

## PUBLIC NOTICE

Notice is hereby given that the Tooele City Council and the Redevelopment Agency (RDA) of Tooele City will meet in a Work Meeting, on Wednesday, March 19, 2025, at 5:30 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website [www.utah.gov](http://www.utah.gov), the Tooele City Website [www.tooelecitey.gov](http://www.tooelecitey.gov), and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or [michellep@tooelecitey.gov](mailto:michellep@tooelecitey.gov).

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecitey> or by going to YouTube.com and searching "Tooele City Channel".

## AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
  - a. **Discussion on Ordinance 2025-06** An Ordinance of Tooele City Amending Tooele City Code Section 8-4-4 Regarding Nuisance Abatement  
*Presented by Andrew Aagard, Community Development Director*
  - b. **Discussion** on Proposed Amendments to Tooele City Code 7-19; Subdivisions, Regarding Non-Standard Divisions of Land in Tooele City  
*Presented by Andrew Aagard, Community Development Director*
  - c. **Discussion** on Proposed Amendments to Tooele City Codes Regarding the Location and Placement of Accessory Structures in Commercial and Mixed-Use Zoning Districts  
*Presented by Andrew Aagard, Community Development Director*
6. **Closed Meeting**  
*~ Litigation, Property Acquisition, and/or Personnel*
7. **Adjourn**

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Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations should notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2111 or [Michellep@Tooelecitey.gov](mailto:Michellep@Tooelecitey.gov), prior to the meeting.

## MEMORANDUM

**To:** Tooele City Council  
**Cc:** Mayor Debbie Winn  
**From:** Andrew Aagard, AICP, Director  
**Date:** March 11, 2025  
**Re:** Weed Enforcement

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### **Subject:**

Tooele City is approaching or has surpassed the 40,000 population threshold and for all of those 40,000 individuals Tooele City has ONE Code Enforcement officer tasked with making sure that all weeds within the City are appropriately trimmed and maintained according to the code. In addition to weeds the Code Enforcement officer is also required with enforcing excessive garbage, graffiti, inoperable vehicles, signs and every other code as found in Tooele City Code Title 7. This task can be daunting for one individual given the size of the City. The Code Enforcement officer does not have the time to enforce weed issues on every property within the City.

Mayor Winn, Faalili Finai and I have met to discuss Tooele City Code 8-4-4, Nuisances and other unlawful conditions, particularly section 1a. This section is related directly to the enforcement of weeds. The ordinance is fairly straight forward in that it simply states that any weed taller than 6" is a violation. It doesn't clarify what is considered a weed or where these tall weeds create a hazard, only that weeds 6" or taller create a violation. It can be deduced under this weed standard that Mr. Finai could easily spend the balance of his week working with weed enforcement alone.

Some issues that have recently been encountered by the Code Enforcement Officer relate to various plantings that are not considered weeds by the property owner. Such as a pollinator garden. A pollinator garden is a collection of natural grasses and flowers that can often be considered as weeds. These plants produce flowers that attract bees. To the passer by these tall grasses and flowers look like weeds but are intended in their position and arrangement for the purpose of attracting butterflies, bees and other pollinators. We also encounter issues when individuals are using native grasses and shrubs as plantings for decorative purposes, rather than just as weeds. However, again, to the Code Enforcement Officer these may not look like ornamental plants but can often be interpreted as weeds. Enforcement processes in these situations often result in the property owner believing they are being unjustly targeted by the City.

In our meeting to discuss the enforcement of weeds we also asked the question as to whether it is an appropriate role for the City to be a large HOA and ensure that everyone maintains their property in a certain manner? In our discussions we determined the City should only be involved in weed enforcement when the weeds create a hazard or nuisance situation. Hence the proposed code amendments.

It is our intention to amend this ordinance to limit the enforcement of weeds to situations that create a hazard or obvious nuisance. We are therefore proposing the following changes:

1. Eliminate the blanket 6" height limitation for weeds on properties smaller than 1 acre.
2. In the public right-of-way weed enforcement will only relate to weed heights that create visibility problems at intersections and drive ways.

