

TOOELE CITY CORPORATION

ORDINANCE 2026-12

AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING SECTION 7-11a-17 (DESIGN STANDARDS: WALLS AND FENCES), ADDING AN EXCEPTION TO THE CURRENT FENCING REQUIREMENTS WHEN A NEW MULTI-FAMILY RESIDENTIAL PROJECT IS CONSTRUCTED ADJACENT TO EXISTING FENCING. *As verbally amended

WHEREAS, Utah Code §10-8-84 and §10-20-101 authorize cities to enact ordinances, resolutions, and rules and to enter other forms of land use controls they consider necessary or appropriate for the use and development of land within the municipality to provide for the health, safety, welfare, prosperity, peace, and good order, comfort, convenience, and aesthetics of the municipality; and,

WHEREAS, Tooele City Code Chapter 7-11a regulates design standards for multi-family residential developments; and,

WHEREAS, for multi-family residential developments, Tooele City Code §7-11a-17(4) requires without exception that “[a]ll perimeter fences shall have vertical sections such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart)”; and,

WHEREAS, applicant Brett Lovell (the “Applicant”) submitted an ordinance amendment application, attached as Exhibit A, requesting the City to consider an amendment to Tooele City Code §7-11a-17(4) that would provide for exceptions to fencing requirements when a new multi-family residential project is constructed adjacent to existing fencing; and,

WHEREAS, City Administration developed an amended Tooele City Code §7-11a-17(4), attached as Exhibit B, incorporating the suggestions made by the Applicant but edited in order to be more consistent with the remainder of Tooele City Code, namely: (1) assigning the administrative role to Tooele City Planning Commission rather than City Council; and, (2) adding “Transportation Master Plan” as the determining authority of what is a major arterial or collector road; and,

WHEREAS, on May 13, 2026, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, considered the Staff Report and its exhibits (together attached as Exhibit C), and voted 4-3 to forward its positive recommendation of the amendment in Exhibit B to the City Council, with the following additional conditions: (1) that the decision approving or denying an exception request will be made by City staff; (2) that any exception request include communication with, and affidavits from, all adjacent property owners indicating approval of the exception; and, (3) that requesters may request to bring the issue before Planning Commission if they disagree with the decision Staff, but with the understanding that Planning Commission will not mitigate any disagreements between requesters and adjacent property-owners (see the Planning Commission draft minutes attached as Exhibit D); and,

WHEREAS, for the City Council's consideration and convenience, City Administration has prepared and attached Exhibit E, which shows how the Planning Commission's recommendations might be addressed, as well as Exhibit F, which offers a comparison between the current ordinance, the applicant's proposal, the City Administration's submission,

and the City Administration's submission addressing the Planning Commission's recommendations; and,

WHEREAS, the proposed amendment presents a reasonable solution to an unusual situation, and provides flexibility which will provide an avenue to promote consistency and avoid unnecessary demolition and/or construction; and,

WHEREAS, on May 20, 2026, the City Council convened a duly-advertised public hearing; and,

WHEREAS, the City Council has specifically considered the potential impact that this Ordinance may have on family health, stability, and formation:

NOW, THEREFORE, BE IT ORDAINED BY TOOELE CITY that Tooele City Code §7-11a-17(4) is hereby amended to read as shown in ~~Exhibit B~~ *Exhibit E, striking #VI and VII.*
As verbally amended by the City Council during the meeting on June 3, 2026.

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 3rd day of June, 2026.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

Melodi [Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

Shilo Baker
Shilo Baker, City Recorder

SEAL



Approved as to Form:

[Signature]
Matthew C. Johnson, City Attorney

Exhibit A

Applicant Submitted Information

Ordinance Amendment Application

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



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			2026033		
Date of Submission: 4.24.26					
Project Name: Ledger Cove Apartments					
Project Address: 1124 N Franks Drive, Tooele UT 84074					
Ordinance(s) Proposed for Amendments: 7-11a-17(4)					
Proposed Language (What do you want the Ordinance to say): See below for full Proposed Language					
Property Owner(s): Ledger Cove LLC			Applicant(s): Brett Lovell		
Address: PO Box 95410			Address: 13697 S. 3825 West		
City: South Jordan	State: UT	Zip: 84095	City: Riverton	State: UT	Zip: 84065
Phone: (801) 706-4693			Phone: (801) 706-4693		
Contact Person: Brett Lovell			Address: 13697 S. 3825 West		
Phone: (801) 706-4693			City: Riverton	State: UT	Zip: 84065
Cellular:	Fax:	Email: lovelldevelopmentgroup@gmail.com			

