



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHORHOOD DEVELOPMENT

To: Salt Lake City Historic Landmark Commission
From: Nick Norris, 801-535-6173, nick.norris@slcgov.com
Date: October 29, 2020 (publication)
Re: PLNPCM2020-00606 Special Exception Changes Text Amendment

Zoning Text Amendment

REQUEST:

Mayor Erin Mendenhall, at the request of the Planning Division, is requesting amendments to the zoning ordinance regulations regarding special exceptions. The proposal would delete and eliminate the special exception process from the zoning ordinance. A special exception is a minor alteration of a dimensional requirement of the zoning ordinance or addresses accessory uses and structures. There are more than forty special exceptions authorized in the zoning ordinance. The proposal addresses each special exception and results in each special exception being deleted, permitted, or authorized through a different process in the zoning ordinance. Some special exceptions that will become permitted include changes to standards to add flexibility and reduce impacts. Special exceptions are approved by staff of the Planning Division, the Planning Commission, or Historic Landmark Commission. The proposed amendments involve multiple chapters of the Zoning Ordinance. Related provisions of Title 21A-Zoning may be amended as part of this petition. The changes would apply Citywide.

RECOMMENDATION:

Briefing and public hearing only. This proposal involves multiple chapters of the code and changes regulations that apply city wide. The purpose of the briefing is to inform the Historic Landmark Commission (HLC) on the proposal and the process to date, specifically in regards to how the changes impact the authority of the HLC and the Planning Division when reviewing certificates of appropriateness proposals within the H Historic Preservation Overlay District. Although not required, the HLC may make a recommendation on the proposal. The recommendation would be provided to the Planning Commission and forwarded to the City Council for consideration.

ATTACHMENTS:

- A. Quick guide of changes to each special exception
- B. Proposed Text Amendment

- C. Analysis of Zoning Amendment Factors
- D. Public Outreach Summary
- E. Department Review Summary

Petition Description

The special exception code changes project is a proposal to eliminate the special exception process from the Salt Lake City Zoning Ordinance. There are more than 40 authorized exceptions in the zoning ordinance. This proposal would result in one of the following actions for each authorized special exception:

- Prohibit exceptions that are routinely denied;
- Permit exceptions with additional standards for those exceptions that are routinely approved; or
- Move specific exceptions to other processes already authorized in the ordinance.

For the purposes of the HLC, the major change proposed result in moving special exceptions under the certificate of appropriateness process.

The number of special exception applications have grown from 37 in 2011 to 149 in 2019. The increase is directing staff resources away from addressing citywide growth-related issues and instead focusing staff resources towards individual developments. Special exceptions required the equivalent of almost two full time employees to process the applications in 2019. This accounts for about 10% of the total workload.

What is a special exception?

A special exception is a minor modification to a dimensional standard or accessory use with minimal impact to adjacent properties.

Special exceptions have grown in scope and level of controversy, particularly outside of the H Overlay. Without any real cap on the scope of an exception, the requested exceptions are asking for larger modifications. This is increasing the amount of staff required to respond to inquiries, answer questions, negotiate with the applicant, and decide on each application.

Proposed Changes

The number of changes to remove special exceptions from the ordinance are extensive. The Planning Commission was briefed on those changes during a September 30, 2020 work session. A quick guide to the changes can be found in Attachment A. The proposed text changes can be found in Attachment B.

The most impactful change that impacts the HLC involves the authority of the HLC to address bulk modifications. The HLC currently has the authority to approve bulk modifications as a special exception. This includes building height, setbacks, lot coverages, and any other regulation that deals with the placement of a building or structure on property located within the H Historic Preservation Overlay Zoning District. This authority includes the ability of staff to address bulk modifications to accessory buildings and structures and other proposals listed as minor alterations. This has proven to be a beneficial tool for the HLC because it has

provided flexibility in acknowledging that most historic buildings and development patterns within local historic districts were established prior to zoning. It has allowed the HLC to focus on design review standards with the overarching goal of preserving the integrity of a building, site and the established historic context. It has provided a mechanism to develop some lots within the city that were previously unbuildable and to design new construction on those lots with buildings that fit into the historic context.

This proposal maintains that authority but eliminates the need to require a separate special exception application and process. The process to approve modification of lot and bulk standards would now be retained through the existing Certificate of Appropriateness processes outlined in 21A.34.020. The benefits of this change include:

- property owners would only need one type of application instead of the two currently required;
- decisions would be based on the applicable standards in 21A.34.020 (alteration, new construction) and the general standards for special exception would not be needed;
- Review time for staff is reduced due to the reduced analysis necessary with elimination of the special exception standards; and
- Staff reports become shorter without the need for additional process review, motions, etc.

The proposed changes include changing the authority section so that the surrounding context is more applicable than the current ordinance requires. The current ordinance says that the HLC can only approve a special exception if it is found that the underlying zoning district is incompatible with the historic district or landmark site. That wording is being changed to focus on the proposal complying with the applicable certificate of appropriateness standards and being compatible with the surrounding historic structures.

Planning staff would be specifically granted the authority to approve modifications for those things listed in the ordinance as minor alterations. Those items listed include:

1. Minor alteration of or addition to a landmark site or contributing site, building, and/or structure;
2. Substantial alteration of or addition to a noncontributing site;
3. Partial demolition of either a landmark site or a contributing principal building or structure;
4. Demolition of an accessory building or structure;
5. Demolition of a noncontributing building or structure; and
6. Installation of solar energy collection systems pursuant to section 21A.40.190 of this title.

This would most likely be used for proposals that fall into items one and two. The HLC would retain the authority to approve modifications for new construction and major alterations. The Planning Division would retain the ability to refer a matter to the HLC for decision if there is a question about the level of compliance with standards.

It is conceivable that any of the proposed changes within this proposal could impact properties within historic districts. However, the H Overlay District takes precedence over any other base zoning district requirement or general provision within the ordinance.

Properties within the H Historic Overlay District may also be impacted by other proposed changes. Those key changes are discussed within the “Community Input” and “Key Code Changes” sections of this report. The provisions and processes within the H Overlay District would not be impacted by the changes and all exterior modifications of a property subject to the H Overlay would maintain some review process.

Applicable Review Processes and Standards

Review Processes: Zoning Text Amendment

Zoning text amendments are reviewed against four considerations, pertaining to whether proposed code is consistent with adopted City planning documents, furthers the purposes of the zoning ordinance, are consistent with other overlay zoning codes, and the extent they implement best professional practices. This staff report focuses on the factors that are directly related to the HLC and the H Historic Preservation Overlay District and can be found in Attachment C.

The primary focus of this text amendment is addressing best professional practices in managing growth by implementing the following practices:

- removing processes that are preventing staff resources from being allocated to growth related issues,
- modernizing the zoning ordinance by removing outdated regulations and processes (such as special exceptions that rarely, if ever, applied for),
- removing regulations that restrict property rights and that do not reflect current trends in how property is used for accessory and ancillary land uses, and
- removing regulations that are not necessary to protect and further the health, safety, and welfare of the neighborhoods located in the city.

City Code amendments are ultimately up to the discretion of the City Council and are not controlled by any one standard.

Community Input

Public Outreach is summarized in Attachment D and includes who was noticed, when the notice was sent, presentation and meetings held, and submitted comments. Below is a discussion of the key issues identified by the community, how the comments relate to the proposal, and how the comments were reflected in the proposed update. The following issues have been identified through the public engagement process (as of October 29, 2020):

1. Outdoor Dining

The Department of Community and Neighborhoods have had several recent complaints about outdoor dining and the impact to adjacent and nearby neighbors. The primary complaints involve noise, proximity to property lines, and businesses not obtaining special exception approvals. The proposed changes would allow outdoor dining as a permitted use to a restaurant,

coffee shop, or other food serving business. The proposal maintains some existing standards and adds some new standards:

- A ten-foot setback for outdoor dining when located next to a residential zoning district (new);
- Limits amplified and live music to decibel levels required by the Salt Lake County Health Department

2. Fence Heights and buffering

Changes to fence height are being processed as a separate application and those comments related to this special exception have been included and analyzed in that project.

3. Discrepancy with Special Exception Approvals

The Planning Division did hear from a resident of the East Bench Neighborhood regarding special exception approvals. The resident indicated that the process was used to create inequities in property rights, with some property owners benefiting from the process and then using the public process to deny other nearby property owners of the same benefits. The Planning Division has heard similar complaints from applicants and the process does create the potential for an applicant to gain approval if the neighbors are favorable towards a proposal and be denied or have a more rigorous approval process if the neighbors are not in favor. There is some risk that this creates unequal treatment and application of the special exception process and standards.

4. Noncomplying Issues

Public comment was received identifying that many properties in the city likely have some level of noncompliance due to the age of the building and changing zoning regulations. The comment indicated that noncomplying issues should be resolved easily and retain property rights.

5. Front yard Parking

The Sugar House Community Council indicated that they do not support allowing front yard parking. This is highlighted here because the Planning Commission indicated that it should be allowed under narrow circumstances and the Planning Division has prepared a draft proposal that follows the input of the Planning Commission.

6. Unit Legalizations

The comments received regarding unit legalizations focused on the need for the definition of a unit to be applied more uniformly and updated if needed. This is separate from this proposal. The comment including inconsistent application of the definition to include things such as water heaters. However, that is not within the definition within the zoning ordinance and cannot be used to determine if a unit is self-contained. The zoning definition of a dwelling unit is:

A building or portion thereof, which is designated for residential purposes of a family for occupancy on a monthly basis and which is a self-contained unit with kitchen and bathroom facilities. The term "dwelling" excludes living space within hotels, bed and breakfast establishments, apartment hotels, boarding houses and lodging houses.

It should be noted that this definition is being changed slightly as part of the Shared Housing (formerly known as SROs) zoning amendment. The changes address a shared housing unit not being fully self-contained.

7. Vintage Signs

A comment was received about vintage signs and that they should be allowed in the CSHBD 2 (Sugar House Business District) zone. A vintage sign is a historic sign that adds some distinctive nature to a neighborhood. Vintage signs can be relocated within the same zoning district, to be moved with a business if it relocates, and are allowed to be used as public art in some zoning districts. This comment is in reference to the use of vintage signs as public art. The ordinance currently restricts this to the Downtown zones, Gateway Mixed Use, and Sugar House Business District 1 zoning districts. The comment from the Sugar House Community Council is related to adding CSHBD2 to the allowed zones where vintage signs could be relocated as public art. The Planning Division updated the proposal to add this zoning district and other similar zoning districts: FB-UN2, FB-UN3, FB-SC, FB-SE, TSA. It may be worth considering if vintage signs create an impact in any commercial or mixed-use zoning district and allow them in those districts as well.

KEY CODE CHANGES:

Most of the changes associated with this proposal are minor in nature. However, some of the changes may have broader implications and deserve to be discussed in more detail. The following specific issues were discussed by the Planning Commission during a work session and are included as information for the Historic Landmark Commission.

1. Inline Additions

An inline addition is an addition to an existing building where the building does not meet the minimum setback requirements. Inline additions have become a popular application for additions to homes. Most inline additions are requested for older homes that were built at a time when building setbacks, mostly side yards, were related to the height of the structure. If a structure was relatively low in height, such as a small cottage or bungalow, it could have smaller side yards. Buildings built prior to zoning also have setbacks that are noncomplying.

The HLC would retain the ability to approve appropriately designed inline additions. However, outside of the H Overlay additions would be required to comply with existing side yard setbacks. This is being proposed to reduce the impacts that additions to noncomplying buildings have on adjacent properties. While a property owner clearly knows how close the existing building is to their property, an addition that increases that impact may not be expected. The proposal would allow inline additions in the rear and front yards when a portion of the building already encroaches into a required yard but would not be allowed to encroach further into a required yard. This is because in most cases the front and rear yards are larger than side yards and the impacts are already reduced.

The Planning Commission supported allowing inline additions to buildings that already encroach into a required front or rear yard. The proposal presented by the Planning Division did not allow inline additions in noncomplying side yards that did not comply with current side yard setbacks. This means that any new addition would be required to meet the setbacks. The Commission requested that the Division consider options for inline additions in noncomplying side yards and suggested limited those additions to single story in height or rethinking how building height is measured.

After reviewing these options, the Planning Division is of the opinion that trying to accommodate in line additions as suggested may trigger unintended consequences. The issues identified by Planning Staff include:

- Limiting an inline addition to a single story: this required defining what a single story is, how it is measured, and how it interacts with the rest of the structure. For example, an addition could add a single story that had a larger floor to ceiling height than the existing structure, but still be considered a single story. The addition could potentially be a 28-foot-tall space and have the same impacts that a two-story structure may have.
- Establishing a new method to measure height for single story additions may create unintended consequences to other structures and would require greater analysis. There are tens of thousands single family structures in the city that were build prior to the current side yard setbacks. Understanding the impact that such a change would have to those properties and the adjacent properties is a challenging task that would require significant staff research that is not currently available.

The HLC would retain the ability to modify setbacks, building height and other mass related regulations within historic districts. Maintaining this authority creates a benefit for properties within the H Overlay and is a relatively small, but effective, carrot for creating local historic districts.

2. Front Yard Parking

The Planning Commission recommended that front yard parking be allowed provided there are no other alternatives for off-street parking on the property. The Planning Division has added standards that:

- Only permits front yard parking when the property has no other off-street parking;
- Limits front yard parking to residential uses;
- The front or rear yard are not accessible due to the width of a side yard, lack of a side yard, or lack of a wide enough rear yard for corner properties; and
- Adds dimensional standards to ensure that the front yard parking does not impact the sidewalk or bike lanes.

Front Yard parking is currently an authorized special exception, including in the H Overlay. The applicable approval processes in the overlay would apply to any request for front yard parking. Front yard parking would be considered a minor alteration in most circumstances because it would be proposed on properties that were developed prior to parking requirements being added to the Zoning Ordinance and new construction must comply with current parking requirements, including location of the parking.

3. Additional Height for Accessory Structures

The primary concern raised by the Planning Commission involved how high an accessory building could be if the principal structure was more than two stories in height. Standards were added that:

- Limited the increase to no more than 25% of the permitted height and restricts the height to no more than 75% of the height of the principal structure;
- Requires an increased setback of one foot for every one foot in additional height.

Several issues were identified by Planning staff regarding extra height and the likelihood for it to promote second story use in accessory buildings. The existing special exception for extra height in accessory buildings limited the extra height to storage purposes and did not allow windows to face a neighboring yard. The use of the secondary story requires a separate special exception under the current code. However, with the proposed changes, second story use would be permitted.

The HLC already has the authority within the H Overlay to approve additional height for accessory structures. This proposal does put some parameters around that additional height that are not currently within the ordinance. However, the HLC would have the authority to modify the height further on a case by case basis.

4. Commercial Building Height

The Planning Commission discussed that there could be some benefit for allowing extra height on sloping lots in commercial zoning districts. The concerns raised were mainly focused on buildings with wide frontages and the impact extra height would have. The ability to obtain extra height, up to 10%, was added as a permitted increase provided that at least 50% of the building volume complies with the height, the height allows for the top story to have level floors without internal stepping, and the ground floor has a minimum height of twelve feet.

The HLC is currently granted this authority through the general modification to bulk requirements within the code. As this typically applies to new construction, it would more than likely be reviewed by the Commission and not at the staff level. It is possible however that additions to commercial buildings that are within the H Overlay may be eligible for staff review.