3. On any parcel of land less than 1 acre in size weeds will only be enforced when excessive weeds create a fire hazard or other nuisance conditions such as a nesting site for vermin and other feral animals. This will require some judgment on the part of the Code Enforcement officer.
4. On any property larger than 1 acre weeds shall be cut and maintained at less than 6" within 30 feet of the property line. This is essential for fire control and for the protection of adjacent structures if a fire does occur on the property. The 6" requirement is recommended as this is the typical setting most mower machines have for the cutting blade.

Tooele City is not an HOA and the City just doesn't have the resources, manpower or time to watch everyone's property and make sure the weeds are appropriately trimmed, especially when there is not a clear hazard or nuisance resulting from taller weeds. It is our intention that these amendments will permit the Code Enforcement officer to focus on issues that create a hazard and not focus on weeds under someone's fence line.

#### **8-4-4. Nuisances and other unlawful conditions.**

(1) It shall be unlawful for any person or association owning, occupying, or otherwise exercising control over real property in Tooele City to allow, permit, cause, or maintain a nuisance, including any of the following:

(a) weeds and/or grass in excess of 6 inches in height located:

(i) in the public right-of-way between the property line and the edge of street pavement of excessive height to create visual obstructions for vehicles and/or pedestrians at driveways and intersections;

(ii) on any land less than 5-1 acres in size where weeds may create fire hazard and/or nesting conditions for vermin and other feral animal; or,

(iii) within 30 feet of the property line of any land of 15 or more acres in size weeds shall be cut and maintained less than 6 inches in height;

(b) the accumulation of garbage, refuse, or unsightly or deleterious objects or structures upon real property, unless contained in connection with an association lawfully situated and licensed for the same;

(c) junked, wrecked, inoperable, or abandoned motor vehicles upon real property, except that up to 2 such vehicles or parts thereof may be stored within an enclosed building or completely screened by a sight-obscuring fence;

(d) any other unsightly or deleterious condition that gives rise to a threat to human health or safety; and,

(e) the failure, by any person owning, occupying, or exercising control over any real property within the City, to remove graffiti from the property.

(2) Automobile impound yards and wrecking yards, which are lawfully established, licensed, and operated within the City, are not a nuisance under this Chapter if the yards are completely screened by a sight-obscuring fence and are compliant with all Tooele City conditional use permit, site plan, building permit, and other City requirements.

**TOOELE CITY CORPORATION**

**ORDINANCE 2025-06**

**AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 8-4-4 REGARDING NUISANCE ABATEMENT.**

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah’s charter cities, including Tooele City, “the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law”; and,

WHEREAS, UCA Section 10-8-84 enables Tooele City to “pass all ordinances and rules, and make all regulations . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, UCA Section 10-8-60 enables Tooele City to define and abate nuisances; and,

WHEREAS, the abatement of nuisances in Tooele City is governed by TCC Chapter 8-4; and,

WHEREAS, the City Administration recommends amendments to TCC Section 8-4-4 regarding the abatement of weeds and other nuisances, as shown in Exhibit A, in order to make the nuisance abatement process more predictable for City staff and the public, and more effective in implementing City public nuisance policies, as well as for administrative ease of enforcement:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that TCC Section 8-4-4 is hereby amended as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses 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 \_\_\_\_\_, 2025.

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

Amendments to TCC Section 8-4-4 (Redline)

## CHAPTER 19. SUBDIVISIONS

- 7-19-1. Application of Chapter.
- 7-19-2. General provisions.
- 7-19-3. Interpretation.
- 7-19-4. Severability.
- 7-19-5. Rules of interpretation.
- 7-19-6. Property line adjustments.
- 7-19-6.1. Property Combinations.
- 7-19-6.2. Non-standard Divisions of Land.**
- 7-19-7. Dedications.
- 7-19-8. Procedure for approval of preliminary subdivision.
- 7-19-9. Plats and data for approval of preliminary plan. (Repealed.)
- 7-19-10. Procedure for approval of the final subdivision.
- 7-19-11. Plats, plans, and data for final approval. (Repealed.)
- 7-19-12. Public Improvements – bonds and bond agreements – warranty.
- 7-19-13. Applications for Reimbursement.
- 7-19-14. Failure to act – effect.
- 7-19-15. Phased development.
- 7-19-16. Design standards. (Repealed.)
- 7-19-17. Streets.
- 7-19-17.1. Double-frontage lots – definitions – design – maintenance.
- 7-19-18. Easements.
- 7-19-19. Blocks.
- 7-19-20. Lots.
- 7-19-20.1. Flag Lots.
- 7-19-21. Required land improvements. (Repealed.)
- 7-19-22. Street signs. (Repealed.)
- 7-19-23. Monuments and markers.
- 7-19-24. Public utilities.
- 7-19-25. Sidewalks required – specifications. (Repealed.)
- 7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.
- 7-19-26.1. Park Strip Landscaping in Industrial Subdivisions
- 7-19-27. Sanitary sewers.
- 7-19-28. Engineering specifications.
- 7-19-29. Water service.
- 7-19-30. Trench backfill.
- 7-19-31. Filing of engineering plans.
- 7-19-32. Acceptance of public improvements.
- 7-19-33. Building permits.
- 7-19-34. Final Plat execution, delivery, and recordation. (Repealed.)
- 7-19-35. Minor Subdivision - Exemptions from preliminary subdivision process.
- 7-19-36. Effect of revocation and voiding.

