

Special Exception Code Changes

Updated 10/13/2020 based on Early Engagement, Department review, and Planning Commission recommendations.
Planning Commission Public Hearing:
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Salt Lake City Planning Division

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Updates as of October 13, 2020

The following changes have been made to this proposal. The changes are to address issues identified through the public engagement process, review and input from other city departments, and input from the Planning Commission during a September 30, 2020 work session.

Changes based on Public Input:

- **Outdoor Dining:** hours that music can be played outdoors added to address noise complaints from neighbors of businesses that currently have outdoor dining and the challenges in enforcing noise complaints. The new proposal allows music from 9:00 am to 9:00 pm. Decibel levels still apply.
- **Vintage Signs:** the zoning districts where vintage signs can be displayed as public art have been expanded. The public input was to add CSHBD 2 (Sugar House Business District 2) to the list. Upon review of other comparable zoning districts in terms of use and intensity, the following additional districts were added: all TSA zones; FB-UN2, FB-UN3, FB-SC, FB-SE.

Changes based on City Department input:

- **Sports Field related Light Poles:** The maximum allowed height was decreased from 80 to 70 feet, with a minimum setback from residential uses of thirty feet. The lights would be required to be screened to direct light away from adjacent land uses.
- **Recreation Equipment and Fences in Open Space zone:** This was increased from 60 feet to 80 feet to reflect the heights of existing fences around existing golf driving ranges.
- **Building Services:**
 - Addressing expansions of nonconforming uses to clarify that they are limited to a one-time expansion. The date for that expansion will be the date that the current zoning ordinance was adopted (April 2, 1995). Expansions approved under a special exception prior to these changes would count towards the one time expansion.
 - Noncomplying Lots: the last standard was changed from “all other applicable zoning regulations shall be complied with” to “all other applicable regulations shall apply” so that building and fire codes also apply.
- **Planning Division:** Authority to modify bulk regulations in historic districts was expanded to grant the authority to planning staff for minor alterations. Minor alterations include the

restoration of some building features, such as front porches or roof gables that don't comply with current standards.

Planning Commission Recommendations

- **Front Yard Parking:** this was added as an allowed feature under certain circumstances, including the use of the property is residential, no other off street parking exists on the site, the side and rear yards are not accessible from the street or a public alley, and the parking is located in a manner consistent with other driveways on the block face and within 10 feet of a side property line. Corner properties with no or small rear yards can also locate the parking within 10 feet of the rear property line.
- **Additional Height for Accessory Structures:** the PC recommended an “up to maximum” for the additional height. That maximum is set at approximately 25% increase above the permitted height. For example, in most residential zoning districts the maximum height of a garage is 17 feet. This would allow an increase up to 21 feet (24%) of permitted height. The accessory building would still have to be no taller than 75% of the height of the principal structure and include an increased setback.
- **Additional Height for Building in Commercial Zoning Districts on Sloping Lots:** the proposal was updated to add this as a permitted increase in height on sloping lots. The additional height is limited to 10% of the maximum, 50% of the building must comply with the maximum height, the height would only be allowed in order to keep the top floor level, and the ground floor of the building must have a minimum height of 12 feet to maintain flexibility in how the uses that can be accommodated on the ground floor.

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Special Exception Code Changes

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 either:

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

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.

The number of special exception applications has increased by 400% since 2011

Special exceptions are minor changes to an incidental use of property or a dimensional requirement in the zoning ordinance. Examples include additional fence height, additions to buildings that don't meet current setback requirements, outdoor dining, taller accessory buildings, utility boxes in park strips, and other similar types of changes. The process includes a mailed notice to next door neighbors for input before a decision. More than 95% of the applications are approved. The decisions are usually made by planning staff, but controversial requests or requests that cannot be approved by staff are referred to the Planning Commission or Historic Landmark Commission.

Special exceptions require staff resources to be allocated to processing applications that only benefit individual property owners instead of addressing citywide growth issues and implementing master plans through other code updates. This creates equity issues because the city resources are required by code to be directed to those neighborhoods where most applications come from. More than 85% of all land use applications received come from property owners east of I-15.

