

DATE: January 18, 2007
TO: Salt Lake City Planning Commission
FROM: Nick Britton, Principal Planner
RE: Petition 400-06-35, a text amendment request to the Salt Lake City Zoning Ordinance regarding clarification and simplification of the processes by which utility installations, buildings, and structures are analyzed by the Salt Lake City Planning Division

PETITION #: 400-06-35

APPLICANT: Salt Lake City Planning Commission

REQUESTED ACTION: The Salt Lake City Planning Commission's role in this process is to determine if the proposed zoning text amendments meet the standards set forth in Section 21A.50.050: Standards for General Amendments, and forward a recommendation to the Salt Lake City Council.

PROJECT LOCATION: Citywide

COUNCIL DISTRICT: All Council Districts

PROJECT DESCRIPTION:

At the September 27, 2006 Planning Commission, the Planning Division requested that the Planning Commission initiate a petition to review the potential for utility installations to be processed as Routine and Uncontested matters. Currently, most utility installations are handled as conditional uses and can be approved through an administrative hearing process.

The current language regarding utility installation exemptions and processes is somewhat confusing as written in Section 21A.02.050B(2). Generally, the following utility installations are exempt:

- Installations owned, operated, and/or maintained by a governmental entity or a public utility and:
 - below or at grade; or
 - less than 20 square feet horizontally if above grade; or
 - less than 10 cubic feet in volume if above grade; or
 - less than 3 feet above grade.

The following utility installations require a Special Exception:

- Installations on private property;
- Installations below grade;
- Installations not in a public utility easement;
- Installations that serve properties outside the immediate subdivision; and
- Installations greater than 24 inches in cross-section.

All other utility installations are subject to the “Private/public utility buildings and structures” use listed in the Table of Permitted and Conditional Uses for each zoning district as either permitted or conditional uses.

PROPOSED ZONING TEXT AMENDMENT:

The proposed text amendment involves several revisions to the Salt Lake City Zoning Ordinance. The proposed changes are as follows:

1. Clarify the ordinance in regards to which utility installations are exempt.
2. Clarify and streamline the processes by which utility installations are handled, including the limits to the size of installations that can be handled as a Routine and Uncontested matter. A Routine and Uncontested matter is a process by which applications are handled administratively if the applicant has received signatures from all property owners that abut the subject property. The signatures waive the requirement of a public hearing and the matters are reviewed by Planning Staff to ensure their compliance with the Zoning Ordinance criteria for Special Exceptions.
3. Include utility installations as an allowed obstruction in required yards.
4. Change public/private utility structures and buildings to a permitted use in all Commercial (except for the Neighborhood Commercial District), Downtown, Gateway, and Special Purpose (except for the Open Space District, Mobile Home Park District, and Mixed Use District) zoning districts where they are currently conditional uses.
5. Change public/private utility structures and buildings to a permitted use in all Residential districts, the Neighborhood Commercial District, the Open Space District, the Mobile Home Park District, and the Mixed Use District subject to the process dictated by the size of the installation. That size is

Generally, this text amendment will require all utility installations that are less than 68 inches (approximately 5.7 feet) in width, 61 inches (approximately 5.1 feet) in depth, and 50 inches (approximately 4.2 feet) in height (these measurements reflect a traditional “Switchgear” utility installation, according to Rocky Mountain Power; see Exhibit C) to be considered as Routine and Uncontested matters in all residential districts, the Neighborhood Commercial District, the Open Space District, the Mobile Home Park District, and the Mixed Use District. In those zones, if it is larger than the aforementioned size, it is a conditional use. In all other zoning districts, utility installations are permitted. The proposed language for the text amendments is found in Exhibit A.

APPLICABLE LAND USE REGULATIONS:

The proposed text amendment affects the following sections of the Salt Lake City Zoning Ordinance:

- 21A.02.050: Applicability
- 21A.24.190: Table of Permitted and Conditional Uses for Residential Districts
- 21A.26.080: Table of Permitted and Conditional Uses for Commercial Districts
- 21A.30.050: Table of Permitted and Conditional Uses for Downtown Districts
- 21A.31.050: Table of Permitted and Conditional Uses for Gateway Districts
- 21A.32.140: Table of Permitted and Conditional Uses for Special Purpose Districts
- 21A.36.020B: Obstructions in Required Yards (Table 21A.36.020B)

MASTER PLAN SPECIFICATIONS:

Most of the master plans for Salt Lake City communities encourage public utilities to be placed underground where possible. One of the planning goals of the Capitol Hill Master Plan is to “provide well maintained public utilities, buildings and facilities which are visually compatible with the surrounding area, provide adequate service, and are environmentally safe.” The Central Community Master Plan similarly encourages the provision and maintenance of “dependable infrastructure, public facilities and utilities that ensure adequate services and a safe environment in the community.” None of the master plans specifically address the size or location of public or private utility installations.