5. Ground Mounted Utility Boxes

The recommendation from the City is to prohibit ground mounted utility boxes in public rights of way when the utility box is only serving private development. The reason for this change is because the private development benefits from placing the boxes in the rights of way because doing so does not require space on private property for private infrastructure. However, this creates long term planning issues for the City because those boxes will never be able to be moved out of the right of way if the City desires or needs to make changes to the rights of way. Examples of city actions that may be impacted by allowing utility boxes to be placed in the rights of way include planting trees, expanding underground infrastructure (such as water pipes, storm drainage, or sewer lines), widening sidewalks, adding grade separate bike lanes, managing curb space, and other public uses within the ROW.

The proposed prohibition would eliminate the ability for utility boxes within historic districts to be placed in the public rights of way when the box is only serving a private development. Utility boxes that serve the broader neighborhood would still be allowed provided they comply with the size requirements in the code. It is possible that a utility box could be proposed in excess of the size requirements because the size requirements are considered bulk regulations.

NEXT STEPS:

There are a few issues that remain unresolved and some modifications may be made after the HLC public hearing. Those issues involve the key code changes discussed by the Planning Commission. An additional issue that has been identified is additional building height in the Foothill Zoning Districts. There are no local districts mapped within the Foothill Zoning Districts. The relatively steep slopes and large grade changes across individual properties make it difficult to build a new building or make additions to existing homes and comply with the height requirements. This may be addressed by allowing a minority percentage of the building to exceed the height, like the proposal in commercial districts.

The HLC may provide a positive or negative recommendation for the proposed text amendments. The recommendation will be sent to the Planning Commission and City Council, who will hold a briefing and additional public hearing(s) on the proposed text amendments. The City Council may make modifications to the proposal and approve or decline to approve the proposed zoning text amendments.

If the text amendments are approved by the City Council, appeals would be subject to the new City ordinance standards.

The HLC may also recommend a modified version of the proposal. This would be advisable if the commission identifies potential issues with any aspect of the proposal. Instances where this may happen include:

- The commission wants to add a standard or modify a proposed regulation;
- The commission wants to delete a standard or requirement within the proposal;
- The commission wants additional information about any aspect of the proposal.

There may be situations where the HLC makes a request and the Planning Division is not able to provide information regarding that request. An example of this may be a request for a significant amount of research or data that the Division does not have the capability to provide.

ATTACHMENT A: Quick Guide

This is a simple summary of the proposed changes. Please refer to the draft code in Attachment B for all proposed changes.

Additional Accessory structure height: increased height (up to 75% of the principal structure) allowed with increase in setbacks

Accessory structures on double frontage lots: standards added to match location of accessory buildings of the block.

Additional height for fences: removed exception process, sets maximum heights.

Additional building height in commercial districts: deleted special exception; will rely on processes in base zoning district.

Additional height in foothill districts: deleted special exception

Additional height in R-1, R-2, SR districts: deleted special exception

Alternative to off street parking: deleted

Barbed wire fences: standards added, restricted to industrial and agricultural zones and for land uses that require added security, such as public utility facilities.

Conditional home occupations: deleted. This was changed several years ago to permitted but was not deleted from the special exception chapter.

Dividing existing lots with existing detached dwellings: allowed through the subdivision process with standards added.

Front yard parking: deleted

Grade changes over 4 feet: will become permitted with a step between retaining walls necessary to retain the grade change.

Ground mounted AC units, pool equipment, etc. within 4 feet of side or rear property line: deleted. Will be required to meet standards in code without exceptions.

Hobby shop, art studio, exercise room in accessory buildings: deleted, will become permitted.

Inline additions: permitted to match the existing building setback in front and rear yards; prohibited when buildings don't comply with side yard setbacks.

Home day care: will become permitted or conditional based on Utah Code requirements for number of kids.

Outdoor dining in required yard: will be permitted with specific standards for setbacks, noise, etc. when next to residential zone.

Razor wire fencing: limited to industrial and agricultural zones and some uses that require a high level of security.

Replacement of noncomplying building or portion of a noncomplying building: allowed by right within the noncomplying chapter of the zoning ordinance.

Underground encroachments: permitted in the encroachment table with standards.

Window mounted AC units: deleted special exception, will be permitted.

Vehicle and equipment storage in CG, M1, M2, EI: permitted with specific standards for water quality and to reduce mud, dirt, gravel being carried onto public streets.

Ground mounted utility boxes: permitted in the public right of way if under a certain size and if the box serves a broader area than just a private development and with specific standards.

Unit legalizations: will be addressed as a determination of nonconforming use in chapter 21A.38. Standards related to continuing use maintained. Other standards that require update to parking standards deleted.

Vintage signs: Changed to permitted with existing standards in the ordinance, expanded where a vintage sign could be used as public art.

Additional height for lights at sports fields: changed to permitted with screening of light trespass, increased setback from residential uses.

Recreation equipment height in OS zone: capped at 60 feet in height with no exceptions.

Public utility buildings in OS zone: will be allowed to exceed building height for critical public utility infrastructure. Does not include office buildings.

Fence and wall height over 6 feet for homeless resource centers: Planning Commission will be given the authority to approve taller fences for buffering purposes.

Enlargement of structure with noncomplying use: allowed by right provided the addition complies with zoning requirements.

Horizontal inline additions: permitted to match existing portions of buildings that do not meet setback when the addition is in the front or rear yards, but prohibited in side yards.

Alteration to an existing SFD when the use is not allowed: alterations will be permitted.

Amateur HAM radio antennae over 75 feet in height: special exception deleted.

Electrical equipment for cell towers: will need to be in a side or rear yard with specific setback and screening requirements.

Electrical security fences: deleted and will become nonpermitted.

Covered ADA ramps: deleted, will be addressed through a reasonable accommodation authorized under federal laws.

Ground mounted utility boxes over a certain size in the right of way: will be deleted and required to be located on private property when serving individual developments.

Front yard parking for SFD when side or rear yard not accessible: deleted and will no longer be allowed.

Parking exceeding the maximum: deleted. Will be addressed through proposed changes to parking ordinance.

Alternative parking requirements: deleted. Will be addressed through proposed changes to parking ordinance.

Commercial signs in historic districts: delete special exception requirement; will be authorized through existing processes in the Historic Preservation Overlay.

HLC bulk modifications: delete special exception requirement: will be authorized through existing processes in the Historic Preservation Overlay.

ATTACHMENT B: **Proposed Code Text**

Special Exception Code Changes (Current as of 10/26/2020)

This proposed ordinance makes the following amendments to Title 21A. Zoning:

- Amends section 21A.06.050 C 6
- Deletes section 21A.24.010 P 2
- Amends section 21A.24.010 P 6
- Amends section 21A.24.050.D.6.a
- Amends section 21A.24.060.D.6.a
- Amends sections 21A.24.070.D.6.a
- Amends section 21A.24.080.D.6.a
- Amends section 21A.24.100.D.6.a
- Amends section 21A.24.110.D.6.a
- Amends section 21A.26.010.J
- Amends section 21A.32.100.D.3
- Amends section 21A.32.100.D.4
- Amends section 21A.32.100 H
- Amends section 21A.34.120.G
- Amends section Table 21A.36.020.B
- Amends section 21A.36.350.A.3
- Amends section 21A.38.040.H.2
- Amends section 21A.38.050.A
- Amends section 21A.38.050.G
- Amends section 21A.38.060
- Amends section 21A.38.070
- Adds new section 21A.38.075
- Amends section 21A.40.040
- Amends section 21A.40.050.A.6
- Amends section 21A.40.050.C
- Amends section 21A.40.065
- Amends section 21A.40.090.D
- Amends section 21A.40.090.E.3.b
- Adds new section 21A.40.100 Mechanical Equipment
- Amends section 21A.40.120.I Barbed Wire Fences
- Amends section 21A.40.120.J Razor Wire Fences
- Amends section 21A.40.120.L Electric Security Fences
- Amends section 21A.40.130 Access for Persons with Disabilities
- Amends section 21A.40.160 Ground mounted Utility Boxes
- Amends section 21A.44.090 Parking Modifications (this is the proposed parking chapter, not the current parking chapter)
- Amends section 21A.46.070.V Historic District signs
- Amends section 21A.46.125 Vintage signs
- Deletes chapter 21A.52 Special Exceptions
- Makes technical changes
- Makes changes to references associated with the amended sections

Underlined text is new; text with strikethrough is proposed to be deleted. All other text is existing with no proposed change.

1 Amending 21A.06.050.C.6

2 6. Review and approve or deny certain ~~special exceptions~~ modifications to dimensional
3 standards for properties located within an H historic preservation overlay district. This
4 authority is also granted to the planning director or designee for applications within the
5 H Historic preservation overlay district that are eligible for administrative approval by
6 the planning director or zoning administrator. The certain ~~special exceptions~~
7 modifications to zoning district specific development standards are listed as follows and
8 are in addition to any modification authorized elsewhere in this title:

- 9 a. Building wall height;
10 b. Accessory structure wall height;
11 c. Accessory structure square footage;
12 d. Fence height;
13 e. Overall building and accessory structure height;
14 f. Signs pursuant to section 21A.46.070 of this title; and
15 g. Any modification to bulk and lot regulations, except density, of the underlying
16 zoning district where it is found that the ~~underlying zoning would not be compatible~~
17 ~~with the historic district and/or landmark site~~ proposal complies with the applicable
18 standards identified in 21A.34.020 and is compatible with the surrounding historic
19 structures.
20

21 Delete section 21A.24.010.P.2 (eliminating additional height in foothill zones)

22 ~~21A.24.010.P.2~~

23 ~~Height Special Exception: The Planning Commission, as a special exception to the height~~
24 ~~regulations of the applicable district, may approve a permit to exceed the maximum~~
25 ~~building height but shall not have the authority to grant additional stories. To grant a~~
26 ~~height special exception the Planning Commission must find the proposed plan:~~

27 ~~— a. Is a design better suited to the site than can be achieved by strict compliance to~~
28 ~~these regulations; and~~

29 ~~— b. Satisfies the following criteria:~~

30 ~~— (1) The topography of the lot presents difficulties for construction when the~~
31 ~~foothill height limitations are applied;~~

32 ~~— (2) The structure has been designed for the topographic conditions existing on~~
33 ~~the particular lot, and~~

34 ~~— (3) The impact of additional height on neighboring properties has been identified~~
35 ~~and reasonably mitigated.~~

36 ~~— e. In making these considerations the Planning Commission can consider the size~~
37 ~~of the lot upon which the structure is proposed.~~

38 ~~— d. The burden of proof is upon the applicant to submit sufficient data to persuade~~
39 ~~the Planning Commission that the criteria have been satisfied.~~

40 ~~— e. The Planning Commission may deny an application for a height special~~
41 ~~exception if:~~

- 42 ——— (1) ~~The architectural plans submitted are designed for structures on level, or~~
43 ~~nearly level, ground, and the design is transposed to hillside lots requiring support~~
44 ~~foundations such that the structure exceeds the height limits of these regulations;~~
45 ——— (2) ~~The additional height can be reduced by modifying the design of the structure~~
46 ~~through the use of stepping or terracing or by altering the placement of the structure on~~
47 ~~the lot;~~
48 ——— (3) ~~The additional height will substantially impair the views from adjacent lots,~~
49 ~~and the impairment can be avoided by modification; or~~
50 ——— (4) ~~The proposal is not in keeping with the character of the neighborhood.~~
51 Repealed

52 Amending 21A.24.010 P 6 (modifying grade change requirements in foothill zones)

- 53 6. Grade Changes: No grading shall be permitted prior to the issuance of a building
54 permit. The grade of any lot shall not be altered above or below established grade
55 more than ~~four~~4 feet (~~4'~~) at any point for the construction of any structure or
56 improvement except:
- 57 a. Within the buildable area. Proposals to modify established grade more than 6 six
58 feet (6') shall be reviewed as a special exception subject to the standards in
59 chapter 21A.52 of this title shall be permitted for the construction of below grade
60 portions of structures, egress windows, and building entrances. Grade change
61 transition areas between a yard area and the buildable area shall be within the
62 buildable area;
- 63 b. Within the ~~front, corner side,~~ side and rear yard areas, ~~proposals to modify~~
64 ~~established grade more grade changes greater than 4~~four feet (4') shall be
65 reviewed as a special exception subject to the standards found in chapter ~~21A.52~~
66 of this title are permitted provided: and
- 67 (1) The grade change is supported by retaining walls.
68 (2) No individual retaining wall exceeds 6 feet in height.
69
- 70 c. As necessary to construct driveway access from the street to the garage or
71 parking area ~~grade changes and/or retaining walls up to six feet (6') from the~~
72 ~~established grade shall be reviewed as a special exception subject to the standards~~
73 ~~in chapter 21A.52 of this title~~ Within the front and corner side yards, grade
74 changes up to 6 feet in height are permitted provided:
- 75 (1) The grade change is necessary for driveways accessing legally located parking
76 areas
77 (2) The grade changes are supported by retaining walls.

78 Delete reference to special exception for extra height in R-1, R-2, and SR districts

79 21A.24.050.D.6.a:

- 80 6. a. ~~For properties outside of the H Historic Preservation Overlay District,~~
81 ~~additional building height may be granted as a special exception by the Planning~~
82 ~~Commission subject to the special exception standards in chapter 21A.52 of this~~
83 ~~title and if the proposed building height is in keeping with the development~~
84 ~~pattern on the block face. The Planning Commission will approve, approve with~~
85 ~~conditions, or deny the request pursuant to chapter 21A.52 of this title.~~

86 **b. Additional Principal Building Height:** Requests for additional building height
87 for properties located in an H Historic Preservation Overlay District shall be
88 reviewed by the Historic Landmarks Commission which may grant such requests
89 subject to the provisions of section 21A.34.020 of this title.

90 21A.24.060.D.6.a

91 ~~6. a. For properties outside of the H Historic Preservation Overlay District,~~
92 ~~additional building height may be granted as a special exception by the Planning~~
93 ~~Commission subject to the special exception standards in chapter 21A.52 of this~~
94 ~~title and if the proposed building height is in keeping with the development~~
95 ~~pattern on the block face. The Planning Commission will approve, approve with~~
96 ~~conditions, or deny the request pursuant to chapter 21A.52 of this title.~~

97 **b. Additional Principal Building Height:** Requests for additional building height
98 for properties located in an H Historic Preservation Overlay District shall be
99 reviewed by the Historic Landmarks Commission which may grant such requests
100 subject to the provisions of section 21A.34.020 of this title.

101 21A.24.070.D.6.a

102 ~~6. a. For properties outside of the H Historic Preservation Overlay District,~~
103 ~~additional building height may be granted as a special exception by the Planning~~
104 ~~Commission subject to the special exception standards in chapter 21A.52 of this~~
105 ~~title and if the proposed building height is in keeping with the development~~
106 ~~pattern on the block face. The Planning Commission will approve, approve with~~
107 ~~conditions, or deny the request pursuant to chapter 21A.52 of this title.~~

108 **b. Additional Principal Building Height:** Requests for additional building height
109 for properties located in an H Historic Preservation Overlay District shall be
110 reviewed by the Historic Landmarks Commission which may grant such requests
111 subject to the provisions of section 21A.34.020 of this title.