The special exception fee is subsidized by the general fund. The application fee in 2019 was \$259. The average staff processing time is about 20 hours. The fee covers between 37% and 48% of the cost to process. That percentage decreases to 14-18% of the cost for applications that must be reviewed by the Planning Commission or Historic Landmark Commission. Special exception application fees generate about \$38,000 in revenue for the city but cost at least \$80,000 to process. The zoning ordinance is

forcing an inequitable subsidy of city resources to the benefit of individual property owners without any benefit to the general public.

Special exceptions result in a complicated zoning ordinance that is difficult and costly to administer. The large number of authorized special exceptions are not intuitive to property owners and requires people to contact the city to figure out what their property rights are and what the zoning ordinance means.

The number of exceptions results in development patterns being unpredictable. Next door neighbors do not know what to expect on their neighbor's property. This may result in disagreement amongst neighbors and puts people in the difficult position of publicly discussing the conflict.

Special exceptions also create confusion with applicants because they often believe that the request will be approved and are surprised when the application is denied. Some special exceptions, such as requests for additional front yard fence height, are typically denied. The ordinance should not provide an exception if the exception is likely to be denied.

Updates to this document:

September 25, 2020:

- HLC authority section updated to include staff level approvals and minor changes to bulk modifications changing the qualifier from the underlying zoning district not being compatible with the historic district to when necessary for the development proposal to be compatible with the development pattern of the adjacent historic structures and complying with applicable standards of review.
- Spelling, grammar, and code reference corrections.

List of Special Exceptions

Additional Accessory structure height
Accessory structures on double frontage lots
Additional height for fences
Additional building height in commercial districts
Additional height in foothill districts
Additional height in R-1, R-2, SR districts
Alternative to off street parking
Barbed wire fences
Conditional home occupations
Dividing existing lots with existing detached dwellings
Front yard parking
Grade changes over 4 feet
Ground mounted AC units, pool equipment, etc. within 4 feet of side or rear property line
Hobby shop, art studio, exercise room in accessory buildings
Inline additions
Home day care
Outdoor dining in required yard
Razor wire fencing
Replacement of noncomplying building or portion of
Underground encroachments
Window mounted AC units
Vehicle and equipment storage in CG, M1, M2, EI
Ground mounted utility boxes
Unit legalizations
Vintage signs
Additional height for lights at sports fields
Recreation equipment height in OS zone
Public utility buildings in OS zone
Fence and wall height over 6 feet for homeless resource centers
Enlargement of structure with noncomplying use
Horizontal inline additions
Alteration to an existing SFD when the use is not allowed
Accessory building height
Amateur HAM radio antennae over 75 feet in height
Electrical equipment for cell towers
Electrical security fences
Covered ADA ramps
Ground mounted utility boxes over a certain size
Front yard parking for SFD
Parking exceeding the maximum
Alternative parking requirements
Historic district signs
HLC bulk modifications

Quick Guide: what happens to each special exception

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 exiting 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 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.

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.

Details: What would happen to each special exception?

Chapter 21A.52 Special Exceptions

This entire chapter would be deleted from the Zoning Ordinance as would any reference to a special exception or the special exception process. The following sections discuss what would happen to each special exception listed in the zoning ordinance. If a specific special exception is not listed below, then the base standards would apply and exceptions would only be authorized if the request is made as part of a planned development, through the design review process if authorized, or through the process outlined in 21A.34.020 Historic Preservation Overlay District.

Bulk Modifications in Local Historic Districts

The Historic Landmark Commission currently has the authority to approve modifications to setbacks, building height, lot coverage, and other dimensional requirements when doing so fits the character of the historic district. This special exception is used for new construction or additions to existing buildings, and to restore historic buildings back to their original dimensions. The ordinance requires two different applications for this type of proposal: one for the special exception and one for the historic review. The proposal would maintain the HLC ability to approve changes, but only require a single application. Minor alterations may be eligible for staff level approval. To do this, only the authority section in the zoning ordinance needs to change.



The Historic Landmark Commission approved additional height for the addition on this historic home in the Avenues.

Proposed ordinance change:

21A.06.050C6 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 to be approved administratively, 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.