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

Note to Applicant:

Ordinance Amendments are made by ordinance. Any change of the City ordinance shall follow all procedures that are established by city and state law. Since the procedures must be followed precisely, the time for amending the ordinance vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

For Office Use Only				2260122	
Received By:	Date Received: 4.28.26	Fees: 2,000.00	App #: 850804		

Tooele City Ordinance Text Amendment Application

Ledger Cove Apartments

Justification for the Ordinance Amendment (required questions)

1. Why is the ordinance amendment necessary.

The amendment is necessary to provide flexibility in situations where adjacent properties already contain existing fencing that does not meet the current requirement for vertical sections. Strict application of the current code in these scenarios can result in unnecessary demolition, increased costs, and inconsistent design between neighboring properties.

Additionally, requiring two separate fences or vertical elements back to back can create narrow, inaccessible gaps that are difficult to maintain. These areas often lead to weed overgrowth, debris accumulation, and dry vegetation buildup, which can increase fire risk and create ongoing maintenance and code enforcement challenges. This amendment allows the City to evaluate these unique conditions and approve logical, well-controlled exceptions where appropriate.

2. How does this proposed ordinance amendment benefit Tooele City as a whole.

The proposed amendment benefits Tooele City by promoting cohesive development patterns and reducing unnecessary construction, material waste, and long-term maintenance issues. It ensures that development remains high quality while allowing practical flexibility in edge conditions where strict compliance may create unintended consequences.

By preventing the creation of narrow, unmanaged spaces between duplicate fence lines, the amendment also helps reduce weed growth, debris accumulation, and potential fire hazards, ultimately lowering maintenance burdens for property owners and reducing code enforcement demands on the City.

3. How does the ordinance as it is currently written not accomplish what you are desiring to accomplish.

The current ordinance requires vertical fence elements in all cases without consideration for existing adjacent conditions. This can create situations where new development must

install fencing that visually conflicts with neighboring properties or requires removal and replacement of existing fencing.

Additionally, the ordinance does not account for the unintended consequences of installing duplicate fence lines or vertical elements in close proximity, which can create inaccessible gaps that lead to weed overgrowth, debris buildup, and increased fire risk. The ordinance does not currently allow for discretion in these limited scenarios, resulting in inefficient and potentially problematic outcomes.

4. Does this ordinance improve or otherwise impact the health, safety and welfare of Tooele City and its residents.

Yes, the amendment supports the health, safety, and welfare of the community by maintaining design standards while allowing flexibility where appropriate. By reducing the likelihood of creating confined, unmaintained spaces between fence lines, the amendment helps prevent weed overgrowth, accumulation of dry vegetation, and associated fire risks.

It also reduces unnecessary construction activity and associated disruptions, while ensuring that all fencing remains safe, visually consistent, and subject to City review and approval. This balanced approach protects both the built environment and the community.

5. Any other pertinent information that will support the ordinance amendment request.

This amendment is narrowly tailored and does not eliminate the existing requirement, but instead introduces a controlled, case by case exception process. It is specifically intended to address situations where existing adjacent fencing creates practical limitations or unintended consequences under the current code.

The amendment helps prevent long-term maintenance issues such as weed overgrowth, debris accumulation, and fire hazards that can result from duplicate fence lines. By requiring Planning Commission review and City Council approval, the City retains full control over when and how the exception is applied, ensuring that all decisions align with the City's development standards and long-term interests

Proposed Amendment to Section 7-11a-17(4)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

(a) Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

(i) The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the Project;

(ii) The proposed fencing is not visible from major arterial or collector roadways, as determined by the City;

(iii) The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and are compatible with surrounding development;

(iv) The modification results in a cohesive and compatible appearance with the existing adjacent fencing;

(v) The applicant demonstrates that installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing;

(vi) Approval of such exception shall require formal review and approval by the City Council.