112 21A.24.080.D.6.a

113 6. Additional Building Height:

114 ~~a. For properties outside of the H historic preservation overlay district,~~
115 ~~additional building height may be granted as a special exception by the planning~~
116 ~~commission subject to the special exception standards in chapter 21A.52 of this~~
117 ~~title and if the proposed building height is in keeping with the development~~
118 ~~pattern on the block face. The planning commission will approve, approve with~~
119 ~~conditions, or deny the request pursuant to chapter 21A.52 of this title.~~

120 **b. Additional Principal Building Height:** Requests for additional building
121 height for properties located in an H historic preservation overlay district shall be
122 reviewed by the historic landmarks commission which may grant such requests
123 subject to the provisions of section 21A.34.020 of this title.

124 21A.24.100.D.6.a

125 6. Additional Building Height:

126 ~~a. For properties outside of the H historic preservation overlay district,~~
127 ~~additional building height may be granted as a special exception by the planning~~
128 ~~commission subject to the special exception standards in chapter 21A.52 of this~~
129 ~~title and if the proposed building height is in keeping with the development~~
130 ~~pattern on the block face. The planning commission will approve, approve with~~
131 ~~conditions, or deny the request pursuant to chapter 21A.52 of this title.~~

132 **b. Additional Principal Building Height:** Requests for additional building
133 height for properties located in an H historic preservation overlay district shall be

134 reviewed by the Historic Landmarks Commission which may grant such requests
135 subject to the provisions of section 21A.34.020 of this title.

136 21A.24.110.D.6.a

137 6. a. ~~For properties outside of the H Historic Preservation Overlay District,~~
138 ~~additional building height may be granted as a special exception by the Planning~~
139 ~~Commission subject to the special exception standards in chapter 21A.52 of this~~
140 ~~title and if the proposed building height is in keeping with the development~~
141 ~~pattern on the block face. The Planning Commission will approve, approve with~~
142 ~~conditions, or deny the request pursuant to chapter 21A.52 of this title.~~

143 b. Additional Principal Building Height: Requests for additional building height
144 for properties located in an H Historic Preservation Overlay District shall be
145 reviewed by the Historic Landmarks Commission which may grant such requests
146 subject to the provisions of section 21A.34.020 of this title.

147 Delete special exception for extra height in all commercial zoning districts in 21A.26.010 J

148 21A.26.010 J:

149 J. Modifications To Maximum Height: The maximum height of buildings in
150 commercial zoning districts may be increased up to 10% on any building face
151 ~~Additions to the maximum height due to the natural topography of the site may~~
152 ~~be approved pursuant to the following procedures and standards:~~

153 1. At least 50% of the building complies with the maximum height of the
154 underlying zoning district;

155 2. The modification allows the upper floor of a building to be level with the
156 portion of the building that complies with the maximum building height
157 of the zone without the 10% modification; and

158 3. The height of the ground floor is at least 12 feet in height measured from
159 finished floor to finished ceiling height.

160 1. Modifications Of Ten Percent Or Less Of Maximum Height:

161 a. ~~The Planning Commission may approve, as a special exception, additional~~
162 ~~height not exceeding ten percent (10%) of the maximum height pursuant to the~~
163 ~~standards and procedures of chapter 21A.52 of this title. Specific conditions for~~
164 ~~approval are found in chapter 21A.52 of this title.~~

165 2. Modifications Of More Than Ten Percent Of Maximum Height:

166 a. Design Review: Through design review for properties on a sloping lot in
167 Commercial Zoning Districts, pursuant to chapter 21A.59 of this title, the
168 Planning Commission, or in the case of an administrative approval the Planning
169 Director or designee, may allow additional building height of more than ten
170 percent (10%) of the maximum height, but not more than one additional story, if
171 the first floor of the building exceeds twenty thousand (20,000) square feet. The
172 additional story shall not be exposed on more than fifty percent (50%) of the
173 total building elevations.

174 Changes to 21A.32.100 D 3 and D 4 deleting special exception for recreation equipment height
175 and heights for public utility buildings in the OS Open Space zoning district

176 3. ~~Recreation equipment heights or heights for buildings or structures for the Salt Lake~~
177 ~~City Public Utilities Department that are not specifically exempt in section~~
178 ~~21A.02.050 of this title, in excess of sixty feet (60') may be approved through the~~

179 ~~Special Exception process.~~ are permitted to a height not to exceed 80 feet when
180 needed due to the nature of the equipment or for the use to operate safely, such as
181 fences surrounding golf course driving ranges.

182 4. Heights for buildings or structures for the Salt Lake City Public Utilities Department
183 that are not specifically exempt in section 21A.02.050 of this title, are exempt from
184 the height restrictions in this zoning district provided the building or structure is
185 deemed by the director of the public utilities department as critical infrastructure
186 necessary to provide specific utility needs to the public.

187 Changes to 21A.32.100 H additional height for sports related light poles in the OS zone.

188 H. Lighting: All uses and developments that provide lighting shall ensure that lighting
189 installations comply with the following standards
190 1. Lighting is installed in a manner and location that will ~~de~~ not have an adverse
191 impact on the natural environment when placed in areas with wildlife habitat,
192 traffic safety or on surrounding properties and uses.
193 2. Light sources shall be shielded to eliminate excessive glare or light into
194 adjacent properties and have cutoffs to protect the view of the night sky.
195 3. Light poles for outdoor uses, such as sports fields, amphitheaters, and other
196 similar uses may be permitted to exceed the maximum heights up to 70 feet
197 in height provided the lights are located a minimum of 30 feet from a
198 residential use and directed to reduce light trespass onto neighboring
199 properties.

200

201 Changes to 21A.34.120 Garages located in hillsides in the YCI Yalecrest Compatible Infill
202 Overlay

203 G. ~~Special Exception For~~ Garages Built into Hillsides in Front or Corner Side Yards: A
204 garage built into a hillside and located forward of the front line of the building may
205 be allowed as a ~~special exception granted by the planning commission,~~ subject to the
206 following standards:

207 1. The rear and side yards cannot be reasonably accessed for the purpose of
208 parking.

209 2. Because of the topography of the lot it is impossible to construct a garage and
210 satisfy the standards of the YCI.

211 3. The ceiling elevation of the garage is below the elevation of the first or main
212 floor of the house.

213 4. The garage meets all applicable yard requirements.

214 Changes to Table 21A.36.020 B Obstructions in Required yards

215 TABLE 21A.36.020B
216 OBSTRUCTIONS IN REQUIRED YARDS¹

217

Type Of Structure Or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
--------------------------------------	---	--------------	--------------

<u>Below grade encroachments underground obstructions when there is no exterior evidence of the underground structure other than entrances and required venting provided there are no conflicts with any easements or publicly owned infrastructure or utilities. ²</u>	X	X	X
--	---	---	---

Central air conditioning systems, heating, ventilating, pool and filtering equipment, the outside elements shall be located not less than 4 feet from a lot line. Structures less than 4 feet from the property line shall be reviewed as a special exception according to the provisions of section 21A.52.030 of this title		X	X
--	--	---	---

Changes of established grade for commercial or industrial uses in zones, where conditionally or otherwise permitted, the grade is changed to accommodate site retention or detention requirements	X	X	X
---	---	---	---

Changes of established grade of 4 feet or less except for the FP and FR Districts which shall be subject to the provisions of subsection 21A.24.010P of this title. (All grade changes located on a property line shall be supported by a retaining wall.)	X	X	X
--	---	---	---

~~For properties outside of the H Historic Preservation Overlay District, Changes of established grade greater than 4 feet are special exceptions subject to the standards and factors in chapter 21A.52 of this title Grade changes greater than 4 feet in height provided the grade change includes a retaining wall, a horizontal step that is a minimum of 3 feet in depth is provided for every 4 vertical feet of retaining wall.~~

Laundry drying equipment (clothesline and poles)	<u>X</u>	<u>X</u>	X
--	----------	----------	---

Window mounted refrigerated air conditioners and evaporative "swamp" coolers located at least 2 feet from the property line.	X	X	X
--	---	---	---

~~Window mounted refrigerated air conditioner units and "swamp" coolers less than 2 feet from the property line shall be reviewed as a special exception according to the provisions of section 21A.52.030 of this title~~

218 Notes:

219 1. "X" denotes where obstructions are allowed.

220 2. ~~Below grade encroachments (encroachments which are completely below grade where the~~
 221 ~~surface grade remains intact and where the below grade encroachment is not visible from the~~
 222 ~~surface) into required yards shall be treated as a special exception in accordance with the~~
 223 ~~procedures set forth in chapter 21A.52 of this title. reserved~~

224 3. The accessory structure shall be located wholly behind the primary structure on the
 225 property.

226

227 Changes to 21A.36.350 A 3: fence and wall height associated with homeless resource center

228 21A.36.350.A.3. A decorative masonry wall that is a minimum of ~~six~~ six feet (6') high shall
229 be provided along all interior side and rear lot lines and that complies with all required
230 site distance triangles at driveways and walkways. Walls in excess of ~~six~~ six feet (6') may be
231 approved by the Planning Commission as a special exception required as a condition of
232 approval of a conditional use if it determines a taller wall is necessary to mitigate a
233 detrimental impact created by the homeless resource center or homeless shelter;

234 Changes to 21A.38.040 H 2 enlarging a structure with a legal non-conforming use

235 21A.38.040.H.2

236 2. Enlargement Of A Structure With A Nonconforming Use: ~~Alterations or modifications~~
237 ~~to a portion of a structure with~~ Enlargement of a legal nonconforming use ~~may be~~
238 ~~approved by special exception, subject to the provisions of chapter 21A.52 of this title,~~
239 are limited to a one time expansion of up to if the floor area for the nonconforming use
240 does not increase by more than twenty five 25 percent (25%) of the gross floor area, or
241 one thousand (1,000) gross square feet, whichever is less and subject to the site being
242 able to provide required off street parking that complies with any applicable parking
243 requirement of this title. within the limits of existing legal hard surfaced parking areas
244 ~~on the site.~~ An approved expansion shall be documented through an updated zoning
245 certificate for the property. Any expansion to the nonconforming use ~~portion of a~~
246 ~~structure~~ beyond these limits is not permitted. The expansion shall be limited to a one-
247 time expansion after April 12, 1995, the effective date of this title. Any expansion granted
248 as a special exception after April 12, 1995 shall be considered as fulfilling the one-time
249 expansion.

250 Changes to 21A.38.050 A Noncomplying structures and inline additions

251 A. Enlargement: A noncomplying structure may be enlarged if such enlargement and its
252 location comply with the standards of the zoning district in which it is located or as
253 provided in this section. ~~Horizontal in line additions or extensions to existing~~
254 ~~noncomplying building portions are considered not creating a new nonconformance~~
255 ~~and are subject to special exception standards and approval of subsection~~
256 ~~21A.52.030A15 of this title. Vertical in line additions or extensions to existing~~
257 ~~noncomplying building portions are considered creating a new nonconformance and~~
258 ~~are not permitted.~~

259 1. Noncomplying as to setbacks

260 a. Front yard: A principal building with a front yard setback that is less than the
261 minimum required may be enlarged provided the addition does not further
262 reduce the existing front yard setback and complies with all other applicable
263 requirements of Title 21A.

264 b. Corner side yards: A principal building with a corner side yard setback that is
265 less than the minimum required may be enlarged provided the addition does
266 not further reduce the existing corner side yard setback and complies with all
267 other applicable requirements of Title 21A.

268 c. Interior side yards: Any addition to a principal structure with a
269 noncomplying setback is permitted provided the addition complies with the
270 minimum side yard setback requirement and maximum wall height as
271 specified in the underlying zone. In determining if a side yard is

272 noncomplying, the narrower of the two side yards shall be interpreted to be
273 the narrower side yard required in the underlying zoning district.

274
275 d. Rear yards. A principal building noncomplying to rear yard setbacks may be
276 expanded provided the expansion follows an existing noncomplying building
277 wall and does not result in a decrease of the existing rear yard setback and
278 complies with side and corner side yard setbacks of the underlying zoning
279 district. If the building does not comply with the existing side or corner side
280 yard setback, the expansion shall be permitted to extend to the side or corner
281 side yard setback of the underlying zone.

282 2. Noncomplying as to height: A principal structure that exceeds the maximum
283 height of the underlying zoning district may be expanded at the existing height of
284 the building provided the setbacks of the underlying zoning district are complied
285 with. If the existing setbacks of the structure are noncomplying, then an
286 expansion of the building shall comply with the height and applicable setback
287 requirements of the underlying zoning district.

288 Changes to 21A.38.050 G replacement/reconstruction of a noncomplying structure

289 The replacement or reconstruction of any existing noncomplying portion of a principal
290 structure or full replacement of a noncomplying accessory structure is ~~subject to the~~
291 special exception standards of subsection 21A.52.030A19 of this title permitted provided
292 the replacement is in the same location or in a location that reduces the degree of
293 noncompliance and is of substantially the same dimension. Enlarging a full replacement
294 of a noncomplying accessory structure is permitted provided the enlarged section
295 complies with all setback, height, maximum square feet, and lot or yard coverage
296 requirements.

297 Changes to 21A.38.060 Noncomplying lots: adding paragraph A addressing subdividing a lot
298 with two or more principal buildings.

299 A. Subdividing Lots containing two or more separate principal buildings. Lots that
300 contain two or more separate principal buildings on a single parcel may be subdivided to
301 place each structure on a separate lot subject to the following provisions

- 302 1. The properties shall be subdivided by recording of a plat.
- 303 2. The proposed lots are exempt from the minimum lot area, lot width, lot coverage,
304 and street frontage requirements of the underlying zoning district;
- 305 3. The proposed setbacks shall be reviewed and approved by the Planning Director
306 after consultation with applicable city departments;
- 307 4. The proposed subdivision plat shall identify the front, corner side, interior side,
308 and rear yards for the purpose of future development.
- 309 5. Parking may be located anywhere within the proposed subdivision except front
310 yards (unless already existing) and shall not be reduced below the existing off-
311 street parking
- 312 6. All lots that are part of the subdivision must include adequate access to a public
313 street. Adequate access shall include pedestrian walkways and when off-street
314 parking is required, vehicle access and parking.

315 7. All necessary easements for access and utilities are shown on the plat. A note
316 shall be added to indicate responsibility for maintenance of shared access and
317 utilities.

318 8. All other applicable regulations of the Salt Lake City Code shall apply.

319 Changes to 21A.38.070 Legal conforming single-family detached dwelling, two-family dwelling,
320 and twin home.

321 Any legally existing single-family detached dwelling, two-family dwelling, or twin home
322 ~~located in a zoning district that does not allow these uses~~ shall be considered legal
323 conforming. Legal conforming status shall authorize replacement of the single-family
324 detached dwelling, two-family dwelling, or twin home structure to the extent of the
325 original footprint.

326
327 A. Alterations, Additions Or Extensions Or Replacement Structures Greater Than
328 The Original Footprint: In zoning districts ~~other than M-1 and M-2~~, which do
329 not allow detached single-family dwelling units, two-family dwelling units or
330 twin homes, any alterations, extensions/additions or the replacement of the
331 structure may exceed the original footprint by ~~twenty five~~ 25 percent (25%) of the
332 existing structure subject to the following standards:

333 1. Any alterations, extensions/additions or the replacement structure shall not
334 project into a required yard beyond any encroachment established by the
335 structure being replaced.