### 7-19-1. Application of Chapter.

No person shall subdivide any tract of land which is located within the City of Tooele, whether for residential or non-residential purposes, except in conformity with the provisions of this Chapter. The subdivision plans and plats, proposed improvements to be installed, and all procedures relating thereto, shall in all respects be in full compliance with the regulations of this Chapter. (Ord. 2023-43, 12-20, 2023) (Ord. 1977-18, 10-19-1977)

### 7-19-2. General provisions.

(1) Wherever any subdivision of land is proposed within the incorporated limits of the City, the owner or subdivider shall submit both a preliminary subdivision application and a final subdivision application to the City for approval.

(2) Until a preliminary subdivision is approved:

(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.

(b) No lot, tract, or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.

(c) No improvements – such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, and lighting, grading, paving, or surfacing of streets – may be made by any person or utility.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Floodplain Administrator, and areas subject to poor drainage, will not be permitted to be subdivided unless the flooding or drainage problems are properly dealt with in the subdivision in compliance with state and federal regulations and with Chapter 4-13 of this Code.

(3) Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the land use authority may cause to be prepared, before subdivision approval, a plan for the entire unit, the plan to be used by the land use authority to determine compliance of a subdivision application with City regulations.

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary subdivision, but prior to the approval of a final subdivision, shall apply to that final subdivision to the extent they do not alter the preliminary subdivision's use, density, or configuration. For purposes of this Chapter, the words "use, density, and configuration" shall refer to the following:

(a) use: the uses allowed by the Tooele City General Plan Land Use Element and the Tooele City land use regulations in effect at the time of complete preliminary subdivision application submission;

(b) density: the number of lots contained in a



(e) the adjustment does not result in, create, or perpetuate any violation of applicable dimensional zoning requirements of this Title for any parcel involved in the adjustment; and,

(f) the adjustment does not adversely affect any easement or right-of-way on, through, within, or adjacent to the properties involved in the adjustment.

(4) Application. The owners shall file an application requesting a property line adjustment, together with all required information and documents.

(a) Application procedures and required documents for property line adjustments involving one or more subdivision lots shall be as outlined elsewhere in this Chapter for subdivision approval.

(b) An application for a property line adjustment involving parcels of record shall include at least the following forms and documentation:

(i) a completed application form for a property line adjustment;

(ii) a copy of all deeds and recorded documents establishing each parcel of record in its current state, including property descriptions for each parcel;

(iii) a scaled drawing showing the current state of all parcels involved in the proposed property line adjustment graphically with their respective property descriptions;

(iv) a proposed and recordable deed document, including a legal description, for each parcel involved in the proposed property line adjustment detailing the proposed layout for the parcel, including its proposed property description, which has been signed by all involved property owners, and notarized; and,

(v) a scaled drawing showing the proposed layout of all parcels involved in the proposed property line adjustment graphically with their respective property legal descriptions.

(5) Zoning Administrator Review for Property Line Adjustments Involving Only Parcels of Record. The Zoning Administrator shall review all information and documents to determine if they are complete, accurate, and that they comply with the requirements set forth in this Section. If the Zoning Administrator determines that the documents are complete and the proposed property line adjustment complies with the standards set forth in this Section, the Zoning Administrator shall approve the property line adjustment. If the Zoning Administrator determines that the documents are not complete or the proposed property line adjustment does not comply with all of the standards set forth in this Section, the Zoning Administrator shall not approve the property line adjustment.