Exhibit B

Proposed Amendment to TCC §7-11a-17
(as Proposed by City Staff for Consistency)

Proposed Amendments Including Staff Suggestions (Shown in Green)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

a. Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council Planning Commission may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

- I. The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the project.
- II. The proposed fencing is not visible from major arterial or collector roadways, as determined by the City's **Transportation Master Plan**.
- III. The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and compatible with surrounding development.
- IV. The modification results in a cohesive and compatible appearance with the existing adjacent fencing.
- V. The applicant demonstrates that the installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing.
- VI. Approval of such exception shall require formal review and approval by the City Council **Planning Commission**.

Exhibit C

Staff Report with its Exhibits A and B

STAFF REPORT

May 7, 2026

To: Tooele City Planning Commission
Business Date: May 13, 2026

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: **Multi-Family Residential Fencing Requirements – City Code Text Amendment Request**

Applicant: Brett Lovell
Request: Request for approval of a City Code Text Amendment regarding establishing a method to obtaining an exception to the fencing requirements as found in Tooele City Code 7-11a-17. Design Standards: Walls and Fences.

BACKGROUND

The applicant has submitted this ordinance amendment application and is requesting that the City consider amending the ordinance to reflect the language provided by the applicant. The applicant represents Ledger Cove located at approximately 400 West 1000 North. Phase 1 is currently under construction and is located immediately west of the Phase 5 of the Providence at Overlake Subdivision, a single-family residential development.

When multi-family residential developments occur adjacent to single-family residential developments the ordinance requires that the developer of the multi-family development install 6 foot solid fencing with “columns or piers” spaced at 8’ to 10’ intervals throughout the length of the fencing. Ledger Cove went through the site plan design review process and their plans demonstrated that along the eastern edge of Phase 1 that they would be installing a 6 foot vinyl fence with columns spaced at equidistant locations throughout the length of the fencing.

After construction began the applicant quickly discovered that many property owners in the Providence Phase 5 Subdivision have already installed their own fencing along their rear property lines and are resistant to having their fences removed in favor of the fence required for the development. The ordinance, as it is currently constituted, does not provide any mechanism whereby the City can appropriately address these “fence within a fence” situations that come to light from time to time. The applicant has provided a proposed ordinance amendment to provide a process for a fencing exception or deviation.

ANALYSIS

City Staff have analyzed the request of the applicant and do find that the applicant’s reasoning is sound. The ordinance as it is currently constituted would create a “fence within a fence” which results in two fences being close together leaving a space in between that can be very difficult to maintain. Garbage, nuisance trees, weeds and more can collect in between these fences and create a nuisance. The fencing standards as they are currently written may also result in inconsistent design with patches of different fencing materials and doesn’t result in a cohesive uniform design. The ordinance as it is currently written doesn’t provide any language as to how to deal with existing fences when the fencing requirement is triggered by new development.

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

The proposed amendment will add language to Paragraph 4 of the Walls and Fences ordinance section and shall do the following:

1. Provide a method where an exception may be granted by the City Council relieving the applicant of installing the vertical columns or piers.
2. Sets criteria where an exception may be granted involving:
 - a. The subject property line has fencing that has already been installed previously by adjacent property owners.
 - b. The fencing is not visible from major public roadways.
 - c. The proposed fencing is consistent with the City's development standards and the standards of the surrounding development.
 - d. The modification creates a more cohesive and uniform appearance incorporating adjacent fencing.
 - e. Demonstrates that the addition of columns or piers would create conflict with adjacent fencing.
 - f. Approval of such exception shall be by the City Council.

Staff Edits. Staff has made two minor edits to the language proposed by the applicant.

1. Staff would prefer that the Planning Commission be granted the authority to hear and grant the exception rather than the City Council. This is an administrative role that should be born by the Planning Commission.
2. Add "Transportation Master Plan" as the determining authority of what is a major arterial or collector road.

Criteria For Approval. The criteria for review and potential approval of a City Code Text 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.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the City Code Text Amendment request and has issued the following comment:

1. This ordinance amendment request is sound. We have encountered this issue before with other developments and have resulted in the construction of a fence within a fence. Having a mechanism in

the code to provide an exception if the request meets minimum criteria will be very beneficial.