336 2. ~~Any alterations, additions or extensions beyond the original footprint which~~
337 ~~are noncomplying are subject to special exception standards of subsection~~
338 ~~21A.52.030A15 of this title.~~

339 3. All replacement structures in nonresidential zones are subject to the
340 provisions of section 21A.36.190, "Residential Building Standards For Legal
341 Conforming Single-Family Detached Dwellings, Two-Family Dwellings And
342 Twin Homes In Nonresidential Zoning Districts", of this title.

343
344 ~~Any alterations, additions or extensions or replacement structures which exceed twenty~~
345 ~~five percent (25%) of the original footprint, or alterations, additions or extensions or~~
346 ~~replacement of a single family detached dwelling, two family dwelling or twin home in~~
347 ~~an M-1 or M-2 zoning district may be allowed as a conditional use subject to the~~
348 ~~provisions of chapter 21A.54 of this title.~~

349 Adding new section 21A.38.075 Unit Legalizations: relocated from special exception chapter.

350 A. Purpose: The purpose of this subsection is to implement the existing Salt Lake City
351 community housing plan by providing a process that gives owners of property with one
352 or more excess dwelling units not recognized by the city an opportunity to legalize such
353 units based on the standards set forth in this section. The intent is to maintain existing
354 housing stock in a safe manner that contributes to the vitality and sustainability of
355 neighborhoods within the city.

356 B. Review Standards: A dwelling unit that is proposed to be legalized pursuant to this
357 section shall comply with the following standards.

358

- 359 1. The dwelling unit existed prior to April 12, 1995. In order to determine whether
360 a dwelling unit was in existence prior to April 12, 1995, the unit owner shall
361 provide documentation thereof which may include any of the following:
362 a. Copies of lease or rental agreements, lease or rent payments, or other similar
363 documentation showing a transaction between the unit owner and tenants;
364 b. Evidence indicating that prior to April 12, 1995, the city issued a building
365 permit, business license, zoning certificate, or other permit relating to the
366 dwelling unit in question;
367 c. Utility records indicating existence of a dwelling unit;
368 d. Historic surveys recognized by the Planning Director as being performed by a
369 trained professional in historic preservation;
370 e. Notarized affidavits from a previous owner, tenant, or neighbor;
371 f. Polk, Cole, or phone directories that indicate existence of the dwelling unit
372 (but not necessarily that the unit was occupied); or
373 g. Any other documentation that the owner is willing to place into a public
374 record which indicates the existence of the excess unit prior to April 12, 1995.
375 2. The excess unit has been maintained as a separate dwelling unit since April 12,
376 1995. In order to determine if a unit has been maintained as a separate dwelling
377 unit, the following may be considered:
378 a. Evidence listed in subsection B.1 of this section indicates that the unit has
379 been occupied at least once every 5 calendar years;
380 b. Evidence that the unit was marketed for occupancy if the unit was unoccupied
381 for more than 5 consecutive years;
382 c. If evidence of maintaining a separate dwelling unit as required by subsections
383 B.1 of this section cannot be established, documentation of construction
384 upgrades may be provided in lieu thereof.
385 d. Any documentation that the owner is willing to place into a public record
386 which provides evidence that the unit was referenced as a separate dwelling
387 unit at least once every 5 years.
388 ~~3. The property where the dwelling unit is located:~~
389 ~~a. Can accommodate on-site parking as required by this title, or~~
390 ~~b. Is located within a one-fourth (1/4) mile radius of a fixed rail transit stop or~~
391 ~~bus stop in service at the time of legalization.~~
392 ~~4. Any active zoning violations occurring on the property must be resolved except~~
393 ~~for those related to excess units.~~
394 C. Conditions Of Approval: Any approved unit legalization shall be subject to the following
395 conditions:
396 1. The unit owner shall allow the City's building official or designee to inspect the
397 dwelling unit to determine whether the unit substantially complies with basic life
398 safety requirements as provided in title 18, chapter 18.50, "Existing Residential
399 Housing", of this Code.
400 2. All required corrections indicated during the inspection process must be
401 completed within 1 year unless granted an extension by the Building Official.
402 ~~3. If a business license is required by Title 5 of the Salt Lake City Code of ordinance,~~
403 ~~the unit owner shall apply for a business license, when required, within fourteen~~
404 ~~(14) days of any correction required by this section being completed and approved~~
405 ~~by the City Building Official..~~
406

407 D. Application: A determination of non-conforming use application, provided by the Zoning
408 Administer, shall be required to legalize unrecognized dwelling units. A notice of
409 application shall be sent to property owners and occupants as required by chapter
410 21A.10. The purpose of the notice is to allow neighbors to submit evidence regarding the
411 existence of the dwelling unit and the length of time that the unit has been in existence.

412 Changes to 21A.40.040 Use limitations: clarifies accessory uses.

413 21A.40.040: USE LIMITATIONS:

414 In addition to the applicable use limitations of the district regulations, no accessory use;
415 ~~building or structure~~ shall be permitted unless it complies with the restrictions set forth
416 below:

- 417 A. An accessory use, ~~building or structure~~ shall be incidental and subordinate to the
418 principal use or structure in area, extent and purpose;
- 419 B. An accessory use, ~~building or structure~~ shall be under the same ownership or
420 control as the principal use or structure, and shall be, except as otherwise expressly
421 authorized by the provisions of this title, located on the same lot as the principal
422 use or structure;
- 423 C. No accessory use, ~~building or structure~~ shall be established or constructed before
424 the principal use is in operation or the structure is under construction in
425 accordance with these regulations; ~~and~~
- 426 D. No commercial sign, except as expressly authorized by this chapter or by the
427 provisions of chapter 21A.46 of this title, shall be maintained in connection with an
428 accessory use or structure.
- 429 E. An accessory use shall be permitted if it is routinely and customarily associated with
430 the principal use and not otherwise prohibited by this Title. For residential uses,
431 this includes accessory uses that are customarily associated with a dwelling, such as
432 home office, outdoor living space, pool houses, storage, personal use, hobbies, and
433 other similar uses but does not include short term rentals or other uses not allowed
434 in the zoning district.

435

436 Changes to 21A.40.050 A 6 accessory structures on double frontage lots. Clarifies where
437 accessory structures can be located on lots that have two front yards (a street along the front
438 yard and back yard)

439 21A.40.050 A 6: Double Frontage lots: Accessory structures and buildings located on a
440 property where both the front and rear yards have frontage on a street may be located in
441 a front yard provided the accessory building or structure:

- 442 a. Is located in a provided yard that is directly opposite the front yard where the
443 primary entrance to the principal building is located;
- 444 b. Is in a location that is consistent with other accessory building locations on the
445 block;
- 446 c. Complies with any clear view triangle requirements of this Title; and
- 447 d. Complies with all other accessory building and structure requirements of this
448 title.

449

450 Changes to 21A.40.050 C Maximum height of accessory structures. Changes how accessory
451 buildings are measured for height and increases the allowed height up to 75% of the principal
452 structure if the setbacks are increased.

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C. Maximum Height Of Accessory Buildings/Structures:

1. Accessory To Residential Uses In The FP District, RMF Districts, RB, R-MU Districts, SNB And The RO District: The height of accessory buildings/structures in residential districts are measured from established grade to the highest point of the accessory building and shall conform to the following:
 - a. The height of accessory buildings structures with flat roofs shall not exceed ~~twelve~~12 feet (12'). The height of flat roof structures may be increased up to 75% of the height of the principal structure, not to exceed 15 feet provided the setbacks increases 1 foot for every one 1 foot of building height above 12 feet.
 - b. The height of accessory buildings structures with pitched roofs shall not exceed ~~17 seventeen~~ feet (17') measured to the midpoint of the roof. The height of pitched roof structures may be increased up to 75% of the height of the principal structure, not exceed 15 feet provided the setbacks increase 1 foot for every 1 foot of structure height above 17 feet.; and
 - ~~c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title.~~
2. Accessory To Residential Uses In The FR, R-1 Districts, R-2 District And SR Districts: The height of accessory buildings/structures in the FR districts, R-1 districts, R-2 district and SR districts are measured from established grade to the highest point of the accessory structure and shall conform to the following:
 - a. The height of accessory buildings structures with flat roofs shall not exceed ~~twelve~~ 12 feet (12'); ~~nine~~ 9 feet (9') measured from established grade in the SR-1A zoning district. The height of flat roof structures may be increased up to 75% of the height of the principal structure, not to exceed 15 feet or 11 feet in the SR-1A zoning district provided the setbacks are increased 1 foot for every one 1 foot of building height above 12 feet or 9 feet in the SR-1A zoning district.
 - b. The height of accessory buildings structures with pitched roofs shall not exceed ~~seventeen~~17 feet (17') measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. In the SR-1A zoning district the height of accessory buildings structures with pitched roofs shall not exceed ~~14 fourteen~~ feet (14'). The height of pitched roof structures may be increased up to 75% of the height of the principal structure, not to exceed 21 feet or 15 feet in the SR-1A zoning district provided the setbacks are increased 1 foot for every 1 foot of building height above 17 feet or 15 feet in the SR-1A zoning district.; and
 - ~~c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title, if the proposed accessory building is in keeping with other accessory buildings on the block face.~~

494 Changes to 21A.40.065 Outdoor Dining. Outdoor dining changed to permitted with clarified
495 standards related to noise, setbacks, and location.

496 21A.40.065 Outdoor Dining

497 "Outdoor dining", as defined in chapter 21A.62 of this title, shall be allowed in any
498 zoning district where restaurant and retail uses are allowed and for any noncomplying
499 restaurant or retail use subject to the provisions of this section:

500 A. Where allowed:

501 A. ~~Within the buildable lot area, Outdoor dining in the public way shall be~~
502 ~~permitted subject to all City requirements.~~

503 B. Within a required or provided front or corner side yard;

504 C. Within a required side yard provided: the outdoor dining is setback a
505 minimum of 10 feet when adjacent to a residential zoning district that does
506 not permit restaurants or retail uses. Properties separated by an alley are not
507 considered adjacent for the purpose of this section.

508 D. Within a required rear yard provided the outdoor dining is setback a
509 minimum of 10 feet when adjacent to a residential zoning district that does
510 not permit restaurants or retail uses. Properties separated by an alley are not
511 considered adjacent for the purpose of this section.

512 E. Within a public right of way or an adjacent public property subject to all
513 applicable lease agreements, applicable regulations, and the outdoor dining
514 design guidelines.

515 B. ~~Outdoor dining is allowed within the required landscaped yard or buffer area, in~~
516 ~~commercial and manufacturing zoning districts where such uses are allowed.~~
517 ~~Outdoor dining is allowed in the RB, CN, MU, R MU, RMU 35 and the RMU 45~~
518 ~~Zones and for nonconforming restaurants and similar uses that serve food or~~
519 ~~drinks through the provisions of the special exception process (see chapter~~
520 ~~21A.52 of this title). All outdoor dining shall be subject to the following~~
521 ~~conditions:~~

522 1. All applicable requirements of chapter 21A.48 and section 21A.36.020 of this
523 title are met.

524 2. All required business, health and other regulatory licenses for the outdoor
525 dining have been secured.

526 3. All the proposed outdoor dining activities will be conducted on private
527 property owned or otherwise controlled by the applicant and that none of
528 the activities will occur on any publicly owned rights-of-way unless separate
529 approval for the use of any such public rights-of-way has been obtained
530 from the City.

531 ~~b. The location of any paving, landscaping, planters, fencing, canopies,~~
532 ~~umbrellas or other table covers or barriers surrounding the area;~~

533 ~~e. The proposed outdoor dining will not impede pedestrian or vehicular~~
534 ~~traffic; and~~

535 ~~4d.~~ The main entry has a control point as required by State liquor laws.

536 ~~5e.~~ The proposed outdoor dining complies with all conditions pertaining to
537 any existing variances, conditional uses or other approvals granted for
538 property.

539 ~~6f.~~ Live music will not be performed nor loudspeakers played in the outdoor
540 dining area unless the decibel level is within conformance with the Salt
541 Lake City noise control ordinance, title 9, chapter 9.28 of this Code. Live

542 music and loudspeakers are prohibited outside between the hours of 9:00
543 pm and 9:00 am when the property is adjacent to a residential zoning
544 district.

545 7g. No additional parking is required unless the total outdoor dining area
546 ever exceeds five hundred (500) square feet. Parking for outdoor dining
547 areas in excess of five hundred (500) square feet is required at a ratio of
548 two (2) spaces per one thousand (1,000) square feet of outdoor dining
549 area. No additional parking is required in the D-1, D-2, D-3, D-4, TSA, or
550 G-MU Zone. Outdoor dining shall be by considered an expansion of an
551 use for the purpose of determining if additional parking is required as
552 stated in Chapter 21A.44 Parking.

553 8. Smoking shall be prohibited within the outdoor dining area and within
554 twenty five 25 feet (25') of the outdoor dining area.

555 ii. H. The proposed outdoor dining complies with the
556 environmental performance standards as stated in
557 section 21A.36.180 of this title.

558 iii. i. Outdoor dining shall be located in areas where
559 such use is likely to have the least adverse impacts on
560 adjacent properties.

561
562 Changes to 21A.40.090 D Amateur radio facilities with surface area exceeding 10 square feet.
563 Removes the special exception process for extra height.

564 *21A.40.090 D: Amateur Radio Facilities with Surface Area Exceeding 10 Square Feet*
565 *Amateur Radio Facilities With Surface Area Exceeding 10 Square Feet: Any antenna and*
566 *antenna support having a combined surface area greater than ~~ten (10)~~ square feet or*
567 *having any single dimension exceeding ~~twelve (12)~~ feet (12') that is capable of transmitting*
568 *as well as receiving signals and is licensed by the Federal Communications Commission*
569 *as an amateur radio facility shall be permitted as an accessory use, but only in*
570 *compliance with the regulations set forth below:*

571 1. Number Limited: No more than one such antenna or antenna support structure with
572 a surface area greater than ~~ten (10)~~ square feet or any single dimension exceeding
573 ~~twelve~~ 12 feet (12') may be located on any lot.

574 2. Height Limited: No such antenna and its support structure shall, if ground mounted,
575 exceed ~~seventy five~~ 75 feet (75') in height or, if attached to a building pursuant to
576 subsection D3 of this section, the height therein specified.

577 3. Attachment To Buildings Limited: No such antenna or its support structure shall be
578 attached to a principal or accessory structure unless all of the following conditions
579 are satisfied:

580 a. Height: The antenna and its support structure shall not extend more than ~~twenty~~
581 20 feet (20') above the highest point of the building on which it is mounted.

582 b. Mounting: The antenna and its support structure shall not be attached to or
583 mounted upon any building appurtenance, such as a chimney. The antenna and
584 its support structure shall not be mounted or attached to the front or corner side
585 of any principal building facing a street, including any portion of the building
586 roof facing any street. The antenna and its support structure shall be designed to
587 withstand a wind force of ~~eighty (80)~~ 80 miles per hour without the use of
588 supporting guywires.