(6) Notice of Approval and Conveyance of Title. After approval by the Zoning Administrator, the applicant shall:

(a) record the appropriate deeds which convey title as approved by the Zoning Administrator; and,

(b) record a Notice of Approval with the deed for each parcel within the property line adjustment application that:

(i) is prepared, signed, and executed by the Zoning Administrator;

(ii) contains the notarized signature of each property owner involved in the property line adjustment; and,

(iii) recites the legal description and parcel number of both of the original parcels and of the parcels created by the property line adjustment.

(7) Inclusion of a property in a property line adjustment shall not grant entitlements or vesting of any kind that did not already exist for the property.

(8) All property line adjustment shall preserve existing easements and provide for new easements for public improvements and other utilities serving the affected parcels.

(9) In the alternative to this Section, property owners may accomplish a lot line adjustment following the procedures established by State of Utah statute.

(Ord. 2023-43, 12-20, 2023) (Ord. 2015-07, 03-18-2015) (Ord. 2013-16, 11-06-2013)

#### **7-19-6.1. Property combinations.**

Property combinations or consolidations may be reviewed and approved in the same manner, by the same standards, and by the same process outlined for property line adjustments in Section 7-19-6 of the Tooele City Code. Property combinations or consolidations may be approved only for a reduction in the number of properties through inclusion of one or more properties into another property and shall be applied for, reviewed, and approved separately from any other land use application.

(Ord. 2023-43, 12-20, 2023) (Ord. 2013-16, 11-06-2013)

#### **7-19-6.2. Non-standard Divisions of Land.**

(1) A non-standard division of land is not a subdivision under this Title.

(2) A non-standard division is a bona fide division of land by deed or other instrument where the division of land:

\_\_\_\_\_ (a) is unassociated with a land use application on the divided parcels;

\_\_\_\_\_ (b) does not confer any land use approvals; and,

\_\_\_\_\_ (c) has not been approved by the land use authority.

(3) Before a parcel of land involved in a non-standard division can receive a land use approval, the owner must comply with all the requirements of this Code for land use approvals, including, but not limited to, all land use regulations, subdivision, public improvements bonding and construction, conveyance of water rights, payment of impact fees, etc.

residential and nonresidential buildings; and

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

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

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

**Subdivide** - The act or process of creating a subdivision.

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

**Subdivision** - Any land, vacant or improved, which is divided or proposed to be divided or resubdivided into two or more lots, parcels, sites, units, plots, condominiums, tracts or other division for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion. **Subdivision does not include a non-standard division of land under Section 7-19-6.2.**

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

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

**Telecommunications Site/Facility** - A facility used for the transmission or reception of

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

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

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

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

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

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

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

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

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

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

(a) chewing tobacco; and,

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

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

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

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

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

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

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

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

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

## MEMORANDUM

**To:** Tooele City Council  
**Cc:** Mayor Debbie Winn  
**From:** Andrew Aagard, AICP, Director  
**Date:** March 11, 2025  
**Re:** Non-Standard Divisions of Land

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### **Subject:**

A few weeks ago Tooele City staff was approached by a member of the Planning Commission to discuss the possibility of subdividing land for ownership purposes only without triggering the requirement for frontage and utility improvements, water rights dedication, impact fees and so forth. There are properties in the City, especially in the in-fill areas that are long and deep with the home occupying only the front section of the lot or parcel. For various reasons, property owners often reach out to Planning Commissioners and City Staff and ask for a means to split off portions of their property that they no longer use, want or want to maintain strictly for the purposes of selling, not for development.

Currently, Tooele City Subdivision ordinances do not include a mechanism whereby this can happen. Tooele City's ordinances currently require that when a subdivision of land occur that the requirement for all of the necessary improvements must be either constructed or bonded for and that water rights either be dedicated or purchased from the City (if the subdivision qualifies). These improvements requirements can be significant and an amount that an individual property owner may not be able to accomplish. This then terminates the sale of the property.

Tooele City currently requires all improvements to be installed or bonded for at time of subdivision to ensure that when new lots are created that the lots meet or exceed all minimum development requirements and most importantly, that the lots are buildable and ready for development with all of the necessary elements of safety and sanitation.