Engineering and Public Works Review. The Tooele City Engineering Division and Public Works Department has completed their review of the City Code Text Amendment request and has issued the following comment:

1. No comments from the City Engineer or the Public Works Department.

Noticing. The City staff have issued appropriate public notice as required in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a City Code Text 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 text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment 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 text amendment 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 text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment 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 text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
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 proposed ordinance amendments to Tooele City Code 7-11a-17. Design Standards: Walls and Fences, regarding multi-family residential fencing standards when required adjacent to existing fencing of another development, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the proposed ordinance amendments to Tooele City Code 7-11a-17. Design Standards: Walls and Fences, regarding multi-family residential fencing standards when required adjacent to existing fencing of another development, based on the following findings:”

1. List findings ...

EXHIBIT A
PROPOSED AMENDMENTS

Current Ordinance

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

(1) The Project perimeter property line shall be fenced, except for the portions of the Project that abut a public street.

(2) Perimeter fencing shall utilize colors and design similar to those utilized for buildings.

(3) Allowed fencing materials include natural or cultured stone masonry, brick masonry, split-faced block masonry, decorative pre-cast concrete panel, stucco, vinyl, and other similar materials.

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

(5) Prohibited fencing materials include chain link, barbed wire and other wire materials, wood, and cinder block masonry, except where covered by stucco or brick masonry.

(6) Sight-obscuring privacy fencing shall be provided along Project boundaries abutting properties zoned for or developed with non-multi-family uses. All other Project boundaries, when proposed for fencing, shall be fenced with minimally sight-obscuring fencing, such as split rail fencing, that creates an open and inviting atmosphere with openings that permit access from adjacent streets.

(7) Examples of allowed fencing materials and vertical sections are shown in **Photo Group 10**.

Proposed Amendments by Applicant (shown in Blue)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

a. Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

- I. The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the project.
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- III. The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and compatible with surrounding development.

- IV. The modification results in a cohesive and compatible appearance with the existing adjacent fencing.
- V. The applicant demonstrates that the installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing.
- VI. Approval of such exception shall require formal review and approval by the City Council.

Proposed Amendments Including Staff Suggestions (Shown in Green)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

a. Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council **Planning Commission** may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

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EXHIBIT B

APPLICANT SUBMITTED INFORMATION

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Project Address: 1124 N Franks Drive, Tooele UT 84074					
Ordinance(s) Proposed for Amendments: 7-11a-17(4)					
Proposed Language (What do you want the Ordinance to say): See below for full Proposed Language					
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Address: PO Box 95410			Address: 13697 S. 3825 West		
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Tooele City Ordinance Text Amendment Application

Ledger Cove Apartments

Justification for the Ordinance Amendment (required questions)

1. Why is the ordinance amendment necessary.

The amendment is necessary to provide flexibility in situations where adjacent properties already contain existing fencing that does not meet the current requirement for vertical sections. Strict application of the current code in these scenarios can result in unnecessary demolition, increased costs, and inconsistent design between neighboring properties.

Additionally, requiring two separate fences or vertical elements back to back can create narrow, inaccessible gaps that are difficult to maintain. These areas often lead to weed overgrowth, debris accumulation, and dry vegetation buildup, which can increase fire risk and create ongoing maintenance and code enforcement challenges. This amendment allows the City to evaluate these unique conditions and approve logical, well-controlled exceptions where appropriate.

2. How does this proposed ordinance amendment benefit Tooele City as a whole.

The proposed amendment benefits Tooele City by promoting cohesive development patterns and reducing unnecessary construction, material waste, and long-term maintenance issues. It ensures that development remains high quality while allowing practical flexibility in edge conditions where strict compliance may create unintended consequences.

By preventing the creation of narrow, unmanaged spaces between duplicate fence lines, the amendment also helps reduce weed growth, debris accumulation, and potential fire hazards, ultimately lowering maintenance burdens for property owners and reducing code enforcement demands on the City.

3. How does the ordinance as it is currently written not accomplish what you are desiring to accomplish.

The current ordinance requires vertical fence elements in all cases without consideration for existing adjacent conditions. This can create situations where new development must

install fencing that visually conflicts with neighboring properties or requires removal and replacement of existing fencing.

Additionally, the ordinance does not account for the unintended consequences of installing duplicate fence lines or vertical elements in close proximity, which can create inaccessible gaps that lead to weed overgrowth, debris buildup, and increased fire risk. The ordinance does not currently allow for discretion in these limited scenarios, resulting in inefficient and potentially problematic outcomes.