- 589 c. Grounding: The antenna and its support structure shall be bonded to a grounding
590 rod.
- 591 d. ~~Other Standards: The antenna and its support structure shall satisfy such other~~
592 ~~design and construction standards as the Zoning Administrator determines are~~
593 ~~necessary to ensure safe construction and maintenance of the antenna and its~~
594 ~~support structure.~~
- 595 e. Special Exception For Increased Height: Any person desiring to erect an amateur
596 ("ham") radio antenna in excess of seventy five feet (75') shall file an application
597 for a special exception with the Zoning Administrator pursuant to chapter 21A.52
598 of this title. In addition to the other application regulations, the application shall
599 specify the details and dimensions of the proposed antenna and its supporting
600 structures and shall further specify why the applicant contends that such a design
601 and height are necessary to accommodate reasonably amateur radio
602 communication. The Zoning Administrator shall approve the proposed design
603 and height unless the Zoning Administrator finds that a different design and
604 height which is less violative of the City's demonstrated health, safety or aesthetic
605 considerations also accommodates reasonably amateur radio communication
606 and, further, that the alternative design and height are the minimum practicable
607 regulation necessary to accomplish the City's actual and demonstrated legitimate
608 purposes. The burden of proving the acceptability of the alternative design shall
609 be on the City.

611 Changes to 21A.40.090 E 3 b electrical equipment exceeding the permitted size for cell towers.
612 Requires electrical equipment to be located on private property and prohibits the equipment
613 from being located between the street facing façade and the street.

614 21A.40.090.E.3.b Electrical Equipment Located On Private Property: Electrical
615 equipment shall be subject to the following standards: located in the rear yard, interior
616 side yard, or within the buildable area on a given parcel. In the case of a parcel with an
617 existing building, the electrical equipment shall not be located between the front and/or
618 corner street facing building facades of the building and the street.

619
620 Electrical equipment located in a residential zoning district, shall not exceed a width of
621 four feet (4'), a depth of three feet (3'), or a height of four feet (4') to be considered a
622 permitted use if located outside of an enclosed building. Electrical equipment exceeding
623 these dimensions shall be located inside of an enclosed building.

624
625 Electrical equipment located in all other CN, PL, PL-2, CB, I or OS Zoning Districts shall
626 not exceed a width of six feet (6'), a depth of three feet (3'), or a height of six feet (6') to
627 be considered a permitted use if located outside of an enclosed building. Electrical
628 equipment exceeding these dimensions shall be located inside of an enclosed building.

629 -

630
631 Electrical equipment exceeding the dimensions listed above shall be reviewed
632 administratively as a special exception per chapter 21A.52 of this title.

633
634 The electrical equipment and any necessary building shall be subject to the maximum lot
635 coverage requirements in the underlying zoning district.

636 i. Located in a rear yard, interior side yard, or within the building area of the lot.

- 637 ii. If located in a zoning district without a require front or corner side yard setback, the
638 equipment shall be located a minimum of 10 feet from the front or corner side yard
639 property line.
640 iii. Located a minimum of 4 feet from a side or rear property line unless located in an
641 enclosed structure or a vault where the equipment will not be visible.
642 iv. If the equipment is located next to a public trail, park, open space, or other public
643 space other than a street, the equipment shall be screened by a masonry wall or solid
644 fence so the equipment is not visible.
645 v. The electrical equipment and any structure associated with the electrical equipment is
646 subject to the maximum lot coverage of the underlying zoning district.

647
648 Adding new section 21A.40.100 Mechanical equipment. Requires mechanical equipment to be
649 located on private property subject to specific standards.

650 21A.40.100 Location of Mechanical Equipment: All mechanical equipment shall be
651 located as follows

- 652 A. Front and corner side yards and double frontage lots: Only allowed if located within
653 4 feet of the principal building and screened by vegetation, a solid wall or fence so the
654 equipment is not visible and at least 10 feet from the front and corner side yard
655 property lines.
656 B. Side yards: At least 4 feet from a side property line.
657 C. Rear yards: at least 4 feet from a rear property line.
658 D. Prohibited areas: in addition to the yard requirements above, mechanical equipment
659 is prohibited to be located on the roof of an accessory structure, with the exception of
660 exhaust fans and mechanical vents serving the accessory building in which case the
661 fans or vents shall be at least 10 feet from a property line.

662
663 Changes to 21A.40.120 I Barbed wire fences: removes special exception requirements and adds
664 standards to address impacts.

665 I. Barbed Wire Fences:

- 666 1. Permitted Use: Barbed wire fencing is allowed as a permitted use in the following
667 instances:
668 a. AG, AG-2, AG-5, AG-20, A, CG, M-1, and M-2 and ~~D-2~~ districts and to secure
669 critical infrastructure located in any other zoning district not listed subject to the
670 following requirements. Critical infrastructure includes sites that are necessary
671 to protect the facility or site for the purpose of public health and safety. Barbed
672 wire is also permitted to secure construction sites and sites where construction
673 is pending provided it is removed once construction is complete.
674 b. Barbed wire fences shall be subject to the following provisions:
675 (1) Not allowed in a provided or required front yard.
676 (2) The barbed wire is permitted to exceed the maximum fence height.
677 (3) No strand of barbed wire shall be permitted less than 7 feet in height above
678 the ground except for agricultural purposes provided the barbed wire is
679 vertically aligned.
680 (4) No more than 3 strands of barbed wire are permitted.
681 (5) The barbed wire strands shall not slant outward from the fence more than
682 60 degrees from a vertical line.
683 (6) All barbed wire shall be setback a minimum of 3 feet from public property.

684 (7) The barbed wire is not located along a property line shared with a
685 residential use when the subject property is located in a CG zoning district.

686 2. Special Exception: Barbed wire fencing may be approved for
687 nonresidential uses as a special exception pursuant to chapter 21A.52 of
688 this title, in all zoning districts except for those listed above as permitted
689 uses. The planning commission may approve as special exceptions, the
690 placement of barbed wire fences, for security reasons, or for the keeping
691 out of animals around nonresidential properties, transformer stations,
692 microwave stations, construction sites or other similar publicly
693 necessary or dangerous sites, provided the requested fence is not in any
694 residential district and is not on or near the property line of a lot which is
695 occupied as a place of residence.

696 3. Location Requirements: Barbed wire fencing shall not be allowed in
697 required front yard setbacks nor along frontages on streets defined as
698 gateway streets in Salt Lake City's adopted urban design element master
699 plan.

700 4. Special Design Regulations: No strand of barbed wire shall be
701 permitted less than six feet (6') high. No more than three (3) strands of
702 barbed wire are permitted. The barbed wire strands shall not slant
703 outward from the fence more than sixty degrees (60°) from a vertical
704 line. No barbed wire strand shall project over public property. If the
705 barbed wire proposed slants outward over adjoining private property the
706 applicant must submit written consent from adjoining property owner
707 agreeing to such a projection over the property line.

708 5. Special Exception Approval Standards: The planning commission may
709 approve, as a special exception, the building permit for a barbed wire
710 fence if it is found that the applicant has shown that the fence is
711 reasonably necessary for security in that it protects people from
712 dangerous sites and conditions such as transformer stations, microwave
713 stations or construction sites.

714
715 Changes to 21A.40.120 J Razor wire fencing: removes special exception requirements and adds
716 standards to address impacts.

717 J. Razor Wire Fences: Razor wire fencing is allowed as a permitted use in the M-1, M-2
718 and EI zoning and D-2 districts and to secure critical infrastructure structures and
719 sites located in any other zoning district not listed subject to the following
720 requirements. Critical infrastructure includes sites that are necessary to protect the
721 facility or site for the purpose of public health and safety.

722 1. Special Exception: Razor wire fencing may be approved for nonresidential uses as
723 a special exception pursuant to chapter 21A.52 of this title, in the A, CG, D-2, M-1
724 and M-2 zoning districts. The planning commission may approve as a special
725 exception the placement of razor wire fences, for security reasons, around
726 commercial or industrial uses, transformer stations, microwave stations, or other
727 similar public necessity or dangerous sites; provided, that the requested fence is
728 not on the property line of a lot which is occupied as a place of residence. Not
729 allowed in a provided or required front or corner side yard.

- 730 2. ~~Location Requirements: Razor wire fencing shall not be allowed in required front~~
731 ~~or corner side yard setback~~ The razor wire is permitted to exceed the maximum
732 fence height to a height necessary to reasonably secure the site.
733 3. ~~Special Design Regulations: No strand of razor wire shall be permitted on a fence~~
734 ~~that is less than seven (7) feet high. Razor wire coils shall not exceed eighteen (18)~~
735 ~~inches in diameter and must slant inward from the fence to which the razor~~
736 ~~wire is being attached.~~
737 4. ~~Special Exception Approval Standards: The planning commission may approve~~
738 ~~razor wire fencing if the commission finds that the applicant has shown that razor~~
739 ~~wire is necessary for the security of the property in question~~ All razor wire shall be
740 setback a minimum of ~~three (3) feet~~ from public property in zoning districts that
741 do not have a minimum setback.
742

743 Changes to 21A.40.120 L Electric security fencing: removes special exception requirements and
744 adds standards to address impacts.

745 L. Electric Security Fences:

746 1. Permitted Use: Electric security fences are allowed as a permitted use in the M-1
747 and M-2 zones. Electric security fences on parcels or lots that abut a residential zone are
748 prohibited.

749 2. ~~Special Exception: Electric security fences on parcels or lots adjacent to a~~
750 ~~commercial zone may be approved as a special exception pursuant to the requirements~~
751 ~~in [chapter 21A.52](#) of this title.~~

752 3. Location Requirements: Electric security fences shall not be allowed in required
753 front yard setbacks or on frontages adjacent to residentially zoned properties.

754 4. Compliance With Adopted Building Codes: Electric security fences shall be
755 constructed or installed in conformance with all applicable construction codes.

756 5. Perimeter Fence Or Wall: No electric security fence shall be installed or used
757 unless it is fully enclosed by a nonelectrical fence or wall that is not less than ~~six (6)~~
758 ~~feet~~ in height. There shall be at least ~~one (1) foot~~ of spacing between the electric security
759 fence and the perimeter fence or wall.

760 6. Staging Area: All entries to a site shall have a buffer area that allows on site
761 staging prior to passing the perimeter barrier. The site shall be large enough to
762 accommodate a vehicle completely outside of the public right of way.

763 7. Height: Electric security fences shall have a maximum height of ~~ten (10) feet~~.

764 8. Warning Signs: Electric security fences shall be clearly identified with warning
765 signs that read: "Warning-Electric Fence" at intervals of not greater than ~~sixty (60) feet~~
766 ~~(60)~~. Signs shall comply with requirements in [chapter 21A.46](#), "Signs", of this title.

767 9. Security Box: Electric security fences shall have a small, wall mounted safe or
768 box that holds building keys for police, firefighters and EMTs to retrieve in emergencies.
769

770 Changes to 21A.40.130 Access for persons with disabilities. Removes the special exception
771 process and allows staff level decisions based on federal regulations.

772 21A.40.130 Access for persons with disabilities: building permits for an uncovered
773 vertical wheelchair lift, or for an uncovered access ramp, for persons with disabilities,
774 under ~~four (4) feet~~ in height, or any other form of uncovered access, for persons with
775 disabilities, under ~~four feet~~ in height, that encroaches into required yard areas, may
776 be approved by the Zoning Administrator as a permitted accessory structure. Covered
777 ramps or other access structures for persons with disabilities that encroach into required

778 yard areas, shall be considered as a reasonable accommodation under applicable federal
779 regulations. ~~approved, pursuant to chapter 21A.52 of this title. Application for a special~~
780 ~~exception for an access structure for persons with disabilities shall not require the~~
781 ~~payment of any application fees.~~

782
783 Changes to 21A.40.160 Ground mounted utility boxes: removes the ability to locate these in the
784 right of way when it exceeds a certain size and prohibits the ability to place utility boxes in the
785 right of way when the box only serves a single development. (this section may be see additional
786 changes)

787 21A.40.160E2: The city engineer may issue a permit for the installation of a ground
788 mounted utility box in the public right of way in accordance with standards set forth in
789 this section and title 14, chapter 14.32 of this code.

790 a. Below grade utility boxes that do not extend greater than ~~six~~ six inches (~~6"~~) above
791 ground level.

792 b. A ground mounted utility box installed in a park strip or behind the sidewalk in
793 the public way meeting the following criteria:

794 (1) A ground mounted utility box not exceeding a height of ~~three~~ three feet (~~3'~~) and
795 a footprint of ~~four~~ (~~4~~) square feet, or a box not exceeding ~~two~~ two feet (~~2'~~) in
796 height and a footprint of ~~eight~~ (~~8~~) square feet.

797 (2) The pad for a ground mounted utility box shall not extend more than ~~six~~ six
798 inches (~~6"~~) beyond the footprint of the box.

799 (3) A ground mounted utility box in a residential zoning district is located
800 within ~~fifteen~~ 15 feet of the interior lot line of an adjacent property.

801 (4) Excluding manufacturing, business park and general commercial zoning
802 districts no more than ~~three~~ (~~3~~) ground mounted utility boxes, excluding
803 exempt utility boxes, shall be allowed within a ~~six hundred sixty foot~~ (~~660'~~)
804 ~~foot segment of street right of way, unless approved as a special exception.~~

805 (5) ~~Any small ground mounted utility box that is less than sixty percent (60%)~~
806 ~~of the allowed size in subsection E2b(1) of this section shall be exempt from~~
807 ~~the special exception requirement of subsection E2b(4) of this section. The~~
808 ~~dimensional requirements of this section do not apply to the equipment~~
809 ~~necessary for placing electrical service under ground.~~

810 c. A ground mounted utility box installed in a public alley that does not interfere
811 with the circulation function of the alley.

812 d. Ground mounted utility boxes that only serve a single development or parcel
813 are prohibited in a public right of way.

814 21A.40.160 F: delete

815 ~~F. Special Exception: Proposed ground mounted utility boxes not specifically~~
816 ~~addressed in subsection E of this section or that do not meet the standards of~~
817 ~~subsection E of this section may be approved as a special exception pursuant to~~
818 ~~chapter 21A.52 of this title and the following requirements:~~

819 ~~—1. Application: A special exception application shall be made on a form~~
820 ~~prepared by the planning director or designee and submitted to the~~
821 ~~planning division, that includes required information and the following~~
822 ~~additional information:~~

823 ~~—a. Described plan of the proposed ground mounted utility box:~~

- 824 ~~—— (1) Dimensions of box and footing/platform detail.~~
825 ~~—— (2) Location of contact information on the box.~~
826 ~~—— (3) Description of cabinet materials and finish treatment.~~
827 ~~—— b. A location analysis which identifies other sites considered as~~
828 ~~alternatives within five hundred feet (500') of the proposed location.~~
829 ~~The applicant shall provide a written explanation why the~~
830 ~~alternatives considered were either unavailable, or technologically or~~
831 ~~reasonably infeasible.~~
832 ~~—— 2. General Standards And Considerations For Special Exception Review Of~~
833 ~~Ground Mounted Utility Boxes: No special exception application for a~~
834 ~~ground mounted utility box shall be approved unless the planning~~
835 ~~director or the planning director's designee determines that the ground~~
836 ~~mounted utility box satisfies the applicable standards related to size,~~
837 ~~spacing and/or location of the following criteria:~~
838 ~~a. Evidence that the existing ground mounted utility box location~~
839 ~~and/or size are within a pattern that allowing an additional or larger~~
840 ~~ground mounted utility box will not create a significant impact on the~~
841 ~~character of the area.~~
842 ~~b. Evidence submitted that shows another location is not practical to~~
843 ~~service the subject area.~~
844 ~~e. Sufficiently demonstrates the reason that the larger cabinet is~~
845 ~~necessary.~~
846 ~~d. Demonstrates that the subject block face location is the only feasible~~
847 ~~location for the ground mounted utility box based on technical or~~
848 ~~physical constraints.~~
849 ~~e. Ground mounted utility boxes are spaced in such a manner as to limit~~
850 ~~the visual impact of the box when viewed from the street or an~~
851 ~~adjacent property.~~
852 ~~f. The location will not obstruct access to other installed utility facilities.~~
853 ~~g. The additional cabinet is compatible in design and size with the~~
854 ~~existing ground mounted utility boxes in the area.~~

855
856 Amending 21A.44.090 (proposed chapter)

857 21A.44.090 MODIFICATIONS TO PARKING AREAS

858 Applicants requesting development permits or approvals may request adjustments to the
859 standards and requirements in this Chapter 21A.44: *Off Street Parking, Mobility, and*
860 *Loading*, and the City may approve adjustments to those standards, as described below.

