

Special Exception Code Changes (Current as of 10/15/2020)

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.

Amending 21A.06.050.C.6

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

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

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

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

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

- ~~—— a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and~~
- ~~—— b. Satisfies the following criteria:~~
 - ~~—— (1) The topography of the lot presents difficulties for construction when the foothill height limitations are applied;~~
 - ~~—— (2) The structure has been designed for the topographic conditions existing on the particular lot, and~~
 - ~~—— (3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.~~
- ~~—— c. In making these considerations the Planning Commission can consider the size of the lot upon which the structure is proposed.~~
- ~~—— d. The burden of proof is upon the applicant to submit sufficient data to persuade the Planning Commission that the criteria have been satisfied.~~
- ~~—— e. The Planning Commission may deny an application for a height special exception if:~~
 - ~~—— (1) The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;~~

44 ——— (2) ~~The additional height can be reduced by modifying the design of the structure~~
45 ~~through the use of stepping or terracing or by altering the placement of the structure on~~
46 ~~the lot;~~

47 ——— (3) ~~The additional height will substantially impair the views from adjacent lots,~~
48 ~~and the impairment can be avoided by modification; or~~

49 ——— (4) ~~The proposal is not in keeping with the character of the neighborhood.~~

50 Repealed

51 Amending 21A.24.010 P 6 (modifying grand change requirements in foothill zones)

52 6. Grade Changes: No grading shall be permitted prior to the issuance of a building
53 permit. The grade of any lot shall not be altered above or below established grade
54 more than ~~four~~4 feet (~~4'~~) at any point for the construction of any structure or
55 improvement except:

- 56 a. Within the buildable area. Proposals to modify established grade more than 6 six
57 feet (6') ~~shall be reviewed as a special exception subject to the standards in~~
58 ~~chapter 21A.52 of this title~~ shall be permitted for the construction of below grade
59 portions of structures, egress windows, and building entrances. Grade change
60 transition areas between a yard area and the buildable area shall be within the
61 buildable area;
62 b. Within the ~~front, corner side, side and rear yard areas,~~ proposals to modify
63 established grade more grade changes greater than 4four feet (4') ~~shall be~~
64 ~~reviewed as a special exception subject to the standards found in chapter 21A.52~~
65 ~~of this title are permitted provided: and~~

66 (1) The grade change is supported by retaining walls.

67 (2) No individual retaining wall exceeds 6 feet in height.

68
69 c. ~~As necessary to construct driveway access from the street to the garage or~~
70 ~~parking area grade changes and/or retaining walls up to six feet (6') from the~~
71 ~~established grade shall be reviewed as a special exception subject to the standards~~
72 ~~in chapter 21A.52 of this title~~ Within the front and corner side yards, grade
73 changes up to 6 feet in height are permitted provided:

74 (1) The grade change is necessary for driveways accessing legally located parking
75 areas

76 (2) The grade changes are supported by retaining walls.

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

78 21A.24.050.D.6.a:

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

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

21A.24.060.D.6.a

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

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

21A.24.070.D.6.a

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

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

21A.24.080.D.6.a

6. Additional Building Height:

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

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

21A.24.100.D.6.a

6. Additional Building Height:

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

~~b. Additional Principal Building Height:: Requests for additional building height for properties located in an H historic preservation overlay district shall be reviewed by the Historic Landmarks Commission which may grant such requests subject to the provisions of section 21A.34.020 of this title.~~

21A.24.110.D.6.a

6. a. ~~For properties outside of the H Historic Preservation Overlay District, additional building height may be granted as a special exception by the Planning Commission subject to the special exception standards in chapter 21A.52 of this title and if the proposed building height is in keeping with the development pattern on the block face. The Planning Commission will approve, approve with conditions, or deny the request pursuant to chapter 21A.52 of this title.~~
b. Additional Principal Building Height: Requests for additional building height for properties located in an H Historic Preservation Overlay District shall be reviewed by the Historic Landmarks Commission which may grant such requests subject to the provisions of section 21A.34.020 of this title.

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

21A.26.010 J:

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

1. At least 50% of the building complies with the maximum height of the underlying zoning district;
2. The modification allows the upper floor of a building to be level with the portion of the building that complies with the maximum building height of the zone without the 10% modification; and
3. The height of the ground floor is at least 12 feet in height measured from finished floor to finished ceiling height.