4. Does this ordinance improve or otherwise impact the health, safety and welfare of Tooele City and its residents.

Yes, the amendment supports the health, safety, and welfare of the community by maintaining design standards while allowing flexibility where appropriate. By reducing the likelihood of creating confined, unmaintained spaces between fence lines, the amendment helps prevent weed overgrowth, accumulation of dry vegetation, and associated fire risks.

It also reduces unnecessary construction activity and associated disruptions, while ensuring that all fencing remains safe, visually consistent, and subject to City review and approval. This balanced approach protects both the built environment and the community.

5. Any other pertinent information that will support the ordinance amendment request.

This amendment is narrowly tailored and does not eliminate the existing requirement, but instead introduces a controlled, case by case exception process. It is specifically intended to address situations where existing adjacent fencing creates practical limitations or unintended consequences under the current code.

The amendment helps prevent long-term maintenance issues such as weed overgrowth, debris accumulation, and fire hazards that can result from duplicate fence lines. By requiring Planning Commission review and City Council approval, the City retains full control over when and how the exception is applied, ensuring that all decisions align with the City's development standards and long-term interests

Proposed Amendment to Section 7-11a-17(4)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

(a) Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

- (i) The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the Project;
 - (ii) The proposed fencing is not visible from major arterial or collector roadways, as determined by the City;
 - (iii) The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and are compatible with surrounding development;
 - (iv) The modification results in a cohesive and compatible appearance with the existing adjacent fencing;
 - (v) The applicant demonstrates that installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing;
 - (vi) Approval of such exception shall require formal review and approval by the City Council.
-

Exhibit D

Draft Planning Commission Meeting Minutes
May 13, 2026

Tooele City Planning Commission
Business Meeting Minutes

Date: May 13, 2026

Time: 7:00 p.m.

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

Planning Commissioners Present:

Melanie Hammer

Frank Linford

Jon Proctor

Tyson Hamilton

Amanda Cordova

Weston Jensen

Kelley Anderson

Sarah Faircloth, Alternate

Excused:

Chris Sloan

Council Member Liaisons:

Jon Gossett

Ed Hansen, excused

Staff Present:

Andrew Aagard, Community Development Director

Anna Anglin, City Planner

Matt Johnson, City Attorney

Minutes Prepared by Teresa Young

1. **Pledge of Allegiance**

Chairman Hamilton opened the meeting at 7:00 p.m.

Before Chairman Hamilton led the Pledge of Allegiance he provided a quick announcement for applicants, the public, and everyone involved: There has been a significant increase in fraudulent phishing requests using information from public notices related to Planning Commission meetings. Please be aware that Tooele City only collects fees at the time of application submittal and will never request additional payments via wire transfer. All official emails from Tooele City will end in @tooelecity.gov. If you receive a payment request from any other email after submitting your application, it is fraudulent. Do not send money, and please contact the Tooele City Community Development Department immediately to report it. Stay vigilant and protect your information and assets.

2. **Roll Call**

Melanie Hammer, Present
Frank Linford, Present
Amanda Cordova, Present
Weston Jensen, Present
Kelley Anderson, Present

Chairman Hamilton also recognized Commissioner Sarah Faircloth and staff present.

3. **Public Hearing and Recommendation on a proposed text amendment to Tooele City Code Title 7 Chapter 4: Off-Street Parking Requirements, regarding the establishment of specific parking and storage standards for automobile related commercial uses.**

Mr. Aagard presented a proposed ordinance amendment regarding parking requirements for automobile-related commercial uses. He explained that the current city code does not establish specific parking standards for these uses, which prompted the Planning Commission to direct staff to prepare amendments establishing clearer requirements. Commissioner Linford drafted preliminary language, which staff reviewed and generally supported, recommending several minor edits and consolidating certain provisions into a parking table for clarity.

Mr. Aagard outlined the proposed amendments, including establishing the purpose of the ordinance, minimum parking requirements for automotive businesses, standards for vehicle storage and display areas, and site plan requirements for towing-related storage areas. He also summarized feedback received from the City Council during a recent work session, including concerns about whether the proposed standards could create excessive parking requirements, limit redevelopment opportunities on smaller parcels, or reduce flexibility for staff and the Planning Commission when evaluating unique properties.