Utah State Code 10-9a-103 Definitions already permits a division of land by deed or by other instrument if the deed states in writing that the division:

1. Is in anticipation of future land use approvals on the parcel or parcels.
2. Does not confer any land use approvals.
3. Has not been approved by the land use authority.

This means that anyone can go to the County Recorder's office and carve off a chunk of land by deed only and sell it. It happens quite often and City Staff encounter this situation quite regularly. Tooele County does not shy away from recording these deeds and creating new parcels when the opportunity is presented to them, nor do they notify Tooele City of the division of land and the creation of new parcels.

Given that State Law already permits the division of land without City approval, it has been requested that Tooele City update its own Subdivision ordinance reflect that of State Law. This is being requested to facilitate a more "user friendly" approach to finding information on non-standard divisions of land that don't follow the typical subdivision process. Finding codes in the voluminous state code can be daunting.

Staff is proposing the following amendments to add “Non-Standard Divisions of Land” to Tooele City Code 7-19; Subdivisions.

The amendment proposes to change the definition of “subdivision” as found in Tooele City Code 7-1-5; Definitions, by adding language that states that a subdivision does not include a non-standard division of land under Section 7-19-6.2.

The amendment then proposes to add to Tooele City Code 7-19; Subdivisions, a new section, 7-19-6.2; Non-standard Divisions of Land. The proposed language is attached to this memo. The benefits of this proposed amendment can be but are not limited to:

1. Greater ability for Tooele City residents to split off and sell portions of their property that they do not wish to maintain or own.
2. Greater ability for Tooele City residents to split off and sell portions of their property without having to go through the high cost of hiring a surveyor or civil engineer to design a subdivision plat and utility plan.
3. Greater ability for Tooele City residents to split off and sell portions of their property without having to come up with thousands of dollars for frontage improvements, utility improvements and water rights.
4. Brings the Tooele City Subdivision ordinance more in line with what State Law currently permits.
5. Codifies in the City Code that non-standard divisions of land are not subdivisions and that if development is desired on a parcel that originated from a non-standard division of land that the developer of that parcel must go through the standard subdivision process.

Some of the possible detriments of such a code amendment can be but are not limited to:

1. The creation of non-conforming parcels of land throughout the City.
2. The creation of lots that are not ready for development.
3. Pushing the cost of subdivision design, subdivision platting, development improvements, and water rights onto whomever purchases the lot.
4. Staff gets to be the bearer of this bad news to any speculator wishing to buy a lot for the construction of a new home. ;)

**Effective 5/1/2024**

**10-9a-103 Definitions.**

As used in this chapter:

- (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
- (2) "Adversely affected party" means a person other than a land use applicant who:
  - (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
  - (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
- (3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Department of Transportation, if:
  - (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
  - (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.
- (4) "Affected owner" means the owner of real property that is:
  - (a) a single project;
  - (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and
  - (c) determined to be legally referable under Section 20A-7-602.8.
- (5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
- (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.
- (7)
  - (a) "Charter school" means:
    - (i) an operating charter school;
    - (ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
    - (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
  - (b) "Charter school" does not include a therapeutic school.
- (8) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- (9) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:
  - (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
  - (b) Utah Constitution Article I, Section 22.

- (b) ethical behavior; and
  - (c) civil discourse.
- (62) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
- (63) "Sending zone" means an area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.
- (64) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
- (65) "Specified public agency" means:
- (a) the state;
  - (b) a school district; or
  - (c) a charter school.
- (66) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
- (67) "State" includes any department, division, or agency of the state.
- (68)
- (a) **"Subdivision" means** any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
  - (b) **"Subdivision" includes:**
    - (i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
    - (ii) except as provided in Subsection (68)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
  - (c) **"Subdivision" does not include:**
    - (i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
    - (ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is created;
    - (iii) a recorded document, executed by the owner of record:
      - (A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
      - (B) joining a lot to a parcel;
    - (iv) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:
      - (A) no new dwelling lot or housing unit will result from the adjustment; and
      - (B) the adjustment will not violate any applicable land use ordinance;
    - (v) **a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:**
      - (A) **is in anticipation of future land use approvals on the parcel or parcels;**
      - (B) **does not confer any land use approvals; and**