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

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

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

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

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

3. ~~Recreation equipment heights or heights for buildings or structures for the Salt Lake City Public Utilities Department that are not specifically exempt in section 21A.02.050 of this title, in excess of sixty feet (60') may be approved through the Special Exception process.~~ are permitted to a height not to exceed 80 feet when needed due to the nature of the equipment or for the use to operate safely, such as fences surrounding golf course driving ranges.

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

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

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

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

- G. ~~Special Exception For~~ Garages Built into Hillsides in Front or Corner Side Yards: A garage built into a hillside and located forward of the front line of the building may be allowed ~~as a special exception granted by the planning commission~~, subject to the following standards:
1. The rear and side yards cannot be reasonably accessed for the purpose of parking.
 2. Because of the topography of the lot it is impossible to construct a garage and satisfy the standards of the YCI.
 3. The ceiling elevation of the garage is below the elevation of the first or main floor of the house.
 4. The garage meets all applicable yard requirements.

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

TABLE 21A.36.020B
OBSTRUCTIONS IN REQUIRED YARDS¹

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

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 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) X X 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~~

217 Notes:

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

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

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

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

227 21A.36.350.A.3. A decorative masonry wall that is a minimum of ~~six~~ 6 feet (6') high shall
228 be provided along all interior side and rear lot lines and that complies with all required
229 site distance triangles at driveways and walkways. Walls in excess of ~~six~~ 6 feet (6') may be
230 approved by the Planning Commission as a special exception as a condition of approval

231 of a conditional use if it determines a taller wall is necessary to mitigate a detrimental
232 impact created by the homeless resource center or homeless shelter;

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

234 21A.38.040.H.2

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

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

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

258 1. Noncomplying as to setbacks

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

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

267 c. Interior side yards: Any addition to a principal structure with a
268 noncomplying setback is permitted provided the addition complies with the
269 minimum side yard setback requirement and maximum wall height as
270 specified in the underlying zone. In determining if a side yard is
271 noncomplying, the narrower of the two side yards shall be interpreted to be
272 the narrower side yard required in the underlying zoning district.

273
274 d. Rear yards. A principal building noncomplying to rear yard setbacks may be
275 expanded provided the expansion follows an existing noncomplying building

276 wall and does not result in a decrease of the existing rear yard setback and
277 complies with side and corner side yard setbacks of the underlying zoning
278 district. If the building does not comply with the existing side or corner side
279 yard setback, the expansion shall be permitted to extend to the side or corner
280 side yard setback of the underlying zone.

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

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

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

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

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

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

318 Changes to 21A.38.070 Legal conforming single-family detached dwelling, two-family dwelling,
319 and twin homes. Makes each of these legal conforming uses regardless of zone, eliminates the
320 special exception need to expand, and eliminates the conditional use requirement to rebuild

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

A. Alterations, Additions Or Extensions Or Replacement Structures Greater Than The Original Footprint: In zoning districts other than M-1 and M-2, which do

not allow detached single-family dwelling units, two-family dwelling units or twin homes, any alterations, extensions/additions or the replacement of the structure may exceed the original footprint by twenty five percent (25%) of the existing structure subject to the following standards:

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

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

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

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

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

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

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

1. The dwelling unit existed prior to April 12, 1995. In order to determine whether a dwelling unit was in existence prior to April 12, 1995, the unit owner shall provide documentation thereof which may include any of the following:

a. Copies of lease or rental agreements, lease or rent payments, or other similar documentation showing a transaction between the unit owner and tenants;

b. Evidence indicating that prior to April 12, 1995, the city issued a building permit, business license, zoning certificate, or other permit relating to the 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.

21A.40.040: USE LIMITATIONS:

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

- A. An accessory use, ~~building or structure~~ shall be incidental and subordinate to the principal use or structure in area, extent and purpose;
- B. An accessory use, ~~building or structure~~ shall be under the same ownership or control as the principal use or structure, and shall be, except as otherwise expressly authorized by the provisions of this title, located on the same lot as the principal use or structure;
- C. No accessory use, ~~building or structure~~ shall be established or constructed before the principal use is in operation or the structure is under construction in accordance with these regulations; ~~and~~
- D. No commercial sign, except as expressly authorized by this chapter or by the provisions of chapter 21A.46 of this title, shall be maintained in connection with an accessory use or structure.
- E. An accessory use shall be permitted if it is routinely and customarily associated with the principal use. For residential uses, this includes accessory uses that are customarily associated with a dwelling, such as home office, outdoor living space, pool houses, storage, personal use, hobbies, and other similar uses.