Special Exceptions in 21A.24 Residential Zoning Districts

There are three specific special exceptions found in Chapter 21A.24 Residential Zoning Districts. They include special exceptions for additional building height and grade changes in the Foothill Residential zoning districts and additional building height in the R-1, R-2, and SR zoning districts. The intent of the special exception process was to provide flexibility with these regulations. However, the result is often large retaining walls for significant grade changes and unnecessary confrontation between neighbors for requests for extra building height. The zoning ordinance already allows extra building heights when the development pattern on a block face includes homes that are taller than the current height limit.



This house was approved for additional height in the FR-3 Zoning District.

The proposal would be to rely on the development pattern for extra building height and to establish standards for tiered retaining walls for grade changes over a certain size. There are number of code sections that would be changes to address this. The wording would be consistent across zoning districts to maintain consistency.

Additional height in foothills, including wall height

Delete 21A.24.010.P.2 “height special exception” in its entirety.

~~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;~~
 - ~~—— (2) The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;~~
 - ~~—— (3) The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or~~
 - ~~—— (4) The proposal is not in keeping with the character of the neighborhood. Repealed~~

Grade changes in section 21A.24.010P6:

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

Additional residential building height in R-1, R-2, or SR districts

Delete reference to special exception. HLC would retain authority to increase height.

21A.24.050.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.24.060.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.~~

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.

21A.26.010 J:

~~J. Modifications To Maximum Height: Additions to the maximum height due to the natural topography of the site may be approved pursuant to the following procedures and standards:~~

~~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.~~

Special Exceptions in 21A.32 Special Purpose Zoning Districts

There are three authorized special exceptions in the special purpose districts, both within the OS Open Space District. The first special exception allows for light poles to exceed the height limit of the zone in order to provide lighting for sports fields and outdoor recreation facilities. The second allows extra height for recreation equipment, such as fences around a driving range at a golf course. The third allows extra height for building and structures associated with Salt Lake Public Utilities.

The proposed changes would do the following:

- Light poles for outdoor uses: would be allowed by right with specific requirements to reduce light pollution.
- Recreation Equipment: would be allowed up to sixty feet when necessary for the use to operate safely, such as preventing golf balls from leaving a driving range.
- Public utility buildings: would be exempt from height limits when the structure is deemed critical infrastructure and necessary to provide utility needs to the public. This could include structures such as reservoirs, communication antennae, or other similar structures.

Changes to 21A.32.100 D Recreation equipment height or heights for public utility buildings in the OS zone

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 60 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 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 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 eighty feet in height provided the lights are located a minimum of eighty feet from a residential use and directed to reduce light trespass onto neighboring properties.

Special Exceptions in 21A.34 Overlay Zoning Districts

There is one special exception authorized in the Yalecrest Compatible Infill Overlay Zoning District. The exception addresses garages located on sloped lots where the slope of the lot makes it impractical to build a garage behind the front line of the building. The standards would remain, but this would become by-right if the standards are complied with.



The garage on this house is an example of the special exception for garages located on a hillside in the Yalecrest Compatible Infill Overlay.

Changes to 21A.34.120 G Garages 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 21A.36 Qualifying Provisions

This chapter of the ordinance allows for specific encroachments, applies specific requirements for some types of land uses, and establishes regulations that apply to all buildings. Most of the changes associated with special exceptions would occur within 21A.36.020 B Obstructions In Required Yards. An additional special exception authorizes taller fences around homeless resource centers.

The obstruction table would be modified by deleting obstructions that are allowed as a special exception and add standards for those obstructions. For example, grade changes over a certain size would be required to be tiered with a horizontal step between retaining walls when a slope requires taller retaining walls. Below grade encroachments where they are not visible from above would be

permitted by right instead of requiring a special exception. The allowed encroachment of mechanical equipment would be moved to Chapter 21A.40 Accessory Uses and Structures and is discussed later in this document.

