising out of or relating to this Agreement to the lesser of \$50,000 or the stated value of this Agreement. This limit applies to all services on this project, whether provided under this or subsequent agreements, unless modified in writing, agreed to and signed by authorized representatives of the parties. In addition, GSH MTI shall not be liable for consequential, incidental or indirect damages as a result of the performance of this Agreement.
11. **INSURANCE.** GSH MTI will maintain insurance for this Agreement in the following types: 1) worker's compensation insurance at statutorily required levels, 2) comprehensive general liability insurance and 3) automotive insurance.
12. **RESPONSIBILITY.** GSH MTI is not responsible for the completion or quality of work that is dependent upon or performed by the Client or third parties not under the direct control of GSH MTI, nor is GSH MTI responsible for their acts or omissions or for any damages resulting therefrom.
13. **EXCLUSIVE USE.** Services provided under this Agreement, including all reports, information or recommendations prepared or issued by GSH MTI, are for the exclusive use of the Client for the project specified. No other use is authorized under this Agreement. Client will not distribute or convey GSH MTI's reports or recommendations to any person or organization other than those identified in the project description without GSH MTI's written authorization. Client releases GSH MTI from liability and agrees to defend, indemnify, protect and hold harmless GSH MTI from any and all claims, liabilities, damages or expenses arising, in whole or in part, from such unauthorized distribution.
14. **FIELD REPRESENTATION.** The presence of GSH MTI's or its subcontractors' field personnel, may be for the purpose of providing project administration, assessment, observation and/or field testing. Should a contractor(s) not retained by GSH MTI be involved in the project, Client will advise such contractor(s) that GSH MTI's services do not include supervision or direction of the means, methods or actual work of the contractor(s), his employees or agents. Client will also inform contractor that the presence of GSH MTI's field representative for project administration, assessment, observation or testing, will not relieve the contractor of its responsibilities for performing the work in accordance with applicable regulations, or in accordance with project plans and specifications. If a contractor is involved on the project, Client agrees GSH MTI shall not be responsible for working conditions on the job site including the safety and security of persons or property.
15. **ENVIRONMENTAL LIABILITY.** Client has and shall retain all responsibility and liability for the environmental conditions on the site. All non-consumed samples shall remain the property of the Client, and Client shall be responsible for and promptly pay for the removal and lawful disposal of samples, cuttings and hazardous materials, unless otherwise agreed in writing. If appropriate, GSH MTI shall preserve samples obtained for the project for not longer than 30 days after the issuance of any document that includes the data obtained from those samples.
16. **TERMINATION.** This Agreement may be terminated by either party upon ten (10) days written notice to the other. In the event of a termination, Client shall pay for all reasonable charges for work performed and demobilization by GSH MTI to date of notice of termination. The limitation of liability and indemnity obligations of this Agreement shall be binding notwithstanding any termination of this Agreement.
17. **ASSIGNMENT.** Neither client nor GSH MTI shall assign its interest in this Agreement without the written consent of the other.
18. **GOVERNING LAW.** This Agreement is governed by the law of the judicial jurisdiction of the GSH MTI office that entered this Agreement.

Client's Initials

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Exhibit B

Agreement

## AGREEMENT

The MUNICIPAL BUILDING AUTHORITY OF TOOELE CITY, UTAH, (hereinafter "MBA"), and GSH Materials Testing & Inspection Inc. of 473 West 4800 South, Murray, Utah 84123, a Corporation, (hereinafter "Contractor") enter into this Agreement on the \_\_\_ day of \_\_\_\_\_, 2019 (the "Effective Date").

**Now, therefore, in consideration of the promises contained in this Agreement, the MBA and the Contractor agree to the following:**

1. Services (Scope of Work). The Contractor shall provide the following services to the MBA, and as outlined in their proposal dated March 14, 2019:  
  
Materials Testing and Special Inspection Services for the Tooele MBA Police Station Project at 70 North Garden Street, Tooele Utah.
2. Disclaimer of Right of Control. Contractor shall perform its duties competently. The MBA disclaims any right to control the Contractor's performance of the Services.
3. Compensation.
  - a. Rate. The MBA shall pay the Contractor the not to exceed sum of Thirty One Thousand Three Hundred Eighty Eight Dollars and 50 Cents (\$31,388.50), pursuant to invoice.
  - b. Not to Exceed Contract. This Agreement is a "Not to Exceed Contract." The contract billable rates are as shown in the attached proposal dated March 14, 2019, and include all costs and expenses associated with the provision of the Services.
  - c. No Benefits. The parties specifically agree that as an independent contractor, Contractor neither claims nor is entitled to benefits accorded MBA employees.
4. Term of Agreement. Contractor's performance shall extend throughout the construction period of the Police Station, which is estimated to be 12 months.
5. Termination. The MBA may terminate this Agreement at any time. Should the MBA terminate this Agreement prior to the Services being fully performed, the MBA shall pay for those Services performed.
6. Indemnification and Insurance.
  - a. Contractor Liability Insurance. Contractor shall obtain and maintain liability insurance in the amount of at least \$250,000.
  - b. Contractor Indemnification. Contractor shall indemnify and hold the MBA and Tooele City and their agents harmless from all claims of liability for injury or damage caused by any act or omission of Contractor or its agents in performance of this Agreement.
  - c. Contractor Workers Compensation Insurance. Contractor shall purchase and maintain workers compensation insurance for all of its employees. If Contractor is a sole proprietor, Contractor shall purchase and maintain workers compensation insurance or obtain an exclusion from Workers Compensation Fund of Utah.
  - d. Evidence of Contractor Insurance. Contractor shall provide written evidence of liability insurance and workers compensation insurance or exclusion to the MBA

within ten (10) days of the Effective Date. The MBA will not make any payments under this Agreement until it receives from Contractor the evidence of insurance.

e. Status Verification Indemnification. Contractor shall indemnify and hold the MBA and its agents harmless from all claims resulting from any violation of immigration status verification obligations contained in U.C.A. §63G-11-103 et seq.

7. Complete Agreement. This Agreement is the only agreement or understanding between the parties, and may be modified or amended only by a written document signed by both parties.

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

MBA

GSH Materials Testing & Inspection Inc

\_\_\_\_\_  
Steven Pruden, Chair

\_\_\_\_\_  
Signature

Print Name/Title: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Michelle Pitt, MBA Secretary and City Recorder

TOOELE CITY SEAL

Approved as to form:

\_\_\_\_\_  
Roger Baker, MBA Attorney