- (C) has not been approved by the land use authority;
  - (vi) a parcel boundary adjustment;
  - (vii) a lot line adjustment;
  - (viii) a road, street, or highway dedication plat;
  - (ix) a deed or easement for a road, street, or highway purpose; or
  - (x) any other division of land authorized by law.
- (69)
- (a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-9a-608 that:
    - (i) vacates all or a portion of the subdivision;
    - (ii) alters the outside boundary of the subdivision;
    - (iii) changes the number of lots within the subdivision;
    - (iv) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
    - (v) alters a common area or other common amenity within the subdivision.
  - (b) "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- (70) "Substantial evidence" means evidence that:
- (a) is beyond a scintilla; and
  - (b) a reasonable mind would accept as adequate to support a conclusion.
- (71) "Suspect soil" means soil that has:
- (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
  - (b) bedrock units with high shrink or swell susceptibility; or
  - (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
- (72) "Therapeutic school" means a residential group living facility:
- (a) for four or more individuals who are not related to:
    - (i) the owner of the facility; or
    - (ii) the primary service provider of the facility;
  - (b) that serves students who have a history of failing to function:
    - (i) at home;
    - (ii) in a public school; or
    - (iii) in a nonresidential private school; and
  - (c) that offers:
    - (i) room and board; and
    - (ii) an academic education integrated with:
      - (A) specialized structure and supervision; or
      - (B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.
- (73) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.
- (74) "Unincorporated" means the area outside of the incorporated area of a city or town.
- (75) "Water interest" means any right to the beneficial use of water, including:
- (a) each of the rights listed in Section 73-1-11; and
  - (b) an ownership interest in the right to the beneficial use of water represented by:
    - (i) a contract; or

residential and nonresidential buildings; and

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

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

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

**Subdivide** - The act or process of creating a subdivision.

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

**Subdivision** - Any land, vacant or improved, which is divided or proposed to be divided or resubdivided into two or more lots, parcels, sites, units, plots, condominiums, tracts or other division for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion. **Subdivision does not include a non-standard division of land under Section 7-19-6.2.**

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

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

**Telecommunications Site/Facility** - A facility used for the transmission or reception of

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

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

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

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

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

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

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

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

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

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

(a) chewing tobacco; and,

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

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

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

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

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

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

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

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

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



## CHAPTER 19. SUBDIVISIONS

- 7-19-1. Application of Chapter.
- 7-19-2. General provisions.
- 7-19-3. Interpretation.
- 7-19-4. Severability.
- 7-19-5. Rules of interpretation.
- 7-19-6. Property line adjustments.
- 7-19-6.1. Property Combinations.
- 7-19-6.2. Non-standard Divisions of Land.**
- 7-19-7. Dedications.
- 7-19-8. Procedure for approval of preliminary subdivision.
- 7-19-9. Plats and data for approval of preliminary plan. (Repealed.)
- 7-19-10. Procedure for approval of the final subdivision.
- 7-19-11. Plats, plans, and data for final approval. (Repealed.)
- 7-19-12. Public Improvements – bonds and bond agreements – warranty.
- 7-19-13. Applications for Reimbursement.
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- 7-19-15. Phased development.
- 7-19-16. Design standards. (Repealed.)
- 7-19-17. Streets.
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- 7-19-18. Easements.
- 7-19-19. Blocks.
- 7-19-20. Lots.
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- 7-19-21. Required land improvements. (Repealed.)
- 7-19-22. Street signs. (Repealed.)
- 7-19-23. Monuments and markers.
- 7-19-24. Public utilities.
- 7-19-25. Sidewalks required – specifications. (Repealed.)
- 7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.
- 7-19-26.1. Park Strip Landscaping in Industrial Subdivisions
- 7-19-27. Sanitary sewers.
- 7-19-28. Engineering specifications.
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- 7-19-30. Trench backfill.
- 7-19-31. Filing of engineering plans.
- 7-19-32. Acceptance of public improvements.
- 7-19-33. Building permits.
- 7-19-34. Final Plat execution, delivery, and recordation. (Repealed.)
- 7-19-35. Minor Subdivision - Exemptions from preliminary subdivision process.
- 7-19-36. Effect of revocation and voiding.