TABLE 21A.36.020B
OBSTRUCTIONS IN REQUIRED YARDS¹

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.</u> 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 four feet in height provided the grade change includes a retaining wall, a horizontal step that is a minimum of three feet in depth is provided for every four 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. 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	X	X	X

Notes:

1. "X" denotes where obstructions are allowed.
2. ~~Below grade encroachments (encroachments which are completely below grade where the surface grade remains intact and where the below grade encroachment is not visible from the surface) into required yards shall be treated as a special exception in accordance with the procedures set forth in chapter 21A.52 of this title. reserved~~
3. The accessory structure shall be located wholly behind the primary structure on the property.

Changes to 21A.36.350.A.3 Fence and wall height over 6 feet in height associated with homeless resource center

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

Changes to 21A.38 Nonconforming Uses and Noncomplying Structures

This chapter will see the most changes associated with eliminating special exceptions. Most land uses and buildings in the city were established prior to current zoning. Chapter 21a.38 maintains existing property rights and guides changes to properties that do not comply with current regulations. This chapter is essential to the function of the zoning ordinance and provides fairness in administering the ordinance for those that have established property rights under previous zoning regulations.

The changes include allowing expansions of buildings that contain uses that are no longer allowed in the underlying zoning district; additions to buildings that do not comply with existing height or setback regulations; replacing (in whole or in part) buildings that do not meet current zoning; subdividing lots that contain multiple principal buildings; rebuilding or expanding residential and buildings when the underlying zone does not allow residential uses. The changes to this chapter address the special exceptions for inline additions, additions to noncomplying buildings, and replacing portions, of or in whole, noncomplying buildings. Eliminating special exceptions will result in the unit legalization process being relocated to this chapter and the process changing to a by-right process provided evidence is provided that the unit has been in existence for at least as long as the current zoning ordinance (adopted in 1995).



The two-story home on the right is an example of a vertical inline addition special exception. The existing home did not meet current side yard setbacks.

Changes to 21A.38.040.H.2 Enlargement of structure with a legal, nonconforming use

21A.38.040.H.2 2. Enlargement Of A Structure With A Nonconforming Use: ~~Alterations or modifications to a portion of a structure with~~ Enlargement of a legal nonconforming use ~~may be approved by special exception, subject to the provisions of chapter 21A.52 of this title, are limited to a one time expansion of up to if the floor area for the nonconforming use does not increase by more than twenty five percent (25%) of the gross floor area, or one thousand (1,000) gross square feet, whichever is less and subject to the site being able to provide required off street parking that complies with any applicable parking requirement of this title. within the limits of existing legal hard surfaced parking areas on the site.~~ An approved expansion shall be documented through an updated zoning certificate for the property. Any expansion to the nonconforming use ~~portion of a structure~~ beyond these limits is not permitted.

Changes to 21A.38.050.A Noncomplying Structures to address inline additions

- A. Enlargement: A noncomplying structure may be enlarged if such enlargement and its location comply with the standards of the zoning district in which it is located or as provided in this section. ~~Horizontal in-line additions or extensions to existing noncomplying building portions are considered not creating a new nonconformance and are subject to special exception standards and approval of subsection 21A.52.030A15 of this title. Vertical in-line additions or extensions to existing noncomplying building portions are considered creating a new nonconformance and are not permitted.~~
1. Noncomplying as to setbacks
 - a. Front yard: A principal building with a front yard setback that is less than the minimum required may be enlarged provided the addition does not further reduce the existing front yard setback and complies with all other applicable requirements of Title 21A.
 - b. Corner side yards: A principal building with a corner side yard setback that is less than the minimum required may be enlarged provided the addition does not further reduce the existing front yard setback and complies with all other applicable requirements of Title 21A.
 - c. Interior side yards: Any addition to a principal structure with a noncomplying setback is permitted provided the addition complies with the minimum side yard setback requirement and maximum wall height as specified in the underlying zone. In determining if a side yard is noncomplying, the narrower of the two side yards shall be interpreted to be the narrower side yard required in the underlying zoning district.
 - d. Rear yards. A principal building noncomplying to rear yard setbacks may be expanded provided the expansion follows an existing noncomplying building wall and does not result in a decrease of the existing rear yard setback and complies with side and corner side yard setbacks of the underlying zoning district. If the building does not comply with the existing side or corner side yard setback, the expansion shall be permitted to extend to the side or corner side yard setback of the underlying zone.
 2. Noncomplying as to height: A principal structure that exceeds the maximum height of the underlying zoning district may be expanded at the existing height of the building provided the setbacks of the underlying zoning district are complied with. If the existing setbacks of the structure are noncomplying, then an expansion of the building

shall comply with the height and applicable setback requirements of the underlying zoning district.