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

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

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

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

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'~~);

- b. The height of accessory ~~buildings structures~~ with pitched roofs shall not exceed ~~17 seventeen~~ feet (~~17'~~) measured to the midpoint of the roof; and
- c. Accessory ~~buildings structures~~ with greater ~~building height~~ are permitted ~~may be approved as a special exception, pursuant to chapter 21A.52 of this title provided:~~
- (1) the setbacks from a property line are increased 1 foot for every 1 foot in height.
 - (2) The maximum height of the accessory structure shall not exceed 75% of the height of the principal structure not to exceed 15 feet for accessory structures with flat roofs and 21 feet for structures with pitched roofs.

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;
- 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'~~); and
- c. Accessory ~~buildings structures~~ with greater ~~building height~~ are permitted ~~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. provided:~~
 - (1) The setbacks from a property line are increased 1 foot for every 1 foot in additional height; and
 - (2) The maximum height of the accessory structure shall not exceed 75% of the height of principal structure up to a maximum height as follows:
 - (A) In the SR-1A zoning district, structures with pitched roofs permitted up to 17 feet in height and structures with flat roofs up to 11 feet in height.
 - (B) In all other zones subject to this section, structures with pitched roofs permitted up to 21 feet in height and structures with flat roofs permitted up to 15 feet in height.

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

21A.40.065 Outdoor Dining

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

A. Where allowed:

- A. ~~Within the buildable lot area, Outdoor dining in the public way shall be permitted subject to all City requirements.~~
- B. Within a required or provided front or corner side yard;
- C. Within a required side yard provided: the outdoor dining is setback a minimum of 10 feet when adjacent to a residential zoning district that does not permit restaurants or retail uses. Properties separated by an alley are not considered adjacent for the purpose of this section.
- D. Within a required rear yard provided the outdoor dining is setback a minimum of 10 feet when adjacent to a residential zoning district that does not permit restaurants or retail uses. Properties separated by an alley are not considered adjacent for the purpose of this section.
- E. Within a public right of way or an adjacent public property subject to all applicable lease agreements, applicable regulations, and the outdoor dining design guidelines.

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

1. All applicable requirements of chapter 21A.48 and section 21A.36.020 of this title are met.
2. All required business, health and other regulatory licenses for the outdoor dining have been secured.
3. All the proposed outdoor dining activities will be conducted on private property owned or otherwise controlled by the applicant and that none of the activities will occur on any publicly owned rights-of-way unless separate approval for the use of any such public rights-of-way has been obtained from the City.
- ~~b. The location of any paving, landscaping, planters, fencing, canopies, umbrellas or other table covers or barriers surrounding the area;~~
- ~~e. The proposed outdoor dining will not impede pedestrian or vehicular traffic; and~~
- ~~4d.~~ The main entry has a control point as required by State liquor laws.
- 5e. The proposed outdoor dining complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for property.
- 6f. Live music will not be performed nor loudspeakers played in the outdoor dining area unless the decibel level is within conformance with the Salt Lake City noise control ordinance, title 9, chapter 9.28 of this Code. Live music and loudspeakers are prohibited outside between the hours of 9:00 pm and 9:00 am when the property is adjacent to a residential zoning district.

547 7g. No additional parking is required unless the total outdoor dining area
548 ever exceeds ~~five hundred (500)~~ square feet. Parking for outdoor dining
549 areas in excess of ~~five hundred (500)~~ square feet is required at a ratio of
550 ~~two (2)~~ spaces per ~~one thousand (1,000)~~ square feet of outdoor dining
551 area. No additional parking is required in any zoning district that does not
552 require off street parking for the restaurant or retail use. the D-1, D-2, D-
553 3, D-4, TSA, or G MU Zone.

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

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

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

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

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

- 572 1. Number Limited: No more than one such antenna or antenna support structure with
573 a surface area greater than ~~ten (10)~~ square feet or any single dimension exceeding
574 ~~twelve~~ 12 feet (12') may be located on any lot.
- 575 2. Height Limited: No such antenna and its support structure shall, if ground mounted,
576 exceed ~~seventy five~~ 75 feet (75') in height or, if attached to a building pursuant to
577 subsection D3 of this section, the height therein specified.
- 578 3. Attachment To Buildings Limited: No such antenna or its support structure shall be
579 attached to a principal or accessory structure unless all of the following conditions
580 are satisfied:
- 581 a. Height: The antenna and its support structure shall not extend more than ~~twenty~~
582 ~~20~~ feet (20') above the highest point of the building on which it is mounted.
- 583 b. Mounting: The antenna and its support structure shall not be attached to or
584 mounted upon any building appurtenance, such as a chimney. The antenna and
585 its support structure shall not be mounted or attached to the front or corner side
586 of any principal building facing a street, including any portion of the building
587 roof facing any street. The antenna and its support structure shall be designed to
588 withstand a wind force of ~~eighty (80)~~ miles per hour without the use of
589 supporting guywires.
- 590 c. Grounding: The antenna and its support structure shall be bonded to a grounding
591 rod.
- 592 d. ~~Other Standards: The antenna and its support structure shall satisfy such other~~
593 ~~design and construction standards as the Zoning Administrator determines are~~