861 A. Administrative Modifications Authority to Approve Modifications

862 The Planning Director or Transportation Director may approve the following types of
863 modifications ~~without requiring approval of a Special Exception~~, provided that the Director
864 determines that the adjustment will not create adverse impacts on pedestrian, bicycle, or
865 vehicle safety and that the adjustment is required due to the nature of the site and the
866 surrounding context to accommodate an unusual site feature (such as shape, topography,
867 utilities, or access point constraints) and that the need for the adjustment has not been
868 created by the actions of the applicant.

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B. Authorized Modifications

1. Modification to dimensions or geometries of parking, loading, or stacking space, aisles, or maneuvering areas otherwise required by this chapter, other City regulations, or the Off Street Parking Standards Manual; provided that those modifications are consistent with federal and state laws regarding persons with disabilities, including but not limited to the Americans with Disabilities Act.
2. Modifications to bicycle parking or loading berth location or design standards.

B. Special Exceptions

The following types of exceptions may be approved through the Special Exception process in section 21A.52.040, provided that the application meets the criteria for approval of a Special Exception in section 21A.52.060 in addition to the standards provided in this section.

3. Exceptions Permitted Front Yard Parking
 - a. The lot contains an existing residential building.
 - b. No other off-street parking exists on the site.
 - c. No provided side yard is greater than 8 feet. If greater than 8 feet, no tree over 6 inches in caliper is present in the side yard that would necessitate the removal of the tree to locate a parking stall in the side yard or rear yard.
 - d. The rear yard does not have frontage on a public street or public alley and the property does not have access rights across an adjacent private street or alley.
 - e. The front yard parking complies with the following standards:
 - (1) The front yard parking is limited to no wider than 10 feet in width and is a minimum depth of 20 feet.
 - (2) The front yard parking is accessed by an approved drive approach.
 - (3) The location of the front yard parking is placed within 10 feet of a side lot line or for corner properties, may also be within 10 feet of a rear lot line and is consistent with the location of other driveways on the block face.

a. Front Yard Parking Exception

For any zoning district, if front yard parking is prohibited in Table 21A.44.060-A: *Parking Location and Setback Requirements*, it may be allowed if all of the following conditions are met:

- (1) The rear or side yards cannot be reasonably accessed by vehicles, specifically:
 - (a) Clearance for a driveway could not be provided in the side yard on either side of the building that is free from obstructions that cannot reasonably be avoided, such as utilities, window wells, a specimen tree, a direct elevation change of three feet (3') or greater, or retaining walls three feet (3') high or greater; and
 - (b) There is not a right-of-way or alley adjacent to the property with established rights for access, where:
 - a. The travel distance to the property line is less than one hundred feet (100') from an improved street and the right-of-way or alley has at least a minimum twelve foot (12') clearance that is, or could be paved;
or

- 912 b. ~~The travel distance to the property line is more than one hundred feet~~
913 ~~(100') from an improved street and the right-of-way or alley has an~~
914 ~~existing minimum twelve foot (12') wide paved surface.~~
915 ~~(2) It is not feasible to build an attached garage that conforms to yard area and~~
916 ~~setback requirements;~~
917 ~~(3) Parking is limited to an area that is surfaced in compliance with the Off Street~~
918 ~~Parking Standards Manual;~~
919 ~~(4) The parking area is limited to nine feet (9') wide by twenty feet (20') deep;~~
920 ~~(5) Vehicles using the parking area will not project across any sidewalk or into the~~
921 ~~public right-of-way; and~~
922 ~~(6) Parking is restricted to passenger vehicles only.~~

923 4. Vehicle and Equipment Storage Without Hard Surfacing

- 924 a. The property is located in a CG, M-1, M-2, or EI zoning district
925 b. The lot is used for long term vehicle storage, not for regular parking and/or
926 maneuvering.
927 b. The storage areas are not located within any required front yard or corner side
928 yard.
929 c. The storage area surface is compacted with 6 inches of road base or other similar
930 material with dust control measures in place.
931 d. A mechanism, such as a wash bay, gravel guard, or rumble strip is used to remove
932 mud, sand, dirt, and gravel from the vehicle with a minimum of 50 feet of paved
933 driveway between the mechanism and a public street. The mechanism used is
934 subject to approval by the Transportation Director or designee provided it is a
935 commonly used device that is effective at removing debris from vehicle tires.

936 a. ~~Vehicle and Equipment Storage Surfacing Exception~~

937 ~~Vehicle and equipment storage without hard surfacing may be permitted in the CG,~~
938 ~~M-1, M-2 and EI zoning districts provided that:~~

- 939 ~~(1) The lot is used for long term vehicle storage, not for regular parking and/or~~
940 ~~maneuvering;~~
941 ~~(2) The vehicles or equipment stored are large and/or are built on tracks that~~
942 ~~could destroy normal hard surfacing;~~
943 ~~(3) The parking surface is compacted with six inches (6") of road base and other~~
944 ~~semi-hard material with long lasting dust control chemical applied annually;~~
945 ~~(4) A hard surfaced cleaning station is installed to prevent tracking of mud and~~
946 ~~sand onto the public right-of-way; and~~
947 ~~(5) Any vehicles or equipment that contain oil are stored with pans, drains, or~~
948 ~~other means to ensure that any leaking oil will not enter the soil.~~
949
950

951 21A.46.070 V Historic District signs: removes the special exception and allows the existing
952 processes to modify sign dimensions in historic districts to be reviewed as a minor alteration.

953 21A.46.070V Historic District Signs: The Historic Landmark Commission may authorize,
954 as a minor alteration ~~special exception~~, modification to an existing sign or the size or
955 placement of a new sign in a historic district or on a landmark site, including placement
956 of a sign type not allowed in the underlying zone, if the applicant can demonstrate that
957 the location, size and/or design of the proposed sign is compatible with the design period

958 or theme of the historic structure or district and/or will cause less physical damage to the
959 historically significant structure. If a sign in a local historic district or on a landmark site
960 has been designated a vintage sign as per section 21A.46.125 of this chapter, the
961 modifications allowed in that section may be authorized by the Historic Landmark
962 Commission subject to the appropriate standards of section 21A.34.020 of this title.
963

964 21A.46.125 Vintage signs: removes the special exception process and establishes the zoning
965 certificate as the process to approve vintage signs.

966 The purpose of this section is to promote the retention, restoration, reuse, and
967 reinstatement of nonconforming signs that represent important elements of Salt
968 Lake City's heritage and enhance the character of a corridor, neighborhood, or the
969 community at large.

970 B. Notwithstanding any contrary provision of this title:

- 971 1. An application for designation of vintage sign status as well as for the
972 reinstatement of, modifications to, or relocation of a vintage sign shall be
973 processed through the zoning certificate process in accordance with the
974 procedures for a special exception, as per chapter 21A.52 of this title 21A.46.030:
 - 975 a. Application: In addition to the general application requirements for a ~~special~~
976 ~~exception~~ sign, an application for vintage sign designation or modification shall
977 require:
 - 978 (1) Detailed drawings and/or photographs of the sign in its current condition,
979 if currently existing;
 - 980 (2) Written narrative and supporting documentation demonstrating how the
981 sign meets the applicable criteria;
 - 982 (3) Detailed drawings of any modifications or reinstatement being sought;
 - 983 (4) Detailed drawings of any relocation being sought; and
 - 984 (5) Historic drawings and/or photographs of the sign.
 - 985 2. The Zoning Administrator shall designate an existing sign as a vintage sign if the
986 sign:
 - 987 a. Was not placed as part of a Localized Alternative Signage Overlay District and
988 has not been granted flexibility from the base zoning through a planned
989 development agreement or by the Historic Landmark Commission;
 - 990 b. Is not a billboard as defined in section 21A.46.020 of this chapter;
 - 991 c. Retains its original design character, or that character will be reestablished or
992 restored, based on historic evidence such as drawings or photographs; and,
 - 993 d. Meets at least four-(4) of the following criteria:
 - 994 (1) The sign was specifically designed for a business, institution, or other
995 establishment on the subject site;
 - 996 (2) The sign bears a unique emblem, logo, or another graphic specific to the
997 City, or region;
 - 998 (3) The sign exhibits specific characteristics that enhance the streetscape or
999 identity of a neighborhood;
 - 1000 (4) The sign is or was characteristic of a specific historic period;
 - 1001 (5) The sign is or was integral to the design or identity of the site or building
1002 where the sign is located; or,
 - 1003 (6) The sign represents an example of craftsmanship in the application of
1004 lighting technique, use of materials, or design.
 - 1005 3. A designated vintage sign may, ~~by special exception~~:

- 1006 a. Be relocated within its current site.
1007
1008 b. Be modified to account for changing uses within its current site. These
1009 modifications shall be in the same style as the design of the original sign
including:
1010 (1) Shape and form
1011 (2) Size,
1012 (3) Typography,
1013 (4) Illustrative elements,
1014 (5) Use of color,
1015 (6) Character of illumination, and
1016 (7) Character of animation.
- 1017 c. Be restored or recreated, and reinstated on its original site.
- 1018 d. Be relocated to a new site for use as a piece of public art, provided that the
1019 original design and character of the sign is retained, or will be restored, and it
1020 advertises a business no longer in operation. Vintage signs may only be
1021 relocated for use as public art to sites in the following districts: D-1, D-2, D-3,
1022 D-4, G-MU, CSHBD1, CSHBD2, FB-UN2, FB-UN3, FB-SC, FB-SE, TSA.
- 1023 e. Be relocated and reinstalled on the business's new site, should the business
1024 with which it is associated move, provided that the business's new location is
1025 within the same contiguous zoning district as the original location.
- 1026 4. Once designated, a vintage sign is exempt from the calculation of allowed signage
1027 on a site.
1028

ATTACHMENT C: Analysis of Standards – Zoning Text Amendment

ZONING TEXT AMENDMENT

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In deciding to amend the zoning map, the City Council should consider the following:

CONSIDERATION	FINDING	RATIONALE
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;	The proposed amendments are generally consistent with the goals and policies the City's plans.	The Salt Lake City Preservation Plan includes statements regarding how zoning impacts the preservation of property and that flexibility is necessary to ensure changes do not negatively impact the public benefit of historic districts. (Please see action pg. III-22 Action 2 of the Preservation Plan) This concept is expanded in more detail with specific policies related to regulations in policies 3.3a through 3.3h. A link to the plan can be found here: http://www.slcdocs.com/historicpreservation/Policy/presplan.pdf
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	The proposal generally furthers the specific purpose statements of the zoning ordinance by ensuring their enforcement and administration.	The purpose of the zoning ordinance is to “promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the City, and carry out the purposes of the Municipal Land Use Development and Management Act (State Code). The proposed amendments reduce conflicts between City and State Code, better allowing enforcement and administration of the City's zoning ordinance. The proposed changes maintain conformity with the general purpose statements of the zoning ordinance and ensure that the code can be legally administered and enforced to further those ordinance purposes.
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and	The proposal is consistent with and does not impact the enforceability of any existing appeal process references in any zoning overlays.	The purpose of the H Overlay District includes the following statement: Encourage new development, redevelopment and the subdivision of lots in Historic Districts that is compatible with the character of existing development of Historic Districts or individual landmarks;”. This proposal helps achieve this purpose by providing the HLC the authority to consider modifications within the overlay for the purpose of ensuring compatibility with the surrounding historic buildings.
4. The extent to which a proposed text	The proposed changes	This proposal removes red tape in the approval process and provides a benefit for property owners within the H

<p>amendment implements best current, professional practices of urban planning and design.</p>	<p>eliminate legal conflicts, improve enforceability and administration of City Code, and so implement best professional practices.</p>	<p>Overlay by allowing for flexibility for appropriate changes to properties within the Overlay. The proposal reduces staff time necessary to review proposals, reduces the time spent by the HLC in considering changes, and allows for a more streamlined approval process. The benefits lead to a more efficient use of city resources at a reduced expense to the property owner.</p>
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ATTACHMENT D: Public Process and Comments

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposal:

- Early notification/online Open House notices e-mailed out August 13, 2020.
 - Notices were e-mailed to all recognized community organizations (community councils) per City Code 2.60 with a link to the online open house webpage
 - One community council (Sugar House) requested that staff attend and present the changes to their Land Use and Zoning Committee
 - On September 21, 2020 staff attended the meeting over video conference, reviewed the proposal, and answered questions. The discussion included the following key subjects:
 - The application fee and the degree to which an application is subsidized.
 - The ability of the decision makers to require additional fence height to address impacts between incompatible land uses, including when apartment buildings are next to single family.
 - Whether or not the ability to modify bulk requirements, such as setbacks, building heights, etc. would apply to historic buildings that not located within an existing historic district.
 - The Sugar House Community Council submitted a formal response in response to the proposal.
 - No formal input was received from other community councils.
 - Emails were submitted by a resident of the East Bench neighborhood that was generally in support of the proposal.
 - The American Institute of Architects Utah Chapter was notified of the proposed amendments on September 17, 2020. The Planning Division asked for their help in notifying the local architecture community. No response was provided from AIA. However, comments were received via email from a local architecture firm. That email was not in support of the changes primarily due to the removal of flexibility that special exceptions may provide.
 - Information on the online open house posted to the Planning Division website was posted on August 13, 2020. The information was emailed out to the Planning Division list-serve every other week from August 14, 2020 through the October 11, 2020 early engagement period.

Notice of the public hearing for the proposal included:

Special Exception Text Amendment

- Public hearing notice for the HLC meeting was sent through the Division email list on mailed on October 22, 2020
- Public hearing notice published to newspaper October 24, 2020
- Public notice posted on City and State websites on October 22, 2020
- No formal requests to receive notice of the proposed text amendment were received prior to the noticing deadline of this public hearing.

From: [John Blankevoort](#)
To: [Norris, Nick](#)
Subject: (EXTERNAL) Special Exceptions
Date: Thursday, August 13, 2020 6:46:34 PM
Attachments: [EBCC 6-17-2020 meeting.pdf](#)

Hello Nick

I totally agree with your premise on the new special exception process changes, frankly the city is already overwhelmed with frivolous requests on a number of subjects.