Changes to 21A.38.050 F: Replacement/reconstruction of a noncomplying structure:

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

Changes to 21A.38.060 Noncomplying Lots

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

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

Changes to 21A.38.070 Legal conforming single-family detached dwellings, two family dwellings, and twin homes:

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:

- 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

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.



The unit legalization process allows long standing basement apartments to be approved.

- 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;
 - c. Utility records indicating existence of a dwelling unit;
 - d. Historic surveys recognized by the Planning Director as being performed by a trained professional in historic preservation;
 - e. Notarized affidavits from a previous owner, tenant, or neighbor;
 - f. Polk, Cole, or phone directories that indicate existence of the dwelling unit (but not necessarily that the unit was occupied); or
 - g. Any other documentation that the owner is willing to place into a public record which indicates the existence of the excess unit prior to April 12, 1995.

2. The excess unit has been maintained as a separate dwelling unit since April 12, 1995. In order to determine if a unit has been maintained as a separate dwelling unit, the following may be considered:
 - a. Evidence listed in subsection B.1 of this section indicates that the unit has been occupied at least once every five (5) calendar years;
 - b. Evidence that the unit was marketed for occupancy if the unit was unoccupied for more than five (5) consecutive years;
 - c. If evidence of maintaining a separate dwelling unit as required by subsections A24b(2)(A) and A24b(2)(B) of this section cannot be established, documentation of construction upgrades may be provided in lieu thereof.
 - d. Any documentation that the owner is willing to place into a public record which provides evidence that the unit was referenced as a separate dwelling unit at least once every five (5) years.
 3. The property where the dwelling unit is located:
 - a. Can accommodate on-site parking as required by this title, or
 - b. Is located within a one-fourth (1/4) mile radius of a fixed rail transit stop or bus stop in service at the time of legalization.
 4. Any active zoning violations occurring on the property must be resolved except for those related to excess units.
- C. Conditions Of Approval: Any approved unit legalization shall be subject to the following conditions:
1. The unit owner shall allow the City's building official or designee to inspect the dwelling unit to determine whether the unit substantially complies with basic life safety requirements as provided in title 18, chapter 18.50, "Existing Residential Housing", of this Code.
 2. All required corrections indicated during the inspection process must be completed within one year unless granted an extension by the Building Official.
 3. If a business license is required by Title 5 of the Salt Lake City Code of ordinance, the unit owner shall apply for a business license, when required, within fourteen (14) days of any correction required by this section being completed and approved by the City Building Official.
- D. Application: A determination of non-conforming use application, provided by the Zoning Administer, shall be required to legalize unrecognized dwelling units. A notice of application shall be sent to property owners and occupants as required by chapter 21A.10. The purpose of the notice is to allow neighbors to submit evidence regarding the existence of the dwelling unit and the length of time that the unit has been in existence.

Changes to 21A.40 Accessory Uses and Structures

Special exceptions were created to address unique circumstances related to accessory uses and structures. It is no surprise that Chapter 21A.40 will see a large number of changes. The changes include:

- Clarifying that accessory uses may include a variety of uses and may occur in accessory buildings. This includes uses such as personal art studios, workout rooms, changing rooms for backyard swimming pools, and other similar uses that are used for the personal enjoyment of the property owner.
- Establishes regulations for locating accessory buildings on double frontage lots.

- Simplifies height regulations for accessory buildings and ties the height to the height of the principal building.
- Simplifies outdoor dining regulations for restaurants and cafes.
- Simplifies the height for amateur radio facilities (zoning cannot prohibit these antennae and have to allow them to be at a functioning height).
- The size and location of electrical equipment associated with cell towers.
- The location of mechanical equipment (this was moved from the obstruction table as noted in a previous section).
- Regulations for barbed wire and razor wire fences.
- Access ramps necessary to comply with the Americans with Disabilities Act.
- Ground mounted utility boxes.