### 7-19-1. Application of Chapter.

No person shall subdivide any tract of land which is located within the City of Tooele, whether for residential or non-residential purposes, except in conformity with the provisions of this Chapter. The subdivision plans and plats, proposed improvements to be installed, and all procedures relating thereto, shall in all respects be in full compliance with the regulations of this Chapter. (Ord. 2023-43, 12-20, 2023) (Ord. 1977-18, 10-19-1977)

### 7-19-2. General provisions.

(1) Wherever any subdivision of land is proposed within the incorporated limits of the City, the owner or subdivider shall submit both a preliminary subdivision application and a final subdivision application to the City for approval.

(2) Until a preliminary subdivision is approved:

(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.

(b) No lot, tract, or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.

(c) No improvements – such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, and lighting, grading, paving, or surfacing of streets – may be made by any person or utility.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Floodplain Administrator, and areas subject to poor drainage, will not be permitted to be subdivided unless the flooding or drainage problems are properly dealt with in the subdivision in compliance with state and federal regulations and with Chapter 4-13 of this Code.

(3) Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the land use authority may cause to be prepared, before subdivision approval, a plan for the entire unit, the plan to be used by the land use authority to determine compliance of a subdivision application with City regulations.

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary subdivision, but prior to the approval of a final subdivision, shall apply to that final subdivision to the extent they do not alter the preliminary subdivision's use, density, or configuration. For purposes of this Chapter, the words "use, density, and configuration" shall refer to the following:

(a) use: the uses allowed by the Tooele City General Plan Land Use Element and the Tooele City land use regulations in effect at the time of complete preliminary subdivision application submission;

(b) density: the number of lots contained in a

(e) the adjustment does not result in, create, or perpetuate any violation of applicable dimensional zoning requirements of this Title for any parcel involved in the adjustment; and,

(f) the adjustment does not adversely affect any easement or right-of-way on, through, within, or adjacent to the properties involved in the adjustment.

(4) Application. The owners shall file an application requesting a property line adjustment, together with all required information and documents.

(a) Application procedures and required documents for property line adjustments involving one or more subdivision lots shall be as outlined elsewhere in this Chapter for subdivision approval.

(b) An application for a property line adjustment involving parcels of record shall include at least the following forms and documentation:

(i) a completed application form for a property line adjustment;

(ii) a copy of all deeds and recorded documents establishing each parcel of record in its current state, including property descriptions for each parcel;

(iii) a scaled drawing showing the current state of all parcels involved in the proposed property line adjustment graphically with their respective property descriptions;

(iv) a proposed and recordable deed document, including a legal description, for each parcel involved in the proposed property line adjustment detailing the proposed layout for the parcel, including its proposed property description, which has been signed by all involved property owners, and notarized; and,

(v) a scaled drawing showing the proposed layout of all parcels involved in the proposed property line adjustment graphically with their respective property legal descriptions.

(5) Zoning Administrator Review for Property Line Adjustments Involving Only Parcels of Record. The Zoning Administrator shall review all information and documents to determine if they are complete, accurate, and that they comply with the requirements set forth in this Section. If the Zoning Administrator determines that the documents are complete and the proposed property line adjustment complies with the standards set forth in this Section, the Zoning Administrator shall approve the property line adjustment. If the Zoning Administrator determines that the documents are not complete or the proposed property line adjustment does not comply with all of the standards set forth in this Section, the Zoning Administrator shall not approve the property line adjustment.

(6) Notice of Approval and Conveyance of Title. After approval by the Zoning Administrator, the applicant shall:

(a) record the appropriate deeds which convey title as approved by the Zoning Administrator; and,

(b) record a Notice of Approval with the deed for each parcel within the property line adjustment application that:

(i) is prepared, signed, and executed by the Zoning Administrator;

(ii) contains the notarized signature of each property owner involved in the property line adjustment; and,

(iii) recites the legal description and parcel number of both of the original parcels and of the parcels created by the property line adjustment.

(7) Inclusion of a property in a property line adjustment shall not grant entitlements or vesting of any kind that did not already exist for the property.

(8) All property line adjustment shall preserve existing easements and provide for new easements for public improvements and other utilities serving the affected parcels.

(9) In the alternative to this Section, property owners may accomplish a lot line adjustment following the procedures established by State of Utah statute.