necessary to ensure safe construction and maintenance of the antenna and its support structure.

- e. ~~Special Exception For Increased Height: Any person desiring to erect an amateur ("ham") radio antenna in excess of seventy five feet (75') shall file an application for a special exception with the Zoning Administrator pursuant to chapter 21A.52 of this title. In addition to the other application regulations, the application shall specify the details and dimensions of the proposed antenna and its supporting structures and shall further specify why the applicant contends that such a design and height are necessary to accommodate reasonably amateur radio communication. The Zoning Administrator shall approve the proposed design and height unless the Zoning Administrator finds that a different design and height which is less violative of the City's demonstrated health, safety or aesthetic considerations also accommodates reasonably amateur radio communication and, further, that the alternative design and height are the minimum practicable regulation necessary to accomplish the City's actual and demonstrated legitimate purposes. The burden of proving the acceptability of the alternative design shall be on the City.~~

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

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

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

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

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

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

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

~~ii. If located in a zoning district without a require front or corner side yard setback, the equipment shall be located a minimum of 10 feet from the front or corner side yard property line.~~

- 641 iii. Located a minimum of 4 feet from a side or rear property line unless located in an
642 enclosed structure or a vault where the equipment will not be visible.
643 iv. If the equipment is located next to a public trail, park, open space, or other public
644 space other than a street, the equipment shall be screened by a wall or fence so the
645 equipment is not visible.
646 v. The electrical equipment and any structure associated with the electrical equipment is
647 subject to the maximum lot coverage of the underlying zoning district.
648

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

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

- 653 A. Front and corner side yards and double frontage lots: Only allowed if located within
654 4 feet of the principal building and screened by vegetation, a solid wall or fence so the
655 equipment is not visible and at least 10 feet from the front and corner side yard
656 property lines.
657 B. Side yards: At least 4 feet from a side property line.
658 C. Rear yards: at least 4 feet from a rear property line.
659 D. Prohibited areas: in addition to the yard requirements above, mechanical equipment
660 is prohibited to be located on the roof of an accessory structure, with the exception of
661 exhaust fans and mechanical vents serving the accessory building in which case the
662 fans or vents shall be at least 10 feet from a property line.
663

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

666 I. Barbed Wire Fences:

- 667 1. Permitted Use: Barbed wire fencing is allowed as a permitted use in the following
668 instances:
669 a. AG, AG-2, AG-5, AG-20, A, CG, M-1, and M-2 and D-2 districts and to secure
670 critical infrastructure located in any other zoning district not listed subject to the
671 following requirements. Critical infrastructure includes sites that are necessary
672 to protect the facility or site for the purpose of public health and safety. Barbed
673 wire is also permitted to secure construction sites and sites where construction
674 is pending provided it is removed once construction is complete.
675 b. Barbed wire fences shall be subject to the following provisions:
676 (1) Not allowed in a provided or required front yard.
677 (2) The barbed wire is permitted to exceed the maximum fence height.
678 (3) No strand of barbed wire shall be permitted less than 7 feet in height above
679 the ground except for agricultural purposes provided the barbed wire is
680 vertically aligned.
681 (4) No more than 3 strands of barbed wire are permitted.
682 (5) The barbed wire strands shall not slant outward from the fence more than
683 60 degrees from a vertical line.
684 (6) All barbed wire shall be setback a minimum of 3 feet from public property.
685 2. Special Exception: Barbed wire fencing may be approved for
686 nonresidential uses as a special exception pursuant to chapter 21A.52 of
687 this title, in all zoning districts except for those listed above as permitted

688 uses. The planning commission may approve as special exceptions, the
689 placement of barbed wire fences, for security reasons, or for the keeping
690 out of animals around nonresidential properties, transformer stations,
691 microwave stations, construction sites or other similar publicly
692 necessary or dangerous sites, provided the requested fence is not in any
693 residential district and is not on or near the property line of a lot which is
694 occupied as a place of residence.