Changes to 21A.40.040 Use Limitations

The purpose of these changes is to remove the process for using an accessory building for things other than storage. There is a growing trend to use backyard buildings for hobbies, art studios, fitness rooms, outdoor living, and other similar uses. Most people do not know that a special exception is currently required for these activities. The special exception makes little sense because someone could perform these activities outdoors without special approval. Doing these activities within an enclosed building reduces any nuisance that would otherwise be created by doing the activities outside.

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 in front yard of double frontage lots

These changes are being added to make it easier to establish garages on double frontage lots when the neighboring properties already have established a pattern of what constitutes the front and rear yards.



The garages in this photo front on a public street because both the front and rear of the homes have frontage on a street.

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 front 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.
- e. Accessory structure building height:

21A.40.050C Max height of accessory structures:

The proposed changes adds consistency to how accessory buildings are measured and allows taller accessory buildings up to 75% of the principal buildings if the setbacks are increased.



This detached garage is an example of an over-height garage authorized as a special exception.

C. Maximum Height Of Accessory Buildings/Structures:

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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 with flat roofs shall not exceed twelve feet (12');
 - b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured to the midpoint of the roof; and
 - c. Accessory buildings with greater building height 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 one foot for every one foot in height.
 - (2) The maximum height of the accessory structure shall not exceed 75% of the height of the principal structure.
 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 building and shall conform to the following:
 - a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12'); nine feet (9') ~~measured from established grade~~ in the SR-1A;
 - b. The height of accessory buildings with pitched roofs shall not exceed seventeen 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 the height of accessory buildings with pitched roofs shall not exceed fourteen feet (14'); 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.~~ provided:
 - (1) The setbacks from a property line are increased one foot for every one foot in additional height; and
 - (2) The maximum height of the accessory building shall not exceed 75% of the height of principal structure.

Changes to 21A.40.065 Outdoor Dining

These changes remove the confusing language for outdoor dining, requires larger setbacks when next to residential zones, and makes the process easier for establishing outdoor dining. Specific requirements are added to reduce the noise impact on neighboring properties.



The outdoor dining in the 15th and 15th business district requires a special exception under the current ordinance. It would be allowed by right in the current proposal.

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 ten (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 ten (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 noneonforming 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.

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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;~~
 - ~~c. 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.
 - 7g. No additional parking is required unless the total outdoor dining area ever exceeds five hundred (500) square feet. Parking for outdoor dining areas in excess of five hundred (500) square feet is required at a ratio of two (2) spaces per one thousand (1,000) square feet of outdoor dining area. No additional parking is required in any zoning district that does not require off street parking for the restaurant or retail use, the D-1, D-2, D-3, D-4, TSA, or G-MU Zone.
 8. Smoking shall be prohibited within the outdoor dining area and within twenty five feet (25') of the outdoor dining area.
 - ~~ii. H. The proposed outdoor dining complies with the environmental performance standards as stated in section 21A.36.180 of this title.~~
 - iii. i. Outdoor dining shall be located in areas where such use is likely to have the least adverse impacts on adjacent properties.

Changes to 21A.40.090 D Amateur Radio Facilities with Surface Area Exceeding Ten Square Feet

These changes remove the special exception requirement. Amateur radio facilities are regulated by federal and state laws that require zoning regulations to allow them in all zoning districts and prohibits regulations that essentially make them impossible to function. This includes the height of antennae.

21A.40.090 D: Amateur Radio Facilities with Surface Area Exceeding Ten Square Feet

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

1. Number Limited: No more than one such antenna or antenna support structure with a surface area greater than ten (10) square feet or any single dimension exceeding twelve feet (12') may be located on any lot.
2. Height Limited: No such antenna and its support structure shall, if ground mounted, exceed seventy five feet (75') in height or, if attached to a building pursuant to subsection D3 of this section, the height therein specified.