Planning Commissioners discussed the proposal at length, comparing the proposed standards to existing automotive businesses throughout the city. Concerns were raised that the requirements could be overly restrictive for smaller or long-established businesses that currently operate without parking issues. Planning Commissioners also discussed the importance of maintaining flexibility for unique parcels while still creating consistent standards that could assist with code enforcement and prevent excessive vehicle storage or overcrowded lots.

Commissioner Linford proposed several revisions to address concerns raised by the Planning Commission and City Council, including reducing the parking requirement for service bays, removing separate standards for auto parts retail stores, clarifying the definition of a “service bay,” and adding language allowing the Planning Commission flexibility to modify parking requirements based on parcel constraints or operational characteristics.

Additional discussion focused on balancing property rights, redevelopment opportunities, and the City’s ability to address problem properties with excessive vehicle storage. Mr. Aagard explained that the proposed amendments were intended to provide clearer enforcement tools while still allowing case-by-case flexibility through the conditional use permit process.

Chairman Hamilton opened the public hearing at 7:35 p.m. Seeing no members of the public coming forward, Chairman Hamilton closed the public hearing at 7:35 p.m.

Motion: Commissioner Jensen moved to table the item to allow for additional cleanup and

clarification of the ordinance language, incorporating the concerns and discussion points identified during the meeting. Commissioner Anderson seconded the motion.

Prior to the vote, the Planning Commission discussed ensuring that all previously identified language concerns would be addressed before the item returned for further consideration. The vote was as follows: Commissioner Hammer, "Aye"; Commissioner Linford, "Aye"; Commissioner Proctor, "Aye"; Commissioner Cordova, "Aye"; Commissioner Jensen, "Aye"; Commissioner Anderson, "Aye"; and Chairman Hamilton "Aye". The vote passes 7-0.

4. **Public Hearing and Recommendation on a proposed text amendment to Tooele City Code 7-11a-17. Design Standards: Walls and Fences, regarding an exception to the current fencing requirements when a new multi-family residential project is constructed adjacent to an existing single-family residential development where fencing has already been installed.**

Mr. Aagard presented a proposed text amendment to Toledo City Code 711-17 regarding fencing requirements for multi-family residential developments adjacent to single-family residential properties. The amendment was submitted by Brett Lovell on behalf of the Ledger Cove development to address situations where existing residential fencing conflicts with current code requirements for solid fencing with masonry columns or piers.

Mr. Aagard explained that the current ordinance provides no mechanism for exceptions when adjacent homeowners have already installed fencing that does not meet the city's design standards. As a result, developers are often required to construct a second fence alongside an existing fence, creating maintenance issues, weed growth, debris accumulation, and inconsistent appearances. The proposed amendment would allow exceptions to the masonry column or pier requirement when certain criteria are met, including consistency with surrounding development, cohesive appearance, and existing fencing conditions. The original proposal recommended City Council approval for such exceptions, while staff suggested the authority instead be granted to the Planning Commission or potentially staff.

The Planning Commissioners generally supported the intent of avoiding unnecessary double fencing but discussed several concerns related to fence ownership, maintenance responsibilities, property rights, and potential disputes between homeowners and developers. Commissioners questioned how damage, repairs, and liability would be handled if developers relied on privately owned fences. Discussion also included whether homeowners should be required to provide written consent or affidavits before a developer could utilize or connect to existing fencing.

Several planning commissioners expressed support for allowing staff or the Planning Commission to review exceptions administratively, provided adjacent property owners receive notice and an opportunity to comment. Planning Commissioners also discussed requiring developers to submit photographs and documentation to support exception requests.

Questions were raised regarding the absence of the applicant and whether nearby homeowners were aware of the proposed ordinance amendment. Mr. Aagard explained that ordinance amendments are noticed through public postings rather than direct mailed notices because they apply citywide. Planning Commissioners discussed the possibility of tabling the item until the applicant could attend and respond to concerns. Mr. Aagard advised that the Planning Commission could table the item for a specific period but recommended avoiding an indefinite delay because the applicant had paid an application fee.

Discussion concluded with several commissioners expressing support for moving the amendment forward with additional requirements for neighbor notification and review authority assigned either to staff or the Planning Commission.

Chairman Hamilton opened the public hearing at 7:58 p.m. Seeing no members for the public coming forward, Chairman Hamilton closed the public hearing at 7:58 p.m.