I also have some further recommendations and would to participate to help you to evaluate the wider problem.

We have several District chairpersons (District 5, 6 etc) that are stoking the fire with these notices of special exceptions. I would think this is driving more people to call into the zoning and planning office, only to stymie the process and become actual obstacles for your Dept.

Please find attached meeting minutes June 17, 2020. Item 7, brought up the subject of a neighbor in Indian Hills subdivision and his special exception for building a home and height limits. The neighbor and architect already had engaged with zoning and planning and they had already gone through and contacted each of the abutting neighbors to work through the issue. Our chairperson (Aimee Burrows) decided to 'follow through' with the process as if to say she was the street captain on zoning and planning. I told her it was a frivolous use of our time. The neighbor is already following the protocols then we should not allow our District Chairs to muddy up your depts. time by making more work.

I propose to you that zoning and planning does not need anymore 'help; from local District Council meetings and that a statement should be mentioned in your new process changes to not encourage creating anymore duplicate work for special exceptions. And although we all have the right to public information, it is not the charter of local meetings to drive special exception agenda. We need to be more efficient, don't you agree?

Best
John

From: [Ann Robinson](#)
To: [Norris, Nick](#); [Annie V. Schwemmer](#)
Subject: RE: (EXTERNAL) Special Exception Changes
Date: Tuesday, October 20, 2020 1:56:57 PM

Well, these situations were handled previously by special exceptions because each circumstance is unique. By eliminating special exceptions, you are now trying to make rules that cover all possibilities—probably not possible.

Let us think about this a bit and get back to you.

Ann Robinson, AIA

Principal // Renovation Design Group
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O. 801.533.5331 | M. 801.230.2080
[RenovationDesignGroup.com](#) | [Facebook Fans](#) | [Houzz Portfolio](#)

From: Norris, Nick <Nick.Norris@slcgov.com>
Sent: Tuesday, October 20, 2020 1:48 PM
To: Annie V. Schwemmer [REDACTED]
Cc: Ann Robinson [REDACTED]
Subject: RE: (EXTERNAL) Special Exception Changes

Thanks Annie, these are helpful comments. Do you have some ideas on how we can accommodate these issues within the proposal?

NICK NORRIS
Director
Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS
SALT LAKE CITY CORPORATION

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Email nick.norris@slcgov.com

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From: Annie V. Schwemmer [REDACTED]
Sent: Tuesday, October 20, 2020 1:33 PM
To: Norris, Nick <Nick.Norris@slcgov.com>
Cc: Ann Robinson [REDACTED]
Subject: (EXTERNAL) Special Exception Changes

Hi Nick-

We've reviewed the proposed special exception changes and since we do so many renovations/additions in SLC we have the following comments:

Garages Built into Hillside in Front or Corner Side Yards: It seems there will be very few of these that would not also need to project into a front yard setback.

Central Air Condensers: There are many side yards that can accommodate a condenser without causing undue hardship on the neighbor (for instance, a 4' side yard adjacent to a neighbor's driveway) and there should be a way for these to be allowed.

Corner side yards: We think in-line additions need to be allowed in side yard setbacks to avoid awkward interior spaces & rooflines.

Noncomplying as to height: We think rear additions should be allowed to match the height of the existing roofline even if the existing structure is noncomplying. This change will create odd looking rooflines and will preclude 2nd stories on rear additions if the lower roofline makes the upper level ceiling lower than 7' high.

Thanks-
Annie

Annie V. Schwemmer, AIA

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October 8, 2020

TO: Salt Lake City Planning Commission

FROM: Judi Short, Vice Chair and Land Use Chair
Sugar House Community Council

RE: SPECIAL EXCEPTION CODE CHANGES PLPCM2020-00606

We are in favor of making the zoning code more simple and easier to understand. Special exceptions do not need to make the process more complicated, along with triggering another layer of process and notification to an application.

We think there should be some common sense applied. For example, if an apartment building is right up against a row of houses, and that building is going to be more than ten feet taller than the allowed height for the adjacent property (say 28' in a residential zone), then perhaps a fence that exceeds 6' in height makes sense in that situation. (See #3 on Page 16) If something could potentially create noise, such as a home day care with more than five children in a neighborhood with small lots and small homes, or an accessory building to be used for band practice, the neighbors should be notified, and maybe an extra sound muffling product should be applied to muffle the noise of the music.

Other things should not be allowed, like parking in the front yard. Large ground mounted utility boxes belong in the back yard, uses should be only those allowed in the use table. Replacement of a nonconforming buildings should be allowed by right. Half the homes in Salt Lake City probably have something about them that are non-conforming because they were built before there was a zoning code.

Unit legalizations should be applied uniformly. We need a standard definition for "a unit", and that standard needs to be applied to everyone. No more, oh that isn't a unit because it doesn't have its own hot water heater. If someone is living in the space and it has a bathroom and a way to cook food, it is a "unit". There are hundreds of units in this town that are in theory not allowed, but we pretend they don't exist and give them a pass if they want to add another unit or ADU to the parcel. Figure out what it is and hold to that standard. Have the owner (landlord) apply for the Good Landlord Program, and then inspect all those buildings every couple of years, instead of letting things decay and ignoring the problem. Landlords tell me stories of paying fees for years and never seeing an inspector. I've been asked to look at a substandard unit and write a letter to the city that says it meets the standard when it clearly doesn't. I bet everyone in the room knows a building or a dozen buildings that fit that description.

What is the definition of legal conforming status? Spell it out clearly. You all can recite it, but the average person reading the statute doesn't.

Alterations to an existing single-family dwelling should be allowed as long as the use is allowed in the zone.

Vintage Signs should be allowed in the CSHBD2 zone.

I'm sure I have forgotten something. Thank you.

Enclosure: Comments Special Exception Ordinance

COMMENTS SPECIAL EXCEPTION ORDINANCE

I'm supportive of the idea of dividing these topics/modifications/exceptions into outright approved or denied land use categories. I think this would be a big benefit to the City being able to focus its staff efforts toward growth-related issues. My only concern is public input - the public should be able to comment on projects if they will have large impact, but if the approved exceptions hardly ever receive feedback then I would support lessening staff time to process applications only for process' sake. I would like to know more about the accessory structure height with setbacks increase aspect. The other categories seem as though they can be addressed in other aspects of the Code. LIZ Jackson

ATTACHMENT E: Department Review Comments

Planning Staff Note: This proposal was routed to the City Departments and Divisions for review on August 11, 2020. In addition, a follow up meeting was held on September 30, 2020 with Engineering and Building Services to discuss ground mounted utility boxes and how to address them. Below are submitted comments from each Department or Division and a summary of associated meetings.

- Airports: no comments received.
- Building Services (zoning review): Indicated that they thought this would be time saver for staff and would be helpful. They provided specific changes to the following sections of the proposal:
 - Edit suggestions regarding Table 21A.36.020.B Obstructions in yards;
 - Support addressing grade changes and retaining walls as it removes vagueness in doing related zoning reviews.
 - Requested that the expansions of nonconforming uses be limited to a one-time request to avoid repeated requests over time.
 - Regarding noncomplying lots, add provision about complying with all applicable provisions so that it includes building and fire codes.
 - Remove some of the standards for unit legalizations that deal with past zoning violations. Past violations that are unrelated to the existence of a dwelling unit should not be a factor in determining if the unit can be recognized as a legal dwelling unit.
 - Concerns with letting any accessory use go into an accessory building. Is a welding shop appropriate in a shed, for example?
- Building Services (civil enforcement): no comments provided.
- Economic Development: inquired about eliminating the ability to seek additional building height in commercial districts. Planning staff provided the department with the number of applications received requesting additional height in commercial districts and information on other processes available to seek additional height. The Division also mentioned that there will be a future analysis of building heights in commercial districts to align with building code requirements, promote more housing, and encourage improved street engagement. Comments were provided by Roberta Reichgelt.
- Engineering: Engineering is concerned with prohibiting all utility boxes in the ROW. This puts the burden on Engineering to make decisions about the aesthetics of utility boxes when they are mostly focused on the engineering and impact to physical infrastructure, such as sidewalks, curb, and gutter.
- Finance: no comments received. This was routed to Finance due to the impact on revenue from special exception application fees. It is anticipated that Planning Division revenue will decrease by \$40,000 to \$45,000 per year.

- Fire Department: no comments provided.
- Housing and Neighborhood Development: no comments provided.
- Information Management Services (IMS): no comments provided. Deleting special exceptions will require deactivating the application in the Accela system.
- Mayor's Office: The Mayor was briefed on the concept before the petition was initiated. The Mayor asked that the project include a comprehensive approach and that changes be considered to maintain flexibility while limiting impacts.
- Police Department: no comments provided.
- Public Services:
 - Parks and Public Lands: Parks and Public Lands provided comments relating to fence height around outdoor recreation facilities and light poles associated with sports fields.
 - Golf Division: provided comments regarding fence heights around golf course driving ranges.
 - the Salt Lake Regional Sports Complex provided input on the height and setbacks of athletic field lighting.
- Public Utilities: Public Utilities provided comments about exempting some necessary infrastructure and utility buildings from height requirements in the OS Zoning District, asking if the riparian and lowland overlay zoning districts still apply, clarifying that underground encroachments are on private property only, and ensuring that antennae height would allow the necessary infrastructure to monitor utility facilities. Comments provided by Jason Draper.
- Redevelopment Agency: The RDA indicated that they supported the changes because they will help to streamline the building permit review process and provide more predictability for property owners. Comments provided by Lauren Parisi.
- Sustainability: no comments provided.
- Transportation: Indicated that they had no suggested changes. Comment provided by Michael Barry.
- Urban Forestry: no comments provided.

From: [Reichgelt, Roberta](#)
To: [Norris, Nick](#)
Subject: RE: Special Exception Text Amendment
Date: Monday, August 31, 2020 3:02:32 PM

Got it. Thanks

From: Norris, Nick <Nick.Norris@slcgov.com>
Sent: Monday, August 31, 2020 2:22 PM
To: Reichgelt, Roberta <Roberta.Reichgelt@slcgov.com>
Subject: RE: Special Exception Text Amendment

This type of special exception says that it has to be approved by the Planning Commission. The PC processing time for special exceptions is historically around 45 days. We don't have an application for additional height in a commercial district that hasn't also required design review or planned development due to some other requested modification. So we don't have any data on how long this specific special exception would normally take.

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From: Reichgelt, Roberta <Roberta.Reichgelt@slcgov.com>
Sent: Monday, August 31, 2020 2:07 PM
To: Norris, Nick <Nick.Norris@slcgov.com>
Subject: RE: Special Exception Text Amendment

Thanks, is the special exception process generally shorter than a planned development? So this different would be that it might take the applicant longer in the future?

From: Norris, Nick <Nick.Norris@slcgov.com>
Sent: Monday, August 31, 2020 1:29 PM
To: Reichgelt, Roberta <Roberta.Reichgelt@slcgov.com>
Subject: RE: Special Exception Text Amendment

Not common. We have had two requests in the last three years and only one other in the previous 10. Most are already in the planned development or design review process anyways and address height in those processes. This option is mostly used in zoning districts that don't have the extra height option through the design review process.

ICK ORRIS

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From: Reichgelt, Roberta <Roberta.Reichgelt@slcgov.com>
Sent: Monday, August 31, 2020 1:01 PM
To: Norris, Nick <Nick.Norris@slcgov.com>
Subject: FW: Special Exception Text Amendment

Hi Nick,

Could you help me understand if this is a common request? I have followed planned development process on height requests that are much larger than this. How did the special exception process for this type of request come to be and why was it not able to be approved through the Design Review?

You can call me if it's easier than responding via email: 385-214-9628.

Thanks,
Roberta

[Special Exceptions in 21A.26 Commercial Zoning Districts](#)

Zoning ordinance section 21A.26.010 Paragraph J authorizes a special exception for additional height if the additional height is less than 10% of the maximum allowed in the specific zone. For example, in the CB zone the maximum height is thirty feet. A special exception could approve up to three feet. This has resulted in three different ways for extra height to be granted:

- Through the planned development process (limited to a maximum of five feet);
- Through the design review process (including when allowed under the base zoning and in cases where the lot is sloping, which is almost every lot); and
- Through the special exception process.

The proposal would be to delete this paragraph so that the extra height is authorized only through the planned development process or when allowed by the base zoning district through the design review process.

From: Kolendar, Ben <Ben.Kolendar@slcgov.com>
Sent: Wednesday, August 12, 2020 9:59 AM
To: Reichgelt, Roberta <Roberta.Reichgelt@slcgov.com>; Wright, William <William.Wright@slcgov.com>
Cc: Makowski, Peter <Peter.Makowski@slcgov.com>
Subject: FW: Special Exception Text Amendment

From: Norris, Nick <Nick.Norris@slcgov.com>

Sent: Tuesday, August 11, 2020 8:44 AM

To: Mikolash, Gregory <gregory.mikolash@slcgov.com>; Padilla, Antonio <Antonio.Padilla@slcgov.com>; Young, Kevin <Kevin.Young@slcgov.com>; Weiler, Scott <scott.weiler@slcgov.com>; Draper, Jason <Jason.Draper@slcgov.com>; Eggertsen-Goff, Lani <Lani.Eggertsen-goff@slcgov.com>; Nielson, Paul <paul.nielson@slcgov.com>; Gliot, Tony <Tony.Gliot@slcgov.com>; Paulsen, Paul <paul.paulsen@slcgov.com>; Lyons, Debbie <debbie.lyons@slcgov.com>; Kogan, Lewis <Lewis.Kogan@slcgov.com>

Cc: Bennett, Vicki <vicki.bennett@slcgov.com>; Bentley, Aaron <aaron.bentley@slcgov.com>; Briefer, Laura <Laura.Briefer@slcgov.com>; Brown, Mike <Mike.Brown@slcgov.com>; Burnette, Lisa <Lisa.Burnette@slcgov.com>; Kolendar, Ben <Ben.Kolendar@slcgov.com>; Lewis, Katherine <Katherine.Lewis@slcgov.com>; Lieb, Karl <Karl.Lieb@slcgov.com>; Lofgreen, Pamela <Pamela.Lofgreen@slcgov.com>; Preece, Curtis <Curtis.Preece@slcgov.com>; Thompson, Mary Beth <MaryBeth.Thompson@slcgov.com>; Vogt, Lorna <Lorna.Vogt@slcgov.com>; Walz, Danny <Danny.Walz@slcgov.com>; Wyatt, Bill <Bill.Wyatt@slcgov.com>; Mcgrath, Jennifer <Jennifer.Mcgrath@slcgov.com>; Shaffer, Lisa <Lisa.Shaffer@slcgov.com>

Subject: Special Exception Text Amendment

Attached is information regarding a change to the zoning ordinance that would eliminate the special exception process from the zoning ordinance. The document explains what would happen with each authorized special exception. There are 42 different special exceptions authorized in the zoning ordinance. Each special exception would fall into one of the following categories:

- The exception would become “by-right” without special approval required. An example would be using an accessory building on a residential property as a hobby shop.
- The exception would be allowed with specific qualifying provisions. An example would be grade changes and retaining walls over four feet in height.
- The exception will be specifically prohibited and would have to comply with the existing standards in the ordinance. An example would be an inline addition to a building that does not meet existing setbacks. The addition would have to comply with the required setbacks.