3. Attachment To Buildings Limited: No such antenna or its support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
 - a. Height: The antenna and its support structure shall not extend more than twenty feet (20') above the highest point of the building on which it is mounted.
 - b. Mounting: The antenna and its support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front or corner side of any principal building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of eighty (80) miles per hour without the use of supporting guywires.
 - c. Grounding: The antenna and its support structure shall be bonded to a grounding rod.
 - d. ~~Other Standards: The antenna and its support structure shall satisfy such other 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

These changes would require all electrical equipment for cell towers to be on private property and prohibits it from being located between the street facing wall of a building 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~~



Cell tower electrical equipment on an accessory building next to the 9Line. This change would require this equipment to be screened with a solid fence or wall.

~~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 ten (10) feet from the front or corner side yard setback.~~

~~iii. Located a minimum of four feet from a side or rear property line unless located in an enclosed structure or a vault where the equipment will not be visible.~~

~~iv. If the equipment is located next to a public trail, park, open space, or other public space other than a street, the equipment shall be screened by a wall or fence so the equipment is not visible.~~

~~v. The electrical equipment and any structure associated with the electrical equipment is subject to the maximum lot coverage of the underlying zoning district.~~

Add new section 21A.40.100 Mechanical Equipment

This moves mechanical equipment from the obstruction table in 21A.36 and establishes specific requirements. Section 21A.40.100 is an unused section of the code. This is a new section with new provisions.

Any outdoor mechanical equipment shall comply with the following provisions:

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

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

Changes to 21A.40.120.I Barbed wire fences

This section would be clarified to allow barbed wire fences in specific zones and for specific purposes.

I. Barbed Wire Fences:

1. Permitted Use: Barbed wire fencing is allowed as a permitted use in the following instances:

- a. AG, AG-2, AG-5, AG-20, A, CG, M-1, and M-2 and D-2 districts and to secure critical infrastructure located in any other zoning district not listed subject to the following requirements. Critical infrastructure includes sites that are necessary to protect the facility or site for the purpose of public health and safety. Barbed wire is also permitted to secure construction sites and sites where construction is pending provided it is removed once construction is complete.

- b. Barbed wire fences shall be subject to the following provisions:

- (1) Not allowed in a provided or required front yard.
- (2) The barbed wire is permitted to exceed the maximum fence height.
- (3) No strand of barbed wire shall be permitted less than seven (7) feet high except for agricultural purposes provided the barbed wire is vertically in line.
- (4) No more than three (3) strands of barbed wire are permitted.
- (5) The barbed wire strands shall not slant outward from the fence more than sixty degrees (60°) from a vertical line.
- (6) All barbed wire shall be setback a minimum of three (3) feet from public property.

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

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

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

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

Changes to 21A.40.120.J Razor wire fencing

This section would be clarified to allow limited use of razor wire fences in specific zones and for specific purposes.

- J. **Razor Wire Fences:** Razor wire fencing is allowed as a permitted use in the M-1, M-2 and EI zoning ~~and D-2 districts~~ and to secure critical infrastructure structures and sites located in any other zoning district not listed subject to the following requirements. Critical infrastructure includes sites that are necessary to protect the facility or site for the purpose of public health and safety.
1. ~~Special Exception: Razor wire fencing may be approved for nonresidential uses as a special exception pursuant to chapter 21A.52 of this title, in the A, CG, D-2, M-1 and M-2 zoning districts. The planning commission may approve as a special exception the placement of razor wire fences, for security reasons, around commercial or industrial uses, transformer stations, microwave stations, or other similar public necessity or dangerous sites; provided, that the requested fence is not on the property line of a lot which is occupied as a place of residence. Not allowed in a provided or required front or corner side yard.~~
 2. ~~Location Requirements: Razor wire fencing shall not be allowed in required front or corner side yard setback~~ The razor wire is permitted to exceed the maximum fence height to a height necessary to reasonably secure the site.
 3. ~~Special Design Regulations: No strand of razor wire shall be permitted on a fence that is less than seven feet (7') high. Razor wire coils shall not exceed eighteen 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

Section 2 that authorizes a special exception would be deleted.

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 feet (6') in height. There shall be at least one 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 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 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:

This change allows administrative decisions to guarantee access for persons with disabilities through the reasonable accommodation process established by the American With Disabilities Act.