Planning Commissioners continued discussion regarding the proposed fencing ordinance amendment and whether exceptions should be reviewed administratively by staff or by the Planning Commission. Several commissioners expressed support for keeping the Planning Commission involved in contentious cases while allowing staff to handle routine requests. Planning Commissioners noted that public hearings could provide affected property owners an opportunity to voice concerns on the record rather than directing complaints solely toward staff.

Discussion focused heavily on the importance of notifying adjacent property owners. Planning Commissioners discussed requiring developers to contact affected homeowners and provide affidavits documenting whether property owners approved or opposed the proposed fencing arrangement. Questions were raised regarding how notices are currently sent and whether absentee property owners would receive notification.

Planning Commissioners considered language that would allow staff to approve requests administratively unless disputes or objections arose, at which point the matter could be brought before the Planning Commission. Staff advised that defining what constitutes a “contentious” issue could complicate the ordinance, but commissioners agreed that property owners should have the ability to request Planning Commission review if concerns existed.

Additional discussion centered on whether the Planning Commission would be expected to mitigate disputes or simply evaluate requests against the ordinance criteria. Staff clarified that the Planning Commission would not be required to negotiate solutions but could approve or deny requests based on whether the established criteria were met.

Some commissioners remained concerned about moving forward without broader public awareness, noting that nearby property owners may not have known the ordinance amendment was under consideration because ordinance amendments are not directly mailed to surrounding residents. Commissioners emphasized that future requests should require documented communication between developers and affected property owners before exceptions could be considered.

Staff explained that similar situations had occurred previously and that developers had typically been required to construct a second fence when property owners refused to allow connections to existing fencing. Commissioners generally agreed that if a homeowner did not consent, the developer would simply need to construct a separate fence to comply with city standards.

Following further discussion, Commissioner Linford asked whether the public hearing could be reopened to allow additional public comment after noting that an audience member had repeatedly indicated a desire to speak.

Chairman Hamilton reopened public hearing at 8:08 p.m.

Richard Stribling commented that in Lee County, Florida, surrounding property owners are notified whenever a code variation or exception is requested and are given an opportunity to attend a public hearing and express objections. He recommended that Tooele City follow a similar case-by-case process for fencing exceptions rather than creating additional citywide ordinances or regulations. Mr. Stribling questioned why different fencing standards exist between residential and commercial or multi-family developments and suggested that developments adjacent to residential areas should simply follow residential fencing standards. He expressed concern that continually adding new ordinances and regulations creates unnecessary complexity for businesses and property owners. He encouraged the Commission to focus on individual exception requests with proper neighbor notification and public input rather than adopting broader code amendments. He stated that if affected neighbors are notified and no objections are raised, the request could move forward more easily, while objections could be addressed during the public hearing process.

Chairman Hamilton closed the public hearing at 8:11 p.m.

Motion: Commissioner Jensen made a motion to forward a positive recommendation for the proposed ordinance amendment with additional conditions that exception requests be reviewed administratively by staff; that developers communicate with affected property owners and obtain affidavits documenting the property owners' approval or opposition; and that affected property owners be allowed to request a public hearing if they disagreed with a staff decision.

Commissioners clarified that the Planning Commission would not be responsible for mitigating disputes and that if a property owner did not consent to the use of their fence, the developer would be required to construct a separate compliant fence.

During discussion of the motion, commissioners considered whether a timeframe should be established for requesting a hearing. Mr. Johnson, City Attorney noted that other administrative appeal processes typically include a 10-day deadline, though no formal amendment to the motion was made regarding a specific timeframe. Commissioners further clarified that property owners would retain full control over whether developers could connect to or utilize existing fencing on private property.

Commissioner Cordova seconded the motion.

The vote was as follows: Commissioner Hammer, "Nay"; Commissioner Linford, "Nay"; Commissioner Proctor, "Aye"; Commissioner Cordova, "Aye"; Commissioner Jensen, "Aye"; Commissioner Anderson, "Nay"; and Chairman Hamilton "Aye". The vote passes 4-3.

5. City Council Reports

Councilman Gossett reported that UDOT had determined it would not move forward with the proposed stoplight at Skyline and Main Street. He noted that the outcome demonstrated the value of public participation and thanked residents who submitted feedback during the public outreach process.

Councilman Gossett also shared an anecdote from a past development project in Greeley, Colorado, where city requirements mandated bicycle parking spaces for a business. He remarked that the experience highlighted how local planning regulations can vary and emphasized the Planning Commission's important role in determining what standards and requirements are appropriate for the community.