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

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

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

713
714 Changes to 21A.40.120 J Razor wire fencing: removes special exception requirements and adds
715 standards to address impacts.

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

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

729 2. Location Requirements: Razor wire fencing shall not be allowed in required front
730 or corner side yard setback The razor wire is permitted to exceed the maximum
731 fence height to a height necessary to reasonably secure the site.

732 3. Special Design Regulations: No strand of razor wire shall be permitted on a fence
733 that is less than seven ~~7~~ feet (7') high. Razor wire coils shall not exceed ~~eighteen~~ 18

inches (~~18"~~) in diameter and must slant inward from the fence to which the razor wire is being attached.

4. ~~Special Exception Approval Standards: The planning commission may approve razor wire fencing if the commission finds that the applicant has shown that razor wire is necessary for the security of the property in question.~~ All razor wire shall be setback a minimum of ~~three (3)~~ feet from public property in zoning districts that do not have a minimum setback.

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

L. Electric Security Fences:

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

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

~~23.~~ Location Requirements: Electric security fences shall not be allowed in required front yard setbacks or on frontages adjacent to residentially zoned properties.

~~34.~~ Compliance With Adopted Building Codes: Electric security fences shall be constructed or installed in conformance with all applicable construction codes.

~~45.~~ Perimeter Fence Or Wall: No electric security fence shall be installed or used unless it is fully enclosed by a nonelectrical fence or wall that is not less than ~~six (6)~~ feet (~~6'~~) in height. There shall be at least ~~one (1)~~ foot (~~1'~~) of spacing between the electric security fence and the perimeter fence or wall.

~~56.~~ Staging Area: All entries to a site shall have a buffer area that allows on site staging prior to passing the perimeter barrier. The site shall be large enough to accommodate a vehicle completely outside of the public right of way.

~~67.~~ Height: Electric security fences shall have a maximum height of ~~ten (10)~~ feet (~~10'~~).

~~78.~~ Warning Signs: Electric security fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not greater than ~~sixty (60)~~ feet (~~60'~~). Signs shall comply with requirements in [chapter 21A.46](#), "Signs", of this title.

~~89.~~ Security Box: Electric security fences shall have a small, wall mounted safe or box that holds building keys for police, firefighters and EMTs to retrieve in emergencies.

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

21A.40.130 Access for persons with disabilities: building permits for an uncovered vertical wheelchair lift, or for an uncovered access ramp, for persons with disabilities, under ~~four (4)~~ feet (~~4'~~) in height, or any other form of uncovered access, for persons with disabilities, under ~~four (4)~~ feet (~~4'~~) in height, that encroaches into required yard areas, may be approved by the Zoning Administrator as a permitted accessory structure. Covered ramps or other access structures for persons with disabilities that encroach into required yard areas, shall be considered as a reasonable accommodation under applicable federal regulations. ~~approved, pursuant to [chapter 21A.52](#) of this title. Application for a special exception for an access structure for persons with disabilities shall not require the payment of any application fees.~~

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

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

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

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

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

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

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

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

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

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

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

21A.40.160 F: delete

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

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

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

~~—— (1) Dimensions of box and footing/platform detail.~~

~~—— (2) Location of contact information on the box.~~

~~—— (3) Description of cabinet materials and finish treatment.~~

~~b. A location analysis which identifies other sites considered as alternatives within five hundred feet (500') of the proposed location.~~

The applicant shall provide a written explanation why the alternatives considered were either unavailable, or technologically or reasonably infeasible.

- 2. General Standards And Considerations For Special Exception Review Of Ground Mounted Utility Boxes: No special exception application for a ground mounted utility box shall be approved unless the planning director or the planning director's designee determines that the ground mounted utility box satisfies the applicable standards related to size, spacing and/or location of the following criteria:
- a. Evidence that the existing ground mounted utility box location and/or size are within a pattern that allowing an additional or larger ground mounted utility box will not create a significant impact on the character of the area.
 - b. Evidence submitted that shows another location is not practical to service the subject area.
 - c. Sufficiently demonstrates the reason that the larger cabinet is necessary.
 - d. Demonstrates that the subject block face location is the only feasible location for the ground mounted utility box based on technical or physical constraints.
 - e. Ground mounted utility boxes are spaced in such a manner as to limit the visual impact of the box when viewed from the street or an adjacent property.
 - f. The location will not obstruct access to other installed utility facilities.
 - g. The additional cabinet is compatible in design and size with the existing ground mounted utility boxes in the area.