COMMENTS:

The comments received from pertinent City Departments/Divisions are attached to this staff report for review. An Open House was held but attracted no attendees. The following is a summary of the comment and concerns received:

City Department/Division Comments

A. Building Services Division (Larry Butcher)

No written comments were received from Building Services. Planning Staff spoke to Larry Butcher about the changes and he specified certain changes that would need to be met for Building Services to allow installations as permitted uses in certain zones.

B. Engineering

No comments were received from Engineering.

C. Fire Department (Wayne Leydsman)

The Fire Department had no suggestions for improvements and was in support of the proposal as long as utility installations that qualify for routine and uncontested matters posed no extra or unusual risks or hazards to the surrounding area. The Fire Department also remarked that any structures or buildings should meet International Building Code standards and be reviewed or approved by a board,

such as the Development Review Team, and that surrounding community members should have input in the process.

D. Police Department

No comments were received from the Police Department.

E. Property Management

No comments were received from Property Management.

F. Public Services

No comments were received from Public Services.

G. Public Utilities Department (Peggy Garcia)

The Public Utilities Department had questions regarding how the proposed changes would impact their utility installations or utility installations that private developers construct which are then handed over to Public Utilities for maintenance. Planning Staff answered that all government owned utilities installations are exempt under both the old and new ordinance and that any utility installations constructed by a private agency would adhere to the Zoning Ordinance even if that installation may one day be maintained by an otherwise exempt agency.

H. Transportation Division (Barry Walsh)

The Transportation Division had no issues with the proposed zoning text changes provided that the installations were subject to standard construction barricading processes and design impact reviews to ensure that they do not impact the safety of transportation corridors.

Open House Comments

A. Salt Lake City Planning Division Open House

An open house was held on November 13, 2006 for the public to comment on the proposal and to offer their opinions. No comments were received from the public.

ANALYSIS AND FINDINGS:

Under the current Zoning Ordinance, utility installations are either exempt, special exceptions under certain conditions, permitted in certain districts, or conditional uses in other districts. Generally, however, almost all of the utility installations that require some sort of approval process are handled as conditional uses. As a conditional use, utility installations can be approved through the administrative hearing process as a result of Ordinance No. 69 of 2006, which amended Chapter 21A.54.

The purpose of this zoning text amendment is to clarify the confusing language of Section 21A.02.050B(2). This section outlines the criteria for utility installations that are exempt. It also specifies the process for non-exempt installations. The current language can be found in Exhibit B. The goal was to streamline the process for utility installations

in non-residential districts and to establish specific size limits for installations in residential districts that can be approved through a routine and uncontested process. The changes are detailed below.

1. Clarify the ordinance in regards to which utility installations are exempt.

Currently, the Zoning Ordinance indicates that installations that are owned, operated, and/or maintained by a government entity or public utility are exempt. The exemption applies to any at grade or below grade installations and above grade installations under a certain size (20 square feet horizontally, 10 cubic feet in volume, or 3 feet above grade). Under the proposed changes, the exemption is only granted to installations owned, operated, and/or maintained by a governmental entity. The size of the installation does not impact its status as exempt. All other installations are required to consult the tables for permitted and conditional uses for their regulations.

2. Clarify and streamline the processes by which utility installations are handled, including the limits to the size of installations that can be handled as a routine and uncontested matter.

As previously stated, most installations that are not exempt are either permitted uses or conditional uses under the current Zoning Ordinance. The likelihood of an installation being handled as a special exception is rare as an installation has to meet five specific criteria for that process to be employed. Under this proposal, installations would only be conditional uses if they are in certain districts (see below) and larger than 68 inches (approximately 5.7 feet) in width, 61 inches (approximately 5.1 feet) in depth, and 50 inches (approximately 4.2 feet) in height (these measurements reflect a traditional “Switchgear” utility installation, according to Rocky Mountain Power; see Exhibit C). If they are smaller than this size and in those districts, they would be handled as routine and uncontested matters, provided that the applicants obtain signatures from all abutting property owners. In other districts, utility installations are permitted uses.

The Switchgear installation is the least common installation that would be found in a residential district. It serves as a junction point and is used to distribute and regulate electricity to a neighborhood. According to Rocky Mountain Power, only one or two of these would be required for a large-scale neighborhood. The “Single Phase Transformer” and “Ground Sleeve” installations would be found more frequently in neighborhoods and are smaller in size.

3. Include utility installations as an allowed obstruction in required yards.

Currently, utility installations are not listed in Table 21A.36.020B, Obstructions in Required Yards. Building Services indicated that this would have to be changed if installations were to be permitted in any required yards. The proposed change would allow utility installations as obstructions in required front and corner side yards, side yards, and rear yards.