(Ord. 2023-43, 12-20, 2023) (Ord. 2015-07, 03-18-2015) (Ord. 2013-16, 11-06-2013)

#### **7-19-6.1. Property combinations.**

Property combinations or consolidations may be reviewed and approved in the same manner, by the same standards, and by the same process outlined for property line adjustments in Section 7-19-6 of the Tooele City Code. Property combinations or consolidations may be approved only for a reduction in the number of properties through inclusion of one or more properties into another property and shall be applied for, reviewed, and approved separately from any other land use application.

(Ord. 2023-43, 12-20, 2023) (Ord. 2013-16, 11-06-2013)

#### **7-19-6.2. Non-standard Divisions of Land.**

(1) A non-standard division of land is not a subdivision under this Title.

(2) A non-standard division is a bona fide division of land by deed or other instrument where the division of land:

\_\_\_\_\_ (a) is unassociated with a land use application on the divided parcels;

\_\_\_\_\_ (b) does not confer any land use approvals; and,

\_\_\_\_\_ (c) has not been approved by the land use authority.

(3) Before a parcel of land involved in a non-standard division can receive a land use approval, the owner must comply with all the requirements of this Code for land use approvals, including, but not limited to, all land use regulations, subdivision, public improvements bonding and construction, conveyance of water rights, payment of impact fees, etc.

## MEMORANDUM

**To:** Tooele City Council  
**Cc:** Mayor Debbie Winn  
**From:** Andrew Aagard, AICP, Director  
**Date:** March 12, 2025  
**Re:** Accessory Structures in Commercial Zones

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### **Subject:**

First, a little history as to where this proposed code amendment originated and why it is before the City Council for a work session discussion. A few weeks back a random 10x12 shed appeared in the parking lot in front of the Cal Ranch store in close proximity to the Coffee Shoppe drive through located along the SR-36 frontage. This structure had not been approved with the original conditional use permit for the Coffee Shoppe, issued in 2010, and was located in a manner that caused some concern for safety of vehicles, especially at night, as vehicles move through the parking areas.

Staff approached the Coffee Shoppe owners and requested that they amend their Conditional Use Permit to include the detached accessory structure. The Planning Commission approved the structure in its current location but required that the applicant add reflective tape to the corners of the structure to provide additional visibility for vehicles. Though the item was approved the Planning Commission was not pleased that this structure ended up in this location.

The Planning Commission discussed the situation at their February 26<sup>th</sup> meeting and forwarded and asked the City Council to discuss and consider accessory structures in parking lots and a possible ordinance amendment prohibiting or regulating detached structures in designated parking areas.

Currently, accessory structures are a permitted use in all of Tooele City's commercial zoning districts. Meaning, they don't require any specific approvals by the City to be constructed or located on a commercial property. There are not any restrictions on where these structures can be located contained within the code. If the sheds are smaller than 120 square feet they don't even require a building permit. This then could result in a situation where sheds are just popping up at random locations in parking lots without any oversight by the City.

What are some options that can be discussed? Here are a few that I can think of:

1. Prohibit accessory structures within the front setback of all commercial businesses.
2. Permit accessory structures only within the side yards or rear yards of commercial businesses.
3. Prohibit accessory structures within parking lots.
4. Make all accessory structures conditional upon meeting specific standards such as but not limited to:
  - a. Cannot block drive aisles.
  - b. Cannot displace parking spaces.
  - c. Must have lighting and reflective measures.
  - d. Must include protective impact bollards.
5. Do nothing. These are, after all, located on private property and do not create any liability for the City.

Staff has not created a draft ordinance proposal as this is just a discussion item at the request of the Planning Commission to determine if the City Council has any appetite to address these accessory structures. It should also be noted that there are other prominent retail businesses that use their parking areas for seasonal products and use shipping containers to store merchandize. Other prominent retailers use their parking areas to display model sheds. Does amending an ordinance affect these businesses? Possibly. Does the City care? That really is up to the City Council.

▼ 7-16-3. Table 1, Table of Uses.

Use	District								
	MU-B Mixed Use Broadway	MU-G Mixed Use General	NC Neighborhood Commercial (Maximum individual lot Size 15,000 square feet)	GC General Commercial	RC Regional Commercial	LI Light Industrial	IS Industrial Service	I Industrial	RD Research & Development
Accessory Building	P	P	P	P	P	P	P	P	P

▼ 7-1-5. Definitions.

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