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 feet (4') in height, or any other form of uncovered access, for persons with disabilities, under four 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

The purpose of these changes is to prohibit ground mounted utility boxes in the right of way when they are above ground. Utility boxes like traffic control signals are already exempt and would remain as exempt. The intent is to require new development that requires electrical upgrades to provide space for those upgrades on private property and to maintain long term flexibility with how the city rights of way are planned and used. Additional changes may be considered to this section.

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 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 feet (3') and a footprint of four (4) square feet, or a box not exceeding two 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 inches (6") beyond the footprint of the box.
 - (3) A ground mounted utility box in a residential zoning district is located within fifteen feet (15') 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') 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.~~

Changes to 21A.44 Off Street Parking, Mobility, and Loading

There are two special exceptions authorized in 21A.44 Off Street parking, mobility, and loading. The first special exception authorizes front yard parking in situations where the side or rear yard of a property is not accessible. The Planning Division will ask for direction on whether the city should continue to offer this as an option when the City Council discusses the comprehensive changes to the parking chapter of the zoning ordinance. The second allows vehicle and equipment storage on surfaces such as road base or gravel. This only applies to the heavy commercial and industrial zoning districts. The proposal would eliminate the special exception process and create standards for this type of activity.

Changes to 21A.44.020.F.9 Vehicle and equipment storage without hard surfacing in CG, M1, M2 and EI zones

9. Vehicle And Equipment Storage: In CG, M-1, M-2 and EI zoning districts, vehicle and equipment storage without hard surfacing may be allowed ~~as a special exception provided:~~
- The lot is used for long term vehicle storage, not for regular parking and/or maneuvering.
 - ~~The vehicles stored are large and/or on tracks that could destroy normal hard surfacing~~The storage areas is not located within any required front yard or corner side yard.
 - The parking surface is compacted with six inches (6") of road base and other semihard material with long lasting dust control chemical applied annually.
 - ~~A hard surfaced wash bay is installed to wash wheels to prevent tracking of mud and sand onto the public way.~~A mechanism, such as a wash bay, gravel guard, or rumble strip is used to remove mud, sand, dirt, and gravel from the vehicle before the vehicle leaves the property.
 - A minimum of fifty feet (50') paved driveway from the public street property line is provided.
 - ~~City transportation director's approval.~~

Changes to 21A.46 Signs

There are two special exceptions authorized in the sign chapter: one that authorizes the HLC to modify the regulations for signs and one that authorizes the reuse of a vintage sign. This proposal would change the special exception process to a minor modification process that is already allowed in 21A.34.020. The vintage sign process would move to a zoning certificate approval decided by staff of the Planning Division. The references to the special exception process would be deleted in both.

Changes to 21A.46.070.V Historic District signs

21A.46.070V Historic District Signs: The Historic Landmark Commission may authorize, as a minor modification ~~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.

Changes to 21A.46.125 Vintage Signs

- A. 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
 - (2) Size,
 - (3) Typography,
 - (4) Illustrative elements,
 - (5) Use of color,

-
- (6) Character of illumination, and
 - (7) Character of animation.
- c. Be restored or recreated, and reinstated on its original site.
 - d. Be relocated to a new site for use as a piece of public art, provided that the original design and character of the sign is retained, or will be restored, and it advertises a business no longer in operation. Vintage signs may only be relocated for use as public art to sites in the following districts: D-1, D-2, D-3, D-4, G-MU, CSHBD1.
 - e. Be relocated and reinstalled on the business's new site, should the business with which it is associated move, provided that the business's new location is within the same contiguous zoning district as the original location.
4. Once designated, a vintage sign is exempt from the calculation of allowed signage on a site.

Special Exception Stats and Info

Special Exceptions by the Numbers

2010: 37 applications

2019: 149 applications

400%: The increase in applications since 2010

3,000: approximate staff hours spent processing special exceptions

12.5%: Total workload dedicated to special exceptions

85% of applications are east of I-15

2.4%: applications reviewed by Planning Commission in 2019.

95%: applications approved in 2019

52: Five-year average total processing time (days)

Top Ten Special Exception Type applied for 2017-2019