4. Change public/private utility structures and buildings to a permitted use in all Commercial (except for the Neighborhood Commercial District), Downtown, Gateway, and Special Purpose (except for the Open Space District, Mobile Home Park District, and Mixed Use District) zoning districts where they are currently conditional uses.

Public/private utility buildings and structures are currently conditional uses in the following commercial zones: Neighborhood Commercial (CN), Community Business (CB), and Sugar House Business District (CSHBD). In all other commercial zones, they are permitted. This proposal would permit utility installations in all commercial zones, but require a process for those found in the CN District, depending on size. Installations are conditional uses in all four Downtown districts (D-1, D-2, D-3, and D-4) and the sole Gateway district (G-MU); this proposal would make them permitted uses in those zones. Finally, utility installations are conditional uses in all Special Purpose districts except for the AG Agricultural District. This proposal will make installations permitted uses in all Special Purpose Districts except for the following: Open Space District (OS), Mobile Home Park District (MH), and Mixed Use District (MU). Installations in those districts would be permitted, but would require a process for approval, depending on installation size.

5. Change public/private utility structures and buildings to a permitted use in all Residential districts, the Neighborhood Commercial District, the Open Space District, the Mobile Home Park District, and the Mixed Use District subject to the process determined by the size of the installation.

Public and private utility buildings and structures are currently conditional uses in all Residential districts. This proposal would change utility installations to permitted uses subject to a process. That process would depend on the size of the structure, as previously mentioned. All installations smaller than 68 inches in width, 61 inches in length, and 50 inches in height would be handled as Routine and Uncontested Matters. Anything larger would be a conditional use. As discussed in #4 above, utility installations in the CN, OS, MH, and MU districts would be permitted subject to an approval process.

Since the proposed text amendment is a modification of the zoning text, the Planning Commission shall review the proposed text change and forward a recommendation to the City Council. The Planning Commission shall use the following standards:

21A.50.05: Standards for General Amendments

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: While no adopted master plans for Salt Lake City specifically refer to utility installations, some of them, such as the Capitol Hill Master Plan and the Central Community Master Plan, call for well-maintained and adequate public utilities, buildings and facilities that are compatible with the surrounding area. In

residential and other potentially high-impact districts, the proposed text amendment ensures that all utility installations are reviewed for their compatibility and impact on the surrounding area. Permits would still be required for all installations, regardless of size of district.

Findings: The proposed text change is consistent with adopted master plans.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The text amendment will require approval in any residential or related districts through a process that is determined by the size of the installation. That size (68 inches in width, 61 inches in depth, and 50 inches in height) was determined by using the dimensions of the largest potential installation required in residential districts. As these sorts of installations are common throughout the city, and are generally approved by the Planning Commission as conditional uses (as the Zoning Ordinance currently dictates), this text amendment will clarify and simplify the process for proposed utility installations. However, in districts where installations may have the greatest impact, a process will always be required so that the proposal can be reviewed for its effect on the immediate vicinity of the subject property.

Findings: The proposed text amendment meets this standard.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: This text amendment will be applicable city-wide and will not directly impact, adversely or otherwise, any properties. In residential districts, any proposed utility installations will be subject to, depending on their size, a routine and uncontested process or a conditional use process. A routine and uncontested process requires the applicant to obtain the signatures of all abutting property owners. If signatures are not obtained, a public hearing (either an administrative hearing or through the Board of Adjustment) would be held and notice would be given to surrounding property owners. If the installation required conditional use, then a hearing would be held (administrative hearing or Planning Commission) and notice would be given.

Findings: The proposed text amendment will not adversely impact adjacent properties and will require review from City staff and seek public input in certain districts where Planning Staff believes a utility installation's impact is potentially greatest.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The proposed text amendment is not site specific, and is not associated with any overlay zoning districts. Where a particular installation is within an overlay zoning district, any applicable regulations must be met.

Findings: The proposed text amendment meets this standard.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Discussion: The proposal is not site specific. All requests requiring approval through the routine and uncontested process or the conditional use process will be reviewed for their adequacy.

Findings: Any utility installations requiring approval through a Planning Division process will be reviewed to ensure they meet this standard.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment, as reflected in this Staff Report.

Nick Britton, Principal Planner
January 10, 2007

Attachments: Exhibit A – Proposed Zoning Ordinance Text Amendments
Exhibit B – Current Zoning Ordinance Language
Exhibit C – Typical Installations Found in Residential Districts
Exhibit D – Departmental/Division Comments
Exhibit E – Open House Notice

Exhibit A
Proposed Zoning Ordinance
Text Amendments

Exhibit B
Current Zoning Ordinance Language

Exhibit C
Typical Installations
Found in Residential Districts

Exhibit D
Department/Division Comments

Exhibit E
Open House Notice