6. **Review and Decision – April 22, 2026 Planning Commission meeting minutes**

There were no corrections to the minutes.

Motion: Commissioner Proctor moved to approve April 22, 2026 Planning Commission Meeting Minutes. Commissioner Linford seconded the motion.

The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Linford, “Aye”; Commissioner Proctor, “Aye”; Commissioner Cordova, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; and Chairman Hamilton “Aye”. The vote passes 7-0

7. **Adjourn**

Chairman Hamilton adjourned the meeting at 8:18 p.m.

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

Approved this _____ day of May, 2026

Tyson Hamilton, Tooele City Planning Commission Chair

Exhibit E

Proposed Amendments to TCC §7-11a-17
Showing Possible Incorporation of
Planning Commission Recommendations

Proposed Amendments Including Planning Commission Recommendations (Shown in Red)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

a. Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council Community Development Director may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

- I. The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the project.
- II. The proposed fencing is not visible from major arterial or collector roadways, as determined by the City's Transportation Master Plan.
- III. The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and compatible with surrounding development.
- IV. The modification results in a cohesive and compatible appearance with the existing adjacent fencing.
- V. The applicant demonstrates that the installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing.
- VI. The applicant shall provide written affidavits from all affected property owners indicating approval of the exception.
- VII. The applicant may request a hearing with the Planning Commission if there is disagreement with the decision of the Community Development Director. The Planning Commission shall not be the arbiter of fencing and fence line disagreements between the applicant and adjacent property owners.

Exhibit F

Original TCC §7-11a-17 and
Comparison of Proposals

Current Ordinance

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

(1) The Project perimeter property line shall be fenced, except for the portions of the Project that abut a public street.

(2) Perimeter fencing shall utilize colors and design similar to those utilized for buildings.

(3) Allowed fencing materials include natural or cultured stone masonry, brick masonry, split-faced block masonry, decorative pre-cast concrete panel, stucco, vinyl, and other similar materials.

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

(5) Prohibited fencing materials include chain link, barbed wire and other wire materials, wood, and cinder block masonry, except where covered by stucco or brick masonry.

(6) Sight-obscuring privacy fencing shall be provided along Project boundaries abutting properties zoned for or developed with non-multi-family uses. All other Project boundaries, when proposed for fencing, shall be fenced with minimally sight-obscuring fencing, such as split rail fencing, that creates an open and inviting atmosphere with openings that permit access from adjacent streets.

(7) Examples of allowed fencing materials and vertical sections are shown in **Photo Group 10**.

Proposed Amendments by Applicant (shown in Blue)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

a. Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

- I. The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the project.
- II. The proposed fencing is not visible from major arterial or collector roadways, as determined by the City.
- III. The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and compatible with surrounding development.

- IV. The modification results in a cohesive and compatible appearance with the existing adjacent fencing.
- V. The applicant demonstrates that the installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing.
- VI. Approval of such exception shall require formal review and approval by the City Council.

Proposed Amendments Including Staff Suggestions (Shown in Green)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

a. Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council **Planning Commission** may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

- I. The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the project.
- II. The proposed fencing is not visible from major arterial or collector roadways, as determined by the City's **Transportation Master Plan**.
- III. The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and compatible with surrounding development.
- IV. The modification results in a cohesive and compatible appearance with the existing adjacent fencing.
- V. The applicant demonstrates that the installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing.
- VI. Approval of such exception shall require formal review and approval by the City Council **Planning Commission**.

Proposed Amendments Including Planning Commission Recommendations (Shown in Red)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

a. Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council **Community Development Director** may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

- I. The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the project.
- II. The proposed fencing is not visible from major arterial or collector roadways, as determined by the City's **Transportation Master Plan**.
- III. The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and compatible with surrounding development.
- IV. The modification results in a cohesive and compatible appearance with the existing adjacent fencing.
- V. The applicant demonstrates that the installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing.
- VI. **The applicant shall provide written affidavits from all affected property owners indicating approval of the exception.**
- VII. **The applicant may request a hearing with the Planning Commission if there is disagreement with the decision of the Community Development Director. The Planning Commission shall not be the arbiter of fencing and fence line disagreements between the applicant and adjacent property owners.**