There are some special exceptions that may directly impact your Department or Division or that we would like to receive input on. Here is a partial list:

- Building Services: Most of these changes will impact zoning reviews.
- Public Utilities: Specific exceptions listed in the OS zone for public utility buildings/structures over the maximum height would be exempt from the height regulations instead of requiring a special exception.
- Parks and Public Lands: the exception of over-height outdoor recreation equipment/structures and play field lighting would be eliminated and replaced with maximum heights for these structures.
- Engineering: the special exception authorizing ground mounted utility boxes over a certain size in the ROW would be eliminated. Utility boxes that serve a private development would be required to be located on private property.
- Civil Enforcement: the option to bring a property into compliance through a special exception will be eliminated.

- HAND: the unit legalization process would become a determination of nonconforming use process.
- Finance: this will have an impact on Division revenue. Special exceptions generate approximately \$40,000 annually in application fees.

Please review the attached document and provide comments by September 11, 2020. The process includes a 45 day early engagement period with the community and a public hearing and recommendation from the Planning Commission. It is anticipated that these steps will be complete by late October. The transmittal and City Council process will follow. Comments can be emailed to me or entered directly into Accela under the file number: PLNPCM2020-00606. You can choose to add your comments to the attached document that has been provided in word format to make it easy to add comments and propose changes. I have included Dept. Directors as an FYI so they can decide if a response is necessary. Please share any concerns with your Department or Division and provide as comprehensive of a list of comments/issues as possible. If you have any questions, please don't hesitate to ask. Thank you for your time!

NICK NORRIS
Planning Director

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From: [Draper, Jason](#)
To: [Norris, Nick](#); [Briefer, Laura](#)
Subject: RE: Special Exception Text Amendment
Date: Monday, October 5, 2020 11:23:59 AM

Sounds good

We just want to make sure that we don't run into problems with antennae height for SCADA systems and other communications. It seems that these changes are specific to amateur and private property, but just want to make sure we are able to at least have review available for these antennae.

Thanks!

Jason Draper, PE, CFM

Development Review Manager - Floodplain Administrator
Salt Lake City Department of Public Utilities

From: Norris, Nick <Nick.Norris@slcgov.com>
Sent: Monday, October 5, 2020 11:15 AM
To: Draper, Jason <Jason.Draper@slcgov.com>; Briefer, Laura <Laura.Briefer@slcgov.com>
Subject: RE: Special Exception Text Amendment

Thanks Jason, a few questions

- The riparian, lowland, and any other flood zone requirements would still apply and not be impacted by these changes. They would be reviewed during building permit review.
- The underground encroachments in this instance apply to private property. Wasn't sure if that was made clear in the info provided or if there are other issues that Public Utilities has.
- There are a couple of sections that address antennae tower height. Can you clarify which section that comment is referring to?
- None of the public utilities facility on West Temple is zoned OS.

NICK NORRIS
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From: Draper, Jason <Jason.Draper@slcgov.com>
Sent: Monday, October 5, 2020 10:28 AM
To: Norris, Nick <Nick.Norris@slcgov.com>; Briefer, Laura <Laura.Briefer@slcgov.com>
Subject: RE: Special Exception Text Amendment

I have a couple of comments:

- Replacement of noncomplying building must meet riparian and flood zone requirements.
- Changes of established grade of 4 feet or less – must meet provisions of the flood hazard and riparian overlay and lowland conservancy overlay zones
- Underground encroachments – We would rather see this as not permitted or at least need to establish the encroachment table before this goes away.
- Public Utility buildings in OS Zone: I think this looks good – no office buildings in OS
- Ground mounted utility boxes – support this action.
- I'm a little concerned with a 60 ft max for an antenna tower and no mechanism to present a case for anything taller.
- Some years ago there was a discussion to zone the 1530 South West Temple Park as OS. We may need the property for future expansion of our campus. Do you know if any of our campus is currently OS?

Thanks!

Jason Draper, PE, CFM

Development Review Manager - Floodplain Administrator
Salt Lake City Department of Public Utilities

From: Norris, Nick <Nick.Norris@slcgov.com>

Sent: Monday, October 5, 2020 8:47 AM

To: Briefer, Laura <Laura.Briefer@slcgov.com>; Draper, Jason <Jason.Draper@slcgov.com>

Subject: FW: Special Exception Text Amendment

Wanted to follow up with these proposed zoning changes that may impact public utilities. I haven't received any comments yet, so wanted to do a final check to see if there are potential issues. The biggest changes for public utilities are the changes exempt public utility structures from the height requirements in the OS zone (pg 11 of the attached) and permits taller fences when necessary to secure critical infrastructure and facilities (pg 26-27). We hope to take this to the PC on November 18th for a recommendation. The other change that you may want to know about is prohibiting ground mounted utility boxes in the ROW when they are only serving a private development. The change would require those to be on private property. Let me know if you have any concerns with the changes.

NICK NORRIS
Planning Director

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From: Norris, Nick

Sent: Tuesday, August 11, 2020 8:44 AM

To: Mikolash, Gregory <gregory.mikolash@slcgov.com>; Padilla, Antonio <Antonio.Padilla@slcgov.com>; Young, Kevin <Kevin.Young@slcgov.com>; Weiler, Scott <scott.weiler@slcgov.com>; Draper, Jason <Jason.Draper@slcgov.com>; Eggertsen-Goff, Lani <Lani.Eggertsen-Goff@slcgov.com>; Nielson, Paul <paul.nielson@slcgov.com>; Gliot, Tony <Tony.Gliot@slcgov.com>; Paulsen, Paul <paul.paulsen@slcgov.com>; Lyons, Debbie <debbie.lyons@slcgov.com>; Kogan, Lewis <Lewis.Kogan@slcgov.com>

Cc: Bennett, Vicki <vicki.bennett@slcgov.com>; Bentley, Aaron <aaron.bentley@slcgov.com>; Briefer, Laura <Laura.Briefer@slcgov.com>; Brown, Mike <Mike.Brown@slcgov.com>; Burnette, Lisa <Lisa.Burnette@slcgov.com>; Kolendar, Ben <Ben.Kolendar@slcgov.com>; Lewis, Katherine <Katherine.Lewis@slcgov.com>; Lieb, Karl <Karl.Lieb@slcgov.com>; Lofgreen, Pamela <pamela.lofgreen@slcgov.com>; Preece, Curtis <Curtis.Preece@slcgov.com>; Thompson, Mary Beth <MaryBeth.Thompson@slcgov.com>; Vogt, Lorna <Lorna.Vogt@slcgov.com>; Walz, Danny <Danny.Walz@slcgov.com>; Wyatt, Bill <Bill.Wyatt@slcgov.com>; Mcgrath, Jennifer <jennifer.mcgrath@slcgov.com>; Shaffer, Lisa <Lisa.Shaffer@slcgov.com>

Subject: Special Exception Text Amendment

Attached is information regarding a change to the zoning ordinance that would eliminate the special exception process from the zoning ordinance. The document explains what would happen with each authorized special exception. There are 42 different special exceptions authorized in the zoning ordinance. Each special exception would fall into one of the following categories:

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process.

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NICK NORRIS
Planning Director

PLANNING DIVISION
COMMUNITY *and* NEIGHBORHOODS
SALT LAKE CITY CORPORATION

TEL 801-535-6173
Email nick.norris@slcgov.com

WWW.SLC.GOV/PLANNING

From: [Barry, Michael](#)
To: [Norris, Nick](#)
Cc: [Young, Kevin](#); [Larsen, Jonathan](#); [Larson, Kurt](#)
Subject: RE: Special Exception Text Amendment
Date: Monday, August 31, 2020 1:23:56 PM

Nick,

I do not have any suggested changes. Thanks.

MICHAEL BARRY, P.E.
Transportation Engineer

TRANSPORTATION DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-7147

From: Young, Kevin <Kevin.Young@slcgov.com>
Sent: Tuesday, August 11, 2020 10:22 AM
To: Larsen, Jonathan <jon.larsen@slcgov.com>; Larson, Kurt <Kurt.Larson@slcgov.com>; Barry, Michael <Michael.Barry@slcgov.com>
Subject: FW: Special Exception Text Amendment

FYI

If you have any comments or input, please provide them by September 11.

KEVIN J. YOUNG, P.E.
Deputy Director

TRANSPORTATION DIVISION
DEPARTMENT OF COMMUNITY AND NEIGHBORHOODS
SALT LAKE CITY CORPORATION

TEL 801-535-7108

From: Norris, Nick <Nick.Norris@slcgov.com>
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To: Mikolash, Gregory <gregory.mikolash@slcgov.com>; Padilla, Antonio <Antonio.Padilla@slcgov.com>; Young, Kevin <Kevin.Young@slcgov.com>; Weiler, Scott <scott.weiler@slcgov.com>; Draper, Jason <Jason.Draper@slcgov.com>; Eggertsen-Goff, Lani <Lani.Eggertsen-goff@slcgov.com>; Nielson, Paul <paul.nielson@slcgov.com>; Gliot, Tony <Tony.Gliot@slcgov.com>; Paulsen, Paul <paul.paulsen@slcgov.com>; Lyons, Debbie <debbie.lyons@slcgov.com>; Kogan, Lewis <Lewis.Kogan@slcgov.com>
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Planning Director

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COMMUNITY *and* NEIGHBORHOODS
SALT LAKE CITY CORPORATION

TEL 801-535-6173
Email nick.norris@slcgov.com

WWW.SLC.GOV/PLANNING

From: [Laughlin, Chris](#)
To: [Norris, Nick](#)
Cc: [Bollwinkel, Lee](#)
Subject: RE: text changes impacted OS zone
Date: Tuesday, October 6, 2020 8:45:44 AM

Hey Nick,

Hope we're not too late. I just spoke with Bruce Brown in engineering and he said the poles are 70 ft. tall for our field lights. 30 ft sounds good for property distance.

Chris Laughlin | RAC Program Manager

From: Kogan, Lewis
Sent: Monday, October 5, 2020 8:57 AM
To: Norris, Nick <Nick.Norris@slcgov.com>; Riker, Kristin <Kristin.Riker@slcgov.com>; Bollwinkel, Lee <lee.bollwinkel@slcgov.com>; Laughlin, Chris <Chris.Laughlin@slcgov.com>
Subject: RE: text changes impacted OS zone
Importance: High

Nick, my sincere apologies, I must have missed your first email and it got lost in my inbox.

I am going to defer to the experts here:

Lee, Chris, can you please review Nick's questions below at your earliest convenience, and let him know how the proposed changes to ordinance would impact lighting and recreational equipment heights, particularly for the Regional Athletic Complex?

Thanks!

Lewis

From: Norris, Nick <Nick.Norris@slcgov.com>
Sent: Monday, October 5, 2020 8:39 AM
To: Kogan, Lewis <Lewis.Kogan@slcgov.com>; Riker, Kristin <Kristin.Riker@slcgov.com>
Subject: RE: text changes impacted OS zone

Wanted to follow up on this to see if you have any input.

NICK NORRIS
Planning Director

PLANNING DIVISION
COMMUNITY *and* NEIGHBORHOODS
SALT LAKE CITY CORPORATION

TEL 801-535-6173
Email nick.norris@slcgov.com

WWW.SLC.GOV/PLANNING

From: Norris, Nick

Sent: Thursday, August 6, 2020 9:57 AM

To: Kogan, Lewis <Lewis.Kogan@slcgov.com>

Subject: text changes impacted OS zone

Lewis,

We are working on a massive text change that will eliminate special exceptions from the zoning ordinance. There are two specific special exceptions that could impact parks and recreational facilities in the OS open space zone.

The first impacts recreational equipment in excess of 60 feet. Right now a special exception could be granted to exceed that height. This was put in to provide flexibility for hogle zoo who wanted to add a ropes course to the zoo and they were not sure how tall the poles were going to be. It also allows for things like driving range fences to be up to 60 feet tall. Can you let us know if limiting the height to 60 feet is going to cause problems or if there is any structure that exceeds 60 feet currently? I don't know how tall driving range fences are.

The second addresses light poles for recreational facilities. The code allows a special exception for these to be taller when located within thirty feet of an adjacent residential structure. The current code allows the lights to be 60 feet in height. Taller lights would trigger the special exception cited above as well as if the light is within 30 feet of dwelling. There are screening requirements as well to reduce light pollution. We are proposing to allow these up to 80 feet in height, but are trying to figure out how far away they should be from the property line. Can you give us an idea of how tall these lights tend to be and how far from property lines they should be? We would like to publish public info on this in the next week or so. If that is not enough time, let me know how much time you need so we can figure something out. Thanks.

NICK NORRIS
Planning Director

PLANNING DIVISION
COMMUNITY *and* NEIGHBORHOODS
SALT LAKE CITY CORPORATION

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Email nick.norris@slcgov.com

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From: [Kammeyer, Matt](#)
To: [Norris, Nick](#); [Kogan, Lewis](#)
Subject: RE: text changes impacted OS zone
Date: Tuesday, October 6, 2020 2:38:34 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Nick and Lewis,

I'm responding directly to you in relation to Kristin's question about driving range fence heights. Driving range fences typically fall within the 60 to 80 foot range. The Top Golf range fence is upward of 125 feet. Let me know if I can provide more info.

MATT KAMMEYER
Director, Golf Program

GOLF ENTERPRISE FUND
SALT LAKE CITY CORPORATION

TEL 801-485-7823
FAX 801-466-6705

www.SLC-GOLF.COM
www.SLCGOV.COM

From: Riker, Kristin <Kristin.Riker@slcgov.com>
Sent: Monday, October 5, 2020 1:23 PM
To: Kammeyer, Matt <Matt.Kammeyer@slcgov.com>
Subject: FW: text changes impacted OS zone

Hi Matt-

Hope you all had a great event today. I apologize I missed it, thank you for asking me! I'm tied to being close to my mom right now as she is not healthy and needs a lot of care. Anyhow, please see Nick's email below. Can you tell me how tall driving range fences are?

KRISTIN RIKER
Public Services Deputy Director; Public Lands

Salt Lake City Public Lands Divisions
Parks, Trails & Natural Lands, Urban Forestry

CELL 801-514-0205
TEL 801-972-7804
FAX 801-972-7847



From: Norris, Nick <Nick.Norris@slcgov.com>
Sent: Monday, October 5, 2020 8:39 AM
To: Kogan, Lewis <Lewis.Kogan@slcgov.com>; Riker, Kristin <Kristin.Riker@slcgov.com>
Subject: RE: text changes impacted OS zone

Wanted to follow up on this to see if you have any input.

NICK NORRIS
Planning Director

PLANNING DIVISION
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From: [Parisi, Lauren](#)
To: [Norris, Nick](#)
Subject: Special Exception Text Amendment
Date: Tuesday, September 8, 2020 5:15:00 PM

Hi Nick,

Danny had asked if I could review the special exception text amendment information you sent over and, upon review, the RDA fully supports the proposed texts amendments as they are. These amendments will help to streamline the building permit review process and provide more predictability for property owners. We commend your team's great work.

Thanks,

LAUREN PARISI
Project Manager

REDEVELOPMENT AGENCY *of* SALT LAKE CITY
DEPARTMENT *of* ECONOMIC DEVELOPMENT, SALT LAKE CITY CORPORATION

TEL 801-535-7242

WWW.SLCRDA.COM

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