Amending 21A.44.090

21A.44.090 MODIFICATIONS TO PARKING AREAS

Applicants requesting development permits or approvals may request adjustments to the standards and requirements in this **Error! Reference source not found. Error! Reference source not found.**, and the City may approve adjustments to those standards, as described below.

A. Administrative Modifications Authority to Approve Modifications

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

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 **Error! Reference source not found.**, 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
 - b.—The travel distance to the property line is more than one hundred feet (100') from an improved street and the right of way or alley has an existing minimum twelve foot (12') wide paved surface.
- (2) It is not feasible to build an attached garage that conforms to yard area and setback requirements;

- (3) ~~Parking is limited to an area that is surfaced in compliance with the Off Street Parking Standards Manual;~~
- (4) ~~The parking area is limited to nine feet (9') wide by twenty feet (20') deep;~~
- (5) ~~Vehicles using the parking area will not project across any sidewalk or into the public right of way; and~~
- (6) ~~Parking is restricted to passenger vehicles only.~~

4. Vehicle and Equipment Storage Without Hard Surfacing

- a. The property is located in a CG, M-1, M-2, or EI zoning district
- b. The lot is used for long term vehicle storage, not for regular parking and/or maneuvering.
- b. The storage areas are not located within any required front yard or corner side yard.
- c. The storage area surface is compacted with 6 inches of road base or other similar material with dust control measures in place.
- d. A mechanism, such as a wash bay, gravel guard, or rumble strip is used to remove mud, sand, dirt, and gravel from the vehicle with a minimum of 50 feet of paved driveway between the mechanism and a public street.

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

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

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

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

21A.46.070V Historic District Signs: The Historic Landmark Commission may authorize, as a minor alteration ~~special exception~~, modification to an existing sign or the size or placement of a new sign in a historic district or on a landmark site, including placement of a sign type not allowed in the underlying zone, if the applicant can demonstrate that the location, size and/or design of the proposed sign is compatible with the design period or theme of the historic structure or district and/or will cause less physical damage to the historically significant structure. If a sign in a local historic district or on a landmark site has been designated a vintage sign as per section 21A.46.125 of this chapter, the modifications allowed in that section may be authorized by the Historic Landmark Commission subject to the appropriate standards of section 21A.34.020 of this title.

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

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

B. Notwithstanding any contrary provision of this title:

1. An application for designation of vintage sign status as well as for the reinstatement of, modifications to, or relocation of a vintage sign shall be processed through the zoning certificate process in accordance with the procedures for a special exception, as per chapter 21A.52 of this title 21A.46.030:
 - a. Application: In addition to the general application requirements for a ~~special exception~~ sign, an application for vintage sign designation or modification shall require:
 - (1) Detailed drawings and/or photographs of the sign in its current condition, if currently existing;
 - (2) Written narrative and supporting documentation demonstrating how the sign meets the applicable criteria;
 - (3) Detailed drawings of any modifications or reinstatement being sought;
 - (4) Detailed drawings of any relocation being sought; and
 - (5) Historic drawings and/or photographs of the sign.
2. The Zoning Administrator shall designate an existing sign as a vintage sign if the sign:
 - a. Was not placed as part of a Localized Alternative Signage Overlay District and has not been granted flexibility from the base zoning through a planned development agreement or by the Historic Landmark Commission;
 - b. Is not a billboard as defined in section 21A.46.020 of this chapter;
 - c. Retains its original design character, or that character will be reestablished or restored, based on historic evidence such as drawings or photographs; and,
 - d. Meets at least four ~~(4)~~ of the following criteria:
 - (1) The sign was specifically designed for a business, institution, or other establishment on the subject site;
 - (2) The sign bears a unique emblem, logo, or another graphic specific to the City, or region;
 - (3) The sign exhibits specific characteristics that enhance the streetscape or identity of a neighborhood;
 - (4) The sign is or was characteristic of a specific historic period;
 - (5) The sign is or was integral to the design or identity of the site or building where the sign is located; or,
 - (6) The sign represents an example of craftsmanship in the application of lighting technique, use of materials, or design.
3. A designated vintage sign may, ~~by special exception~~:
 - a. Be relocated within its current site.
 - b. Be modified to account for changing uses within its current site. These modifications shall be in the same style as the design of the original sign including:
 - (1) Shape and form

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